Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 1 DECEMBER 1966

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

QUESTIONS

JAMES BIRRELL AND PARTNERS

(*a*) **Mr. Houston,** pursuant to notice, asked The Minister for Justice,—

Is a firm under the name of Birrell and Partners registered in Queensland? If so, when was it registered and at what address and who are the principals?

Answer:—

"There is no business name 'Birrell and Partners' registered in Queensland, but there is a business name 'James Birrell and Partners' registered. That business name was registered on March 16, 1966, with the principal place of business being (Room 64), 186 Wickham Street, Valley, Brisbane. The proprietors of the Business Name are—James Peter Birrell, 50 Twelfth Avenue, St. Lucia; Lorant Kulley, 2 Wight Street, Milton; Richard Edwin Stringer, 18 Union Street, Spring Hill; Phillip Blandford Conn, 43 Markwell Street, Auchenflower."

(*b*) **Mr. Houston,** pursuant to notice, asked The Premier,—

Since January, 1966, has a firm of architects, Birrell and Partners, been granted any work for the Co-ordinator-General of Public Works? If so, on what actual work and on what dates have they been engaged and what fees have been paid and how much is still pending?

Answer:—

"Since January 1966, James Birrell and Partners have been commissioned as Architects by the Co-ordinator-General of Public Works for certain projects. Details are set out in a Schedule, which I table for the information of the Honourable Member."

Paper.—Whereupon, Mr. Chalk laid upon the Table of the House the Schedule referred to.

BRISTOL STYLE KNITWEAR CO. AND BOUTIQUE KNITWEAR RETAILERS

Mr. Aikens, pursuant to notice, asked The Minister for Justice,—

(1) Did a firm called Bristol Knitwear (or similar name) go out of business after defaulting on promises made to clients and, if so, did this default cause considerable hardship and financial loss to many people?

(2) Is a firm called Boutique Knitting Co. registered in Queensland or doing business in this State?

(3) If so, are the persons conducting the Boutique Knitting Co. the same as those who conducted the Bristol Knitwear Co. and, if so, what steps, if any, are being taken to apprise the people of that fact?

Answers:—

(1) "The business name 'Bristol Style Knitwear Company' was registered under "*The Business Names Acts,* 1962 *to* 1965" on October 14, 1965, and registration was cancelled on November 28, 1966. Office records do not disclose why the persons concerned ceased to carry on business under that name."

(2) "The business name 'Boutique Knitwear Retailers' was registered on June 27, 1966, with the principal place of business being 149 Station Road, Sandgate. The business being carried on is selling machines and knitwear."

(3) "Records at the office of Registrar of Business Names do not reveal any identity between the persons carrying on business under the business name 'Boutique Knitwear Retailers' and the persons who carried on business under the name 'Bristol Style Knitwear Company'."

ODOUR FROM LIVESTOCK, TOWNSVILLE WEST RAILWAY SIDING

Mr. Aikens, pursuant to notice, asked The Minister for Transport,—

In view of the rapid residential and commercial development in the area and the obnoxious odour emanating from wagons of pigs and other livestock waiting to be and being unloaded at Townsville West railway siding, will he consider arranging for these animals to be loaded and unloaded at some other place where the stench would not cause so much distress and inconvenience?

Answer:—

"This matter has already been referred to the Commissioner by the Townsville City Council and is at present being examined."

BOAT-LAUNCHING RAMPS, LAKES EACHAM AND BARRINE

Mr. Davies for **Mr. Wallis-Smith,** pursuant to notice, asked The Treasurer,—

In view of the popularity of boating on Lakes Eacham and Barrine and as the material required is on the site, will he take the necessary action to have the launching ramps completed as soon as possible?

Answer:—

Funds for the ramps at both lakes were provided by the Government and construction is being carried out by Eacham Shire Council. The Council is being requested to expedite the work."

ABORIGINAL WAGES ACCOUNTS

Mr. Davies for **Mr. Wallis-Smith,** pursuant to notice, asked The Minister for Education,—

What is the percentage of Aboriginal wages accounts which are conducted in accordance with section 100 of the Aborigines Regulations?

Answer:—

"The information sought is not available without considerable costly research which does not appear justified."

WAGES PAID TO ABORIGINES

Mr. Davies for **Mr. Wallis-Smith,** pursuant to notice, asked The Minister for Education,—

How many Aborigines have been granted higher wages as set out in Form No. 15 on the intervention of a district officer and how many persons have been classified as slow or retarded workers under that section?

Answer:—

"To provide the information would necessitate circularising the whole of the State as in instances higher rates than the minimums are paid, some by arrangement, direct to the employee with the knowledge and approval of the District Officer and further, certain of the districts maintain their own wages records and duplicate accounting is not maintained in Head Office. The Honourable Member's attention is drawn to section 4 (II) (VI) of "*The Aborigines' and Torres Strait Islanders' Affairs Act of* 1965." In considering applications for persons to be classified slow or retarded workers, each case is personally considered on its particular merits. No detailed figures are maintained."

BOAT-LAUNCHING RAMPS, CAIRNS

Mr. Davies for **Mr. R. Jones,** pursuant to notice, asked The Treasurer,—

(1) In view of the absence of any constructed boat-launching ramps and the acute shortage of launching sites and facilities presently at Cairns, will he consider the increasing number of boat owners in Cairns and district who are experiencing considerable difficulty and risk to their craft in launching?

(2) If so, will he make provision for boat-launching ramps at the Aquatic, Smith's Creek, and the northern extremity of the Esplanade in Cairns, without further delay?

Answers:—

(1) "For the information of the Honourable Member, there is a substantial boat-launching ramp adjacent to Platypus Jetty in Trinity Inlet. Thus the premises on which his Question is based are quite false."

(2) "I am satisfied that a need for further ramps exists in the Cairns area and I refer the Honourable Member to the Answer to his Question asked on November 17 last."

WOOLGROWERS DIVERTING WOOL TO NEW SOUTH WALES

Mr. Davies for **Mr. Melloy,** pursuant to notice, asked The Premier,—

In view of his Answer to my Question on November 30 and the importance of the matter to the economy of this State, will he take the necessary action to ascertain the names of the woolgrowers whose wool clip is being diverted to New South Wales?

Answer:—

"Certain action has already been taken."

SPECIALIST STAFF FOR CHILD GUIDANCE CENTRE, TOWNSVILLE GENERAL HOSPITAL

Mr. Davies for **Mr. Tucker,** pursuant to notice, asked The Minister for Health,—

Has his Department been successful in obtaining the necessary specialists to staff the new child guidance centre presently being constructed at the Townsville General Hospital?

Answer:—

"The Senior Medical Director who has not yet returned from a study tour overseas was to interview likely applicants for the position of Medical Director, Townsville. It is not yet known whether he has been successful in attracting a child psychiatrist to Townsville."

ADDITIONAL CONSULTANT OPTHALMOLOGIST FOR EYE CLINIC, TOWNSVILLE GENERAL HOSPITAL

Mr. Davies for **Mr. Tucker,** pursuant to notice, asked The Minister for Health,—

Further to his Answer to my Question of August 10, 1966, has the Townsville Hospitals Board been able to obtain the services of another consultant ophthalmologist to deal with eye patients?

Answer:—

"The Townsville Hospitals Board has advised that it has been unable to obtain the services of an additional consultant ophthalmologist. The position is being continually advertised."

VOTING AT STATE ELECTIONS

RETURN TO ORDER

The following paper was laid on the table, and ordered to be printed:—

Return to an Order made by the House on 6 September last, on the motion of Mr. Aikens, giving details of the voting at the State general election on 28 May, 1966, together with details of voting at by-elections held since the general election on 1 June, 1963.

FEES PAID BY CROWN TO BARRISTERS AND SOLICITORS

RETURN TO ORDER

The following paper was laid on the table:—

Return to an Order made by the House on 9 August last on the motion of Mr. Thackeray, showing all payments made by the Government to barristers and solicitors during the 1965-66 financial year, stating the names of the recipients and the amounts received, respectively.

PERSONAL EXPLANATION

Mr. HANSON (Port Curtis) (11.12 a.m.), by leave: On Tuesday last, 29 November, the Minister for Transport sought leave of the House to make a ministerial statement in reply to a speech of grievance I made in this House some two months previously, on 29 September, 1966.

As the Minister, through some inexplicable desire on his part, saw fit to mention my name as a landholder who had rejected a departmental offer of compensation, I do feel that I should comment on this statement and I am grateful to the House for allowing me to do so.

In my speech of grievance, and also in previous speeches in the Legislative Assembly, never at any time have I sought to promote personal causes or any case for my own personal advantage—to do so would be a violation of electoral trust.

As stated by the Minister, 157 notices of resumption were served on individual and company property-owners along the proposed railway route, and, as settlement has been reached in only 18 of these 157 notices, I could hardly be accused of promoting an individual case, or individual cases.

As the representative for a large portion of the area under resumption, and following requests from many individuals adjacent to my electorate who also have been affected, I would certainly be neglecting my responsibilities if I did not raise the matter in this House.

However, I do feel that despite the fact that I am a member of the Legislative Assembly, I still have my rights as a citizen and if I feel aggrieved regarding a certain matter I will always approach the avenues rightfully accorded to every citizen.

In this particular matter, I assert that personally I have a case for appeal and it is my intention to approach the Land Court. When the Minister stated that "settlement had not been reached" he would know that this is my ultimate course of action.

I have confidence in obtaining a just hearing from the Land Court, and I feel that the naming of me personally in a ministerial statement will in no way prejudice my claim.

To say that I and the other landholders mentioned, one of whom was previously a member of this House, have been inconvenienced is putting it mildly. In addition, I have been reluctantly forced to place in the hands of my legal advisers matters appertaining to certain encroachments by the department on land held by me not under notice of resumption.

I did mention the sincerity of the Minister in my submissions on Grievance Day, 29 September, 1966, and I still hold that view. I point out, however, that in his ministerial statement of Tuesday last he spoke about delay by landholders. In waiting two months to reply to my speech, I feel that his delay was quite inexplicable.

GRIEVANCES

Mr. SPEAKER: Order! I state the question—

"That grievances be noted."

EQUAL PAY FOR WOMEN

Mrs. JORDAN (Ipswich West) (11.14 a.m.): I wish to place on record my disappointment and dissatisfaction that the motion relating to equal pay for women and also to discrimination against women in the Queensland Public Service, of which I gave notice in the early days of this Parliament, on 4 August, 1966, has not been debated during this session.

The notice of motion standing in my name states—

> "That to remove a grave injustice which has been perpetrated on women for many years, this House resolves (a) that action should be taken during the current session to introduce legislation to provide for equal pay for equal work, irrespective of sex; and (b) that such legislation incorporates the abolition of discrimination against women in the Public Service."

The fact that this motion has not come before the House for debate is indeed a grievance with me, and I am sure it is also a grievance to many people, particularly women's organisations and women generally.

In recognising the status and rights of women, Australia has long been one of the most backward of the world's more civilised countries, and Queensland in particular is lagging behind the rest of Australia. Research has shown that Australia is an exceptional country from the point of view of discrimination against its women. This is not something of which we as Australians, or as Queenslanders, can be proud. Our thinking is still influenced, out of all reason, by the past, and although this country has gone forward both socially and economically, our ideas concerning women have undergone very little change over many years. We have failed to treat women as "people". There is conclusive evidence that intelligence and other intellectual abilities are fairly evenly distributed over our population and are not confined to one sex and, indeed, that they have little to do with the sex of the individual.

The question of equal pay for equal work has become much more important in our society today, for women have become a permanent part of the labour force. The ever-increasing proportion of women in the work force underlines the extent to which industry is dependent upon woman-power and the very real contribution that women make to the national economy, and this tendency is developing at a much faster rate than previously. Progressive development rules out the arguments that were previously raised to deny women equal pay for equal work, or to practise discrimination against married women being employed solely on the grounds of being married. No longer can it be said that women are mentally or physically inferior to men in all callings, or that the standard of living here would have to be lowered to allow of the paying of equal wages for women.

The old adage that a woman's place is in the home is long outmoded and belongs to the thinking of other days. Modern living conditions make such ideas old-fashioned. The old arguments about woman's frailty and her biological limitations are not only hypercritical, but positively ridiculous. Brute strength is scarcely the gauge of a person's usefulness to the community, even with men.

Australia is one of the few countries—and this means Queensland, too—that does not grant wage justice. This is most inconsistent in view of the fact that Australia was one of the first countries to give women a vote.

It is interesting to look at the preamble to the United Nations Draft Declaration in relation to women. I will quote the relevant parts—

> ". . . discrimination against women is incompatible with the dignity of women as human beings, and with the welfare of the family and of society. Discrimination against women prevents their participation on equal terms with men in the political, social, economic and cultural life of their community and of humanity."

A great deal has been done at international level to promote the acceptance of the principle of equal pay for men and women workers for work of equal value. The Commission on the Status of Women, a functional commission of the Economic and Social Council of the United Nations, at its first session in 1947, and again at the 1948

and 1949 sessions, progressively affirmed support of the principle of equal pay. From 1948 onwards, the General Assembly of the United Nations adopted and proclaimed the Declaration of Human Rights. This declaration stipulates that everyone, without discrimination, has the right to equality.

In 1950, the International Labour Conference began the consideration of the question of equal pay for equal work, and it terminated in 1951 with the adoption of the Equal Pay Remuneration and Recommendations. These instruments have given an impressive stimulus to, and have played a highly significant part in, action to accept and apply this principle.

A very long list of countries have now ratified the I.L.O. Agreement. I will name only a few. In the United Kingdom, at the beginning of 1961 equal pay was achieved in the Civil Service and in all clerical grades in local government, electricity, gas, the coal industry and health services. Women teachers achieved full equality in April, 1961. All administrative, technical and clerical grades under an award of the British Transport Commission also applied this equality at the end of 1961. In the U.S.A., in June, 1963, the Federal Equal Pay Bill was passed following legislation in the States. In Canada, about two-thirds of the female labour force is covered by equal-pay law. In New Zealand, on 27 October, 1960, the Government Service Equal Pay Act was passed by Parliament. The new Act became effective on 1 April, 1961. It required that the elimination of all differentials be carried out in three stages in such a way that all differentials were eliminated as soon as possible after 1 April, 1963. In Japan, the Constitution of 1964 provides that there shall be no discrimination on account of sex in economic or social spheres.

In Australia, some progress has been made. At the end of 1958 a new Act in N.S.W. provided for the progressive application of the principle of equal pay. This has enabled the Industrial Commission to determine on application the classes of women workers that are performing work of the same value, of a like nature, and of equal value to that performed by men workers. Where the Commission finds this condition to exist, two things follow:—

1. The same marginal or secondary rates of wages apply, irrespective of the sex of the worker.

2. The percentage of the appropriate male basic wage to be paid to women became 80 per cent. from 1 January, 1959, 85 per cent. from 1 January 1960, 90 per cent. from 1 January 1961, 95 per cent. from 1 January 1962, and 100 per cent. from 1 January 1963.

In October this year psychiatric nurses were granted equal pay, the first breakthrough for nurses.

In South Australia, on 14 February, 1966, the Teachers Salaries Board handed down an award in respect to salaries of male and female teachers employed by the South Australian Government. Women teachers will have their salaries increased from the first pay period in July, 1966, in five equal annual instalments until equality has been achieved, and this principle will encompass other State Government employees performing equal work.

The more one investigates the pay structure in Queensland the more evident it is that logic and justice were mislaid many years ago. I suggest for a start that Queensland awards and judgments should remove references to "male" and "female" and that there should be one basic wage for both males and females. This action must be taken by legislation, which would implement the principle over several years as has been done in the cases I have quoted. It must not be left to the industrial tribunal; it has had many many years—indeed half-a-century—to do something about it, but has failed to take even a small step.

I turn now to the discrimination that has been, and is still being, practised against women in the Queensland Public Service. This has been blatant in the field of employment and the relative opportunities for promotion, as well as in the application of the marriage bar.

It seems that up to 1932 there was a provision that both male and female clerks could be appointed to the Public Service. Since then no female clerks have been appointed. The only avenue open to women to join the Public Service was as a clerk-typist who had no seniority in comparison with male clerks. This meant that women's chances of promotion were small. A lad just joining the Public Service would have more chance of promotion than a woman with 25 years' service.

In America a prohibition of "marriage-bar" discrimination against women in the Civil Service was adopted in 1937. It was adopted in the United Kingdom in 1946, and in Canada is 1955. The Federal Government introduced legislation in November this year to allow women to retain permanent employment and remain in the Public Service after marriage if they wished.

In Australia, one thing we notice immediately when we look at the growth of the work force is the increasing importance of women, particularly married women. Taking a comparatively recent period for which we have firm figures, between the 1954 and 1961 censuses the number of females in the work force increased by an average of 3·7 per cent. a year while the number of males rose by only 1·48 per cent. a year. Married women increased by a total of 147,000 or 6·66 per cent. a year and single women by 66,000 or 1·53 per cent. a year.

Indeed, it is difficult to deny the justice of equal pay for equal work regardless of sex. If women are able to do the same work as men are doing, and are engaged to do it, why should they not be paid the same as men and have the same opportunities? I make my appeal on these grounds to the moral conscience of the House and a sense of fair play.

SORGHUM INDUSTRY IN CENTRAL QUEENSLAND

Mr. O'DONNELL (Barcoo) (11.25 a.m.): I rise to bring before the House the serious position of the sorghum industry in the Central Highlands. I support a move in this direction that has been made to the Government, because the recent imposition of an increase of 15 per cent. on grain freight charges has caused much worry to primary producers in part of my electorate and to the east of it in Central Queensland.

A considerable number of producers is engaged in the sorghum industry, and they must be classified in two groups. There are those who are owner-operators, and those who are known as share-farmers. Those in the latter group are the ones who have perhaps been hardest hit by the drought. I say that quite unreservedly, because share-farmers were the least eligible to obtain drought-relief assistance. No doubt the Premier, if he were in the Chamber, would recall the consternation felt by share-farmers in the grain industry at the need to obtain guarantors to be eligible to receive drought-relief funds. That was very worrying to those who are endeavouring to establish themselves on the land by means of share-farming. This is, of course, apart from being lucky in a land ballot, the only avenue open to a person with limited finance who wishes some day to have a property of his own, which is an admirable ambition indeed.

The sorghum industry has contributed greatly to the growth and development of Central Queensland. If it had not been proved that it was possible to grow sorghum in Central Queensland, particularly in the Central Highlands, the present degree of development would not have been realised. As I have said before, it is vitally important to bring people to this area, and the sorghum industry is doing that. In addition to bringing to the district people who own properties, the industry has also brought those who have been given the opportunity to engage in share-farming, and they not only increase the population but contribute their know-how as men on the land and also become assets to the community by their quality as citizens.

I feel that this industry must be respected. This year it will sell overseas 31,000 to 32,000 tons of sorghum, which will return to the State approximately $1,000,000. That is not "chicken feed" in any language. It should not be forgotten, either, that the return from the industry can be doubled, and even trebled, when seasons are exceptionally good. It is therefore an industry of great value.

In addition, the Grain Sorghum Board has built up considerable assets at Gladstone; its installations there are worth $400,000. What will happen to them if there is a recession in the industry because it becomes uneconomic as a result of freight increases?

I will put the facts briefly and submit figures to the House showing that I have a strong case. It is well known in the grain-growing industry that sorghum-growers receive a very small margin of profit an acre. The Department of Primary Industries has reported that the average yield an acre in the Central Highlands over a period of years is six to seven bags. The 10-year average gross return to growers by the Grain Sorghum Board is $29.73 a ton, or $14.87 an acre. I shall deal with the question on an acre basis.

Usually a share-farmer in the area must relinquish a quarter share, which is equal to $3.72 an acre, leaving him a gross return of $11.15 an acre. That is not by any means a large sum against which to offset the charges, and that is where the big problem arises. Capital expenditure, depreciation and operating costs on each operation usually involve—

	$
2 or 3 ground workings (for example, 1 ploughing and 2 scarifyings) at $1.50 an acre	4.50
1 harrowing	50
1 combining	1.50
1 heading	2.00
Cartage (7 bags) at approx. 15 cents	1.00
Seed and dusting	50
Total	$10.00

The $11.15 an acre gross return is now down to $1.15. I remind hon. members that very few contractors would work for the rates I have mentioned, and it is important to keep that point in mind.

The owner is in a somewhat similar position. Although he does not have to forgo a quarter share of the gross profit, he still has to pay rates and rent and take into account his capital investment in the project.

Mr. Muller: Do you know that that applies almost throughout the farming industry?

Mr. O'DONNELL: I appreciate the hon. member's interjection. As I said earlier, I am speaking for the people of Central Queensland, but I think I could be speaking for the people of many other areas in the State.

Mr. Muller: That is pretty right.

Mr. O'DONNELL: The Railway Department is going to demand another $1.50 a ton, or 75 cents an acre, which will reduce the net profit of the individual share-farmer to 40 cents an acre.

Mr. Muller: The owner is not doing any better.

Mr. O'DONNELL: I conceded that earlier.

Surely the approach to this industry must be revised. The position of a share-farmer is shown by the figures that I put before the House, and although the owner may have some slight advantage over the share-farmer, he has other difficulties to which I referred. I suggest to hon. members that these difficulties must be resolved, and resolved quickly, to give the industry the encouragement it so richly deserves.

INSURANCE OF BUS PASSENGERS

Mr. SMITH (Windsor) (11.34 a.m.): This morning I wish to alert the House on what I consider is a matter of substantial grievance to a number of Queenslanders—the provisions contained in so many contracts for carriage of passengers in vehicles plying for hire. Those hon. members who have been in this Assembly since 1957 will no doubt recall that on many occasions I have spoken about motor-vehicle insurance and the need for some form of protection for people travelling in vehicles of this type. Because of my persistence, there is now a Nominal Defendant in Queensland.

But even that does not go far enough in this regard. In 1949 the Supreme Court of Queensland decided in the case of Jones v. Aircraft Pty. Ltd. that a passenger who was injured when travelling in an airline bus could not recover damages because of the conditions of the contract under which he was travelling.

Hon. members have all seen airline and bus-line tickets and have noticed various conditions in small print endorsed on the reverse side. In very few cases does one sign the ticket, even if, as in most cases, one is the passenger or prospective passenger. Sometimes the passenger is not involved but his agent goes along, pays the necessary fare, and comes away with the ticket, the conditions of which, nine times out of ten, are not read but which, as a result of various decisions, are binding upon the ticket-holder.

The Motor Vehicles Insurance Act, which was introduced in this State in 1936, requires the owners of all vehicles to indemnify themselves and keep themselves indemnified by a contract of insurance against all sums for which they or their estates shall become legally liable by way of damages in respect of such motor vehicles. In the ordinary course of events, any person who was travelling as a passenger in a motor vehicle that was involved in an accident with another motor vehicle could proceed against either or both drivers with a reasonable prospect of success, because in all probability there would be negligence by one or perhaps both—at least one would have been negligent. But the unfortunate bus passenger who is travelling in a bus that runs off the road and hits a tree or, whilst being driven down the road, runs into a stationary truck or car, has in advance contracted out of this protection.

A provision—and it is a simple one—is included in most contracts. It is a statement to the effect that the passenger and his luggage and goods, or goods consigned, are carried entirely at the risk of the passenger, which means that the passenger agrees in advance to be carried at his own risk.

Since 1949, when the Jones case was decided, road traffic has escalated considerably. Road accidents have escalated at a disproportionate rate to the increase in traffic, so that today on our roads the possibility of a passenger's sustaining personal injury is steadily mounting. As the tourist industry and all other movements in our State increase, so does the volume of bus traffic, and every day numbers of people, either knowingly or unknowingly, are contracting out of the protection that the Motor Vehicles Insurance Act affords them. That is not a desirable state of affairs. In most instances bus passengers are not in a situation to stand their own insurance, and I am quite sure that most of them do not take out a policy of insurance to cover themselves against road accidents for the duration of the bus trip.

What I am suggesting could well increase the drain on the Motor Vehicle Insurance Fund, but it is a matter that could be regulated by an adjustment of premiums. I feel that where bus-owners and bus-operators at the present time escape this liability, it is not a proper thing to do.

In 1960 this matter was faced up to in Great Britain. The Roads Traffic Act of 1960 provided, by section 151—

> "A contract for the conveyance of a passenger in a public service vehicle shall, so far as it purports to negative or to restrict the liability of a person in respect of a claim which may be made against him in respect of the death of, or bodily injury to, the passenger while being carried in, entering or alighting from the vehicle, or purports to impose any conditions with respect to the enforcement of any liability, be void."

So that, as far as public vehicles in Great Britain are concerned, there can be no contracting out.

In Jones's case, the Supreme Court, which was then constituted the now Senior Puisne Judge, Mr. Justice Sheehy as he then was, was asked to consider the question as to whether or not the company's ability to contract out defeated the purpose of the Motor Vehicles Insurance Act.

In his decision the learned judge said at page 214 of the report, which is contained in 1949 State Reports, Queensland, commencing at page 196—

> "I cannot find with reasonable certainty the intention, object, purpose or scope of policy of the Motors Vehicle Insurance Acts to be such as to render the contract ineffective."

If this contracting out has gone against the purpose or intention of the Motor Vehicles Insurance Act it would have been possible to contend with success that the contract was void through illegality. Unfortunately, by the reading of some of the sections of this Act, the learned judge came to the conclusion that the purpose of the Act was to indemnify the owner of the vehicle and keep him indemnified. I would, with respect, bid so far as to say that that is some 17 years ago, and that now, in the light of the road experience in those 17 years, and with the inception of the Nominal Defendant, the view may be different and that the purpose of the Motor Vehicles Insurance Act is to provide that an injured person can look with certainty for redress.

Before 1936, if a person was injured he could sue the driver, and if the driver had money the injured person could get his damages. But if the driver did not have any money then the injured person could whistle for his damages. That position still obtains in many aspects of civil law today.

In respect of motor vehicles, we must look at the situation in the light of our present-day experience on the road, our accident experience on the road, and the financial experience of motorists. Many drivers today are not in a financial position to be able to meet the heavy cost of high damages that are awarded in road-accident cases.

I suggest that the time is well nigh when this Legislature should look at the purport of the Motor Vehicles Insurance Act to see whether or not it is intended to offer protection to the person injured as well as indemnifying the person who causes the injury. If it does go as far as I suggest it goes—that is, if it does protect the injured person and ensures that, if injured, he shall be indemnified and reimbursed—it would be proper to ensure that all carriers of passengers cannot contract out of their responsibility.

At present, I would say that 99 out of 100 bus passengers do not know the situation and their rights of carriage, and because they do not know this they do not protect themselves by other insurance. That is the situation until the Legislature has a look at it, and I felt that, as today was possibly the last opportunity in this session to have the matter ventilated, it was incumbent upon me to air the matter and to have the people concerned consider the situation. I do suggest that we could well follow the precedent set in Great Britain by section 151 of the Road Traffic Act.

Mr. SPEAKER: Order! I point out at this stage that preference in the call will be given to any hon. member who has not previously spoken on a grievance. If any hon. member who has not yet raised a grievance wishes to do so, I ask him to signify his desire by rising to his feet.

Identification of Candidates' Party Affiliations on Ballot Papers

Mr. P. WOOD (Toowoomba East) (11.44 a.m.): I wish to speak on what I regard as a very simple matter and to advocate that before the next State general election in 1969 this House will take action to see that the names of all political parties are placed on ballot papers. We do have some control over what appears on ballot papers for State elections. Our political-party system is so firmly established that we would not be departing from its principles or creating new principles if we were to label candidates whose names appear on ballot papers at State elections with their party affiliations or, if they are Independents, with the indication that they are Independent.

Mr. Aikens: Don't you think that the A.L.P. label would be a great handicap?

Mr. P. WOOD: I do not think it is a handicap. It is a good label, and I am proud to carry it.

Mr. Davies: And it is a label that will never come to the hon. member for Townsville South.

Mr. P. WOOD: I agree with the hon. member for Maryborough.

By labelling all the candidates on a ballot paper with their party affiliations, two purposes will be achieved. First, voters will be more informed than they are at the moment. It is true that the task of deciding which candidate to vote for is the responsibility of the voter, but I believe that this Parliament should do what it can to ensure that all voters are informed voters. On many occasions all hon. members will have been faced with the voter who, for confirmed, good reasons, wants to vote for a certain party but does not know which candidate is standing for that party.

We should all be concerned about what is commonly called the "donkey" vote. I am not so sure that it is as large as it is sometimes said to be, but a percentage of people vote in a very uninformed way, or haphazardly, without regard to the result their votes may have. Any action that we can take as a Parliament to make these people better informed should be taken. We can take a step in that direction by seeing that the party affiliation of each candidate is clearly marked on the ballot paper. We have a precedent in that in normal Senate elections that are held every three years candidates are grouped under the heading of their political parties and those without any political affiliation are grouped separately. I believe it is important in naming the candidates that their party affiliations be included on the ballot paper.

There is another point. It is about time that the harassment and embarrassment of voters on the way to the polling booth ceased. All hon. members are familiar with the rush that faces each voter as he approaches the

polling booth. People of all political persuasions rush the voter with how-to-vote cards.

Mr. Aikens: They should be kept right away from it.

Mr. P. WOOD: On this occasion I agree with the hon. member for Townsville South. If we were to put the party affiliations of candidates on ballot papers it would no longer be necessary for representatives of political parties to rush towards a voter. There are usually at least three political parties contesting an election; therefore, there are usually three people racing towards a prospective voter to thrust how-to-vote cards in his face. This can be an embarrassment and, at times, a harassment of the voter on his way to the booth. I believe, as must all hon. members, that voting should be conducted in an atmosphere of dignity, or at least with as much dignity as possible.

Mr. Aikens: And tranquility.

Mr. P. WOOD: Yes, and tranquility.

Electoral officers conducting an election are unable to indicate a candidate's party affiliation. A voter has readily presented to him all the candidates in his electorate, but if he should ask a presiding officer or poll clerk which party the candidates belong to, he is told that that question cannot be answered and that he will have to seek the information elsewhere. While our political-party system continues, the question will continue to be asked as to which party candidates represent. Our party system is well entrenched—it will continue with its faults for many years to come—and we should recognise that on our ballot papers.

I strongly urge that the party affiliations of all political candidates be placed alongside their names on ballot papers to provide information for the voter, and to prevent embarrassment and harassment of voters on their way to vote.

Mr. AIKENS: Mr. Speaker——

Mr. PORTER: Mr. Speaker——

Mr. SPEAKER: Order! The hon. member for Townsville South has already spoken on a grievance.

Mr. AIKENS: I did speak very early in the piece, but——

Mr. SPEAKER: Order! I have already announced that any hon. member who has not already spoken will be given priority.

Mr. AIKENS: That is quite right.

Mr. SPEAKER: Order! If any hon. member who has not spoken on a grievance wishes to speak but fails to rise and call the Chair, I shall give the call to somebody who has already spoken. The hon. member for Toowong.

An Honourable Member: The hon. member for Toowong has already spoken.

EXEMPTION OF AGED PEOPLE FROM COMPULSORY VOTING

Mr. PORTER (Toowong) (11.51 a.m.): Apparently there is nobody who has not already spoken.

I have a grievance which also flows out of electoral experience. It was interesting to hear the comments of the hon. member for Toowoomba East, although I do not know that I go along with him in his desire that election day should not be the culmination of struggle and tension but a kind of dignified wake; if it were it would be a pity. His suggestion of putting party names on ballot papers is not feasible, because there is no inherent copyright—

Mr. SPEAKER: Order! Grievances must not be debated.

Mr. PORTER: All of us who have been involved in electioneering are well aware of the continuing difficulties that flow from that fact. One of the difficulties is the question of the age of the voting population. In discussing this matter we should forget party lines and Government considerations. We should look at it purely as a Parliament considering only what is best for the community as a whole.

I am not greatly concerned with the commencing age for voters, although I recognise that there can be various shades of opinion here. We have at the moment a commencnig age of 21 years. That has been the age for quite a long time. To me it seems quite a good commencing age, but somebody else could say it should be 18. My answer is that if it is not 21, then why some other particular age? Why should it be 18 and not 17 or 16 or 15, or any other age? We must have some commencing age and 21 seems to be a good one.

It might be desirable for Governments to consider special categories in which the voting age could be dropped. We already do this for young men serving overseas in the Forces. We might consider dropping the age for those who accept responsibilities, such as people who marry before the age of 21 years. After all, marriage is an enormous responsibility. If people accept that responsibility, we could well consider that they should accept the responsibility of voting. We might even consider young people who have accepted positions of trust and responsibility in specified community organisations as being in a special category with the right to vote before they are 21 years of age.

However, the starting age for voting is not the point with which I am particularly concerned, although I agree that consideration could be given to some aspects of it. I am not sure what the consideration should be, but the ideas I have given may be a starting point. It is the other end of the scale that is the subject of my grievance. I believe that all of us who have been engaged in electioneering work recognise that many elderly people come up against a very real problem when they are required to vote.

They worry about making the decision they are forced to make and they become dismayed at the official-looking papers which they have to study and sign. They may even be harassed by enthusiastic party officials. To people of extreme age this is very undesirable. It most certainly does not do a democratic system any good.

Mr. Aikens: Age is not the factor; it depends on the individual.

Mr. PORTER: That may very well be, but age is a contributing factor. We know that there are certain disqualifications, such as infirmity, but there is no definite disqualification because of age.

I suggest that this Parliament might well consider, not on a party basis but as a Parliament concerned with people, whether senior citizens should be given the right to opt out of voting at certain ages. Of course, it is difficult to establish an arbitrary basis for this. If I were asked for a recommendation, I would say that women at the age of 70 and men at 75 should be permitted to opt out. This would mean that if they were in full possession of their faculties and had retained a keen interest in affairs, they could continue to vote of they so desired. This is the type of person whom the hon. member for Townsville South no doubt has in mind. Those who find that they are harassed beyond their wishes would be permitted to "give it away" and would not have to worry about the prospect of being fined or doing something wrong, which to them is probably of even greater concern that being fined.

It has to be remembered that we have a system of compulsory voting. In most other major English-speaking countries, such as England, America, and Canada, voting is not compulsory, so that senior citizens automatically opt out merely by not exercising their prerogative to vote. Where there is compulsory voting, a provision enabling persons to opt out would have to be provided in the electoral law.

I believe that compulsory voting imposes upon senior citizens a hardship that I am quite sure was never intended. I therefore recommend to the House that consideration be given on a non-party basis to permitting senior citizens, at an age to be determined, to opt out of the voting requirement.

Sale of Firearms; Glorification of War in Sales to Children

Mr. BROMLEY (Norman) (11.57 a.m.): I am particularly disturbed about the very easy way in which firearms can be purchased. Two recent happenings show what a dangerous situation this creates. One person, described as a madman, attempted to assassinate Mr. Arthur Calwell, and only yesterday a report appeared in the Press of the arrest in Canberra of a man who, according to Press and television reports intended to murder the Prime Minister. In the Canberra incident, the person concerned was walking round Parliament House with a full-page photograph of the Prime Minister and a sawn-off shot-gun and, according to what transpired at the court hearing, he intended to murder the Prime Minister. I believe that I have a very strong case when I say there is no control over the purchase of firearms and that they are far too easy to obtain.

I believe that such incidents are contributed to by the rubbish sold by some shops to children in an attempt to glorify war. I have here a wrapper from chewing gum purchased by children whom I know from shops in various suburbs. It has this printed on it—

"War Flip Movie"

"Collect full series and make your own real war movie!! The flip movie is a real war movie taken from a Spitfire in World War II as it attacks and shoots down an enemy fighter. You can see the enemy pilot baling out before the right wing is blown off."

Inside the packet there are cards which again glorify war, and photographs that show servicemen being blown to pieces. To me this is equally objectionable whether the men are Australians, Britishers, Americans, or Japanese.

One of the cards has on it—

"Give 'em Grenades!"

"Two American marines hide behind the stump of a blown-up palm tree on Tarawa Island, in the Pacific. They toss hand grenades into the Jap pillbox barring their advance. The grenades explode and pieces of the pillbox fill the sky."

Presumably pieces of Japanese also fill the sky.

It is shocking that such things should be available in the shops to condition the minds of children to the so-called glory of war. As did many other hon. members, I served as a member of the armed services during the whole of the second world war. I do not believe in war; I believe in peace. I am very much against cards such as these being sold to young children.

I have another one here entitled "Burma Donkey". It says—

"The jungle in Burma is too thick for jeeps and trucks—so the Americans use donkeys. The Japs are only a mile away. The Americans attack suddenly where the Japs least expect it, and disappear into the jungle with their donkeys before the Japanese can counter-attack. These are the men they call Merrill's Marauders, guerillas who wipe out many Japs and destroy a lot of Jap guns and supply posts."

What sort of a Christian world are we living in today when young children can buy cards such as that, which in effect suggest that people should be wiped out—in other words, murdered? People whose minds are conditioned in that way are able to purchase shot-guns or rifles or revolvers of many types and attempt to assassinate the country's

parliamentary leaders—I tie all these matters together—and I think it is shocking that such things are permitted. I know it is impossible to control everything, but I am very perturbed about the minds of young people being conditioned by the rubbish glorifying war that can be purchased quite easily in shops.

Newspapers have to get revenue from advertising, but I believe that some control should be exercised over shops that insert advertisements such as this in the Press—

"Sensational 23-inch Toltoys 'Zero 7' Combination Transistor Rifle."

Another advertisement, which shows a sub-machine gun, says—

"Toltoys 'Zero 7' Special Mission Set. 24-inch Firing Tommy Gun."

I have looked at those toys, and they can be turned into real rifles and guns capable of killing a person without any trouble. Any child who attends a secondary school would know how to convert them into lethal weapons that could accidentally kill a member of the family or, perhaps, be used to murder someone.

Christmas is not far away, and at this time of the year people are supposed to show a spirit of goodwill towards men and to do unto others what they would have others do unto them. Yet advertisements appear in the Press exhorting people to buy cap-firing pistols with silencers, and so on, and children can quite easily buy cards glorifying war and conditioning their minds to the use of a rifle and suggesting that to assassinate somebody is not very wrong. That is the trend today, and I do not think any right-minded person believes that this is the sort of thing with which to feed the minds of young children. As I said, it is easy for children to go into shops and purchase lollies with which they get horror cards—that is only the correct way to describe them—glorifying war, assassination, and so on.

Parliament should endeavour to do something to prevent the easy purchase of weapons that could be lethal and that could be used to kill young people, and I hope that my submissions will be examined. I should not like anyone to attempt to assassinate a member of Parliament, but such an attempt could be made quite easily. As hon. members know, an attempt was made on the life of Mr. Calwell earlier this year and more recently on the life of the Prime Minister, Mr. Holt, and such attempts often snowball. I am sure that neither the Premier nor the Treasurer would like that to happen in Queensland, but it could. Anyone can gain access not only to Parliament House but to many other places in the city, and a person who had made up his mind to attempt to assassinate either the Premier or the Treasurer could follow him round the street with a shot-gun or a rifle concealed in his clothing.

I wish to refer briefly to the Government's delay in introducing a Bill to amend the Jury Act to give women the right to serve on juries. I heard the Minister today give notice of the Bill, and I saw it on the Business Paper. I am looking forward to its early introduction.

PENALTIES FOR DANGEROUS-DRIVING OFFENCES

Mr. AIKENS (Townsville South) (12.5 p.m.): I do not intend to suggest that there should be political slogans on ballot papers but the hon. member for Port Curtis and I have "nutted out" quite a humorous procedure on slogans and anyone can see it here. My purpose today is much more serious than that. I may be skating on very thin ice, Mr. Speaker, but with your assistance I hope to elaborate a bit because I believe these things have to be said.

I refer to the recent sentence imposed by Mr. Justice Lucas on a person convicted of dangerous driving causing death. The sentence was not the imposition of a term of imprisonment but merely a penalty of $500, which is a paltry sum these days, and the suspension of the prisoner's driving licence for a few months. If the Press report was correct the judge said that this man had taken the life of an innocent person, and he then paid some compliments to the killer concerned. What concerns me—and I am sure it concerns everybody in the State—is that the judge said in imposing the fine instead of a prison sentence that he felt sure the person must have suffered remorse as the result of his action.

Everybody who reads the popular Press knows that I challenged Mr. Justice Lucas to a debate, and that his Associate replied and said that, as a judge, Mr. Justice Lucas was not permitted to engage in debates. The Associate went on to say that the matter could still be the subject of an appeal.

When I wrote to Mr. Justice Lucas I did so more in sorrow than in anger. I asked him a question that I think we should all ask ourselves. If a judge feels competent to assume that a person will suffer remorse as a result of his criminal act, why is he not competent to assume that the same person will suffer elation and bravado as a result of his criminal act? It is just as logical to assume that the criminal will be elated and indulge in bravado and vainglorious boasting as a result of his act as it is to assume that he will suffer remorse.

We are reaching the stage where people are becoming very concerned at the variation in penalties being imposed as the result of dangerous driving. Recently, in Mareeba a magistrate sentenced a dangerous driver, who did not kill or hit anybody, to gaol for a month and suspended his licence for 18 months. I think that that sentence was well grounded; I would not have objected had he been sent to gaol for three months or even longer. Yet we repeatedly read of cases in the Supreme Court where a criminal is convicted of the very serious crime, as determined by this Parliament, of dangerous

driving causing death and he is not gaoled at all but is let off with a fine and a suspension of licence.

I am beginning to wonder, as are many people, when we will have some uniformity in the punishment of these criminals, because they are dangerous criminals and killers. The hon. member for Norman spoke about people who are likely to be running around with rifles and shot-guns—and he spoke advisedly on that matter—but they are no more dangerous than a dangerous driver or a drunken driver. There is nothing accidental about driving dangerously. There is nothing accidental about putting one's foot on the accelerator pedal and going as fast as one possibly can. Then, speaking from years of experience, there is nothing accidental about getting drunk. It is a deliberate act. You and you alone raise the glass of grog to your lips and drink it. So, if as a result of these deliberate acts of getting drunk and driving dangerously someone kills an innocent person and is found guilty by a jury of the serious crime—I repeat, as Parliament has determined —of dangerous driving causing death, the judge looks for some excuse or some legal substitute to allow that dangerous killer off with a fine instead of sending him to gaol.

It has been said, of course, that the Minister for Justice can appeal against any sentence that he considers manifestly inadequate. Here is the point I intend to raise, and I think it is a serious point: I would certainly like those who are interested in the workings of Parliament and democracy—and I am looking at the back-benchers of the Liberal Party when I say that—to consider seriously just what right of appeal the Minister for Justice really has against a sentence that is manifestly inadequate. When he comes to appeal he has no real right of appeal at all; he must appeal from Caesar unto Caesar. Supposing a Supreme Court judge lets a dangerous driver who has caused death off with a monetary penalty—and several judges have already done that—and the Minister decides to appeal to the Court of Criminal Appeal on the ground that the punishment was manifestly inadequate, he must go before three judges of the Supreme Court. I am not going to labour this point, but I would suggest with all honesty——

Mr. Mann interjected.

Mr. AIKENS: I suggest that the hon. member for Brisbane should take a big dose of Glauber's salts. If he comes in and deliberately interrupts me every time I make a speech, I have to retaliate. I suggest that he go and take Glauber's salts—a big handful of them.

I suggest in all fairness that it is only natural that judges have a tendency to stick together and do not like to do something that might embarrass one of their mates. How can the Minister appeal against a fine for dangerous driving causing death, for instance, to three judges who themselves have imposed only fines for dangerous driving causing death?

I suggest that the time is overripe for Queensland to adopt the system that is in operation in other countries, that is, a separate Court of Criminal Appeal that is not composed of justices of the Supreme Court but of justices who do not sit as trial judges. If we were to have the Court of Criminal Appeal composed of justices who do not sit as trial judges, at least we could expect that their judgments and their decisions would not be tempered with mercy towards trial judges, because they would not be trial judges themselves.

Mr. Mann interjected.

Mr. AIKENS: The hon. member can have his own opinion. I am going as well as I possibly can. If he thinks I am going a little bit further than I should, I am sure, Mr. Speaker, that if he is correct you will call me to order. I am trying to keep well within the Standing Orders; I am not trying to take any advantage of my position.

We have reached the stage when the right of the Minister for Justice to appeal against a sentence that is manifestly inadequate is not a right at all, because I repeat: he must appeal from Caesar unto Caesar. He must appeal to judges who, perhaps, have imposed the same inadequate sentences as trial judges, so what right of appeal is that? I appeal to this House to consider seriously the establishment of a separate Court of Criminal Appeal composed of justices who are not Supreme Court judges and who will not be required to act also as trial judges.

Issue of Realignment Notices by Brisbane City Council

Mr. LICKISS (Mt. Coot-tha) (12.14 p.m.): I wish to raise a matter of grievance concerning attempts by the Brisbane City Council to persuade people, when endeavouring to construct premises on land, to allow for the provision of a set-back. If the council wishes to widen a road, the first step is to request the person building on the land to set back his building on what, supposedly, will be the new alignment for that road. There have been many instances of people refusing to set back and saying they are entitled to the full enjoyment of the property contained in their titles and fighting the council on these matters. There have been instances where this provision of a set-back has been a condition of building and it has finally been fought out in the Local Government Court with a decision given in favour of the landholder.

After a building is erected the council may, by resolution under section 35 (10) of the Local Government Act, place a realignment notice on the developed property. Legislation is coming before this House amending section 35, and as I would probably be ruled out of order if I were to fully expand this matter I propose to deal with it by way of grievance.

By section 35 (10) of the Local Government Act the council, by resolution, can declare any land or building within an area

contained on the title between the old alignment and the proposed new alignment to be subject to a realignment notice. A realignment notice virtually places a dead hand on land and buildings. A realignment notice by way of resolution of the council can remain in force for years, but it can also be removed at any stage without compensation.

I suggest that in many instances councils are using the provision for realignment as a form of polite blackmail if people do not accept a request for a set-back. There is no lawful provision by which the council can require set-back on site application. That has been proven in the Local Government Court. I repeat that in many instances the issuing of realignment notices is a polite form of blackmail that this Parliament should investigate. I know of no legal provision for appeal against a realignment notice. It is done merely by resolution within the council. We can see the danger in this provision in the Local Government Act. No compensation is payable unless the council desires to take possession of the land.

Mr. Bennett: Do you know that the Chandler C.M.O. administration used that provision ruthlessly?

Mr. LICKISS: I do not care who used it; I believe it is wrong and, if it is, I will try to correct it.

Realignment immediately creates a restrictive title, particularly in relation to the area between the old alignment and the proposed new alignment. People see their equity in the property dwindle immediately a realignment notice is placed on it. They also experience difficulty and distress should they have to dispose of such property.

Mr. Houston: Don't you believe in widening streets?

Mr. LICKISS: I certainly believe in widening streets, and I now propose to suggest how it should be done.

A street realignment is an alteration of the Town Plan, and the sooner we accept this principle the better it will be for the people of Queensland. I could refer to many streets, such as Shafston Avenue and many others in Brisbane, that are affected. We should amend the Town Plan when a realignment is necessary, because it represents a variation of the Town Plan. If we do this, we reserve the right of the people to object and we provide the right for them to claim injurious affection for damage done to their property. All these matters are denied by this shoddy system of placing, by resolution, a notice of realignment on property. It is a rotten form of cheap resumption, and the sooner people in the State realise it the better it will be.

I strongly recommend that we amend the town planning legislation for Brisbane so as to make realignments alterations to the Town Plan in the true sense of the word. If we carry the town plan legislation—as is proposed—into the Local Government Act, section 35 (10) should then be repealed. I hope it will not be long before we bring down uniform planning legislation for the whole of Queensland, and carry this provision into that legislation to protect the rights of the individual. At present, it is a form of polite blackmail being used by the council as a shoddy form of cheap resumption, and as a Government we should not tolerate it.

ROAD TRAFFIC CONGESTION AT NYANDA RAILWAY CROSSING

Mr. SHERRINGTON (Salisbury) (12.20 p.m.): The matter I raise as a grievance is the serious and ever-increasing traffic problem at Nyanda railway crossing on the Mt. Lindesay Highway. The whole of this grievance is due to a lack of planning by various Government departments.

The interstate and Queensland railway lines cross Beaudesert Road near the Nyanda railway station in the vicinity of Evans Deakin & Co. Pty. Ltd., and to say that peak-hour traffic there is a shambles would be a masterpiece of understatement. The congestion causes a serious traffic problem, and could cause traffic accidents.

Motorists traversing this highway on their way to Sunnybank and Acacia Ridge, or further along the Mt. Lindesay Highway, are faced with the problem that no matter which way they go they experience the same chaos. If they go by Ipswich Road they hit the bottle-neck at the Rocklea underpass. If they travel through Salisbury and Coopers Plains they must re-cross both these major railway lines to get back onto the Mt. Lindesay Highway; no matter which way they go, they encounter a similar situation.

This problem has developed because of a lack of liaison among Government departments. Many of these areas, including Acacia Ridge and parts of Sunnybank, have been developed by the Queensland Housing Commission. Plans are well in hand to develop a large industrial area adjacent to General Motors-Holden's, and to the best of my knowledge major companies have already taken options over some of the land. Something like an additional 400 to 500 homes will be constructed in the area.

On 1 September I raised this matter in a question I directed to the Minister for Mines and Main Roads. I asked—

> "In view of the ever-increasing volumes of traffic on Beaudesert Road and the congestion, particularly at peak periods, when railway gates are closed at the Nyanda railway crossing, are plans in hand to eliminate this bottle-neck and, if so, when will work commence?"

The Minister dismissed the question with these nine words—

> "The Department has no proposals at present under consideration."

I have no doubt that the hon. member for Yeronga will support me in this matter.

Mr. Lee: I will do that.

Mr. SHERRINGTON: The position has been worsened by locating the municipal markets in Sherwood Road, Rocklea. I do not criticise their being located there, but all vehicular traffic from the Redland Bay salad bowl area has been diverted to this general area without adequate provision being made for those vehicles to cross two major highways and two major railway lines. As I say, the problem is becoming more acute following the siting of the markets in Sherwood Road, Rocklea.

Before projects such as the industrial area now being developed in the Sunnybank area adjacent to the plant of General Motors-Holden's Pty. Ltd. are undertaken, a survey should be made of traffic requirements in those localities. There is now a very great increase in the number of semi-trailers and other large vehicles using these roads. With the establishment of transport terminals in the Rocklea area and industrial development in Sunnybank, an ever-increasing number of large vehicles will be using the Mt. Lindesay Highway. Although it is not often that I agree with the hon. member for Yeronga, I agree with him on this matter. I know he is concerned about the Rocklea underpass, land for which was resumed about 11 years ago. Passing through the Rocklea area is an ever-increasing problem for users of that section of the Mt. Lindesay Highway. Here is a bottle-neck of some magnitude, because peak periods in road traffic correspond with peak periods in rail transport.

Mr. Lee: When the fly-over at Rocklea goes in, the situation will be relieved somewhat.

Mr. SHERRINGTON: It will to some extent, but the problem that I am outlining is in effect the reverse of the one that concerns the hon. member for Yeronga, because those who avoid the Rocklea underpass face the problem presented by this railway crossing if they wish to travel along the Mt. Lindesay Highway. The only remedy is an underpass or an overpass. At present a prehistoric set of railway gates controls road traffic. Even modern boom gates, however, would do nothing to reduce the huge bank-up of traffic on each side of the gates at peak periods. It must also be remembered that in the vicinity is the very large engineering firm of Evans Deakin & Co. Pty. Ltd. This problem exists throughout the entire day whenever the gates are closed to allow a train to pass over the crossing.

I raise this matter because the Minister for Main Roads said as recently as 1 September that no plans have been made for the elimination of this bottle-neck. It was only a couple of weeks ago that the same Minister said that usually planning in such matters is done six years in advance. I hope I understood him correctly and am attributing to him what he did in fact say. If that is so, in six years there will be absolutely unbelievable chaos on this major highway to and from the city. In peak periods today it is common to see traffic banking up for at least a mile from the railway gates.

(Time expired.)

Railway Contract Tendering

Mr. BENNETT (South Brisbane) (12.29 p.m.): I am painfully aggrieved because I am satisfied that the system of railway contract tendering stinks in the nostrils of all fair-minded men. In the brief time at my disposal I will give three specific examples. The first, and principal, one relates to the demolition of the dome over the Central Railway Station, for which tenders were invited; the second relates to the sale or disposal of a railway cottage in Lower River Terrace, for which tenders were called through the Press by the Railway Department; the third relates to the sale of railway property in Grey Street, South Brisbane, for which tenders were called through the Press by the Railway Department.

The first matter comes under the Standard Code of Tendering, which is supposed to be used by the Railway Department and clause 5 of which says—

> "Before tenders are invited the Authority shall cause to be prepared Tender Documents and the Authority shall then invite tenders for the contract for a period of at least 21 days before the closing date for receipt of such tenders unless circumstances make a shorter period desirable."

In relation to the dome of the Central Railway Station, it was noised abroad some time earlier in the year that it would be demolished and that some contractor would be fortunate enough to obtain the job. On 31 August this year the wife of Douglas John William Sim, the managing director of Sim Construction Co. Pty. Ltd., well-known demolition contractors in Brisbane, telephoned the contract department of the Railway Department to inquire about the proposal to demolish the dome of Central Railway Station. She was assured at that time that tenders would be called and that, when they were, they would have to go through the contract department. She requested that the company of which her husband was managing director should be notified when tenders were called, and she was told that this would be done.

Much to the consternation and surprise of Mr. and Mrs. Sim, about three weeks later Mr. Sim read in "The Courier-Mail" that a tender had been let for the work, and he immediately telephoned the contract department of the Railway Department and referred to the conversation that his wife had had with the department previously and asked why his company had not been notified of the tender. The person in the Railway Department who dealt with the matter said that the tenders had not gone through the contract department and that they knew nothing about them. Both Mr. and Mrs. Sim made several subsequent telephone calls to various branches of the Railway Department but did not receive any satisfaction. Subsequently, a man claiming to be Mr. Egan, who is known to be

the principal railway architect, telephoned Mr. Sim and said that he had not been in touch with the company, although he had been in touch with all other demolition contractors listed in the pink pages of the telephone directory, because he had failed to see the name of Mr. Sim's company there, which was rather a weak and lame excuse.

Incidentally, I point out to hon. members that that statement is in direct conflict with the answer given by the Minister for Transport to the question asked by my colleague the hon. member for Nudgee, Mr. Melloy, in which the Minister said that quotations were invited from two companies—T. F. Woollam and Son Pty. Ltd. and Moran Bros. Holdings Pty. Ltd. As I said, Mr. Egan told Mr. Sim that he had telephoned every contractor whose name was shown in the pink pages of the telephone directory. Mr. Sim was very dissatisfied with what he considered was completely irregular procedure in the letting of this contract.

Mr. Sim has been reliably informed that the company T. F. Woollam and Son Pty. Ltd. is the contracting authority for the reconstruction of the new portion of Central Railway Station—that is, the new awning. He has been reliably informed, also, that the company has not the equipment to carry out the necessary demolition work. It appears obvious that when that company was invited to tender for the demolition work it was only a formality. The company did not want the contract and, in order to ensure that it did not get it, it priced itself out by tendering the ridiculously high price of $19,794. That would mean, on the Minister's admission, that in reality only one firm was asked to tender for this specific contract, That was Moran Bros. Holdings Pty. Ltd., which tendered the comfortable sum, but still on a high plane, of $12,800, approximately $7,000 less than Woollam's tender, which indicates that Woollam definitely did not want the contract.

So that in this regard the contracting system of the Railway Department favoured one particular firm and gave no other firm the opportunity of competing in this field. My submission, as part of my grievance, is that in these matters the old adage applies that justice must not only be done but must also appear to be done. If there is the opportunity for graft and corruption there are always those who eventually, if not earlier, will take advantage of the weakness in any system. Surely it is a weak system that contracts of this nature should be dealt with in this fashion, when special and privileged persons are contacted and others are ignored and disregarded until finally the field of tendering is narrowed down, in practical fashion, to one firm. No doubt a lot of people could be playing mates in this regard.

I mention also, in the brief time at my disposal, the matter of the railway cottage at 125 Lower River Terrace, Kangaroo Point, for which the Railway Department called public tenders and received four. In this regard it is to be admitted that the department invited tenders through the columns of the daily Press, including "The Courier-Mail". It is a pity it did not do the same for the demolition of the Central Railway Station dome. In any case, this railway cottage was sufficiently attractive, and the competition keen enough, to bring in four tenders. One would expect that the highest tenderer would be entitled to the contract for purchase, but what did the Railway Department do? Apparently having decided to sell the house, and, according to the columns of the public Press, being keen on getting the best value by inviting public tenders, it has now decided not to sell the cottage.

What is going to happen to this railway cottage? I have been reliably informed that it is no longer required for railway purposes because of the rearrangement of the Woolloongabba railway yards and the lack of work there. The Railway Department does not want it. It had indicated that it did not want it by calling tenders for its purchase, but who will get it now? Having tested the public market and having learnt the highest price the public is prepared to pay, will somebody within the political friendship of the Government find that if he increases the offer that was publicly tendered on the open market by the highest tenderer he will be granted the opportunity of buying this cottage?

Mr. Chalk: Is the residence occupied.

Mr. BENNETT: When I was assiduously door-knocking during my campaign it was not.

Mr. Chalk: Was it rented?

Mr. BENNETT: It was not rented.

Mr. Chalk: You maintain that it is vacant?

Mr. BENNETT: When I was door-knocking there was no tenant. As a matter of fact, vandalism was going on.

Mr. Chalk: It has been rented.

Mr. BENNETT: It was not then, because damage had been done to the bathroom.

(Time expired.)

PROPOSED ESTABLISHMENT OF "EDUCATION HOUSE" IN MARYBOROUGH

Mr. DAVIES (Maryborough) (12.40 p.m.): On a number of occasions in the House I have said that there should be established in Maryborough a building of education to be known as "Education House", and because I consider that insufficient progress has been made in the consideration of this proposal I mention it here this morning.

It is most essential, for a number of reasons, that such a building be erected in Maryborough. This building would house the local Director of Education for the Wide Bay area, which is a very extensive area, an

Adult Education Centre, a centre for the Rural Youth Organisation, and also a centre for the university branch that exists in the City of Maryborough. I suggest, as I have suggested previously, that, rather than erect a new building, the Government should make arrangements for the local School of Arts building to be remodelled. The School of Arts is a very fine building. The front portion is of good appearance and would require very little reconstruction and remodelling, but the rear part of the building is very old and dilapidated and is likely to fall down at any time. It is in a very sad state of repair. It was added just as a temporary measure at the back of the front portion, and part of it is not regularly used. One part of it is used as the School of Arts library. The Government could arrange to take over this building after a suitable agreement has been reached with the School of Arts committee. The committee does an excellent job in Maryborough and has extended its library facilities by providing a travelling library to visit centres around Maryborough. It deserves any consideration that can be given to it by the Government in any discussions that may take place if the Government declared its willingness to take over this building.

If the dilapidated portion of the building was pulled down, ample room could be provided for the erection of the number of storeys that the foundations would allow. The library need not be interfered with. Any alteration to the system of library control in the City of Maryborough is, I feel, a matter for agreement between the Maryborough City Council and the School of Arts committee. If the two parties came to some agreement, then the day might arrive when we will see the establishment of a council library, such as exists in many other centres in the State. In the meantime the library could continue under the control of the School of Arts committee.

At the present time the local Director of Education has a big staff, to accommodate which there is not sufficient room on the top floor of the Commonwealth Bank. I believe that the lease will expire within the next 18 months or so, so that it is very necessary that provision be made for a permanent home for the staff of the Department of Education in Maryborough. This department is an important one and is the centre of all educational facilities that are provided in North and South Burnett, Bundaberg, Maryborough, and down as far as the Gympie area. It is a department that needs every consideration in its development and expansion, and in the provision of satisfactory accommodation.

The Adult Education Council for the statistical area of Maryborough is centred in Maryborough and it provides facilities from Maryborough down to Gympie and, once again, North and South Burnett and Hervey Bay. I am not going to enter into a speech on this subject, but adult education is serving a good purpose throughout the State; there is no doubt about that. Under the present set-up between the Commonwealth and the State, with the State apparently being satisfied with the moneys it receives from the Commonwealth, I do not know what is going to be done about providing increased grants to adult education.

The extension of adult education is curtailed by shortage of funds. Some years ago the Minister for Education provided quite good temporary arrangements by renting a building in Ellena Street, Maryborough. However, it is now entirely unsatisfactory and inadequate, and the progress and development of adult education activities in this area are seriously curtailed because there is insufficient room. That is another very important reason for the Government's giving favourable consideration to my suggestion. The School of Arts proposal would be much cheaper than procuring a new site. The purchase price of the land would be saved and suitable sites are hard to get because few, if any, are available. The front portion of the building could be considerably improved and, all in all, it would be much cheaper for the Government to accede to my request than to acquire another site.

Another very important organisation occupies the top floor of the School of Arts, namely, the university branch, which is a splendid organisation in Maryborough. Its activities have been considerably extended and its facilities are being used by an increasing number of university students as a study room and library room. Facilities for receiving lectures direct from Brisbane are also provided. This organisation should be given every assistance.

The Rural Youth Organisation should be housed in such a building. There could also be a central office for the Sub-Normal Children's committee. Their school is a considerable distance from the proposed centre, but this building would be a good place for a central office as it is right in the heart of the city.

The building could also be used by any other organisations associated with education or cultural activities. The National Fitness Organisation in Maryborough is looking for new rooms. Perhaps it could be given temporary accommodation in the School of Arts, because sooner or later—as chairman of the National Fitness Organisation—I hope to establish a National Fitness headquarters. Meanwhile—and possibly for some considerable time—it could be given temporary accommodation. Even when the headquarters are built it may be necessary to have a room at the centre, right in the heart of the city, for this organisation.

For all those reasons, I urge that speedier consideration be given to my proposal. I repeat that it will be cheaper for the Government to take over this building than to acquire another site. After discussions have taken place and some suitable agreement has been reached with the School of Arts committee, these suggestions should be implemented as quickly as possible. I hope that

favourable and urgent consideration will be given to this matter by the Department of Education, the Department of Works, and the Government.

MINISTERIAL STATEMENTS FOLLOWING MINISTERIAL CONFERENCES; ASSISTANCE TO DAIRY INDUSTRY

Mr. MURRAY (Clayfield) (12.49 p.m.): This is the first occasion on which I have spoken on a matter of grievance. I commend the Premier and the Government for making time available for a Grievance Day as it allows hon. members to raise matters which they consider are important and which they believe can more properly be brought to the attention of the House and the Government than by the ordinary form of debate in this Assembly.

I wish to speak about some related matters. You will recall, Mr. Speaker, that I posed a question the other day which you disallowed. I am quite happy about it because you felt that it perhaps reflected in some way on a Minister, and perhaps my phraseology was rather blunt and direct. When I posed the question I was asking the Minister for Primary Industries whether he would be attending a Council of Agriculture——

Mr. SPEAKER: Order! The hon. member is aware that under the Standing Rules and Orders the disallowance of a question cannot be made the subject of a debate. I trust the hon. member will not refer further to that question. If he has any grievance relative to the matter raised in his question I have no reason to stop his commenting on it, but he must not comment on questions.

Mr. MURRAY: That is why I rose to speak. Many of us, I think, have been worried for a long time about the established practice of Commonwealth and State Ministers meeting to make decisions on various matters, such as at Attorneys-General conferences, and Mines Department conferences; in this case it is a meeting of the Council of Agriculture. It seems that at all these types of gathering commitments are made by one method or another. I am not qute sure of the system. It seems that State Ministers commit a State, either tentatively or firmly, to particular lines of action. The Commonwealth introduces some matters that need Commonwealth legislation and complementary State legislation to put the whole matter in train. There are some matters which need only Commonwealth legislation, particularly in the form, perhaps, of Commonwealth tax, with which it appears the Commonwealth does not proceed unless the State Ministers concur; in other words, the State Governments concur. The Parliament should be informed by ministerial statement just what the State has been committed to in matters which require State consent or State complementary legislation. I know that this is not an isolated case; it is a system that has grown up over a long period.

A specific instance relates to the C.E.M.A. plan, which we adopted readily and happily. But it was agreed to by the State Government apparently without reference to this State Parliament. As I recall, no statement was made on that matter. Subsequently legislation came before the Commonwealth Parliament on the subject. Again the State was committed to something that was fairly important to the State, and no statement was made. It would be more satisfactory if the Parliament and the people of this State were advised by ministerial statement made on behalf of the Government, at the first available opportunity, what the State has been committed to. I think this is proper and should be done.

I know that if our State Minister for Primary Industries attends the meeting of the Council of Agriculture prior to our next sitting of Parliament he will have to deal with the controversial problem of a quota system for margarine. This is a vexed problem. Obviously New South Wales has put it aside until the next meeting of the Council of Agriculture. Our Minister may make a tentative commitment on this extremely controversial matter pending approval by Cabinet.

Although I do not want to enter into an argument about it, it is an example of how commitments can be made, without reference to Parliament or discussion by the members duly elected to represent the people, on matters of very great controversy. This trend has to be watched because it is not a healthy one. If continued in its present fashion, far too many matters would be decided by the Executive outside the scrutiny and control of Parliament.

I know that this has been raised academically, and in a practical parliamentary sense, by many people in this and other countries. The Minister will have to face up to it, and how he does that will be of great interest to the people of Queensland. No doubt he was sent an agenda before this meeting was held, and one would assume that he discussed some matters with the Premier or Cabinet before attending it. Any Minister in any administration could find himself in that position. Making decisions on controversial matters, without giving the House an opportunity to ratify them, is a dangerous trend.

I now want to tread on somewhat holy ground for a few minutes. I am very greatly worried about whether sufficient is being done for the dairy industry.

Mr. O'Donnell: You don't look worried.

Mr. MURRAY: I am very worried indeed. The Premier very rightly introduced a pasture improvement scheme. It has been done in New South Wales in a more limited field. We are committed to the spending of $1,500,000 a year for five years.

Mr. Nicklin: $720,000 this year.

Mr. MURRAY: That is very good. The scheme will be excellent if properly carried out, as we hope it will be, by expert officers and those who receive advances. The scheme is perfectly clear. It will help to fill the bucket, and that is what it is for.

Mr. Nicklin: There have been 650 applicants already, of 14,000 possibilities.

Mr. MURRAY: I am delighted to hear that people are taking advantage of the scheme. Because the bucket will get more in it, the serious problem is then posed of what is to happen to the greater milk production? This is a national matter and one of very grave concern to Australia. If we fill the bucket without at the same time doing something about the marketing system and its diversification, the object of the exercise will be somewhat defeated. This is a very serious matter indeed, and the nation must face up to it.

I think it is high time to look at the report of the 1960 committee of inquiry into the dairy industry and endeavour to see what should be done about subsidies, marketing and general trends in the industry. We cannot continue as we are now and still expect the dairy industry to have a healthy future.

Question—That grievances be noted—agreed to.

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

In accordance with Sessional Order, the House proceeded with Government business.

SURVEYORS BILL

INITIATION

Hon. G. W. W. CHALK (Lockyer—Treasurer): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to consolidate and amend the law relating to surveying."

Motion agreed to.

JURY ACTS AMENDMENT BILL

INITIATION

Hon. G. W. W. CHALK (Lockyer—Treasurer): I move—

"That the House will, at its present sitting, resolve itself into a Committe of the Whole to consider introducing a Bill to amend the Jury Acts, 1929 to 1964, in certain particulars.

Motion agreed to.

RADIOACTIVE SUBSTANCES ACT 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 Radioactive Substances Act of 1958 in certain particulars."

Motion agreed to.

CARRIAGE OF GOODS BY LAND (STANDARD LIABILITIES) BILL

INITIATION

Hon. W. E. KNOX (Nundah—Minister for Transport): 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 law relating to the liabilities of carriers of goods by land."

Motion agreed to.

STAMP ACTS AND ANOTHER ACT AMENDMENT BILL

THIRD READING

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

LAND TAX ACTS AMENDMENT BILL

THIRD READING

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

QUEENSLAND MARINE ACTS AMENDMENT BILL

THIRD READING

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

MEDICAL ACTS AND OTHER ACTS ADMINISTRATION BILL

INITIATION IN COMMITTEE

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

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (2.19 p.m.): I move—

"That a Bill be introduced to provide for the finance of the administration of the Medical Acts, 1939 to 1963, the Dental Acts, 1902 to 1961, the Pharmacy Acts, 1917 to 1959, the Optometrists Acts, 1917 to 1959, the Nurses Act of 1964 and the Physiotherapists Acts, 1964 to 1965, and for other purposes."

This Bill is of a purely machinery and administrative nature notwithstanding the somewhat intimidatory appearance of the title. Its main objectives are—

1. The repeal of Part VII of the Medical and Other Acts Amendment Act of 1933, and the re-provision of the operative sections thereof which deal mainly with the administrative and financial arrangements of the various professional boards administered by my department.

2. To validate the actions of these boards in delegating authority to executive officers, or in the case of the Nurses Board, the registrar, to grant registrations or restoration of names to the relevant registers, subject to confirmation at the next meeting of the respective board.

3. To provide for a deputy registrar to have the same powers, authority, etc., as the registrar of the board, subject to direction by the registrar.

The Medical and Other Acts Amendment Act of 1933 amongst other things was designed to take over the administration of the then existing five professional boards, namely the Medical, Dental, Pharmacy, Optical and the Nurses and Masseurs Registration Boards. There are now six boards, the Nurses and Masseurs Registration Board having been divided into the Nurses Board of Queensland and the Physiotherapists' Board of Queensland.

Part VII of the Medical and Other Acts Amendment Act, which is now being repealed, provides for the payment to Consolidated Revenue from the funds of each of the five boards previously mentioned, a proportion of the cost of administering such boards, the expenditure involved having been paid in the first instance by my department. With the division of the Nurses and Masseurs Registration Board some doubt exists as to whether the newly constituted boards could be called upon to bear their proper proportion of the cost of administration. To overcome this situation it is considered desirable to provide for the inclusion of the new boards by a new enactment rather than amend the relevant section of Part VII of the Medical and Other Acts Amendment Act. This is the only part of that Act which appears to be of any remaining substantive effect. Various amendments over the years since it was passed have gradually eroded it and its legal force and we are now repealing the only part which appears to have any remaining force. The Bill names all six professional boards to be incorporated therein. With the passing of this Bill very little of the Medical and Other Acts Amendment Act will remain on the Statute Book and those parts which must of necessity remain will, as the Acts they refer to come up for amendment, be deleted and incorporated in such amendments.

Mr. Bromley: Will this Bill affect the Workers' Compensation Act Amendment Bill?

Mr. TOOTH: No, it deals purely with the financing and administration of the various boards and the powers of the registrar or the chairman in respect of registration or restoration of registration where registration has lapsed.

With the growth of the professions and the demand for professional services, the boards with the exception of the Nurses Board have considered it expedient for the president or the chairman acting as executive officers of such boards to grant registration or authorise restoration to the registers between meetings of the boards and to have such action confirmed at the next ordinary board meeting.

The Nurses Board has delegated to its registrar authority to register and restore names to the register where such applications are in order and to refer to the board only those applications requiring its administrative decisions.

Whilst the action of the board in delegating powers of registration and restoration to its executive officers is doubtless expedient, and, with a view to ease of administration a very necessary one, it appears from an opinion recently obtained that these procedures are not technically correct. As the respective Acts now stand the board is the only authority which has the power to grant registration, restoration, etc., as the case may be.

It is deemed essential however, that the existing procedures should be continued, not only from an administrative point of view but also as they appear to be in the best interests of all concerned. As an illustration I will quote the case of a medical practitioner from another State who accepts an appointment at one of our hospitals or institutions. He arrives in Queensland three weeks prior to the holding of the next ordinary meeting of the Medical Board. Unless immediate registration, subject to later confirmation by the board, can be effected, he would be denied the right to practise his profession in Queensland during the intervening period. This, it is felt, may have an adverse effect on the recruitment of staff from other States, and, in addition, this State would be deprived of his services until the board met some three weeks later and approved of his registration. The same argument applies to nurses where the numbers of registrations and restorations are considerably greater than in any of the other professions.

The proposed new sections will not only validate past actions of the various boards in this regard but will also put beyond doubt the legality of such actions in the future. Clause 6 expressly authorises the president or chairman or any other authorised member of the board, and in the case of the Nurses Board, the Registrar, to register or enrol any persons entitled to be registered or enrolled, or to restore to the relevant

register the name of any person so entitled, subject to confirmation by the board concerned.

Over the years the administrative duties of the office of the Registrar of the Medical Board and other boards have vastly increased. For example, in 1934 there were 602 medical practitioners on the register. This year the number is 2,021. With the growth of the registers, the establishment of an additional board, and an increased volume of work, it is deemed necessary that, in addition to the registrar, deputy registrars be appointed from the existing staff to attend meetings of some of the boards and to carry out other duties ordinarily required to be performed by the registrar. Clause 8 of the Bill now before the Committee is designed to provide deputy registrars so appointed with the same authority as a registrar, when they so act, subject to the direction of the registrar.

As I have indicated in my opening remarks, this measure is merely to clarify the law and to vary certain administrative procedures applicable to the Medical Board and other boards administered by my department.

I commend the Bill to the Committee.

Hr. HOUSTON (Bulimba—Leader of the Opposition) (2.29 p.m.): In most cases the Opposition and other members of the Committee take the opportunity at the introductory stage of discussing many matters associated with the amendment and, in some cases, the legislation. On this occasion, as the Minister has indicated, this is purely an administrative Bill in regard to the financing of the various boards, and it will also make legal many operations that are now going on under the present administration of the Act, and I feel that it would be wiser for us to have a look at the Bill and then use the appropriate time on the Second Reading to discuss any matters that are worthy of further discussion. At this stage we are quite happy to leave further comments until later.

Motion (Mr. Tooth) agreed to.

Resolution reported.

FIRST READING

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

AUDIT ACTS AMENDMENT BILL

INITIATION IN COMMITTEE

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

Hon. G. F. R. NICKLIN (Landsborough —Premier) (2.31 p.m.): I move—

"That a Bill be introduced to amend the Audit Acts, 1874 to 1965, in a certain particular."

Briefly, the Bill provides for an increase of $1,058 a year in the salary of the Auditor-General. As hon. members know the Auditor-General is responsible to Parliament and is not an officer of the Public Service. Consequently, because of the statutory provisions in the Audit Act, his salary can be adjusted only by Parliament. Under the recent variation of the Public Service Award, approved by the Industrial Conciliation and Arbitration Commission of Queensland, the maximum increase granted to the highest salary prescribed under that award was $1,038 a year. It is proposed that the salary of the Auditor-General be increased from $10,698 a year to $11,756 a year, or an increase of $1,058.

Prior to 1953, the salary of the Auditor-General was not subject to basic wage adjustment. In legislation passed since 1953, provision has been made for an annual adjustment as from 1 July each year according to the increase or decrease in the basic wage over the preceding 12 months. That provision is continued in the Bill.

Increases under the Public Service Award operated as from 23 May of this year and it is proposed that the increase in the salary of the Auditor-General should also take effect as from 23 May of this year.

Mr. HOUSTON (Bulimba—Leader of the Opposition) (2.33 p.m.): The Opposition will not oppose the introduction of the Bill, but will make a close study of it when we receive a copy. I do not think anyone wishes to deny any officer of the Public Service his right to receive a just salary for his efforts on behalf of the State. By the same token, we do not believe that he should lose his relativity with other officers employed by the State whether in regard to salary or other privileges. At the same time, however, we consider that, at some stage, there should be a complete review of the relativity of wages of some of our officers. It seems strange that those with higher responsibility than officers in the lower wage structure should receive a greater amount than the latter officers as a result of a court judgment granting an increase based purely on a rise in the cost of living and other associated factors. Principles are involved, and members of the Opposition would like to study the matter of relativity, so we reserve our main comment until the second-reading stage.

Motion (Mr. Nicklin) agreed to.

Resolution reported.

FIRST READING

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

AGRICULTURAL CHEMICALS DISTRIBUTION CONTROL BILL

SECOND READING

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (2.37 p.m.): I move—

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

I think it would be fair to say that the objective of this Bill has the general support of hon. members. The main concern expressed related to particular provisions. Some hon. members expressed the view that the widening of some of the provisions may be desirable; others sought explanations of some of the proposals contained in the Bill. Many of the points raised no doubt have been clarified now that members have had an opportunity to study the Bill.

Since I introduced the Bill I have given further consideration to some aspects and there are a few amendments I shall be moving. They arise largely out of suggestions made during the introductory debate. Those suggestions were most helpful. As I have intimated previously I am ready to listen to any good suggestion made by any hon. member on either side of the Chamber. Some of the amendments are minor drafting ones. Some amendments are consequential on changes in other clauses. I shall formally move the amendments later on, but in the meantime I feel that members should be informed of their effect.

One of the main changes is that the decision on suspension or cancellation of a licence under clause 21 should rest with the Minister on the recommendation of the board rather than just with the board.

The second one is that under clause 22 the appeal should be from the Minister to a court rather than from the board to the Minister. There is no doubt some virtue in avoiding litigation costs, but I personally do not like appeals being made to a Minister. I am happy to adopt the suggestion that the appeal should be made to a court. In this case I propose that any operator whose licence is cancelled or suspended by the Minister on the recommendation of the board shall have the right of appeal to a district court judge or a magistrate.

Another main change concerns inspection powers. These are dealt with in clause 34. The clause provides that an inspector may enter and make any search for spraying equipment. The change proposed is that provision be made requiring an inspector to obtain a warrant before entering a private dwelling without the consent of the owner to search for spraying equipment.

On the same subject, I propose to adopt a suggestion that the provision in clause 40 regarding the right to refuse to answer questions if the answers will incriminate be transferred from clause 40 to clause 34. This will clearly relate it to the inspectors' powers to require answers to questions, and will avoid possible confusion regarding the rights of anyone being questioned.

The only other amendment of any consequence will be in relation to the constitution of the Agricultural Chemicals Distribution Control Board in clause 8. I propose to provide here that one of the members nominated by the Minister be a person well versed in aerial distribution matters. This could have been done simply in the process of appointment, but perhaps it is better to have a specific provision in the Bill itself.

The changes that I have mentioned are the only major ones, and I propose now to run over the main points that may not be readily apparent from a quick reading of the Bill and, in doing so, deal with the points raised by hon. members at the introductory stage.

A good deal of emphasis was placed by members on the need for compensation to farmers who suffer damage. An important function of the Bill is to provide the means whereby they may recover for damage or injury. Perhaps an even more important function of the Bill is the attempt to prevent damage occurring. The Bill could be summed up by saying it is mainly designed to prevent damage from aerial and ground spraying, and to make it easier to obtain compensation if some damage should occur.

The main methods by which prevention is to be achieved are—

(1) Licensing of the people who carry out commercial spraying;

(2) Providing for standards of efficiency for operations, equipment and chemicals; and

(3) Providing that commercial operators are knowledgeable in this field.

The methods sound very simple, but a lot of detail in provisions is needed to carry them into effect.

Let us look at the provisions concerning the first two points. Firstly, the operators, whether they are pilots or commercial ground operators, must be licensed. The Bill then makes it an offence for a licensed operator to use any agricultural chemical in his operations unless it is registered under the Agricultural Standards Act. The chemical used must also conform to the registered composition and be in accordance with the directions and recommendations of the Agricultural Requirements Board under the Agricultural Standards Act. This should give a very good measure of control.

The board consists of specialist officers of my department, and all such chemicals are thoroughly screened. To give members some idea of the thoroughness of the board's screening of chemicals, I might mention some of the aspects that they investigate. These include toxicity of the chemical, its formulation, its compatibility with other materials, and its persistence after application. In addition, rates and methods of application, and its ability to control specific pests, diseases and plants are studied. Registration is not recommended unless the chemical is efficient for the purpose claimed. Many aspects are considered, and I mention a few merely to illustrate that on the registration side there is very careful screening.

Whilst on the subject of agricultural chemicals, I should like to refer to the problem of toxic effect on humans. I think the hon. member for Mt. Coot-tha raised this point. Let me make it quite clear that

this is an agricultural Bill designed to provide for the effective control and the safe use of chemicals for agricultural purposes. It does not go beyond this purpose except to provide that in the case of reported damage an expert report is prepared by agricultural technical experts and is available as expert evidence in any action for damages. Agricultural chemical experts are not of themselves competent to certify to actual personal injury. This is a matter for medical experts In this regard, however, the expert report dealing with the use made of chemicals is, of course, available.

I repeat that the Bill is a first step forward and provides greater safeguards than have ever existed before. I might add that, because of the inclusion of ground spraying, it will provide greater safeguards than are provided in any other State.

Whilst on the subject of personal injury, perhaps I should refer to a matter raised by one hon. member during the earlier debate. He drew attention to some difference between the provisions of the Victorian Act and the Queensland Bill on the subject. I have had a further look at this aspect, and I draw the attention of hon. members to clause 25 (2) of the Bill. This concerns the policy of insurance to be taken out by the owner of the spraying equipment to cover claims for loss, damage or injury arising from aerial or ground distribution.

Mr. Bromley: Personal loss?

Mr. ROW: Yes. The hon. member will note that it covers claims for loss, damage or injury arising from aerial or ground distribution. It will be noted, too, that no limitation is placed on injury. It is not restricted to crops or livestock, and injury to human life is not excluded as far as recourse to the insurance cover is concerned. The normal recourse in law is available in cases of personal injury as it is in the case of damage to crops or livestock.

A further way in which safeguards will be provided is an insistence on the use of suitable equipment. In this regard, one hon. member expressed the view that the control of equipment in aircraft would be covered by the Department of Civil Aviation. That is not quite correct. The Department of Civil Aviation is concerned basically with the safety of the aircraft and the people in it. It is not directly concerned with the efficiency of equipment carried in the aircraft and used for agricultural purposes. That is where the Bill will come in. I have no doubt that the provisions in it calling for equipment to be of an approved type will eventually lead to improved equipment and better spraying results.

Now I turn to the third basic aspect of prevention of damage—education of the operator. During the debate at the introductory stage, several hon. members stressed the need for operators to have a sound knowledge of the materials they may be called upon to use. I mentioned at the introductory stage that the part of the Bill relating to aerial spraying is based on a uniform Bill drafted to provide a guide for all States. The whole matter was handled through the Australian Agricultural Council and, as a result of this Australia-wide co-operation, a chemical rating manual has been prepared for the instruction and information of pilots. The manual is regarded as one of the most complete publications of its type in the world, and I have a copy of it here. It is written in simple language and is available to all aerial agriculture operators and other interested parties. It covers the whole field, including the formulation and use of chemicals, hazards in their use, application techniques, equipment, weather effects, and medical aspects.

Clause 12 of the Bill provides that unless a person holds a commercial or senior commercial pilot's licence endorsed with an agricultural rating and also holds the prescribed qualifications, he may not apply for a pilot chemical rating licence. The prescribed qualifications will include a sound knowledge of the contents of the manual.

In addition, on the aircraft side, the Department of Civil Aviation has developed an agricultural pilot manual. This covers aerial aspects, such as operations planning, pilot techniques, air worthiness and weather factors affecting aerial agriculture. Hon. members will see that, on the educational side, the pilot will be required to be extremely knowledgeable, and this is a big step forward.

The position as far as ground spraying is concerned is not so far forward. It is intended to prepare a ground spraying manual dealing with herbicides, and planning of the manual is under way. Commercial ground-spraying operators will have to pass a test to ensure that they are adequately informed.

I have dealt briefly with the three main measures being used to prevent damage occurring. Before turning to specific questions of machinery, I wish to make a few comments on the question of compensation.

Members will have learnt already from the debate at the introductory stage and their perusal of the Bill that the intention of the Bill is to ensure that the owner of the spraying equipment is financially capable of meeting claims for damage or injury. For this purpose, he must carry adequate insurance cover. It is no good providing elaborate mechanism for proving damage if no funds are available to meet claims.

I would repeat that under clause 25 of the Bill an aerial operator will be required to have a policy covering each aircraft to the extent of at least $30,000. These policies will be available to cover damage arising anywhere in Australia. There is a fair amount of movement of spraying aircraft across State borders and the fact that the policy is Australia-wide will give full protection without involving interstate operators in any unnecessary additional expense.

In the case of ground-spraying operators, the amount of insurance cover will be fixed by regulation. This will need to vary from place to place as well as with the scale of operation.

During the introductory stage I dealt at some length with the mechanics of claiming for damage. In regard to establishing the extent of damage reliance is placed on three factors. The first is the keeping of records by the operators. This will facilitate identification not only of the operator involved, but of the chemicals used in a particular area and the date on which they were used. Secondly, there is provision for early notification of damage by the claimant. Hon. members may recall that, in the case of crops, the time limit is fourteen days after damage is suspected and, for stock, two days. The Bill restricted the right of a claimant to the courts unless he had given the requisite notices.

Under the redrafted clause 31, however, hon. members will note that the right of any person to bring a civil action is not now restricted. The effect of this amendment is that unless the requisite notices have been given, the expert evidence of the department will not be available, except where directed by the court.

Thirdly, there is the provision for inspection. These three measures provide the real basis for detection of damage, its extent and its cause. The procedure for sifting all the information collected has been spelled out before. Briefly it consists of the Standards Officer furnishing reports to the Agricultural Chemicals Distribution Control Board with his comments. The board then considers all the information and makes a statement on the alleged damage which may be availed of by the parties to any dispute.

Before I finish, there are a few particular points raised by members on which I would like to comment. One of the main ones is the use of private planes. Clause 12 is relevant here. This clause provides that unless a person holds a commercial pilot's licence and has the prescribed qualifications he cannot hold a pilot chemical rating licence. Under clause 25 the owner of an aircraft distributing chemicals must hold the prescribed insurance policy to cover any damage to adjacent properties. Clause 37 provides that an aircraft may not be used for aerial spraying unless the aerial spraying equipment is registered and a policy of insurance under clause 25 is in force. Clause 39 prohibits the carrying out of aerial distribution unless the pilot in command of the aircraft holds a pilot chemical rating licence. This would seem to provide ample coverage.

It means in effect that except in areas exempted from the provisions of the Bill no person can carry out aerial spraying of any property unless he holds a commercial pilot's licence issued by the Department of Civil Aviation and holds a pilot chemical rating licence issued under this Bill.

I might add that the Air Navigation Regulations distinguish between private and commercial operators in agricultural work. They class private operators as those who use their aircraft only on their own properties. Anyone who carries out agricultural operations over someone else's property is classed as an aerial work operator. Under regulation 126 of the Air Navigation Regulations no pilot is allowed to drop anything from an aircraft except in the course of agricultural or other operations for which prior approval has been obtained from the Director-General of Civil Aviation.

A further point has been raised in relation to the jettisoning of agricultural chemicals. The Victorian Act contains some reference to this. At the time the Queensland Bill was drafted this aspect was given full consideration. The Department of Civil Aviation has very strict rules and procedures covering jettisoning of any material from an aircraft. They cover the position very well and it is unnecessary for my department to come into this matter. At present, a pilot has to prove to the Department of Civil Aviation that jettisoning was necessary in circumstances of emergency. I think we should leave that one to the experts in that field.

Another point made at the introductory stage was that an operator might get careless if he knew that all claims would be met by insurance. This is most unlikely. If an operator offended too often I think he would very soon find it impossible to get the necessary insurance cover.

The Bill also contains provisions for suspension or cancellation of licences. These provisions would enable us to deal with persistent offenders.

The hon. member for Mt. Coot-tha raised the question of application of the Bill to local authorities. He quoted from section 41 of the Local Government Acts and suggested that there was some conflict between that Act and the present Bill. I have had a look at this section and I do not think there is any conflict. The provisions there relate to the particular property that local-authority officers have to enter to destroy noxious weeds where the owner of the property has failed to do so. The section simply provides that the Minister or the local authority is not liable for any loss or damage caused on that property as a result of action taken in these circumstances. Even in this case, however, reasonable precautions must be taken.

The hon. member for Townsville South sought a definition of the areas likely to be exempted from the operations of the Bill. These areas have not yet been determined in detail. The immediate guiding principle, however, will be to exempt purely grazing areas where agriculture or horticulture is not practised. The aim is to avoid any unnecessary restrictions. The proposed Agricultural Chemicals Distribution Control Board will examine the whole question and make recommendations in due course.

I think most hon. members appreciate that agriculture is expanding in Queensland and that changes may be necessary from time to time. I have tried to cover all the main points raised during the introduction.

As I have said before, we are breaking new ground with this Bill. However, I feel that it deals adequately with first principles in this new field of legislation. At this stage we do not seek to go beyond this.

Mr. O'DONNELL (Barcoo) (2.58 p.m.): I must commend the Minister on his excellent presentation of the Bill because, as he admits, it is a venture into a new field. Also, I welcome the amendments that have been brought before the House. The Bill, together with its amendments, is a very good approach to a very difficult problem. I know that more problems will arise as a result of experience gained in the future, but I sincerely hope that as the Bill is implemented—and we know that it has to be implemented slowly, as we have to be sure that each step taken is sound—it will achieve the aims that are so worthy of achievement for the increase of food production in this State.

In looking at the Bill I am adopting an approach that is, perhaps, a little different from the Minister's approach. I regard this Bill as extremely interesting in that it introduces the principle of third-party insurance to cover primary producers so that they will be assured of obtaining compensation for damage done to their crops by the aerial or ground spraying of agricultural chemicals.

When we first heard the Minister, and perhaps when we superficially read the Bill, we felt that this third-party aspect of it would apply only to commercial operators; that it would not be applicable in any way to private operators whether they were engaged in aerial spraying or ground distribution. I know that ground distribution is limited to herbicides and I do not wish to repeat that from now on.

When I examined the Bill thoroughly, after going through the clauses dealing with these items I found that it provided for a pilot chemical rating licence, and indemnity for loss occasioned by commercial distribution in which there is a specific reference to the insurance policy. It is also an offence to use aerial equipment that is not registered. Again there is reference to the insurance policy. There is also a prohibition of aerial or ground distribution by unlicensed persons. I should like the Minister to confirm the view that any private aerial operator has to fulfil every requirement that a commercial aerial operator has to fulfil.

Mr. Row: That is right.

Mr. O'DONNELL: In other words, he has to take out insurance cover just as the commercial operator has to. That is a very wise provision.

However, in the case of ground distribution I do not know whether that provision applies. There are certain things which seemingly debar a private ground operator from taking advantage of the insurance scheme.

Mr. Campbell: Is it available?

Mr. O'DONNELL: It is available, under certain conditions.

It would be advisable for the private ground operator to take out a commercial operator's licence if he could do so. I notice that in one clause relating to ground distribution there is a provision by which the operator has to be qualified to take out a licence. I do not know what the qualifications will be, but that could be a factor in debarring a ground operator from taking out a commercial operator's licence.

Mr. Row: We are providing a manual for chemical spraying by ground operators.

Mr. O'DONNELL: I think it is essential for all operators to register as commercial operators so that they may have the advantage of taking out third-party insurance cover. That will afford great protection to themselves as well as to the people who may be the victims of aerial spraying or ground distribution, whether in the physical sense or the material sense, by damage to crops.

That was the essential point I had in mind concerning the Bill: is it applicable in its protection not only to commercial operators but also to private operators? I have revealed, as a result of my research, that it applies to the private aerial operator, but there could be something that would debar the ground distributor from taking advantage of this essential protection. Anything that helps to protect primary producers in this way is advantageous.

I know that the Bill is very comprehensive and that an effort has been made to cover virtually every aspect we can envisage from the point of view of agricultural chemical distribution. Therefore, if it can succeed and afford the primary producer and the commercial operator this added protection, something worth-while will be achieved. I should like the Minister to look at the question of what would debar a private ground distributor from qualifying as a commercial operator. I do not suggest that primary producers go out as commercial operators, but commercial ground operators would be few and far between. The advantage of this insurance cover is very important.

When I was looking at clause 6—"Meaning of Terms"—it struck me that "relative" has been narrowly applied. It does not include an uncle, an aunt, a nephew, or a niece. It keeps to the strict family line.

Mr. Row: It is a blood relative.

Mr. O'DONNELL: Yes, a close relative. But there is no reference to a de facto wife or husband. I am not putting a case for such

people, but we know that they exist. In some instances, they have to be included in these matters.

I think the definition of "stock" has been treated a little facetiously.

Mr. Row: You have the inclusion of "bee" in mind?

Mr. O'DONNELL: No, I am not worried about that. I am worried about the omission of the important cattle-dog or sheep-dog. Everything down to a bee is regarded as important, but the cattle-dog and the sheep-dog do not even rate a mention. They are valuable assets on a property. I know there is power to add, but it seems that old "Bluey" did not receive any recognition.

The Bill deals with the Agricultural Chemicals Distribution Control Board. That is a bare statement of fact. The clause provides for five appointees of the Minister for Primary Industries and two appointees of the Minister for Lands. But there is no statement of the qualifications required. The foreshadowed amendment covers one aspect of this. It is good that we have a general outline of the people who are to hold positions on the board, but there should be some statement of the qualifications that are required, or perhaps their departmental or industrial status.

The regulation of licences has been well stated and set out. As the Minister said, there will no longer be a right of appeal to him; the proposed amendment provides a right of appeal to a Magistrates Court or a District Court. All of these things have been well planned.

One aspect completely omitted from the Bill is the compensation that should be paid to a person whose licence has been wrongfully suspended, refused, or cancelled. Why is it not set out in the Bill? Why should a commercial contractor, who may have an enemy somewhere who puts in an unfavourable report, be placed in the invidious position of having his licence cancelled or suspended without having the right to obtain compensation? I think that is important. The deferment of a licence for a month, for example, could mean to the contractor the loss of three or four substantial contracts, and the Bill provides no means for the recovery of compensation.

I know very well that a section of hon. members is very concerned about the powers of inspectors. It is good to see that that part of the Bill has been interpreted more fully. The freedom of the subject concerns us all. I know, however, that if all the inspectors needed in this world were employed, every second person would be an inspector. It is therefore necessary to depend a great deal upon the integrity of a community. References to matters of entry immediately bring to mind thoughts about a police State.

Unfortunately, those who frame legislation are caught between two fires. If maximum protection is given to the individual, is it also being given to the criminal? Fortunately, in matters concerning the land, with the possible exception of some incidents with stock, there is very little dishonesty and almost 100 per cent. thoughtfulness among neighbours in a rural community. Whilst the amendments proposed will certainly tidy up the Bill and make it perhaps a model piece of legislation, I sincerely hope that they will not protect the person who, through sheer stupidity, causes great damage to others by not following what the Standards Officer requires in the use of agricultural chemicals.

The necessity to obtain a search warrant means, I suppose, that two or three people will have to go to inspect a property. One will have to go for the warrant, whilst the other two stay with the person concerned to see that he does not dispose of the goods that he is suspected of having. All of these things raise problems.

Although I have not much more to say, there are one or two clauses to which I wish to refer. One concerns faulty or defective equipment, and another makes it an offence to use certain ground equipment, which brings in private ground operators. As I said, if the equipment used by the private ground operator is brought completely under the control of the Act, that should encourage him to become a licensed commercial operator in order to protect his own interests.

Finally, I thank sincerely Mr. Peel, the Standards Officer of the Department of Primary Industries. He has shown me every courtesy in my research on the Bill before the House, and he did me the honour of mentioning what I said at the introductory stage relative to a National Standards Organisation at a recent convention of agricultural chemists in Canberra. I thank him for that compliment.

I hope that the implementation of the provisions of the Bill will be to the satisfaction of the Minister and the officers of his department, and also to the satisfaction of commercial as well as private operators. I hope there will be a minimum of trouble in the implementation of the Act and that the Minister will be proud to say that he was the first to bring legislation of this type before this Assembly.

Mr. MULLER (Fassifern) (3.17 p.m.): In examining a Bill such as this, the first question that arises is the need for it, because I think it is generally admitted that the Minister proposes to take rather wide powers. In my opinion, the position is so serious that something must be done about it.

First, it must be realised that conditions of farming have changed very considerably in the last 20 years. As a result of those changes, it has become necessary for Parliament to confer wider powers on the Minister.

There are diseases in plant life today that were unheard of only a few years ago; attacks are being made by various insects of which very little was seen in days gone by; new types of weeds have developed. I am not really competent to express an opinion on the whys and wherefores of those changes, but I am of the opinion that, at least in some cases, the power of plant life to resist attacks by various diseases decreases as the fertility of the soil declines. When the soil is fresh, good plants and good grasses will grow; as the fertility of the soil declines, rubbish and weeds creep in and then various insects appear. Something has to be done to eradicate them. I forecast that within the next few years it may be necessary to amend the provisions that are now being introduced. I am not prepared to state that categorically, but so many difficulties are arising that the Government will have to watch its step and see where it is going.

Aerial spraying is something quite new, although ground spraying with knapsacks has been carried out from some time. In my district, in which farming is intensive, a boom spray is used, and most of the farmers are obliged to use it very extensively and spend a considerable amount of money on various chemicals. If they did not, they would go out of business. However, when it becomes necessary to spray weeds in country that is difficult to cover on foot or in a vehicle with conventional propulsion, one has to go aloft.

After one gets aloft, there then arises the question of what happens with the chemicals that are released in the air. It would be very difficult for anyone even to express an opinion on just what damage has been done, but many people think they have suffered rather severe damage as a result of the drift of these chemicals. They may be right or they may be wrong. but I base my opinion on what has been happening over the last 10 or 12 years.

During my ministerial experience I watched this matter very closely. I thought first about the need to do something about it. Some of the weeds cannot possibly be handled by knapsack or pump spraying, and one must get into the air to do the job. After that was done, what happened? The shire covered by the electorate of the hon. member for Cooroora and some of the adjoining shires were faced with the problem of eradicating weeds, and after the job was done some people were very critical. They said, "Whilst you did some good destroying weeds, you also destroyed valuable crops." We have now reached the position of having to do something about this.

As I said in the introductory stage, I compliment the Minister and his officers on the very close examination made of this matter before the Bill was introduced. I realise that some of the provisions perhaps convey very wide and strong powers, but I feel that most of the difficulties that might arise are being avoided.

First of all—the Minister has made this very clear at both stages—no-one will be permitted to engage in operating these planes unless he is competent to do the job. I think that is very important. The board that will be appointed to examine the credentials of these people is also an important matter. If anyone was entitled to a licence simply because he could fly a plane it would be a different matter, but the board must first of all be satisfied that these operators are suitable persons for this job.

However, after that is done and a person is licensed, even though he may be the most careful man in the world he may run into some difficulty after his plane is aloft. He first decides that the weather is suitable to release the chemicals, but no-one knows how the weather may change and within moments there may be a change of wind or a strong wind may spring up and the chemicals could be carried to neighbouring areas. The Bill makes provision against such accidents, because each of these planes must be insured. No insurance company will insure an irresponsible person. Therefore, I think that the precaution that has been taken in this respect is really wonderful.

Even in the case of any mishap or loss of crop, which could be serious or only incidental, we still have to get down to the question of assessing the damage. I feel that this is a very important point. It was the assessing of damages that baulked me when this matter was submitted to me eight or nine years ago. I think it will be a very difficult thing to assess damage. People will make claims at times which in their view cover severe damage, whereas in fact the damage may be slight.

I think that this authority that is being appointed will have a very difficult job to do. Nevertheless, it will get somewhere near to assessing the actual damage. First of all, those appointed to it must be experts in this class of work; they must know something about plant life and be able to determine whether any damage has resulted. If they think it has, they must then be able to assess just how it has been caused.

Suppose we say that this power is too wide; what right have I or anybody else to go up in an aircraft and spray out chemicals regardless of where they might land? The question that we have to ask ourselves today is: what are we going to do about it? In my opinion, there is no alternative. When there is an attack on crops by "wogs" and grubs, such as we frequently have in Queensland—and when I say "frequently" I mean that nearly every year our wheat, barley and other crops are attacked by these pests—unless something is done very quickly about getting on with the job of destroying them it will be too late and the crops will suffer before anything can be done about it.

If this spraying has to be done either by hand or by a boom-spray it will be altogether too slow, but the aerial operators have told me that if they can get a clear go they can spray in the vicinity of 1,000 acres a day.

This spraying has been so effective over the last few years that they have been able to prevent any outbreak of attacks by "wogs". Something has to be done urgently, before it is too late. Those are the main points I wish to make.

When legislation is introduced there is always someone, sometimes in Parliament and sometimes outside Parliament, who turns up and tells us what we might do with offenders and asks what right we have to give ourselves the power to enter someone's property and demand all kinds of things. On the other hand, we have to examine the damage that some unscrupulous people can do if they are not controlled; so that I think that whatever power the Minister has taken to deal with offenders is absolutely necessary. We have to realise that the introduction of drastic legislation is aimed at unscrupulous persons only, so that anyone who is prepared to co-operate with the department or with his neighbours need have no fears. But when someone is trying to take an unfair advantage, Parliament has to use very wide powers to deal with him.

After having watched aerial spraying over a period of years and having seen some of the great advantages that it offers, as well as some of the dangers that are encountered in operating it, I would say that this is an excellent start. Do not let us come back here next year or the year after and say, "I told you so. There were weaknesses in the Bill". Let us do something in relation to this very difficult job, and to those who criticise the Bill let me ask, "What is the alternative?"

Mr. WALLIS-SMITH (Tablelands) (3.28 p.m.): Through the Bill and the numerous amendments, the Minister has earnestly tried to achieve what he wants to achieve.

The Agricultural Standards Act makes provision for the mixtures of chemicals that are to be used. Also, the label on every container gives the information that is necessary for the correct mixture, so that the owner, in his small way, is afforded ample opportunity and time to mix these chemicals thoroughly and correctly according to the required strength; but I wonder if sometimes an aerial operator who is racing against time and weather will be as careful as perhaps he should be. Once a crop is sprayed it is far too late to do anything if it is found that a stronger solution than necessary has been used, especially if it has been used with devastating results. I would hope that the Minister can find some way of bringing this fact home to those people who may not understand the position or who would not be quite sincere in seeing that they carry out the law to the letter. I have seen many instances of entomologists giving lectures and of saying many times during those lectures, "Please mix the solution in accordance with the directions."

That is very important. It is also important in the case of ground distribution. Recently, local authorities have been spending a lot of money on destroying weeds growing on the roadside. They are using money allocated to them to buy chemicals, which they have given to workmen to use with machines. It would be quite easy for such workmen, in haste, or even in ignorance, to overlook the fact that these are dangerous chemicals.

That is the only observation I wish to make. This matter is not covered by the Bill, but it is associated with chemical distribution and is closely related to what the Minister is trying to do, namely, safeguard crops so that they will not be destroyed. This is a way in which this could occur. I hope that, somehow, the Minister may bring to the notice of these operators, and other people using sprays, the necessity of being absolutely certain that the solution used is strictly in accord with the directions on the label.

Mr. LICKISS (Mt. Coot-tha) (3.32 p.m.): I am sure we all agree that this is experimental legislation. I commend the Minister for bringing it before us and for accepting the amendments that have been circulated. There will undoubtedly be teething problems associated with this legislation, as it is very much in the experimental stages. Early in the piece there will have to be a great measure of co-operation between the members of the Board and the aerial operators who, over a period, have perfected equipment that now makes possible the application, with more exactness, of agricultural chemicals distributed from the air.

This measure is a step in the right direction. It controls the activities of aerial operators in the distribution of agricultural chemicals, and the operations of ground commercial operators in the terms of treatment of herbicides. However, it does not control ground operators in relation to the distribution of insecticides or fungicides. The Minister emphasised that this was an agricultural Bill and did not afford any form of protection to human life. Yet the type of comprehensive insurance policy required to be taken out by an aerial or ground commercial operator apparently specifies—being unlimited—that that protection will be provided should a person be injured.

I wish to say a few words concerning protection against injury to persons by these chemicals, and in doing so I should like to incorporate in "Hansard" certain questions asked by me and answers given by the Premier and the Minister, to point out some of the difficulties that are likely to be incurred in the effective policing of this measure.

First, I quote from "Hansard" of 9 November, 1966, Question No. 6—

"AERIAL CROP-SPRAYING WITH DANGEROUS POISONS

Mr. Lickiss, pursuant to notice, asked The Premier,—

(1) Is he aware of a report in 'The Courier-Mail' of November 8, 1966, headed 'Pilot was Twice in Danger of Death', which stated that the crashed plane was

carrying a pesticide, Parathion, an organophosphate compound, described as being one of the most dangerous poisons used in agriculture?

(2) As aerial spraying of such substances could cause a grave risk to human, animal and bird life and the destruction of valuable insects, will he take the necessary action to prevent this insecticide and any other chemical compound or substance which could prove hazardous to life from being distributed from aircraft?

(3) Will he investigate and publicise the effects on human, animal and other life of all herbicides and pesticides permitted for use in Queensland and the form of application and precautions recommended?

Answers:—

(1) 'I have seen the report referred to by the Honourable Member.'

(2 and 3) 'I am informed there is no grave risk to the community from the spray as used in the diluted preparation for spraying by machine or from the air. Employees associated with the spraying are exposed to an occupational hazard if they do not carry out the recommended precautions of which they should be well aware. The Director of Industrial Medicine has given many lectures to various groups and has had articles published in the daily Press as well as trade journals such as the 'Fruit and Vegetable News'. In addition, the Queensland Health Education Council has circulated pamphlets on pesticide precautions throughout the State. The diluted preparation, when used in aerial spraying, is not a hazard to animal and bird life. It does, however, cause the destruction of economic insects as this is the purpose of spraying but in so doing destroys any other insects which are also present. It is not proposed to take any action to prohibit the use of Parathion or other insecticides which are used at present because under recommended conditions they do not present a hazard and are inseparable from the economy of agriculture. The Agricultural Chemicals Distribution Control Bill, of which notice of introduction has already been given to the House, makes quite adequate provision to control or prohibit the distribution by aircraft of any agricultural chemical which may be considered to be dangerous when so distributed.' "

I followed that question with another one on Tuesday, 22 November, 1966, which reads—

"AERIAL SPRAYING OF PARATHION INSECTICIDE

Mr. Lickiss, pursuant to notice, asked The Minister for Primary Industries,—

(1) Is the insecticide Parathion registered under the Agricultural Standards Act for distribution by aircraft?

(2) If the insecticide is not included or is excluded for such distribution, what dilution of the active constituent with appropriate solvent is specified for agricultural purposes?

(3) Is it feasible or practical to distribute this insecticide in the specified dilution from aircraft?

(4) If not, and evidence is available that the insecticide has been and is being distributed by aircraft, are the specifications laid down in the Act being complied with?

(5) What action can be taken against aerial operators distributing this substance in cases of obvious defiance of the specified dilutions?

Answers:—

(1) 'Parathion preparations are at present registered under the Agricultural Standards Acts, 1952 to 1963 for sale in Queensland for use in agriculture, horticulture, and viticulture without reference to particular methods of application.'

(2) 'The recommended dilution rate for these preparations is one pint of a 50 per cent. concentrate in approximately 600 gallons of water.'

(3) 'These preparations could be used for distribution by aircraft at the dilution rates recommended.'

(4 and 5) 'The Agricultural Standards Acts, 1952 to 1963 relate to the sale of Agricultural chemicals, not to their use. Because of this no action can, at present, be taken by my Department with respect to the use of any agricultural chemical distributed by any means. As was pointed out by the Honourable the Premier in his reply to a pertinent Question by the Honourable Member for Mt. Coot-tha on Wednesday, November 9, the Agricultural Chemicals Distribution Control Bill now before the House provides for the prohibition or regulation of the use in aerial and ground distribution of any preparations containing agricultural chemicals.' "

I shall deal with certain aspects of those questions and express my feelings on the difficulty that will be experienced by officers of the Department of Primary Industries in implementing legislation such as this.

First of all, it is said that the insecticide parathion can be distributed by aircraft at the dilution rate recommended, which is 600 gallons of water to one pint of 50 per cent. active constituent of parathion. Most tanks used in aircraft for holding the chemical being sprayed average approximately 100 gallons, which means that to spray one acre with 600 gallons an aircraft would have to take off and land six times. That could not be done in much less than an hour, especially if there was any great distance to travel between the airfield and the land being sprayed. It costs approximately $50 to $60 an hour to operate an aircraft, and the contract rate normally quoted for agricultural spraying is about $2.50 an hour. This therefore suggests that whoever is carrying out this type of spraying is not following the formula recommended for aerial spraying as specified in the answer

provided by the Minister. It means in effect that the aircraft is probably spraying a mixture of approximately 3 gallons of water to 1 pint of the active constituent, and that is a deadly mixture.

In ground applications, I do not think it is uncommon to see mixtures used of between 20 and 40 gallons of water to 1 pint of the active constituent, whilst the recommended specification is 600 gallons to 1 pint. I know that there are what are termed "shot-gun mixtures" that are certainly not recommended by the department. There are, for instance, mixtures of DDT and endrin and three or four ounces of 50 per cent. parathion to the tank. These mixtures are not recommended because one of the aims in control is to keep it specific; the endeavour is to make it selective and not annihilate everything in the field. At the moment, the methods being followed are not in the interests of the public and certainly constitute a grave danger to human health and life. I strongly recommend that the Standards Branch of the Department of Primary Industries prepare formulas with specified dilutions for sprays distributed from aircraft. As it stands now, with all the best will in the world I do not think that the final dilution can be controlled.

The Bill at least provides a certain measure of control over spraying from aircraft. So far as ground equipment is concerned, it deals only with weedicides and herbicides. A person can pump 40 gallons, or even 20 gallons, of water mixed with 1 pint of the active constituent from a knapsack spray or boom spray, or by any other means, and for this type of spraying there is no control under the Bill. I agree with the hon. member for Barcoo that if an attempt is being made to control the distribution of agricultural chemicals the control should be complete. If a person is spraying from an aircraft with 2,4-D in the vicinity of a cotton patch, a local farmer could stand up with the wind behind him and pump a bit of 2,4-D and he will knock his inferior cotton crop immediately. This has been quite evident in New Zealand and other places where aerial spraying is carried on to a greater extent than it is here. Where chemicals are being sprayed and someone is brave enough to bring an aircraft in, everyone waits for it to come and then begins ground-spraying, because the risk then will be taken by the person using the aircraft.

If the distribution of agricultural chemicals is to be controlled, it should be controlled completely, not sectionally. I am prepared to say that, in the interests of the protection of the people, it should be an offence for anyone to use or distribute agricultural chemicals other than in conformity with the specifications laid down by the Agricultural Standards Act A private farmer may act stupidly—I have seen it happen on farms adjacent to my own—when something goes wrong. He might spray a field and not get the kill he requires, so he doubles the mixture. He then becomes the conveyor of a lethal product. That happens because the person concerned does not have any basic knowledge of agricultural chemistry, and I think it should be laid down rigidly how a farmer may make up a mixture to be used in the fields.

Mr. Walsh: How do you overcome the problem in cases where he doubles the strength?

Mr. LICKISS: I think he should have to keep records. Then he would know and everyone else would know.

Mr. Walsh interjected.

Mr. LICKISS: I think that is fair enough. If aerial operators are to have their operations controlled completely and ground operators are to have their operations controlled specifically in relation to weedicides while private operators can go their own way, in effect that is taking only half a bite of the cherry, and I do not think that half a bite of the cherry will achieve very much.

I notice in the amendments that are to be put forward at the Committee stage that the Minister has accepted that he should have power to cancel a licence temporarily on the recommendation of the board, but that an appeal will lie to a judge or a magistrate under the normal course of law. I think that is a very worth-while precaution and I am sure it will be welcomed by people outside this Chamber.

Those of us who have done a little bit of flying are very interested to see that someone experienced in aerial application will be a member of the board. There are many variables in the aerial application of chemicals, and I notice that provision is made in the regulations to control the droplet size. Only time will tell whether some controls are necessary, and I point out to the House that the rate of application is controlled by a combination of three district variables: firstly, the size of the nozzle; secondly, the ground speed of the aircraft; thirdly, the pump pressure, which usually is regulated from the cockpit of the aircraft. In normal spraying conditions at, say, 4 o'clock in the morning, the type of application is vastly different from that used at, say, 10 o'clock in the morning or 3 o'clock in the afternoon, when air conditions have changed. This has been proved by aerial operators in spraying over a number of years. I congratulate the Minister on accepting the amendment to ensure that the board will contain one person well qualified in the field of aerial spraying.

I suggest to the Minister that the aerial operators would know far more about equipment than would any member of the board. However, I believe that, in co-operation and partnership with the industry, the board will be able to assist those who come into the industry at a later stage. I hope this will be done more in a spirit of co-operation than by exercising control.

There are various other matters that have been mentioned in connection with the way in which evidence shall be taken. Again this will be covered more in the Committee stage of the Bill. I know that we welcome this and other amendments which the Minister has circulated and which he intends to move.

However, in all these matters I think the greatest necessity for success of the legislation will be the co-operation of the public, and again I make a plea to the Press and all those who control the media of communication to alert the public to what is provided in this legislation. It is a bold step forward —a step that should have been taken years ago—and I congratulate the Minister on the way he has introduced the Bill.

I feel that from time to time many matters will require a critical examination which will probably eventuate in an amendment of the legislation. Aviation and aerial application of agricultural chemicals was in its infancy just after the second world war. It now has its stripes. That is acknowledged by the Department of Civil Aviation, because it is now giving more recognition to and relaxing the controls on aerial operators. It is now an accepted industry, and I believe that in other parts of the world the aerial application of chemicals has manifestly increased agricultural production in the particular areas. It is a method by which a plague can be virtually dispersed in a very short time.

The hon. member for Fassifern mentioned insect plagues and the rapid way in which an aircraft can deal with them. In the event of a plague, I believe that an aircraft can sometimes spray in excess of 35 properties at a time. Quite often a person employing the aircraft operator does not even see him. He takes off, does the job, and then flies on from one property to the next property.

We are engaged in a fight for the preservation of the species, and we have at all times to remember that in nature there must be a balance. I hope that with the administration of this legislation and the extra power I should like to see given to the standards officer who administers the Agricultural Standards Act, people do not overstep the mark. I hope we will not let these measures get out of perspective, because we feel that pests may be easy to control. At this stage, we still do not know what will be the long-term effect of some of the chemicals we are pumping into the air.

I again congratulate the Minister on the introduction of this measure and I look forward to discussing further matters in the Committee stage.

Mr. CHINCHEN (Mt. Gravatt) (3.54 p.m.): Earlier in the debate the Minister said that the hon. member for Mt. Coot-tha raised the possibility of conflict between the Local Government Act and this measure. He probably had his "mountains" mixed up because I was the person who raised that query, and I should like to pursue it a little further because I am not quite happy with his explanation. The Minister said there was no conflict. If that is the case, does it follow that local authority employees may enter my property for the purpose of destroying groundsel and may damage 3 or 4 acres of papaws, for instance, and that I have no claim against that authority?

Mr. Row: Of course you may claim.

Mr. CHINCHEN: If the Minister says there is no conflict——

Mr. Row: They are not forced to take insurance, of course.

Mr. CHINCHEN: I understand that the local authority and the Crown are bound by the Bill but the Local Government Act says quite clearly—

> "No action shall lie against a Local Authority, or the Minister, or any of its agents, servants, contractors, or workmen, for trespass or for any damage whatsoever caused by or in the consequence of such operations when carried out in compliance with this section."

That section applies in the event of a local authority going onto somebody's property and taking action to destroy noxious weeds. If damage is caused on my property or on an adjoining property, I feel that the local authority, of necessity, should have to pay compensation. It could be that the Bill will supersede the Local Government Act, but there is confusion because one says quite clearly that the local authority, or the Minister, or his agent shall not be liable for any damage caused by such operations. The operations are quite specifically stated. One is the use of poison on a property. To my knowledge, all the complaints that have been laid in the past have been against local authorities, and this has been a problem.

Mr. Row: They can go onto your property only to spray noxious weeds.

Mr. CHINCHEN: Yes; but under the Local Government Act they do not have to pay compensation for any damage they might do on my property or on an adjoining property, which means that that Act is in conflict with the legislation we are now discussing. Even if they come onto my property and destroy my groundsel they should still be subject to this new provision, not the section of the Local Government Act that says that they are exempt. This is the point I made earlier in discussing the Bill, and this is the matter on which I would like clarification.

Mr. Walsh: Wouldn't the local authority be obliged to comply with the provisions of this Bill in the spraying?

Mr. CHINCHEN: I would like to think so, and I would like to see the Local Government Act provision repealed so that there will be no confusion. It should be possible

today to pick up an Act and know with certainty that it is operative, not having been repealed.

Mr. Walsh: The Government does not envisage a local authority doing something contrary to the requirements of the Bill. I would not imagine that.

Mr. CHINCHEN: If the local authority or even the Crown itself is liable to pay compensation, that will be so; but there will be confusion if an inquiry is made of a shire clerk who is not quite sure of the position but who says, after consulting the Local Government Act, "Sure, it is your property; but that doesn't matter. We are on your land, but we are not liable to pay compensation." I think that is wrong, but that is what can be read into that Act; that is, that they are not liable to pay compensation. If this new Bill said, "Notwithstanding what is contained in the Local Government Act," the position would be clear.

Mr. O'Donnell: Who would be the culprit in the whole business? Would it be the man who originally did not conform to the regulations?

Mr. CHINCHEN: A neighbour could suffer damage, even when not involved at all. I would like to have this matter clarified, because there is confusion in my mind. If the local authority is the culprit, there will inevitably be confusion while one section says quite clearly that no action shall lie against it and the other says that it is obliged to pay compensation. The poor old farmer gets caught in the middle.

I am very pleased that the Minister has accepted the amendments, and I think that the Bill will operate successfully. There may be other problems, but I should like an answer to the question I have asked.

Mr. E. G. W. WOOD (Logan) (4 p.m.): I did not intend to speak on this occasion, but the hon. member for Mt. Coot-tha raised an issue that clashed with my ideas about the Bill. This matter was discussed fully at the introductory stage, and I did not think it would be raised again.

I should like to read the definition of "ground equipment" contained in the Bill—

> "Any machine or apparatus of any kind whatsoever other than an aircraft in flight used or intended to be used or capable of being used for the distribution of any herbicide."

The definition of "ground distribution" is—

> "The spraying, spreading or dispersing of any herbicides or any preparation containing any herbicide from ground equipment."

That means that the Bill controls agricultural chemicals of all types, including fungicides and insecticides, sprayed from an aircraft. It also controls any herbicides used in ground equipment. That is where it should be from where I stand, and that is where I will insist that it should be.

Hon. members must understand, as the Minister recently pointed out, that the small-crops industry operates under extreme difficulties and on a very small margin. Fungicides and insecticides are their lifeblood. There have been many comments about good red-soil land at Redlands, and at places nearer to Brisbane, being cut up for residential purposes. It has been said that this is a pity, but the loss of this land will be accentuated if any attempt is made to control the use of fungicides and insecticides.

Hon. members should also undertsand that, in vegetable and small-crop growing, if a crop requires spraying today, tomorrow is too late. With grapes, if it rains tonight, fungicide must be sprayed tomorrow. The same applies to a tomato crop; if the fungicide is washed off tonight, the crop must be sprayed tomorrow. Any attempt to interfere with the use of sprays by small-crop growers will be disastrous.

I cannot understand why the hon. member for Mt. Coot-tha dealt with the medium of distribution. From our discussions with the aircraft people I cannot see that it has anything to do with it. The important matter is the quantity used per acre; the aircraft sprays on the desired quantity per acre regardless of the amount of water used, so that no lethal dose can fall in one area. In regard to fogging machines and low-pressure sprays commonly used on farms, I point out that fogging machines use a mixture three times the strength of that used in low-pressure sprays, but the same quantity of fungicide, or spray, is applied per acre. I do not think the amount of water has anything to do with it.

I agree with the hon. member for Mt. Coot-tha that everyone should ensure that the quantity per acre does not exceed the quantity recommended by the Standards Branch. In tick areas we have seen a resistance being built up to parathion. In the small-crops industry, 10 or 15 years ago D.D.T. would take care of everything but in most ways it is useless today. We have to turn to parathion, endrin and similar chemicals, and resistance is even developing to them.

I agree with the hon. member for Mt. Coot-tha that the specifications recommended by the Standards Branch should be adhered to. As to the incident in which a man put parathion in a fogging machine at a rate of 20 to 1, he would not get to the other end of the row. Nobody would use it in that ratio. That is the only issue I wish to raise. I hope it will never be suggested in the future that there should be this type of control in the use of fungicides and insecticides.

Mr. WHARTON (Burnett) (4.5 p.m.): I wish to speak on this matter because it affects many people in my electorate. The measure is a sound one. This subject will

become more important following further development in the manufacture of chemicals and a good deal of progress in their aerial and ground distribution. Aerial spraying is becoming a recognised method of controlling various pests and plants throughout the State, and each day more people are using it.

This measure is a sound one because it will organise rather than control the use of these chemicals. We cannot adopt this method of distribution without having a suitable chemical. We must protect everybody as well as achieve control of these pests. There have been instances of chemicals being distributed at double strength. This has injurious effects. If chemicals are not applied at the correct strength, resistance to them can be built up.

Ground distribution is restricted to herbicides, whereas aerial spraying is not. The Bill covers aerial spraying, but not ground spraying of agricultural chemicals, a good deal of which is carried out in the citrus industry. Citrus farmers use long booms with 30 or 40 nozzles at 600 lb. pressure. They go down one row and spray half a tree and then come up the next row and spray the other half. They do a complete tree in two runs. Respirators and gas masks are not always used. The Americans are using contract spraying on a large scale in citrus orchards and other places. Therefore, there will be an increase in the use of that method in Australia. I should like the Minister to pass some comments on this matter.

In and around Bundaberg there are many hazardous areas where a plane could hit power lines, or get into trouble in some other way. Areas of cultivation are quite close to groups of houses and as the drift of the spray cannot be controlled, even in the early morning when there is little wind, a dangerous situation could arise. We must ensure that some form of control is exercised in those areas where there are definite hazards to crops and people living in closely settled areas. The Minister may be able to clarify what is meant by "hazardous area".

Mr. Row: Do you want a clarification of "hazardous area"?

Mr. WHARTON: Yes.

Mr. Davies: You should do a bit more study outside the Chamber.

Mr. WHARTON: If the hon. member did a bit more thinking outside the Chamber than he does inside it——

Mr. Davies: You are asking the question. I know the answer.

Mr. WHARTON: That's a lovely thought; I don't know what we would do without you.

Mr. Davies: Thank you.

Mr. WHARTON: I listened closely to the hon. member for Mt. Coot-tha. He appears to be something of an authority on this matter, and I appreciate his remarks.

Mr. SPEAKER: Order! I am finding it extremely difficult to hear the hon. member. I should like to hear him other than through the loud speakers.

Mr. WHARTON: Thank you, Mr. Speaker; I appreciate your attitude.

Many theories have been advanced in this matter, not only from one but from several sections of the community. Aerial and ground-spraying is a matter for practical co-operation, and the development of suitable equipment should keep abreast of the development of chemicals. We get far wide of the mark when we concern ourselves with technical details only in the theoretical sense. I have seen men stir chemical solutions with their hands and suffer no ill effects, whereas the smell is sufficient to upset others. There are differences in people as well as in crops.

Mr. Davies: That is very elementary.

Mr. WHARTON: I have a very elementary listener in the hon. member for Maryborough.

I feel that the Bill is a good one and is well justified. If the Minister clarifies "hazardous area" and includes agricultural chemicals in ground and aerial spraying, the Bill will achieve something for people in rural areas and primary industry generally.

Mr. MURRAY (Clayfield) (4.13 p.m.): The most welcome amendment proposed is the modification of the power of entry and search. This is extremely welcome, and I am sure that the House appreciates the Minister's attitude in this matter. I believe this to be a breakthrough, and a very important one indeed.

Although I do not know when this practice started—I think it goes right back to before World War I—the primary producer seems to have been singled out as a particularly evil wrongdoer, and legislators have used extraordinary methods to force their will upon him. One of the great dangers is that we become so obsessed with the necessity to do this that we are inclined to persuade ourselves that it is all that matters. We tend to persuade ourselves that we must fulfil, almost by using sledge-hammer methods—

Mr. Walsh: Do you agree that these powers may be justified in certain circumstances?

Mr. MURRAY: I will come to that. I am very glad that the hon. member for Bundaberg raised that question, because there are many conflicts and problems in this matter. It is easy to persuade ourselves that that is all that matters, and one can very easily subjugate individual rights and freedom to secondary status. That is a very serious danger indeed.

Hon. members may get rather tired of people speaking about individual rights—it may sound rather like an academic argument from a university professor—but there is no doubt that the encroachment on those

rights must be watched very carefully. The danger is that, sooner or later, the people who are enforcing the law—whether they are inspectors or other people clothed with powers—identify their own interests with those of the State. When that occurs, the freedom that we all, in a general sense, value is endangered seriously. This question has been discussed time and time again, I know, and I welcome the acceptance by the Minister in charge of the Bill of the need to modify powers that have been conferred during times of emergency, and for specific purposes in times of not-so-great emergency.

I believe that this quotation from a speech made by William Pitt is a very good and relevant one—

> "Necessity is the plea of every infringement of human freedom. It is the argument of tyrants; it is the creed of slaves."

I think that is worth putting on record. In the name of necessity, by granting these extraordinary powers in Bill after Bill over the years, we have done something very wrong indeed.

I should like to quote also this very celebrated statement by the Earl of Chatham; again I think it is worth recording, although it has been recorded many times—

> "The poorest man may in his cottage bid defiance to all the forces of the Crown. It may be frail—its roof may shake—the wind may blow through it—the storm may enter—the rain may enter—but the King of England cannot enter—all his force dares not cross the threshold of the ruined tenement."

I think hon. members should be reminded that it is from the protection of the privacy of the common man's home, not the homes of lords or barons, that the freedom of the people is established. To say that the King cannot enter but his agent can is a distortion of that principle and is not good enough. That statement by the Earl of Chatham would surely be enshrined in the heart of every man in whose body flows British blood.

Mr. Walsh: When you speak about the freedom of the people, do you support that against the individual right to freedom?

Mr. MURRAY: I will come to that.

Society has become very complex, and no doubt that is one of the reasons why more and more provisions of this type have been included in Bills over the years. It must be admitted that the inspectors on whom we have conferred these powers are, in the main, good men. They are carefully selected; they carry instruments in writing from the Minister, and one seldom, if ever, hears of abuses of power. But it is in the granting of the power when it may not be necessary that the danger lies.

I will come back to the hon. member for Bundaberg in a moment.

Mr. Walsh: I hope you don't forget me.

Mr. MURRAY: I will not forget the hon. member.

The conflict is to decide when this power is necessary. I believe that these inspectors are carefully chosen and are necessary in many ways to carry out the will of the Legislature, for which the Act is designed. However, no-one doubts that in every field we have to be very careful that they properly carry out their functions, that they know exactly what they have to do, and what their limitations are. We have to be tremendously careful to define those limitations and not give them one more power than they need to carry out their functions.

Mr. Muller: Supposing a person was guilty of highway robbery, would you say that the Crown would have no right to enter his property and search his records?

Mr. MURRAY: That is the conflict, and that is where the hon. member for Fassifern, for whom I have a great respect, and I differ. As I have said earlier, we have chosen the primary producer to be a particular type of wrongdoer, because under the Criminal Code and the Act to which the hon. member is drawing attention, in Brisbane, in half of the State, in all the provincial cities, a search cannot be made without a warrant. I remind the hon. member for Fassifern of that principle. In fact, I have looked through the Criminal Code and found in every place—I could not be absolutely sure in every place, but in almost every place—that with gambling and in connection with firearms, prostitution, possession of seditious documents, and so on, search and entry cannot be made without a warrant. Therefore, I say to the hon. member for Fassifern that we are singling out the primary producer and making him a particular type of wrongdoer.

Mr. Muller: I referred to law-breakers. It does not matter whether it is a primary producer or anyone else, with any major crime the Crown should be able to enter his property.

Mr. MURRAY: If that is agreed upon, it destroys the whole principle of British justice and lays the ground, in such a dangerous manner, for all the elements of a totalitarian way of life.

Mr. Muller: You must remember that you are dealing only with criminals.

Mr. MURRAY: When we are dealing with criminals the power is there to deal with them. That is no trouble; it is a proper power to do what the police have to do with respect to a criminal. I am glad the hon. member for Fassifern raised that point because it is recognised today—and it is becoming more clearly recognised—that Parliament and the adoption of ministerial responsibility are not adequate as instruments for the protection of the individual against administrative abuses or ineptitude and, when we get on to search and entry——

Mr. Walsh: Parliament makes the law; it does not administer it.

Mr. MURRAY: The courts some years ago looked at this matter of administrative powers above those given to the police being given to individuals. I would like to quote briefly from what was said by those learned gentlemen in this regard. They said—

> "The system frequently flouts minimum standards of equity and natural justice. We find that a Minister may decide, or appoint the arbiter in a dispute involving his own policies. He can infringe civil rights without even considering the case which the citizen can make in defence of those rights."

This is one of the things that the Minister has looked at in this Bill.

The quotation continues—

> "There is no safeguard that in reaching his decision he is accurately apprised of the facts or is drawing a reasonable inference from them. He may pronounce his will, like an oriental despot, without reason, without justification, without appeal, without redress."

There are great dangers in this. When it comes to this matter, this is a welcome modification of what is generally posed by this whole question. The ministerial powers in this respect could well be stopped from the point of view of principle; that is, from the point of view of reconciling proper powers to enforce statutes of this description, with proper protection afforded to individual rights. This is where I get back to what was said by the hon. member for Bundaberg; and here is the conflict. This could be a splendid exercise for the Bar Association, one in which it could serve this Parliament and this State by taking up the problem, a problem that we find the Legislature has neglected generally over several decades—many decades—and a problem that is a very grave worry to many people in the community. I believe that the Bar Association could well look at this.

Mr. Aikens: They would be the last people in Queensland that we should ask to decide a question of justice.

Mr. MURRAY: I think the hon. member for Townsville South is a little prejudiced here. I believe that you, Mr. Speaker, would agree that no-one better than the Bar Association could be asked to look at this and study it carefully and see where we are going. Now that we have seen the welcome intention of the Government to modify this, we will certainly want to know how far to go, as the hon. member for Bundaberg has rightly questioned, and when these powers of search and entry may be justified. This is a matter that can well be taken up by the Bar Association of Queensland.

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (4.28 p.m.), in reply: First of all, I should like to express my appreciation to all hon. members who have taken part in this debate and have put forward the various suggestions that I enumerated in my second-reading speech. I thank the hon. member for Barcoo for his welcome contribution to the Bill and the various points that he raised. I suppose the main point he made was that there is no compensation for an operator whose licence is suspended and who could possibly win an appeal to the court. I do not know that there is provision anywhere for that. We have made no provision for compensation for cancellation of a licence, and I would not know of any instance where this happens. In a comparable case he has to get a licence, and if he wins his case no compensation is paid to him.

Another question is: where would the compensation come from? Surely the appeal rights of a licensee are sufficient to protect his livelihood. A delinquent licensee should consider his contracts before engaging in doubtful conduct. We cannot make provision for compensation in cases where a licensee loses his licence.

Mr. O'Donnell: What if he is exonerated?

Mr. ROW: We cannot make provision in the Bill for anyone who wins an appeal. In the first place, my department must think he is guilty. There is no provision anywhere that I know of for the payment of compensation to a man who wins an appeal. I do not know where we would stop if we provided for that.

The hon. member referred also to the qualifications of a commercial ground operator. They would include the passing of an examination based on the contents of the proposed manual for ground distribution, which the department is presently working on.

The hon. member referred also to the private ground operator working on his own property. In my opinion, he would be very wise to avail himself of an insurance policy to protect himself against any action for damage that may be taken against him by his neighbour. The other point he raised was that in the definition of "stock" the good old cattle-dog is not mentioned. If we think it is necessary we can, by Order in Council, add the words "cattle-dog" or "pet cat".

I thank the hon. member for his very valuable contribution to the debate.

The next speaker was the hon. member for Fassifern, who pointed out that as the legislation was completely new we will have many problems to face, particularly with ground spraying. This measure will place a tremendous responsibility on the members of my department, and particularly on the members of the board. It will entail quite a deal of inspection of further equipment to determine and assess alleged damage to crops and stock. Whilst the men in my department are qualified as agricultural chemists, horticulturists and botanists, a good deal of

groundwork will be necessary to make this measure fully effective. That is why I intimated that there will be a good many regulations when the Bill is first applied. I am quite certain that, as it proceeds, we will be able to improve its implementation.

I know that with ground spraying of certain crops, and aerial spraying of difficult country, such as hills on which groundsel is growing, we will have difficulty in making an assessment, but the regulations will cover most of these troubles.

The hon. member for Tablelands referred to aerial operators and the implementation of the Bill as it affects them. It is proposed to discuss further with aerial operators the implications of the Bill as it affects them. Such discussions will certainly deal with this provision relating to the use of registered agricultural chemicals, including directions for use, rates of application, and so on.

In reply to the hon. member for Mt. Coot-tha, I inform him that clause 35 provides that agricultural chemicals used must be registered under the Agricultural Standards Act and must be used in accordance with the directions for use as approved. It will be necessary for the Agricultural Requirements Board to consider any claims that might be submitted for consideration with respect to aerial distribution. Furthermore, if the hon. member reads the Bill he will see that clause 48 (3) (e) provides power to make regulations controlling or prohibiting the use of any particular agricultural chemical. The Bill takes care of that.

Mr. Lickiss: That is only for aerial spraying.

Mr. ROW: Yes. Of course, I agree with the hon. member that the ground operator presents some real problems. A highly developed analytic technique is now available. It will cost my department a good deal of money to implement it fully, but we will be able to pinpoint the actual chemical applied and the concentration at which it was applied. So that a private person or ground operator who tries to blame an aerial operator for any damage would have to know the precise amount of material used and the concentration. It was claimed that an aerial operator could be blamed for all damage that a private person or ground operator caused to a neighbour's property. As I have just said, that is not correct.

The hon. member for Burnett mentioned the control of insecticides and fungicides. The Bill controls the distribution of herbicides by ground equipment. Control of the distribution of insecticides and fungicides used in ground equipment is not ruled out in hazardous areas. Clause 29 provides that the Governor in Council may issue directions to control aerial spraying or ground distribution by any person in hazardous areas. Any such direction may be related to the time, place, agricultural chemical, chemical formulation, or the type of equipment. Therefore, control will be exercised when my department considers it necessary. We will have to be very careful before we declare any area a hazardous area.

Mr. Lickiss: In a hazardous area control over ground operators relates only to herbicides and weedicides, not to agricultural chemicals.

Mr. ROW: It can relate to anything. That is a matter for regulation by Order in Council.

The hon. member for Mt. Gravatt referred to section 41 of the Local Government Act. The answer to his problem is in the section itself. He should have read the whole section. I do not intend to read it because it covers 2½ pages. A local authority does not have a licence to spray indiscriminately without taking precautions. Section 4 of that Act binds the Crown, and the local authority must have a licensed operator doing the spraying or in charge of operations. Local authorities are just as culpable under the Act as any other body, such as a regional board. The mechanics of applying any spray are governed by the Bill and I suggest to the hon. member that what I have said applies.

The hon. member for Clayfield dealt with something that is defined in the Bill.

I have dealt with all the questions that have been raised.

Motion (Mr. Row) agreed to.

COMMITTEE

(Mr. Hodges, Gympie, in the chair)

Clauses 1 to 5, both inclusive, as read, agreed to.

Clause 6—Meaning of terms—

Mr. LICKISS (Mt. Coot-tha) (4.40 p.m.): Following the Minister's statement concerning "hazardous area", I should like to refer to the definition of "ground distribution". It is—

> "The spraying, spreading or dispersing of any herbicides or any preparation containing any herbicide from ground equipment."

"Hazardous area" is defined as—

> "An area declared by the Governor in Council under this Act to be a hazardous area."

I do not know whether I am in order in relating that to a later section. However, I draw attention to it now because I shall raise the application of that definition to clause 29, "Governor in Council may issue directions in hazardous area", when that clause is reached.

Clause 6, as read, agreed to.

Clause 7, as read, agreed to.

Clause 8—The Agricultural Chemicals Distribution Control Board—

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (4.41 p.m.): I move the following amendment:—

"On page 5, line 49, after the word 'Minister', insert the words—

'one of whom shall be a person well versed in matters relating to aerial distribution'."

Amendment agreed to.

Clause 8, as amended, agreed to.

Clauses 9 to 12, both inclusive, as read, agreed to.

Clause 13—Effect of termination or suspension of pilot's licence—

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (4.42 p.m.): I move the following amendment:—

"On page 7, line 13, omit the words—

'by the Board'."

Amendment agreed to.

Clause 13, as amended, agreed to.

Clause 14—Certificate issued in another State—

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (4.43 p.m.): I move the following amendment:—

"On page 7, lines 28 to 36, omit subclause (3)—

'Where the Board would have power to cancel or suspend or the standards officer would have power to suspend a licence or certificate referred to in this section if it were a pilot's chemical rating licence issued under this Act, the Board or the standards officer may, in accordance with the provisions of this Act relating to the exercise of the power, cancel or suspend the operation in Queensland of such certificate or licence, and thereupon and thereby such certificate or licence, if cancelled, shall cease to have force and effect in Queensland or, if suspended, shall so cease during its suspension.'

and insert in lieu thereof the following new subclause:—

'The provisions of sections twenty, twenty-one, twenty-two, and twenty-three of this Act apply with respect to the operation in Queensland of a certificate or licence referred to in subsection (1) of this section as if it were a pilot chemical rating licence issued under this Act and its operation in Queensland may be cancelled or suspended accordingly'."

Amendment agreed to.

Clause 14, as amended, agreed to.

Clauses 15 to 20, both inclusive, as read, agreed to.

Clause 21—Cancellation or suspension of licence by Board—

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (4.45 p.m.): I move the following amendment—

"On page 9, line 8, omit the words—

'by Board'."

Amendment agreed to.

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (4.46 p.m.): I move the following amendment—

"On page 9, line 19, omit the words—

'why the Board should not'

and insert in lieu thereof the words—

'why the Board should not recommend to the Minister that the Minister'."

That takes from the board and gives to the Minister the right to suspend, and it then goes from the Minister to the Court.

Amendment agreed to.

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (4.47 p.m.): I move the following amendment—

"On page 9, line 25, omit the words—

'the Board may deal with the licence in accordance with the notice'

and insert in lieu thereof the words—

'the Board may make a recommendation in accordance with the notice'."

Amendment agreed to.

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (4.48 p.m.): I move the following amendment—

"On page 9, lines 26 to 28, omit the paragraph—

'Where the holder of a licence shows cause why the Board should not cancel his licence, the Board may, if it thinks fit, suspend the licence for such period as it thinks fit.'

and insert in lieu thereof the paragraph—

'Where the holder of a licence shows cause why the Board should not recommend that his licence be cancelled, the Board may, if it thinks fit, recommend that his licence should be suspended for the period stated in the recommendation.'"

Amendment agreed to.

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (4.49 p.m.): I move the following amendment—

"On page 9, lines 29 to 35, omit subclauses (2) and (3)—

'(2) A decision of the Board under subsection (1) of this section may, at any time, and for such reason as the Board thinks fit, be annulled, and the effect of such annulment shall be as the Board determines.

'(3) The standards officer shall notify the licensee or, where a licence was cancelled, the person who was the holder of that licence prior to such cancellation, of the decision of the Board made in pursuance of this section.'

and insert in lieu thereof the following new subclauses—

'(2) (a) Upon a recommendation by the Board under subsection (1) of this section, the Minister may, at his discretion,—

(i) Where cancellation is recommended cancel the licence in question or suspend it for a period fixed by him;

(ii) Where suspension is recommended, suspend the licence in question for the period recommended or a lesser period fixed by him,

or he may refrain from acting on the recommendation.

(b) The Minister may terminate any cancellation or suspension of a licence imposed by him under this subsection, or he may substitute a period of suspension for such a cancellation or reduce the period of such a suspension.

'(3) The standards officer shall notify the licensee of any action taken by the Minister under subsection (2) of this section.

In this subsection the term "licensee", in a case where the Minister has acted to cancel a licence or to terminate the cancellation of a licence, means "the person who held the licence immediately prior to its cancellation".' "

Amendment agreed to.

Clause 21, as amended, agreed to.

Clause 22—Appeal against refusal, suspension, cancellation of licence—

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (4.50 p.m.): I oppose this clause.

Clause 22, as read, negatived.

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (4.51 p.m.): I move the following amendment—

"On page 9, insert as clause 22 the following clause—

'22. Appeal against cancellation, suspension or refusal of a licence. (1) A person whose licence has been cancelled or suspended by the Minister or whose application for a licence or renewal of a licence has been refused by the Board may appeal to a Judge of District Courts or to a stipendiary Magistrate.

'Such an appeal may be made to a Judge of District Courts at any place appointed for holding such courts or to a Stipendiary Magistrate at any place appointed for holding magistrates courts and shall be instituted in the manner and within the time prescribed.

'(2) The Judge or Magistrate may by his decision, according as he deems just,—

(a) upon an appeal against the cancellation or suspension of a licence, confirm or terminate the cancellation or suspension or substitute a period of suspension or cancellation or reduce the period of suspension; or

(b) upon an appeal against a refusal of a licence or of a renewal of a licence confirm the refusal or direct that the licence or renewal be granted,

and make any further order, including with respect to costs as he thinks fit and his decision in the appeal shall be final and conclusive and shall be given effect to by the Minister, the Board and all persons concerned.

'(3) A cancellation or suspension of a licence shall not be affected in any way by reason that an appeal has been instituted under this section.' "

Amendment agreed to.

New clause 22, as read, agreed to.

Clause 23—Effect of suspension—

Hon J. A. ROW (Hinchinbrook—Minister for Primary Industries) (4.52 p.m.): I move the following amendment—

"On page 10, line 1, omit the words—

'by the Board'

and insert in lieu thereof the words—

'by a Judge of District Courts, or a Stipendiary Magistrate, or the Minister'."

Amendment agreed to.

Clause 23, as amended, agreed to.

Clauses 24 to 28, both inclusive, as read, agreed to.

Clause 29—Governor in Council may issue directions in hazardous area—

Mr. LICKISS (Mt. Coot-tha) (4.53 p.m.): Referring back to the definition of "ground distribution" and the definition and meaning of "hazardous area", clause 29 states inter alia—

"The Governor in Council may from time to time in respect of a hazardous area direct that a person shall not carry out or cause or permit to be carried out any aerial distribution or ground distribution unless in accordance with such conditions as may be specified by him in the direction."

The point I wish to make relates to aerial distribution. The whole field is open to control by the Governor in Council, but in the control to be exercised over ground distribution the Governor in Council has no jurisdiction in terms of this definition except over herbicides. If, for argument sake, a person distributed parathion or any other agricultural chemical he would not be subject to control because ground distribution is defined. This point needs some clarification.

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (4.54 p.m.): The clause states that spraying can be limited as to time, place, agricultural chemical, chemical formulation or type of equipment. In this regard any type of equipment can be included and the Governor in Council may from time to time issue directions as to its use in respect of any hazardous areas. The direction made by the Governor in Council under this section may be published in the "Gazette" or in any newspaper or newspapers circulating in the declared hazardous area. In fact, we are going to advise the aerial operators in those areas of the direction that will apply from the date of its publication. When the direction has been published in a newspaper the Governor in Council shall as soon as possible after issuing such direction cause a notification thereof and the date of the issue thereof by him to be published in the "Gazette".

In respect of ground distribution of agricultural chemicals I should like to refer to a later clause, clause 48, where it will be seen in subclause (3) (a) that regulation may be made in respect of aerial or ground distribution of agricultural chemicals over hazardous areas. The restricted meaning given to the type of material controlled and the definition of ground distribution is thus widened to include any agricultural chemical; that is, an insecticide, fungicide, herbicide or vermin destroyers. As I pointed out, Mr. Hodges, the declaration of a hazardous area will be made very, very carefully. A recommendation will have to be made by the Governor in Council, and I am quite sure that nothing will be done in hazardous areas to the detriment of the people living in them, and especially those who are growing crops. I can assure the hon. member that the declaration of hazardous areas will not be made without due recognition of all the circumstances.

Mr. LICKISS (Mt. Coot-tha) (4.56 p.m.): I am very pleased to have the Minister's assurance, but I am quite sure that the hon. member for Logan will not be too happy, because if the "salad bowl" area is declared a hazardous area the argument that he puts up is well-founded, and it follows that the Governor in Council will have the same control over the ground distributor as over aircraft. I am very pleased to have the Minister's assurance on this matter.

Mr. E. G. W. WOOD (Logan) (4.57 p.m.): I would like an assurance from the Minister on this question. Firstly, clause 6 defines "ground distribution" as—

> "The spraying, spreading or dispersing of any herbicides or any preparation containing any herbicide from ground equipment."

Secondly, clause 29 states—

> "Without limiting the aforegoing any such condition may be related to all or any of the following, namely time, place, agricultural chemical, chemical formulation or type of equipment."

It refers to ground distribution. I was informed by the Minister that, regardless of whether or not an area is declared a hazardous area, there will be no control of ground distribution of fungicide or insecticide. I refer to his opening remarks at the introductory stage, when he gave the assurance that there would be no control of ground spraying of fungicides and insecticides. Clause 6 controls the whole situation, and clause 29 is subject to that provision. The Governor in Council will have no control over hazardous areas relative to the ground spraying of fungicides and insecticides.

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (4.58 p.m.): I thought I explained that point quite clearly when I answered the hon. member for Burnett. The Bill generally controls the distribution of herbicides by ground equipment; it refers only to ground equipment. The control of the distribution of insecticides and fungicides by ground equipment is not ruled out in hazardous areas. I think the hon. member must realise that. Section 29 provides that the Governor in Council may direct that a person shall not carry out or cause or permit to be carried out any aerial or ground distribution in a hazardous area, and it goes on to say that any such condition may be related to time, place, agricultural chemical, chemical formulation, or type of equipment. Again I emphasise that control will be exercised when my department considers it necessary or when Cabinet considers it necessary in relation to pest and disease control. I give the hon. member for Logan my assurance that no responsible Minister and no responsible department would approach these matters with indiscretion. The hon. member refers to his area of Redland Bay, where pesticides are commonly used. I think I can assure him—I am sure I can assure him—that due regard will be paid to the problems in these areas. Redland Bay will not be declared a hazardous area. I assure the hon. member that I will not enter into the declaration of hazardous areas without a great deal of thought and examination because there will be many problems associated with the procedure. I hope the hon. member for Logan will accept my assurance.

Clause 29, as read, agreed to.

Clause 30, as read, agreed to.

Clause 31—Effect of failure to give notice—

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (5 p.m.): I oppose the clause.

Clause 31, as read, negatived.

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (5.1 p.m.): I move the following amendment—

"On page 13, insert as clause 31, the following clause—

'31. Effect of failure to give notice. (1) This section applies to an action claiming damages in respect of the loss of or damage to crops or stock alleged to be caused by or arising out of or in connexion with aerial distribution or ground distribution.

'(2) Except by leave of the Court a claimant in an action referred to in subsection (1) of this section who has failed to comply with the provisions of section thirty of this Act shall not call as a witness the standards officer, the assistant standards officer, any analyst, any inspector or any other officer of the Department of Primary Industries or of the Board or any member of the Board or put in evidence any report or statement referred to in sections thirty-two or thirty-three of this Act or any records or writings of the said Department or of the Board or any member of the Board.

Leave as aforesaid shall not be granted by the Court unless with the consent of the defendant or unless the Court is satisfied that the failure to comply with such provisions was occasioned by mistake or by other reasonable cause or that the defendant will not be materially prejudiced in his defence or otherwise by the failure.' "

Amendment agreed to.

New clause 31, as read, agreed to.

Clauses 32 and 33, as read, agreed to.

Clause 34—Powers of Inspectors, &c.—

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (5.2 p.m.): I move the following amendment—

"On page 14, line 16, after the word '&c.', insert the numeral and brackets—

'(1)'."

Amendment agreed to.

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (5.3 p.m.): I move the following amendment—

"On page 14, after line 33, insert the following new subclauses—

'(2) No provision of subsection (1) of this section or of section forty of this Act shall be construed so as—

(a) to oblige any person to answer any question or make any statement which answer or statement would or would tend to incriminate him; or

(b) to render any person liable to a penalty for failure to make such an answer or statement.

'(3) Subsection (1) of this section shall not authorize any of the persons mentioned in that subsection to enter and search without the permission of the occupier any dwelling-house or any part used for residential purposes of a building unless that person does so under the authority of a search warrant.

'(4) If it appears to a justice of the peace, upon complaint made on oath by any of the persons mentioned in subsection (1) of this section, that such person has reasonable grounds for believing and does believe that any aircraft or ground equipment or agricultural chemical which such person reasonably believes to be used or to be intended to be used for aerial distribution or ground distribution in any dwelling-house or in any part used for residential purposes of a building then that justice may issue his warrant directing the person named therein to search that dwelling-house or part of a building.' "

Amendment agreed to.

Mr. MURRAY (Clayfield) (5.4 p.m.): Generally, this clause has been arranged very satisfactorily. There is only one matter that worries me, namely, subclause 1 (e), which says—

"question with respect to matters under this Act any person; and require any person to answer the questions put and to sign a declaration of the truth of his answers."

At this stage I should like to comment on the questioning of any person at any place. It is obvious that we will require any person to answer questions put, and apparently we will also require him to sign a declaration as to the truth of his answers. We have saved that to some extent by the insertion of subclause (2) (a) in the amendment which reads—

"No provision of subsection (1) of this section or of section forty of this Act shall be construed so as—

(a) to oblige any person to answer any question or make any statement which answer or statement would or would tend to incriminate him; or

(b) to render any person liable to a penalty for failure to make such an answer or statement."

I still believe that this is a departure from the accepted principle. Is this not a new principle? I cannot find it in any other Act. Are we not introducing something new? I know we have saved it, but I am worried as to whether an inspector may say, "If you answer questions, or sign a declaration as to their truth, this evidence may be used against you." Does he say, "You need not answer any questions that you feel might incriminate you"? Does he point out that no penalty is prescribed for failure to answer? Does he carry a document with him, as a safeguard, to be read before he requires a person to answer questions or sign a statement as to the truth of the answer?

Mr. O'Donnell: Would that not have to become part of the regulations?

Mr. MURRAY: I would not know. That is what I am asking the Minister. It appears to be a departure. The Minister was very good in discussing this with many of us when we voiced some worry about clause 34. Generally it fills our requirements except that is seems to be a departure. Who will know how this information is to be used and where it will be used? The inspector can walk into any place and ask any person any question. He is not required to ask questions on those premises or of particular persons. We are not confining him to that. The provision in the industrial law specifies that questions can be asked only in relation to the Act. In this case it seems we are giving an extraordinary type of power. I ask the Minister to tell us how this question will be asked and is it intended that the inspector will follow the pattern set by an arresting police officer who says. "If you make a statement, it might incriminate you. It will be used in evidence against you." Unless he says something like that he can ask any person in any place any question and get any information which could be used for any purpose.

Mr. O'Donnell: It says it must be a question with respect to matters under this Act.

Mr. MURRAY: Even so it is still pretty wide. It seems a departure from the normal principles used in law. I am not a lawyer. Unfortunately our lawyer friends have deserted us at the moment. If they were here they could probably answer this readily. I thank the Minister for his attention and for making the other amendments.

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (5.8 p.m.): We have discussed this for the last couple of weeks. I have done everything possible to meet the requirements of most hon. members. My departmental officers always act with the utmost discretion.

Honourable Members: Hear, hear!

Mr. ROW: I have searched the records and have not found any complaint lodged against any member of my department for overstepping his authority. I can assure the Committee that in the future there will be no complaint. These inspectors always discharge their authority in accordance with the spirit of the Act. The only Act in which I can find any similar provision is the Official Inquiries Evidence Act. I think that broadly covers the position.

Clause 34, as amended, agreed to.

Clauses 35 to 38, both inclusive, as read, agreed to.

Clause 39—Prohibition of aerial or ground distribution by unlicensed person—

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (5.10 p.m.): I move the following amendment:—

"On page 16, line 2, after the words 'out or', insert the word—

'knowingly'."

Amendment agreed to.

Clause 39, as amended, agreed to.

Clause 40—Obstructing inspection, &c.—

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (5.11 p.m.): I move the following amendment:—

"On page 16, lines 38 to 44, omit the words—

'No provision of this section or of section thirty-four of this Act shall be construed so as—

(a) to oblige any person to answer any question or make any statement which answer or statement would or would tend to incriminate him; or

(b) to render any person liable to a penalty for failure to make such an answer or statement.'."

Amendment agreed to.

Clause 40, as amended, agreed to.

Clauses 41 to 45, both inclusive, as read, agreed to.

Clause 46—Service of request, direction, notice, &c.—

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (5.12 p.m.): I move the following amendment:—

"On page 18, line 36, omit the words—

'by any officer'."

Amendment agreed to.

Clause 46, as amended, agreed to.

Clause 47, as read, agreed to.

Clause 48—Regulations—

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (5.13 p.m.) I move the following amendment:—

"On page 19, line 49, omit the words—

'and aerial equipment'

and insert in lieu thereof the words—

'equipped with aerial equipment'."

Amendment agreed to.

Mr. LICKISS (Mt. Coot-tha) (5.14 p.m.): The Minister drew my attention to the specification contained in clause 48 (3) (e), for chemicals distributed by either aircraft or ground means. Again I feel that this might be ambiguous. From the definitions of "ground distribution" and "aerial distribution", one is inclined to think that control extends in ground distribution only to herbicides. In terms of clause 48 (3) (e), commercial operators can be rigidly controlled in

any chemical that they distribute. In the case of ground distribution, it goes beyond herbicides.

The Minister mentioned in his second-reading speech that the distribution of a certain chemical that I mentioned could be controlled by regulation under this clause. This confirms my view that urgent action must be taken by the Standards Branch to specify a formulation by way of dilution and of active constituent for the various types of distribution. Obviously people are flouting the recommendations of the Agricultural Standards Act in relation to one particular chemical, parathion, because the recommendation is 600 gallons of water to one pint of 50 per cent. active constituent, and I pointed out quite clearly to hon. members that distribution of this solution by aircraft was economically impossible. This must be considered in relation to ground spraying also, and the point that the Minister has made emphasises the necessity for the taking of urgent action to specify a formulation for the various types of distribution.

If one reads clause 48 (3) (e), one sees that it reads—

> "prohibiting or regulating the use in aerial and ground distribution of preparations containing agricultural chemicals, either generally or with reference to particular agricultural chemicals or groups of those chemicals, whether absolutely or in prescribed areas, or during prescribed periods of the year in prescribed areas;"

Again, I am not unhappy about that provision, but I do say that it is rather strange to find that the intention of these provisions conflicts somewhat with views expressed previously relative to aerial and ground distribution. I do not think that was the view taken originally.

Clause 48, as amended, agreed to.

Bill reported, with amendments.

PRIMARY PRODUCERS' ORGANISATION AND MARKETING ACTS AMENDMENT BILL

SECOND READING

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (5.18 p.m.): I move—

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

In my speech at the introductory stage, I made the point that this Bill is essentially a simple one, and on that occasion I gave the history of the events leading to its introduction.

Simply stated, the purpose of the Bill is to permit additional members to be appointed to the Queensland Cane Growers' Council in order to provide for more reasonable representation of the various sugar districts. The question of representation in the central body of any State organisation is often a difficult one. In the case of the sugar-growing industry, if the number of mills or the number of growers is taken as a measuring stick, it may well result in that industry being run by those with the least amount at stake. If, on the other hand, too great an emphasis is placed on production and levies flowing from production, the smaller growers or mill areas may well have no voice.

The committee of inquiry headed by Mr. J. A. Jones put forward a proposal, involving a re-grouping of mill areas, for a 15-member council. It is clear from the committee's report that in the final analysis of any proposal consideration had to be given to the advantages to be gained, or otherwise, from the incorporation of some of the long-established separate mill areas into adjoining districts. The hon. member for Mulgrave will remember the incorporation of Mossman into the Cairns area, Tully into Innisfail, Proserpine into Mackay and Isis into the southern area.

As I have already indicated to the House, it has been decided to allow these established small districts to continue unchanged. To do this involves a council membership of 17, which is two more than recommended by the committee.

These will be Mossman 1, Cairns 1, Innisfail 1, Tully 1, Herbert River 2, Burdekin 2, Proserpine 1, Mackay 3, Bundaberg 2, Isis 1, Maryborough 1 and Southern 1.

The hon. member for Tablelands raised the question of whether all growers will be satisfied. To this, I can only reply that the growers were given every opportunity and assistance to bring forward a solution, but could not agree among themselves prior to this matter coming to the Government for decision.

As I outlined in my introductory speech, we appointed two committees, one chaired by Mr. Pearce and the other by Mr. Jones. Neither of those committees could reach a satisfactory solution acceptable to the Queensland Cane Growers' Council or the executive.

The hon. member for Mirani quoted many figures and percentages based on mill areas. I feel he will be the first to agree that mill areas of themselves do not provide an equitable basis for State representation. I was very interested to hear that he believed the Bill goes a long way towards solving this question of representation on the council and for this reason gave it his full support. He mentioned other matters, too—the subsidy on nitrogenous fertilisers and the financial difficulties in which particularly some new cane-growers are finding themselves. The Government has done much to assist and support both millers and growers in the past 12 months, but I do not really think these matters are pertinent to this Bill now before this Committee.

The Bill does not go beyond making provision for an increased membership of the council, and I commend it for consideration.

Mr. O'DONNELL (Barcoo) (5.23 p.m.): As this Bill relates to the sugar industry, no doubt it will possibly draw comment from several members of the House and I thus intend to be brief. I do not think any other primary industry is as well organised as the sugar industry, from the growers' point of view, the millers' point of view and the employees' point of view—in the latter case, of course, particularly due to the efforts of the Australian Workers' Union.

This Bill is probably one of the shortest we have had before the House in years. It entails only a small amendment to subsection 7 of section 30 of the Act. Even that amendment would not have been necessary had not a limitation to a maximum of two representatives on the Queensland Cane Growers' Council been written into the Act.

This proposal, of course, re-words the section so that the Queensland Cane Growers' Executive can be authorised by Order in Council to appoint no more than three representatives. Consequently, there has been an increase from 13 members on the council to a new organisation of 17 members.

The increase in membership applies to Mackay, Bundaberg, Burdekin and Herbert River and it may be opposed by areas retaining only one member. Consequently, hon. members on this side particularly may have some comments to present on behalf of their own particular districts.

I want it to be understood, first of all, that we are quite sincere in asking those hon. members to present their cases. The Opposition as a body does not oppose this Bill in any way; as a matter of fact, we appreciate the difficulties associated with the whole matter. Even the committees appointed in 1962 and 1965 could not arrive at a solution. The industry itself could not solve the difficulty, and, as a consequence, the Government introduced this Bill. Our stand on this matter was that, as we had no protest from the industry about the proposed legislation, we should adopt the attitude that the industry must feel that some progress has been made, although possibly it is not the ideal solution and full equity has not been given all round. However, some of these matters are very difficult because a line has to be drawn somewhere.

In conclusion, I sincerely hope that 1967 will be a happier year for the sugar industry and the people associated with it. I hope that the new people in the industry, as well as the old growers—I do not mean "old" in age, but the established people—will also benefit in the coming year.

It is a rather a paradox that the sugar industry has to increase its production even when it is in a state of crisis. The International Sugar Agreement will determine what part the Queensland industry will play on the world sugar market. Even in a time of stress production has to go ahead so that our ability to produce can be put before the eyes of the world. As I said before, we do not oppose this Bill in any way and I extend the Opposition's best wishes to the industry.

Mr. ARMSTRONG (Mulgrave) (5.28 p.m.): I realise that it is a very difficult task that the Minister is facing up to at the present time in trying to bring about what may be termed "equity" among the various districts for the important reason that he has cited. It is found in the industry that an area with one mill, perhaps with a peak of 40,000 to 50,000 tons, is represented, and another area, with perhaps three mills with a peak of 230,000 tons of sugar—as it is in the case of Cairns—has only one representative on the council. Here I want to express the disappointment of the Cairns Executive, which has found itself in this position. Cairns is one of the areas that are not happy with the legislation before the House at the present time. As I said before, I know that it is a most difficult question. I listened very attentively to my colleague from Mackay when he was speaking on this Bill at the introductory stage. Whilst he is very happy about it, he is still of the opinion that Mackay has not adequate or proper representation in relation to its area and peak and the money it is paying into the organisation. At least, the Mackay district has achieved its representation. This is not so in the case of Cairns, which has exactly the same representation as, say, the Mossman Executive, the Tully Executive, and other district executives throughout the State.

I suppose it would be very difficult to find a basis on which to give equity in this matter and at the same time please the organisation. As the hon. member for Barcoo and others have said, committees have been looking into this vexed question. The organisation, too, has looked into it but it has been unable to solve the problem. I repeat that it will be very difficult for us to find a solution that will satisfy all concerned.

The district that I represent includes Cairns and Innisfail. Innisfail does not appear to be too upset about this proposal but the Cairns area is, for the following reasons: there are three mills in the area, with a peak of 230,000 tons of sugar; and they find themselves just as they were before, with one member representing three mills with a peak of 230,000 tons. If we examine the respective margins in various districts we find that mill-wise, as well as peak-wise, they are worse off.

Mr. Wallis-Smith interjected.

Mr. ARMSTRONG: The hon. member for Tablelands wants to know the situation of the district executive in Innisfail. Here, again, there are three mills with a peak of 206,000 tons of sugar, with one representative. That is the peak allotted in the aggregate to the mills in the area, not necessarily their production. Sometimes they are over and sometimes they are under.

Mr. Wallis-Smith: Are they quite happy?

Mr. ARMSTRONG: I do not think they are quite happy, but they are not quite as upset as the people in the Cairns area.

Mr. Wallis-Smith: You should have found out.

Mr. ARMSTRONG: I know a little bit about this matter.

The Innisfail district is mindful of the problems. We can all be excellent critics, but it is not easy to find an equitable solution to this matter of representation owing to the way the industry grew up. When tracing the industry's background we must be mindful of the fact that when it was first established, some areas were very isolated. The Mossman area did not even have access by road, and it had a separate port. That is one of the reasons why, at that time, it had as much representation as some of the larger areas.

As I have said, the Cairns district believes that it has come out of this deal fairly badly.

Mr. R. Jones: Have you been able to convince the Minister on that point?

Mr. ARMSTRONG: I was just explaining their thinking. There are three mills with only one representative, with a peak of 230,000 tons of sugar.

This will be the position of the various areas after the Bill becomes law—

District	No. of Mills	No. of Representatives
Cairns	3	1
Innisfail	3	1
Herbert River ..	2	2
Ayr	4	2
Mackay	7	3
Bundaberg	5	2

Herbert River has two representatives to two mills; Ayr has one representative to two mills; Mackay has one representative to two and a-third mills, and Bundaberg has one representative to two and a-half mills.

Turning to peaks, this is the position:

Area	Peak Tonnage	No. of Represen-tatives	Peak tonnage per Represen-tative
Cairns ..	230,000	1	230,000
Innisfail ..	206,000	1	206,000
Herbert River ..	255,000	2	127,500
Ayr ..	333,500	2	166,750
Mackay ..	476,500	3	158,833
Bundaberg	271,500	2	135,750

In that light, Cairns district has not done too well.

I should like the Minister to examine the position of Cairns. I have no doubt that the Cairns executive has been in touch with him and has submitted a strong case to him. In the light of what might happen after this Bill is passed, the Minister should watch the position closely to see if he can remove what the Cairns executive considers is an anomaly. If the Minister decides to accept the proposal he can put it into effect by Order in Council; he will not have to amend the legislation. He has an opportunity to correct the anomaly fairly easily if this representation does not function as well as he hopes.

It is a pity that industries look at these matters only in the light of how much power there is in a particular district. After all, bodies such as this are charged with the responsibility of running the industry as a whole. It would be in the best interests of this industry, I feel sure, if the representatives, no matter where they came from, viewed the industry in that light instead of considering only the voting strength of any particular district.

Mr. Wallis-Smith interjected.

Mr. ARMSTRONG: I believe that the Government has a sound policy. I have said this many times. We desire to work in partnership with the industry. I should like to see the industry solve its own problems if possible, but it is obvious that it has not been possible. When this is looked at from the viewpoint of some of the bigger executives their position is understandable. For instance, at present places like Mossman have as much power on the council as Cairns, Innisfail, Bundaberg, and Ayr. We can understand why there is some dissatisfaction. I do not know whether this legislation will overcome the problem.

I do not like the size of the council. It is being enlarged from 13 to 17, and if Cairns is given another representative there will be 18. A difficult situation could arise if it comes to a division.

Mr. Wallis-Smith interjected.

Mr. ARMSTRONG: It depends on the viewpoint. I am not prepared to say whether it was or not. I think I had a better solution than the Jones committee. I am not sure that this would be acceptable to the council. It threw all of these things out and perhaps it would throw this out, too, if it could. I should like the Minister to watch how the council functions and if possible help the Cairns area if and when it becomes possible. On the figures that I have given, I think it will be agreed that the Cairns area has received the worst deal from the point of view of both millers and growers.

Before concluding, I, like the hon. member for Barcoo, sincerely hope that 1967 does much to restore the prosperity that this industry has enjoyed over the years.

Mr. R. JONES (Cairns) (5.40 p.m.): The previous speaker reminded me of a cyclist who was trying to get on his bike but who had caught his trousers in the chain and had to hop along beside the bike without throwing his leg over the bar. Although the hon. member would have liked to criticise the

Government on this measure, he did not do so. I was trying to give him a lift and help him to criticise the Minister in an approach for more reasonable representation for the Cairns area.

I preface my remarks by saying that Mossman is an established district and its representation should remain unchanged. I was pleased to hear the Minister say that. I strongly support better representation on the council for the Cairns District Cane Growers' Executive. By this Bill the Government intends to increase district representation in some areas, and I strongly criticise it as introducing a wrong form of organisation and representation. I am criticising not so much the increased representation granted to other districts but the absence of consideration for the Cairns area.

To demonstate the injustice of the measure to those in the area of the Cairns District Cane Growers' Executive, I intend to produce figures that will justify my argument and show how Cairns has been less favourably treated than other areas. I believe they will show that equal representation should be given to each district. If there must be increased representation, the need for it should be assessed on the number of mill areas in the district and the mill peaks.

I was disappointed to be absent on the introduction of the Bill; I was at that time in the electorate of Leichhardt campaigning on behalf of the Federal member, Mr. W. J. Fulton.

Mr. Ramsden: That was a bit of a loss.

Mr. R. JONES: On the contrary, his majority was increased.

The following table, which I have taken a fair amount of trouble to prepare and which I wish to have included in "Hansard", shows the present and proposed positions—

District	Number of Mill Areas	Present Position		Proposal	
		Number of Members	Mill Areas per Member	Number of Members	Mill Areas per Member
Bundaberg	5	1	5	2	2½
Ayr	4	1	4	2	2
Mackay	7	2	3½	3	2⅓
Herbert River	2	1	2	2	1
Cairns	3	1	3	1	3

I should like that table included in "Hansard" so that the growers in the Cairns area can see what will happen upon the introduction of the new proposal. It indicates that Herbert River will have one council member for each mill area, Cairns will have one council member for three mill areas, and the Burdekin, which has one member for four mill areas at present, will have one member for two mill areas. Mackay has one for 3½ mill areas as against one member for three mill areas in Cairns; but under the proposed legislation Mackay will have one for 2⅓ mill areas while Cairns remains static. That shows clearly that Cairns has cause for complaint.

I have prepared another table showing representation according to mill peaks. It is as follows:—

District	Aggregate Mill Peaks	Present Position		Proposal	
		Number of Members	Mill Peak Per Member	Number of Members	Mill Peak Per Member
Bundaberg	271,500	1	271,500	2	135,750
Ayr	333,500	1	333,500	2	166,750
Mackay	476,500	2	238,250	3	158,833
Herbert River	255,000	1	255,000	2	127,500
Cairns	230,000	1	230,000	1	230,000

The present position allows a reasonable equity as between the five districts; but a comparison of the fourth column on the table with the sixth column (the new proposal) shows clearly that that equity will be upset by the proposed alterations. In my opinion, it is an extraordinary decision.

I am putting forward a case only on behalf of Cairns, but I understand that the proposal will have an equally adverse effect on the Innisfail district suppliers' committee, representing Goondi, Mourilyan and South Johnstone. A formula similar to that applied to Bundaberg, Ayr, Mackay and Herbert River should be applied to the Cairns and Innisfail districts, because the inequities that will result from the proposed alterations are very apparent.

Has the matter been considered very carefully? Are these changes in the best interests of the sugar industry, which already is in dire straits? I believe that the Government's proposal will create inequity and that the Cairns district particularly will suffer. Therefore, I do not support the proposed alterations.

I know allegations have been made that political pressure has been brought to bear, and the strongest protests must be registered against the underlying content of the proposals contained in the Bill.

I refer to a statement by Mr. MacDonald, the executive chairman of the council, who comes from the Mackay district. He said he was not altogether in favour of Cabinet's decision because it was not completely satisfactory to Mackay, but it was a step in the right direction. I refer also to a statement that appeared in "The Courier-Mail" of 21 August, 1964, relative to the setting-up of the inquiry into the affairs of the sugar-growers. It said—

> "The State Government has ordered a complete and independent inquiry into the structure of cane growers' organisations."

The Government ordered this inquiry and then, from what I can see of the matter, it completely rejected the proposals put forward. The constitution of the Jones committee of inquiry was announced on 21 August, 1964, when the Minister was reported as follows—

> ". . . .the Government had acceded to requests from within the organisations for the investigation.
>
> "Mr. Row said attempts by these organisations in recent years to resolve their differences of opinion particularly on grower representation on the Queensland Cane Growers' Council had been unsuccessful."

The committee that was set up to make the investigation was constituted as follows—

> "Accordingly the Government had approved appointment of a committee of inquiry to examine the matter.
>
> "The committee's chairman would be the Council of Agriculture Secretary (Mr. J. A. Jones)."

Just becauses my name is Jones, do not think that this fellow is a relation of mine. I do not know him from a bar of soap and I do not consider that this inquiry was the best merely because its chairman happened to be named Jones. It was set up by the Minister for a certain, specific purpose but its proposals were not accepted by the Minister.

The Press report continues—

> "Other members appointed were Mr. B. H. Dowling, a solicitor, and Mr. C. L. Harris, a Primary Industries Department executive officer.
>
> "Mr. Row said Mr. Jones had had a long experience of primary industry matters. Other members also were widely experienced in growers' affairs.
>
> "Secretary to the committee would be Mr. A. J. Everist, of the Primary Industries Department Marketing Division."

Following this, we saw the political pressure applied to which I referred earlier in my speech. This was in 1964, when this was reported—

> "Last April the Premier (Mr. Nicklin) promised a deputation of growers from Bundaberg, the Burdekin, and Mackay an investigation into representation on the council.
>
> "Growers' executives in these districts now producing more that half the State's cane have protested for a long time against the representation set-up on the council, which comprises 13 members representing 12 districts and 31 mill areas.
>
> "These three districts have only four members on the council.
>
> "The issue was considered again at the Queensland Cane Growers' Association's annual conference last March, when delegates decided by 17 votes to 14 that a member be elected to the council for each of the State's 31 mill areas.
>
> "But, at the subsequent meeting of the Cane Growers' Council, this decision was defeated nine votes to four."

Amazement is freely expressed in cane-growing circles in my area that such blatant disregard for the submissions could be condoned by this Government, which is supposed to represent the very section of the community which it is now refusing to recognise—the farmers.

Mr. Wallis-Smith: It recognised the Ford, Bacon and Davis Report quickly enough.

Mr. R. JONES: Of course, but that affected adversely the northern section of the State.

This proposal was not requested by the committee of inquiry under the chairmanship of Mr. J. A. Jones, who is secretary of the Council of Agriculture, and the injustice to the Cairns district is quite obvious from the figures I previously quoted.

Surely the Minister for Primary Industries and his Government will not deliberately allow the injustice to the Cairns area to be perpetrated. There were previous requests from Ayr, Bundaberg and Mackay for additional representation on the council, but they were always disregarded in the past and we want to know why they are being taken notice of now. It was always obvious to us previously that it was not warranted or justified and we can refer back to the 1961 committee of inquiry under the chairmanship of Mr. Pearce, which strongly criticised the attitude of these areas.

The recommendation of the Jones Committee of Inquiry did not support those requests; yet this Government rejected the committee's recommendations and carried on regardless. First of all, it set up an inquiry to look into these things and then applied Parkinson's law and rejected all the useful conclusions and succumbed to political pressure from these areas.

Mr. SPEAKER: Order! The hon. member is getting a bit wide of the mark when he says that the Government succumbed to political pressure. I ask him not to use those terms and to withdraw his remark.

Mr. R. JONES: With due deference, Mr. Speaker, the people of Cairns would have willingly accepted the recommendation of the Jones Committee, and we in our area

would be quite prepared to accept the recommendations contained in the committee's report. At the present stage the authorised appointment of two or three members is not acceptable when Cairns is not included.

The Minister will attempt, or has attempted, to justify the allotting of the new members and increasing the representation from 13 to 17 by saying that the allocation of new members will allow six council members each to the Northern and Central districts and five to the Southern district. The claim that Ayr, Mackay and Bundaberg, representing 16 mill areas, have only four votes is simply manipulating statistics to suit selfish ends. If three scattered districts are to be used in this manner, it is just as correct to say that Cairns, Ayr and Bundaberg represent 12 mill areas and have only three votes, whereas the other 19 mill areas have 10 votes. The reason for the alleged imbalance of voting power is that three scattered districts have been selected and compared with four multiple-mill districts scattered from Rocky Point to Cairns, plus five single-mill districts ranging from Maryborough to Mossman. Virtually, any grouping in which the five single-mill districts are placed in the same group will yield very similar results.

If districts are to be grouped—and we do not agree with this procedure at all—at least let them be grouped logically and geographically. To demonstrate this point, let us take the districts from the Burdekin north and compare them with the districts south of the Burdekin. From the Burdekin north there are six council members for 14 mill areas, which represents 2·3 mill areas to each council member. South of the Burdekin there are seven council members for 17 mill areas, or 2·4 mill areas for each council member. Could anything be more equitable? By these means, the two northern single-mill districts have been grouped with the four northern multiple-mill districts and the three southern single-mill districts have been grouped with the three southern multiple-mill districts.

If we consider this grouping in relation to projected peaks, it will be found that each council member in the North represents 193,000 tons of mill-peak cane, and each council representative in the South represents 138,000 tons of mill-peak cane. It will be seen that the balance is strongly in favour of the South. If we wish to take present peaks instead of ultimate peaks, in the North the council member represents 146,000 tons of peak, and in the South the council member represents 116,000 tons. To my way of thinking, grouping districts is misleading, repugnant and contrary to the whole intention of the constitution. Why should districts be grouped?

I was very pleased to hear the comments of the hon. member for Mulgrave. He prefaced his remarks by saying, "Are these proposals going to upset the equilibrium of the industry?" The organisation has always acted previously as one body, not as a dismembered organisation. It is a great pity if inequity and injustice are to tear asunder the common sense and goodwill exercised by the growers in the field of management of their affairs. The cane-growers' organisation is one in which all growers are united in their aims and objects, working together for good service to all members. It would be a pity if this legislation were to cause an imbalance between the members. The Government is stepping in because the members could not agree amongst themselves. I believe they should have been left to their own devices in solving this problem, as they have done previously.

[*Sitting suspended from 6.1 to 7.15 p.m.*]

Mr. R. JONES: I was saying that Cairns should be granted an additional representative on the council. I was also saying that the cane-growers are deeply disturbed by the Government's decision and that there was astonishment at it. I was submitting that it was not requested of the Jones Committee of Inquiry, and it was not recommended by that committee, that that decision be made. I said—and I want to stress this point—in relation to the innovation by which districts are being grouped that the cane-growers' organisations want it known that they are not separate organisations; they are really one body, and have always acted as one body The only serious internal trouble that I know of concerns the matter of representation. That is not a real difficulty, but it would be a great pity if it were to continue.

The recommendations of the Jones Committee of Inquiry would have suited Cairns, because Mossman would have been incorporated in the Cairns district, giving Cairns two council members. Furthermore, I understand that the council's submissions to the Jones Committee of Inquiry did not support such a change as it did not see any necessity to upset the single-mill areas, which quite clearly had not prejudiced the operations of the Council. The committee actually recommended that the number of districts be reduced from 12 to seven, of which six would each appoint two representatives to the council, and Mackay would appoint three.

I should not like to see a situation arise in the Cane Growers' Council similar to the one reported in "The Sunday Mail" of 3 July, 1966, under the headlines, "Cane men plan 'take-over' in sugar industry". This arose because of the problems that confronted the industry and the feelings of frustration in it. The article reads—

> "Far northern canegrowers plan to move this week for sugar men to run their own industry instead of operating through a Government advisory board."

If we promulgate this action against the recommendation of growers we will create activity similar to that reported in this article in "The Sunday Mail", which continues—

"Behind the move is dissatisfaction with prices and export arrangements, particularly with Japan.

. . . . .

'We have now got a bureaucracy in our industry. At one time we used to tell our secretaries and marketing agents what we wanted them to do. Now they tell us.' "

Mr. SPEAKER: Order! The Bill has nothing to do with marketing or price. The hon. member will please confine his remarks to the Bill.

Mr. R. JONES: I was trying to relate marketing to the Bill.

Mr. SPEAKER: Order! If the hon. member is trying to relate it to the Bill, he is not doing a very good job.

Mr. R. JONES: I was saying that the industry is already frustrated and, by adding an extra burden to growers in the form of representation, about which they feel deeply disturbed—they think it is unfair and inequitable—I think we can only expect them to start thinking of other methods and means for themselves. I agree that they have a just case. If during this debate other hon. members wish the members of the board the best for 1967, I would say that we should wish them the best for 1967 in obtaining a negotiated price as was suggested in "The Courier-Mail", namely, that the British Commonwealth Sugar Agreement——

Mr. SPEAKER: Order! I have given the hon. member an opportunity to discuss the principles of the measure before the House. He does not appear to be doing so. Unless he confines his future remarks to the measure I shall be forced to ask him to discontinue his speech.

Mr. R. JONES: I simply wanted to wish the industry the best for 1967 in obtaining a negotiated price.

Mr. SPEAKER: Order! The hon. member is continuing to disobey the ruling of the Chair. He is discussing price, which is not a subject covered by the Bill. If the hon. member wishes to continue he must deal with the measure before the House. Otherwise he must resume his seat.

Mr. R. JONES: In the introductory stage of the Bill the Minister——

Mr. SPEAKER: Order! We are not discussing the introductory stage of the Bill at the present time. We are discussing the second reading.

Mr. R. JONES: Previous speakers in this debate, both the Minister and the hon. member for Mulgrave—the hon. member for Mulgrave did not confine his remarks to this Bill. I could not understand why he did not speak to the Bill at the introductory stage.

Mr. SPEAKER: Order! Hon. members who have spoken on the motion for the second reading of the Bill have confined their remarks to the Bill. I ask the hon. member for Cairns to confine his remarks to the Bill or discontinue his speech. Would the hon. member please make up his mind which course he wishes to take.

Mr. R. JONES: Let me reiterate that the cane-growers in Cairns should be granted additional representation on the Queensland Cane Growers' Council. Cane-growers in the Cairns and Innisfail areas are deeply disturbed because they have not equal representation with other areas in the State.

Mr. WHARTON (Burnett) (7.23 p.m.): I am pleased that the Bill has been introduced, because this matter is of particular interest not only in my electorate but throughout the State. The hon. member for Cairns——

Mr. Bennett: Don't get upset.

Mr. WHARTON: I am never upset. I never intend to become upset.

The hon. member was very wide of the mark. This Bill would not have been introduced if there had been some co-operation and goodwill from the Cairns District Cane Growers' Executive. That would have allowed the Queensland Cane Growers' Council to increase its representation. This matter is of vital concern to my electorate, and I am grateful that the Bill has been introduced because it increases our representation on the council by 100 per cent.

In my electorate there are 1,300 cane-growers supplying five mills. Up till now we had only one representative on the council. The Bill increases our representation by one. That means that Mr. Ben Anderson, our representative on the council, will be assisted by another member. This move is quite justified, as I hope, during my speech, to be able to show.

This additional representation has been a matter of grievance. For the six years that I have been a member of this Assembly I have complained about our meagre representation. Nothing came of my complaints. That is one reason I have not brought this matter up on a Grievance Day. I could not achieve it by going to the wailing wall or complaining in the House. The only way in which it could be done was by continual representation to the Premier, the Minister for Primary Industries, the Minister for Education, and the Minister for Mines and Main Roads. My colleagues the hon. members for Mirani and Burdekin joined me in justifying an increase in representation on the Queensland Cane Growers' Council.

Mr. R. Jones: Don't you include the hon. member for Mulgrave?

Mr. WHARTON: I will include him, of course. The hon. member was not here at the time to seek an increase in representation for growers in his area. The other members whom I have mentioned joined me in the approach, but the hon. member for Mulgrave was not at the meeting. He did, however, agree that our representation should be increased.

Mr. SPEAKER: Order! There is too much audible conversation in the House. I can hardly hear the hon. member.

Mr. WHARTON: It has been said that this is a political issue. Perhaps it would be better if I said, with deference to your ruling, Mr. Speaker, that it has been claimed by innuendo that the Government has taken this action without being asked to do so by the Queensland Cane Growers' Council. It may not have been requested by the council, but it has been sought at conferences of the association. Year after year resolutions were carried seeking increased representation on the council. When council looked into the matter of increased representation, it decided that nothing could be done. One of the executive members was a representative of the Cairns area, and he would not agree to additional representation. Now the hon. member for Cairns puts up a different case. I will agree with him when I think that what he says is correct, but he should not put forward things that he cannot justify.

Mr. Bennett: I wonder what Ben Anderson thinks about this.

Mr. WHARTON: He is very happy with it; if the hon. member had been listening to me a moment ago, he would know that he is.

The Ayr, Mackay and Bundaberg districts encompass 16 mill areas and have four representatives out of a total of 13. The other districts have 15 mill areas, and nine representatives out of 13. There are 31 mill areas, and 16 of them, with approximately half the area of assigned land, have four representatives out of 13.

Mr. R. Jones: The Minister said that area has nothing to do with it.

Mr. WHARTON: I ask the hon. member for Cairns to listen to me for a moment. I repeat that the districts representing approximately half the assigned sugar land, half the growers, half the mill peaks, and consequently paying half the cost of administration of the Queensland Cane Growers' Council, have four representatives out of 13. Is that not in itself good reason for an increase?

Mr. SPEAKER: Order! The hon. member for Burnett will address the Chair and there will be less hilarity in the Chamber.

Mr. WHARTON: Thank you, Mr. Speaker, but you will agree that the debate gets a bit dull at times. In view of the facts that I have mentioned, why should we not have increased representation? They appear to me to be very sound reasons for a change in membership of the council.

The hon. member for Cairns said that this matter should be looked at on a State-wide basis. He was speaking for Cairns; I am speaking for my district which has five mills, 1,300 growers, and more than half the assigned sugar lands, and pays more than half the fees received by the council. Why then should we not have increased representation?

The introduction of this legislation has been long delayed, but I am very pleased that the Minister has now brought it before the House. Complaints have been made for many years, and the Bill has been introduced because the Cane Growers' Council wants the provisions contained in it implemented. I I believe that these proposals will be an important factor in the advancement of the sugar industry in my electorate, and if they assist my electorate they will also assist Ayr and Mackay. As a consequence, the whole of the sugar industry in Queensland will benefit. It is in that spirit that I say the Bill is a very good one. It gives justice to those who have been crying out for justice; it will benefit the sugar industry and the State as a whole.

Mr. BYRNE (Mourilyan) (7.31 p.m.): The Bill before the House deals with increased representation on the Queensland Cane Growers' Council for certain areas. I do not think that the basis of representation on the council matters very much if the men who are appointed to it are of a sufficiently high calibre.

Because of the debacle that has taken place in the sugar industry, I do not think one can compliment the Queensland Cane Growers' Council very highly on its representation of the cane-growers of Queensland, and an endeavour must be made to see that capable men of very high standing in the industry are appointed to it. Although I do not intend to single out any members of the council particularly in this respect, I was not very happy about the representation of the Gin Gin mill, a co-operative mill that should have remained in existence but instead was sold to private enterprise for virtually nothing. When the matter was heard before the Central Sugar Prices Board, a barrister said that a number of the people at the hearing were ready to pick the dead bones of the Gin Gin co-operative mill. Unfortunately, other co-operative mills will go out of business unless the Government watches the position very carefully.

It seems to me that some of the organisations representing cane-growers have been mutual admiration societies and that this is why so many cane-growers are walking off their farms and taking jobs wherever they can get them. Let us hope that the new representation will be of a higher standard and that the industry will be restored to the position that it once held. The production

of sugar in Queensland is very high, but it is not possible to sell all the sugar that is produced. The price is lower than it has been for many years on the free market and farmers in most areas are battling for a crust. Certainly, the cost of production is higher than the price farmers are receiving for their cane at the moment, and I believe that the Premier should make a statement about the present situation in the industry. There are so many problems associated with it and, as I said earlier, the best possible representation is needed. If the men who are appointed have the guts to stand up for the the industry, I will be quite satisfied with the additional representation. The time has arrived when I think the Cane Growers' Council should assert itself and battle for the producer who is presently in a very bad state indeed.

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (7.35 p.m.), in reply: It is quite obvious from the tone of the debate that one could not for one minute regard this as an amendment of a political nature because from both sides of the House there have been expressions for and against the proposed amendment. True it is that the Government, in its wisdom, appointed an investigating committee which I believe came up with some very sound principles. However, as has been stated, those principles were not acceptable to the industry, either to the Cane Growers' Association or to their council.

In the result the Government, in its wisdom, decided to make these additional appointments consequent upon the amendment of Primary Producers' Organisation and Marketing Act.

The hon. member for Barcoo said that the Opposition supported the Bill. He was quite definite in that. The hon. member for Mulgrave, of course, expressed disappointment because Cairns did not seek an additional member, as also did the hon. member for Cairns. Both advanced reasons why the Cairns area comprising the mills at Hambledon, Mulgrave and Babinda should have an additional member on the council. I have often wondered where they stood. One of the things I appreciated in the report of the committee was the use of the words "industry content". In short, there would be one representative for the Cairns area; two representatives for the mills at Goondi, Mourilyan, South Johnstone and Tully; two for the Herbert River mills; Victoria is a double-train mill and could be regarded as a double mill; two for the four mills in the Burdekin area; three for the seven mills in the Mackay area—if we include Proserpine, eight; two for the five Bundaberg mills; and two for Maryborough, Rocky Point and Moreton. The suggestion that what was referred to as "industry content" should be the basis for representation of the various cane-growing areas was quite a good one. Unfortunately, it involved a possible loss of representation for individual single-mill areas such as Mossman, Tully, Proserpine, Isis, and Maryborough, and these people, of course, raised their voices. They did not want to lose their individuality. They did not want the submergence of their executives, and I agree with them on that point because these individual mill areas have done a tremendous job for their own districts.

The hon. member for Mourilyan was secretary of the Tully River District Cane Growers' Executive and he will bear out my assertion that the executive in his area did a tremendous service for the cane-growers. The result was, of course, that the Cane Growers' Council could not agree on this suggested report and it then came back to the Government for decision. The Government, in its wisdom, has made a decision.

There is no way in the world that anyone could arrive at a formula that would please every mill area in Queensland. Cairns, I know, is not very happy about it but if one adopts a formula—I do not suggest that it will be adopted for all time—one must stick by it.

One could suggest a formula based on peaks: up to, say, 250,000 tons of raw sugar, one representative—that would include Cairns and Innisfail areas; between 250,000 tons and 450,000 tons, two representatives—which would embrace the Burdekin area; and anything over 450,000 tons, three representatives. That is one formula that could be put up. One could devise dozens of formulas but there is no way in the world that one could get membership on the council that would please every mill area. Possibly the real concept of the Queensland Cane Growers' Council has been lost. The original concept was that of an organisation to develop the policy of the Queensland cane-growers; it was never to be parochial in its outlook. It was to set forth aims and objectives for the benefit of all the cane-growers in Queensland, and the representatives were selected from the different areas to make one approach industry-wise and not district-wise. I feel, with due deference to hon. members, that they have carried parochialism too far. As far as I am concerned, there will never be a formula that is going to give equal representation pro rata to tons of cane and numbers of growers. This is the best we can do.

Motion (Mr. Row) agreed to.

COMMITTEE

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

Clauses 1 and 2, as read, agreed to.

Bill reported, without amendment.

REGULATION OF SUGAR CANE PRICES ACTS AMENDMENT BILL

SECOND READING

Hon. J. A. ROW (Hinchinbrook—Minister for Primary Industries) (7.42 p.m.): I move—

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

As I explained when introducing this Bill, it does not go beyond granting jurisdiction to the Central Sugar Cane Prices Board to arbitrate in cases of dispute. This is fully in keeping with the Board's function as the sugar industry tribunal.

The Board was established by the Regulation of Sugar Cane Prices Act of 1915, and has played a very major and effective role in shaping the destiny of the sugar industry over a period of more than 50 years. The particular powers now being granted to the Central Board under this Bill are confined to the determination of disputes regarding the use of chopper-harvesters.

Whatever may be the merits or demerits of this particular method of harvesting, we cannot ignore its existence, or the fact that, in particular mill areas, there are unresolved disputes regarding this method of harvesting. These disputes cannot be effectively resolved under the cane prices legislation as it now stands. The Bill seeks only to acknowledge these facts and to provide the necessary machinery to enable these disputes to be resolved. We must have this means available reasonably soon. In the 1964 season, that is, two seasons ago, 20 per cent. of the crop was chopper-harvested. In the 1965 season, 30 per cent. was chopper-harvested. In the present season, it is estimated that at least 35 per cent., or more than 5,000,000 tons, will be harvested by chopper-harvesters.

I thank the hon. member for Tablelands for his support of the Bill. I agree with him that, as presented, the Bill allows latitude in its application.

Orders made by the Board can be freely varied or revoked with the consent of the parties and on application by an affected party in the event of any new circumstances arising. It was considered desirable to permit applications for the initial order to be made at any time and to leave to the discretion of the Central Board the date on which the initial order will have force and effect. In the case of a variation, other than by mutual consent of the parties, it was felt necessary to ensure that such will be resolved in sufficient time before the next season to allow any amendment of the order to be carried into effect. Consequently, applications for variation, except those by mutual consent, must be lodged prior to 31 December preceding the season to which the order will apply. The Bill is a clear and simple one. It does not seek to direct or guide the tribunal, but allows it ample latitude to resolve any disputes arising out of the increasing use of mechanical chopper-harvesters.

Mr. O'DONNELL (Barcoo) (7.46 p.m.): I will be very brief. It is enough for me to say that I endorse the remarks of the hon. member for Tablelands, who handled the introductory stage of the measure.

We know very well that anything that complicates the harvesting or transport of cane, or in any way affects its quality, is of great concern to the industry. I feel, as do others who have expressed an opinion, that the Bill, in giving the Central Board jurisdiction to decide whether a cane-grower should use a chopper-harvester and whether the mill-owner should supply bins for chopped-up cane, on such terms and conditions as seem just to the Board, is quite an appropriate measure. Chopper-harvesting is coming more and more into prominence, as is evidenced by the figures put before us by the Minister. We can readily see that the industry, which is becoming more mechanised, needs all the help and encouragement that we can give it. The Opposition supports the Bill.

Mr. NEWBERY (Mirani) (7.48 p.m.): I have much pleasure in supporting the Bill, but I should like to place a few facts before the House relative to the position of the industry today. Local boards for each mill area deal with appeals and establish the award for the current 12 months. The Central Sugar Cane Prices Board handles appeals from growers and millers, and controls the whole of the industry. The local board establishes the local award for the current year, and can include in it provisions relating to mechanical harvesting—in this case, chopper-harvesting. If the local committee decides to introduce chopper-harvesting and instructs mills to supply bins, the mill or the farmers can appeal to the Central Sugar Cane Prices Board. This is where the delay in the introduction of the mechanical harvesting for a forthcoming season may arise. The appeal goes to the Central Board which, just prior to the crushing season, tours the State and hears appeals on awards in sugar areas, but three to six months may elapse by the time the Central Board visits a certain area. By that time it is far too late for the farmer to set about purchasing a harvester and for the miller to set about purchasing cane bins. In addition, tramlines and sidings could require alterations and many other problems may have to be faced.

This Bill was brought down to hasten the introduction of the chopper-harvester for the current season. Under the Bill the miller or grower can appeal direct to the Central Sugar Cane Prices Board instead of having the local board insert it into the local award and then appealing to the Central Board.

Mr. Mann: Have you ascertained the union's point of view?

Mr. NEWBERY: I do not think the union has anything to do with this. The hon. member for Brisbane would know, and I know he knows because he cut cane in my area, that cane-cutters are a dying race.

The essence of the Bill is to save time by providing for a direct appeal to the Central Board. The farmer can set about purchasing the machine and the miller can set about purchasing the bins now instead of waiting another six months or until next season before introducing the chopper-harvester. I feel I am qualified to speak about these machines because I have operated them for three seasons. This season I undertook contract chopper-harvesting as well. I can assure the House of the economics of that means of harvesting to the industry, and to the grower in particular.

Most mills are favourably disposed to the introduction of chopper-harvesting. But it is understandable that some are having serious problems in financing the purchase of the bins. Some mills are completely opposed to the introduction of this method of harvesting. In the long run, however, the bins are paid for by levying the farmers. During the recent large expansion programme the mills spent in excess of $100,000,000 and now they are asked to finance the purchase of these bins. The factor of economics affects both the milling and the growing sections of the industry.

Costs in both sections must be reduced. Queensland is the second-largest producer of sugar in the world and, as we all know, we use white labour. There is no doubt that this achievement has been brought about by mechanisation not only on the milling side but on the growing side as well. Next to America, Australia would be the most machine-conscious country in this field, and there is no doubt that it is through the introduction of mechanisation, know-how, and the will to work and get on with the job, that we are today in a position to compete with the outside world.

The milling section, of course, in the main decides its own action in trying to contain and reduce costs. I might say that those mills that refuse to allow the use of chopper-harvesters are denying the farming section of the sugar industry an innovation that considerably reduces costs. The percentage of cane harvested by chopper-harvesters in the Macknade, Victoria and Mulgrave areas in 1966 will be much higher than it was in 1965. I mention those areas because they include large mills.

This trend is very noticeable in a number of other mill areas. It has been reported that in the Mulgrave area, in which at the moment about 49 per cent. of the crop is being harvested by chopper machine, it is intended in 1967 to increase greatly the percentage of cane cut by chopper-harvester. I feel that the increase in the use of chopper-harvesters would have been much more marked in 1966 in many mill areas had the finance that I mentioned a few moments ago been available for the provision of bins. Most of the mills received requests from cane-growers for the provision of bins, and in many cases those requests had to be refused because of lack of finance.

I also understand that in one mill area in which the introduction of chopper-harvesters was refused there were 59 requests for chopper-harvester machines. There was some delay, and two machines were ultimately allowed in the area.

There is no technical evidence to show that the mills that have greatly increased the percentage of chopper-harvested cane have suffered in either coefficient of work or sugar quality. The matter of sugar quality and deterioration of cane in the period between pre-harvesting burning and crushing has been adequately dealt with by the Director of the Bureau of Sugar Experiment Stations, Mr. N. J. King, at page 3 of his 1966 annual report This deterioration takes place not only in cane harvested by chopper but in all cane. The Director clearly indicates that this problem can be overcome by eliminating the week-end carry-over of sugar-cane stocks.

This is an industrial and sociological matter. Harvesting of sugar-cane by the chopper type of harvester is accepted by both millers and growers, and it is here to stay. It has many advantages; for example, the elimination of the loss of cane between field and mill. In the carrying of cane in bins, there is no loss. There are also better average truck weights, reduction in tramway smashes, better feeding of the mill carrier, and a certainty that this type of harvester will harvest all types of cane.

It can no longer be said that the harvesting of sugar-cane by chopper-type harvesters is still experimental. It certainly is not; it has passed that stage. The tonnages presently being harvested by this method show clearly that the system has become an integral part of the sugar industry. Clearly the objective should be the elimination of week-end carry-over of sugar cane, not the retardation of this successful method of cane-harvesting that cane-growers are keen to implement further.

But for the use of chopper-harvesters, cane definitely would have been left in the field this year. There would not have been enough men available in Queensland to cut the very big crop. The choppers will harvest any type of cane in any condition with one-third of the number of men who would be needed to attend to machines of a similar size using the stalk-harvesting method.

If sufficient labour had been available to harvest the season's crop and the cutters had agreed to harvest the thousands of tons of standover cane in my district—there were thousands and thousands of tons——

Mr. Mann: How much?

Mr. NEWBERY: I know of one man in the district who used a chopper-harvester. It seemed likely that it would cost him between

$3.50 and $4 a ton to harvest the standover cane, and he could receive considerably less than that for it today. Using the chopper-harvester, it was possible to harvest it for $1.50 a ton to $2 a ton on rail. As I said, it would cost between $3.50 and $4 a ton to harvest it manually, if the labour had been available to cut it or would cut it.

I mentioned deterioration earlier, but I wish to elaborate on that subject. Leuconostic virus, which is prevalent in the North, enters the end of the sticks. It occurs principally north of Townsville, and the restriction of week-end carry-over cane and a minimum of delay between burning and crushing seems to be the answer to it. This has been made possible by the introduction of the harvesters, and breaks are being left in the paddocks so that the machines can enter them. I have not heard any complaints in my area, or in any other area south of Townsville, about any great problems with the leuconostic virus, but problems do arise in the wet area north of Townsville. Only on one week-end have I had experience of trouble which could have been leuconostic virus. It occurred in the variety Q57, which I think is very susceptible to it, and a very large quantity of that variety is grown in North Queensland.

Before the introduction of the chopper-harvester, the c.c.s. test on cane from my farm was somewhat below the mill average. The chopper-harvester has been used for the last three years and the c.c.s. is now slightly above the mill average. That improvement has been achieved by more regular burning and a short period between the burning and the milling. Cane is burnt during the day and the chopper-harvested cane is crushed in the mill within a matter of hours.

The chopper-harvester is giving better results than we were getting before its introduction. I feel that has been brought about by more frequent burning, a shorter period between the burn and the mill and much cleaner cane—the cane is completely free from dirt—and by much better topping because one has complete control of the harvester.

In Queensland this year there are 650 chopper-harvesters in the industry, and, as the Minister has mentioned, they harvested somewhere in the vicinity of 5,200,000 tons out of a total crop of 15,500,000. This represents 35 per cent. of the total crop, compared with 9·1 per cent. for the stalk harvester.

The importance of the introduction of this Bill is that it will get these chopper machines into the hands of farmers and give them an opportunity to improve their economy in this period of very low prices.

Another very important factor that proves the popularity of these chopper-harvesting machines is that they represent a total expenditure in excess of $9,165,000 since first introduced in 1961. Just short of $10,000,000 has been spent by the growers to improve the industry in this respect.

I have taken out some figures to give an indication of the volume of cane harvested by chopper-harvesters. In the North Eton mill area, the chopper harvested 202,000 tons, or 85 per cent. of the total crop in that area. At Macknade, a C.S.R. mill, the chopper harvested 478,000 tons, or 84 per cent. of the total crop. Victoria harvested 830,000 tons, or 76 per cent.; Hambledon, another C.S.R. mill, harvested 312,000 tons, or 60 per cent.; Mulgrave 269,000 tons, or 48 per cent.; Babinda 189,000 tons, or 48·4 per cent.; Goondi, another C.S.R. mill, 169,000 tons, or 45 per cent.; and Proserpine 246,643 tons, or 38·5 per cent.

Mr. Bennett: Tell us how many thousand tons have not been sold this season.

Mr. NEWBERY: At present it appears that the whole crop will be sold.

Another example of the support for the chopper-harvester is the fact that several years ago there was a transfer to Victoria mill, a C.S.R. mill, of the cane known as the Ingham Line cane. I understand that one of the conditions of the transfer of this cane from the Ingham Line to Victoria mill was that it would all be brought in to the mill by chopper-harvesting methods.

There is a great demand throughout the State for this type of harvester. Therefore, I give my complete support to this Bill and I hope that farmers will be able to introduce this machine when they want it and will not have to wait six months for the approval of the Central Sugar Cane Prices Board.

Mr. LICKISS (Mt. Coot-tha) (8.9 p.m.): I wish to support this measure, as I know the industry has been asking that it be made available to it for quite some time. Of course, most hon. members know that the Central Sugar Cane Prices Board was established to control the cost structure in the industry. The introduction of mechanical harvesters in the sugar industry further brings into the field of primary production a trend that is now taking place in most other countries. This trend is towards an increase in primary production by capital intensive and not by an increase in the labour force. The introduction of this mechanical harvester or the chopper-harvester as it has been referred to, is one more step towards the complete mechanisation of the sugar industry. In its train, apart from altering the cost structure of the production of sugar from the producer level to the customer level, it has the advantageous effect in sugar-growing areas of cutting down the recurring problem of seasonal unemployment, which has troubled most State Governments over the years. It enables people to become more secure in their employment and it cuts out the seasonal crisis of unemployment. It enables the sugar industry to become more stabilised.

It has been said in many circles that the mechanical chopper may not be the ultimate in the mechanical harvesting of cane. Like any other innovation in an industry, it

brings problems with it. The hon. member for Mirani mentioned disease. It has been found in other countries that with the introduction of the mechanical harvester there has been a tendency towards spreading virus diseases, which have been spread from farm to farm by the chopper-harvester. This, again, is a matter that will concern the industry generally. There is no doubt that the industry has always been able to come out on top and meet the problems that have faced it from time to time. Undoubtedly, this problem also will be overcome.

The cost per unit to the individual farmers will be quite considerable and, therefore, the present system of contract harvesting must be a boon to the smaller producers, who otherwise would have to depend on the more common method of burning and harvesting by hand.

We know that there have been many improvements in the handling of cane, culminating in the use of the mechanical harvester. We had the straight-out cutter; we had the blade that was used for topping; we had end-loaders; and we had a combination of mechanical and physical means of harvesting cane.

It has been felt that there could be some loss in the process of chopper-harvesting because of the loss of juices; but there again only time will tell whether that is a problem that can be overcome by the more sophisticated machines that are used for this purpose.

I support this legislation. I know that the industry has been interested in it for quite some time. I believe that the control or the power to effect the break-up of cost within the industry should be vested in the Central Sugar Cane Prices Board, as it always has been.

Mr. BYRNE (Mourilyan) (8.14 p.m.): The Bill presently before the House deals principally with the matter of arbitration as between miller and grower in respect of the chopper-harvesting of cane. The necessity for this Bill evidently arises because of disputes between millers and growers. It has been represented to the Government that legislation is necessary to overcome the difficulty. We realise that there are three methods of harvesting cane, namely, the manual, long-stick method; mechanical harvesting by the long-stick method, and chopper-harvesting, which cuts the long stick into several pieces. Evidently the cost of bins for transporting the cane to the mill is so high that even a small percentage of chopper-harvested cane is making the mills somewhat concerned at having to bear the initial cost.

The hon. member for Mirani has said that the cane-growing industry has invested about $9,000,000 in chopper-harvesters. If one party does not desire cane to be harvested by the chopper-harvesting method and lodges a successful appeal, a huge loss must be incurred.

I agree with this measure, as does the Opposition generally. We know the difficulties that arise in the industry as the result of this method of harvesting in that a chemical change takes place because the cane is cut into short pieces. I am not a chemist, and I do not know the effects of the chemical process. But from my understanding of it the mills do not like the chemical change. If they find that as a result of the chemical change it is more difficult to produce first-class sugar, naturally they will object. I do not believe that millers should be able to dictate to growers and say, "You may use this form of transport," or "You may not use that form of transport." These things can be decided by appeal to the Central Board. I should like the Minister in his reply to explain further his statement about the time for appeal against the method of harvesting. I think he said that the appeal must be lodged in the December preceding the year of harvest.

Mr. Row: That is for alteration of an existing set-up. The first appeal may be at any time at all. By mutual consent of both parties an award may be varied. If one party wants to change the existing set-up it has to appeal by 31 December.

Mr. BYRNE: I am satisfied so long as the growers' interests are protected.

Mr. Row: They are fully protected.

Mr. BYRNE: A very prominent sugar-miller's representative told me that he would like to see every chopper-harvester and all the bins thrown into the nearest creek. Naturally he would say that if this method did not suit his interests. As the industry has invested such a lot of money in chopper-harvesters, we must protect it. If it is in the growers' interests to harvest 100 per cent. of the crop by the chopper method, let us enable them to do so.

I take it that we must take into consideration the responsibility of the mills to produce good-quality sugar. In the past mills have not done so, and we have paid the penalty from time to time. Instead of kicking up a row about chopper-harvesters we should ensure that the mills produce good-quality sugar, even though their profits may be lessened by doing do. The mills are capable of producing it, and they should produce it.

Motion (Mr. Row) agreed to.

COMMITTEE

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

Clauses 1 to 3, both inclusive, and schedule, as read, agreed to.

Bill reported, without amendment.

INSPECTION OF MACHINERY ACTS AND ANOTHER ACT AMENDMENT BILL

SECOND READING

Hon. J. D. HERBERT (Sherwood—Minister for Labour and Tourism) (8.22 p.m.): I move—

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

The reasons for this Bill were set out in detail by me on its introduction, and briefly concern—

The inclusion of a definition of "escalator", as there is presently no reference to this machine in the Act;

A provision that males, as well as females, with long hair working near machinery shall have their hair securely fixed and confined;

Legalising the practice whereby machinery inspectors, with a view to assisting industry, work outside normal hours, for which owners are prepared to pay the penalty fees involved;

The delegation of authority from the Chief Inspector of Machinery to his inspectors in the various places concerning the production of motor vehicles for inspection;

The following up of vehicle repairs in relation to motor vehicles which have been ordered in by the Police Department for inspection Previously, only the Police could take follow-up action, but this amendment will enable the Chief Inspector to take the requisite follow-up action to ensure that such repairs have been effected, and will simplify administration in this regard; and

Following the introduction of the Decentralization of Magistrates Courts Acts of 1965, action for the recovery of the fees may be taken in any Magistrates Court District, irrespective of where the person resides. Most of these are ex-parte proceedings and, in this regard, every person receives at least three reminder notices before prosecution is commenced.

A similar amendment in this regard is being made to the Inspection of Scaffolding Acts. The Bill contains a provision concerning the facilitation of proof, which is already contained in many other Acts.

Lastly, but at least important if not the most important, are provisions placing on owners on obligation to ensure that provisions dealing with the fencing of machinery, and in relation to door-ways, floor openings, and so forth are complied with, without in any way removing the obligation of the operator or attendant also to comply with these provisions. This provision is similar to those contained in other Acts.

Mr. BROMLEY (Norman) (8.24 p.m.): I have studied the Bill. There are some excellent clauses in it. When I read one of the early clauses in it I wondered whether by using escalators we were entering the jet age or the lazy age. The Bill also refers to walkways which are coming into operation more and more throughout the world today. Perhaps we are indeed entering a lazier age.

The Bill appears to contain some improvements. I feel that the Government and employers and employees are becoming more safety conscious as the years go by. In the past, many man hours have been lost through industrial accidents. Safety conventions that have been held have been of benefit in that they stressed the need for both employers and employees to be more safety conscious. It is some years since the last one was held. I attended it, and it was reasonably successful.

Mr. Herbert: It was last year.

Mr. BROMLEY: I thought it was some years ago. However, I attended it, and the only thing that I thought was wrong with it was that union secretaries were not allowed to take the chair at any stage. At the next conference, I think that some consideration should be given to that procedure. Admittedly some of them may have a lot to say, but they could put forward valuable suggestions. I feel that there should be more such conventions in the interests of reducing the loss of man hours in industry.

Although the Bill does not mention it, I think that once or twice a year, in conjunction with safety conventions, the Minister could arrange through the Government Printer to have pamphlets on industrial safety printed and sent for display on the job to people in various activities. We are becoming more industrialised, and, as industry increases, so will the number of industrial accidents. Unfortunately many Australian workers think that an accident cannot happen to them, and consequently they are inclined to take risks, but if the dangers were brought clearly to their notice, they would be less disposed to take risks. Too often Australians take risks because they fear that if they do not they will be regarded as sissies.

So little regard do some workers have for danger that they are even inclined at times not to use the safety devices that are provided. This is one aspect that has to be watched. I know of a young woman who lost part of her right hand through being careless. Although there was a safety guard on the machine that she was operating, she did not use it. She lost most of her right hand, but had some portion of her fingers and we were able to make for her an artificial hand out of acrylic resin and colour it so that it is hardly noticeable as an artificial hand. She was thus saved some embarrassment, but her experience did not prevent her

from returning to work and, until her employer told her to use the safety guard, running the same risk again.

The Bill mentions driving belts and revolving shafts in transmission machinery. Not very long ago I visited a sawmill in which there was no guard on the revolving belt. It was free-wheeling when an employee lifted up a piece of timber about 15 ft. long, swung it round, and knocked the belt onto the revolving wheel. An employee was caught in the machinery, carried up to the top of the belt, and injured severely. The Bill receives a certain amount of approbation from hon. members on this side of the Chamber because it contains provisions making the use of guards compulsory.

I believe that the number of machinery inspectors should be increased because the operations of many firms are not being policed sufficiently at present. In growing industrial towns such as Gladstone, where a big alumina plant and other industries are being established, two or three inspectors should be appointed permanently. They should have authority to recommend that heavy fines be imposed upon employers who do not stick strictly to the letter of the law.

The Opposition does not see anything very bad in the provisions of the Bill or anything against which it can argue. The Minister dealt with mobile hoists and lifts. They create a certain amount of danger on the roads because they do not have a sufficiently large escort. Often the crane is so elongated and sticks out so far that the machine has only to hit a bump or two in the road and the end of the crane almost hits the overhead wires. If it did hit, death or injury could result. Although the Minister has provided in the Bill that machinery of this type shall be marked very conspicuously, I suggest that some sort of siren or other warning device should be attached to it, not to annoy people but to warn them of approaching danger.

I am glad to see that the Bill provides that females not under the age of 21 may take charge of a steam-generating boiler not exceeding 3 horse-power that is used for or in connection with dairying on a dairy farm. Similar provisions could be made in other fields, and I suggest to the Minister that there should be more equality between the sexes in this sphere because more and more women are taking their rightful place in industry.

The Minister is giving females over the age of 21 years equality with males in that respect; he is giving males equality with females in the provisions of the Bill making it compulsory for males to wear hair-nets if they wear their hair very long. That is very necessary. Probably more and more females working alongside males in industry will wear slacks, which will make it very difficult for even the most keen-eyed bird watcher to tell whether he is looking at a male or a female.

Mr. R. Jones: Will the men have to wear hair-nets, too?

Mr. BROMLEY: Yes, if they wear their hair long.

I want to mention briefly the portion of the Bill that deals with the inspection of motor vehicles. This provision, which gives police and inspectors the right to enter second-hand car sales yards, is long overdue. We know they have had certain rights but we feel that many proprietors of these yards have no conscience whatever. They could not care less what sort of bombs they have in the yards or to whom they sell them. All they are interested in is selling at a profit; they do not care whether somebody is killed as a result. This is one ot the best aspects of the Bill. It gives the right of entry to used-car sales yards at all times.

Another portion of the Bill on which I raise a query is that dealing with special inspections of machinery. I should like the Minister to state what will be charged for the services of the Public Service official who has to make special inspections of machinery at various places.

Mr. Herbert: The schedule sets out the prices for the various services rendered.

Mr. BROMLEY: It is in the regulations?

Mr. Herbert: Yes, we have a schedule of all the prices and a man knows immediately what it will cost.

Mr. BROMLEY: If a public servant has to go out and make a special inspection of a machine at the request of the owner, it is only fair that the department should be recouped for the additional expenditure incurred. I suppose the price for work performed on Saturdays, Sundays and holidays will be included in the schedule.

Mr. Herbert: It will allow for overtime work performed. We do not make a profit on it.

Mr. BROMLEY: No, I do not expect the department to make a profit but I think it is fair that it should be recouped for any extra payment it has to make to the inspector for going out at those times.

I conclude by appealing to the Minister to do something about tractor accidents. There is nothing in the Bill relating to tractors although in several places it does cover all types of moving machinery, motivated by steam, water or other mechanical power. I take it therefore that I can refer to accidents with tractors. There are about 100 people killed and approximately 8,000 injured each year in tractor accidents. Having regard to those figures I think it is about time something was done to protect people from themselves. I do not want to deal with the matter at length, but I ask the Minister to find ways and means of introducing legislation similar to that introduced in New Zealand and England to protect tractor drivers against themselves.

Mr. SPEAKER: Order! I do not want the hon. member to develop that line.

Mr. BROMLEY: I did not think you would allow me to develop it for too long, Mr. Speaker. In view of the fact that it is getting near the festive season, I will take notice of what you say. Even if it was not close to the festive season I would have to obey you, but I think I am being good to the House by speaking for only a few minutes when the Standing Orders allow me to speak for 40 minutes. It is a tragic state of affairs, and I think the Minister could well have a look at it.

Mr. SMITH (Windsor) (8.40 p.m.): When dealing with the recovery of fees the Minister referred to the Decentralization of Magistrates Courts Act, and said that the fees so payable could be recovered in any Magistrates Court district irrespective of where the person resided. With all respect, the right is not quite as wide as the Minister's remark would suggest because, whilst an action can certainly be brought in Brisbane by virtue of the Act, as far as proceedings outside Brisbane are concerned, they would be limited, I would suggest, to the district in which the person resides or the district within which, or within 20 miles of which, any such inspection or service was rendered. That appears in section 67, which replaces the old section 67.

Mr. SHERRINGTON (Salisbury) (8.41 p.m.): The Bill provides for the inspection of machinery outside normal working hours, the payment of certain fees, and the recoupment of expenses incurred by machinery inspectors. It would seem from experience in this matter that this type of machinery inspection is often carried out in many local authority areas on vehicles that are used mainly during the week for the carriage of men and material to electricity line construction sites. The system has been that the department by arrangement with the local authority or the company, has made mass inspections of vehicles on the week-end. I have no quarrel with this arrangement, but it does lead to the suggestion that the Act could have been strengthened greatly by some provision covering the type of vehicle that I mentioned. Many of these vehicles are used for the carriage of both men and materials, and over the years quite a few accidents have occurred when material on the trucks has shifted. The Electrical Trades Union has complained about the fact that there is no provision whatsoever in any Act that gives a machinery inspector the right to see that vehicles used for the carriage of men and machinery are constructed to certain standards of safety, to prevent injury to men travelling in these vehicles. I have worked with this class of workman over the years, and I know that on most journeys the vehicles carry boxes of insulators and drums of cables and so on. With sudden braking or swerving to avoid a collision, the material carried on the truck is dislodged and causes injury to the workmen travelling in the rear of the truck.

I take this opportunity of suggesting to the Minister that he could well have a look at this problem. It occurs right throughout the State, particularly in the local authority field. I think he should see whether some provision could be laid down that a vehicle coming under the Inspection of Machinery Act must conform to certain standards, to guarantee the safety of the men who travel in it.

Hon. J. D. HERBERT (Sherwood—Minister for Labour and Tourism) (8.45 p.m.), in reply: It is obvious that this Bill has the support of the House. Very briefly in reply to the hon. member for Norman on the subject of union secretaries taking the chair at safety conventions, I point out that the arrangements for these conventions are in the hands of a planning committee. Politics do not enter into it. This is where we get real co-operation between management and labour principally because benefits are derived by both parties. It would be quite acceptable for a union secretary to be in the chair at a convention. There would be no particular reason for it. As a matter of fact, I cannot remember all the chairmen who have been appointed. It has been arranged by the planning committee and, as the hon. member said, the conventions are particularly effective.

In relation to employees' knowledge of industrial safety, the department, through the educational section of the Division of Occupational Safety, provides training courses for supervisors and foremen, and conducts film seminars for employees. We have had maximum co-operation on this matter, particularly in recent times.

Mr. Bromley: We saw a good film here on one occasion.

Mr. HERBERT: Yes. There are some very good films and the officers do an excellent job.

The prescription concerning females attending boilers exists in States other than Queensland. We are not alone there.

The comments of the hon. member for Salisbury and the comments about tractors do not come within the ambit of the second-reading stage, although their importance is realised.

I thank the hon. member for Windsor for his legal interpretation of my very wide description of the powers contained in the relevant provision of the Bill.

Motion (Mr. Herbert) agreed to.

COMMITTEE

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

Clauses 1 to 16, both inclusive, as read, agreed to.

Bill reported, without amendment.

POLICE (PHOTOGRAPHS) BILL

SECOND READING

Hon. J. C. A. PIZZEY (Isis—Minister for Education) (8.48 p.m.): I move—

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

There is only one very simple principle in the Bill. It deals with the supplying of certain photographs and the right of the department supplying them to make a charge for them.

Mr. BENNETT (South Brisbane) (8.49 p.m.): As the Minister has said, the Bill involves only one principle, and it is not a very big one. When the notice first appeared on the Business Paper I thought we were to have something interesting in relation to amendments in Police Force administration concerning photography.

I concede that the proposal contained in the Bill is important. When introducing the measure the Minister said that the present practice was for photographs to be made available to people on request, or on demand. The Minister did not say what happened if they refused or failed to pay the charge imposed. If that practice existed at all it certainly was not a general practice. In the field of criminal law, photographs were never made available to defence counsel except at the Bar table, and they were jealously and carefully guarded so that defence counsel could not take them off the Bar table either before or after they were tendered. In the field of criminal law, I have never known the Crown or the Police Department to make copies of photographs available at any time. Admittedly it could have happened in certain circumstances or in isolated cases, but it was not a practice by any means.

Mr. Pizzey: Only when requested.

Mr. BENNETT: Even when requested they were not made available. Defence counsel would be shown a copy, but not given one. So the proposal to make them available to defence counsel and other legal men, at a cost, is an improvement on the present position.

We should provide the same system with the supply of photographs as we do with the supply of depositions. A man is entitled to a fair trial, and he is given a copy of the depositions without charge. The Bar Association was informed recently that in future, subject to the direction of the trial judge, a copy of the transcript in criminal trials will be made available. That is also an improvement and should have been in force long ago.

While this proposal is an advantage, for the life of me I cannot see why any charge should be imposed for the provision of a copy photograph the negative of which has to be paid for by the Police Department or the Crown Law Office. All we are getting is a copy of the original.

Mr. Smith: That is all you are paying for under clause 3 (2).

Mr. BENNETT: I do not see why we should have to pay anything. We do not pay for a copy of the depositions. If the hon. member for Windsor will listen to me, I shall explain what I mean. A copy of depositions, which run into 300 or 400 pages, costs something because a good deal of paper and carbon are used.

Mr. Smith: They are done at the one time.

Mr. BENNETT: So are these photographs done at the one time. It is ridiculous to say that because the proof has to be used twice and two sheets of paper have to be put into the liquid, it is not done at the one time.

Mr. Pizzey: It costs $1 to do that.

Mr. BENNETT: I admit that the charge is not great, but I cannot see why the Crown should be so paltry—I do not know whether that is an unparliamentary expression—or so lousy. That is the point I am making. I concede that the charge is not great. Therefore I do not see why we should be humbugged about by appointing the Commissioner of Police to fix the charges. Not only do we have to fix the charge by way of published regulation, which will cost something, but there must be staff to receive the money and issue receipts, and the accounting costs will be so great that even a small charge is not justified.

Mr. Smith: It depends how many you get.

Mr. BENNETT: They are in the same position as depositions.

In introducing the Bill the Minister also said that copies of exhibits would have to be paid for. That is not entirely correct. Defence counsel is entitled to a copy, at no charge, of a confession or written statement made by an accused, and in fact defence counsel have been getting such a copy free over the years. In addition, he is entitled to a photostat copy of any other documents that are tendered.

Mr. Pizzey: This deals only with police photographs that are tendered.

Mr. BENNETT: I realise that. I shall deal with that point, too. I can see the advantage. But seeing that the Government is prepared to be magnanimous enough to improve the position, I do not see why it could not be more grandiose and more big-hearted rather than impose some petty, trivial restrictions.

The Minister said that the entitlement extends only to photographs tendered by the prosecution. Why should there be this limitation? If the investigating detective considers it necessary to have photographs taken, he must consider them as of some relevance and importance. If the prosecuting authority, whether he be a police sergeant

or Crown Law officer, does not use photographs that the investigating detective considers relevant, that is no reason why defence counsel should not be entitled to them. I can only conclude that the intention is to see that photographs that may embarrass the police or the Crown case will not be produced in evidence and therefore will not be available to defence counsel.

I think that is quite wrong. I feel that the police and the Crown have only one obligation under the criminal law, and that is to do their best to put before the court the full and true story. If portion of the evidence available to the Crown does not assist the Crown case but in fact assists the defence, the Crown still has the obligation to produce all relevant evidence to the court. I can see no reason why only the photographs selected by the police and the Crown as relevant should be made available to defence counsel. I think it is only logical and fair to say that if photographs were taken somebody must have considered them relevant and, if they are relevant, defence counsel should be entitled to their use if he also thinks they are relevant.

Mr. Smith: You think that as the whole of the conversation goes in, so all the photographs should go in?

Mr. BENNETT: That is a stupid interjection. The hon. member is called "Morphia" at the Bar. I did not know why till I referred to my medical dictionary and found that the meaning of "morphia" is "a slow-working dope".

Mr. SPEAKER: Order! The hon member will withdraw that remark.

Mr. BENNETT: I do so.

Mr. Pizzey: Do you want a copy of that in "Hansard"?

Mr. BENNETT: Yes, I should like it to be in "Hansard".

Anyone with any common sense, lawyer or not, would know that my claim is that all photographs taken should be made available to defence counsel. I do not say that they must necessarily be tendered in court. The Crown should make available to defence counsel all the evidence at its disposal. Although I am not suggesting for a moment that inadmissible or irrelevant evidence should be tendered, defence counsel should be the one to determine, on behalf of the person he represents, whether he wants that evidence tendered. If he thinks it is relevant, it will eventually be for the judge, magistrate or other presiding authority to determine its admissibility in law. I merely claim that the photographs should be made available. I am not suggesting that there should be any alteration to the rules of evidence; I think that is perfectly clear to the ordinary intelligent man.

The Minister said quite purposely, and no doubt in his opinion quite truthfully, that there is no intention on his part or the Government's part to make these photographs available to the Press. Of course, I share with him the wisdom of that decision. He also went on to say that in the past these photographs, as far as he knows, have never been made available to the Press. Again I do not doubt that he fully believes the truth of his assertion.

Mr. Pizzey: Information from your Caucus is not supposed to go to the Press, but it sometimes gets through.

Mr. BENNETT: That is quite true. It is probably equally true that the report that appeared in the Press that Mr. Bjelke-Petersen was going to beat the Minister for Education for the leadership of the Country Party was a leak from the Caucus that the Minister did not give the Press.

Obviously it is true to say that some police do make photographs available to the Press. There was a blatant breach of this rule of confidence when there appeared on the front page of a certain newspaper, covering the whole of the front page, a photograph of Detective Glen Hallahan arresting somebody from a nudist colony who was clad in his nudist uniform. It is quite clear that the Press should not have had any knowledge of that proposed raid, because there is an obligation on the police not to advise anyone of their intentions, particularly in the investigation of crime. The reasons for that are obvious. If the police were carrying out their duties and were loyal to their trust, the Press could not possibly have been at that nudist colony when Detective Glen Hallahan made his spectacular raid and arrest. How did that photograph get on the front page of the newspaper? It is perfectly obvious that it was given to the Press, not necessarily by the police photographer who took it but by some person in authority in the Police Force.

Mr. Smith: How do you know that?

Mr. BENNETT: How do I know? I would at least be entitled to have a strong suspicion——

Mr. Smith: Well, you don't know—is that the position?

Mr. BENNETT: It is no wonder that the hon. member practises only in the civil courts. His powers of cross-examination are very limited, on the evidence that the House has before it. It would be a clear logical and legal inference who gave the photograph to the Press, because the same Detective Hallahan, who is being transferred from Townsville to Brisbane, has already been declared by the Full Court to have committed the heinous offence of fraud on the court.

In dealing with photographs, I suggest that the Crown should not tender, or attempt to tender, any coloured photographs as

evidence in criminal courts. I am in favour of coloured photographs being used for scientific investigation or for analytical purposes; but to place before a jury coloured photographs that do not truly depict and represent the actual scene at the time or its coloration would only inflame the minds of the jurymen. Fortunately, most judges will not allow coloured photographs to be tendered by the Crown, but there have been occasions in the past when such photographs have been admitted. The Government should see that there is fair play and insist that neither the Crown nor the police use coloured photographs as evidence in court.

I do not think coloured photographs should be produced in civil actions, either. The police are not involved in civil actions, other than, perhaps, as subpoenaed witnesses, when special and specific arrangements have to be made for their presence, and I support the proposal in the Bill that a party to a civil action who wishes to use as evidence photographs taken by the police should pay for them. I think it is only right and proper that they should do so in those circumstances.

Of course, it could be suggested that a whole scene could be distorted by trick photography. That is only too true, but I have never heard it suggested, nor have I ever found in my personal experience, that photographs used by the police have been other than correct and truly depict the scene, except, as I say, in relation to coloured photographs, which on occasions are titivated to play on the feelings and sentiments of a jury.

Mr. Smith: How do you suggest they are titivated?

Mr. BENNETT: They are titivated just as I believe the colour of the hon. member for Windsor's hair to be titivated. If he was "fair dinkum" he would have a few grey hairs by now. And I notice he has got rid of his moustache.

In the field of photographic work in the Police Force, I think there has been a high standard of efficiency and certainly a high standard of integrity. That high standard was set by the man who trained, without exception, every police photographer at present in the Police Force—Sergeant O'Shea—and I think it was rather unfortunate that he was squeezed out of the force by the Commissioner's activities.

I hope that in future these police photographs will be made available without question or query. There is a provision in the Bill to the effect that they cannot and will not be made available if any action against the policeman or police authority is anticipated. With that proposal I am in accord. I do not see why, if a policeman is going to be on the wrong end of a possible prosecution charge, he should have to assist the prosecuting authority in acquiring evidence against him. As I say, I agree with that principle and proposal contained in the Bill.

In the past we introduced a proposal into this Parliament to insist on police reports being made available at a charge and, in the main, that decision has been honoured by the Police Department. However, there have been occasions when for various reasons, defence lawyers have found it extremely difficult to obtain these reports.

Mr. SPEAKER: Order! The Bill does not deal with police reports.

Mr. BENNETT: The analogy I wish to draw is that I hope these photographs will be made available on all occasions and that they will not be withheld on certain occasions when perhaps some individual in the prosecuting section of the Police Department or the Crown Law Office considers it is to his advantage to withhold them. That is the only point I am making. I think the Crown is entitled, if there is a possible charge against the department, to see that photographs are not made available, but if there is no suggestion of any charge against the department or any individual in it there should be no hesitation at any time in making available not only the photographs that have been tendered in court but all photographs that have been taken, which obviously must be relevant.

I feel that the Minister can be content that the Bill is an improvement. It is a pity that he adopted such a cheese-paring attitude towards the cost of making photographs available. Admittedly the charge is not great, but the work involved in collecting it will cost more than it is worth.

Hon. J. C. A. PIZZEY (Isis—Minister for Education) (9.10 p.m.), in reply: The hon. member for South Brisbane took a long time to tell us that he agreed with the Bill. I hope that anyone who engages him pays him contract rates rather than hourly or daily rates. There is only one point on which he differed from me, and that was whether we should or should not make a charge for photographs. I would say that if it was found that the cost of the clerical work involved in collecting a fee approached anywhere near half, or even a quarter, of the fee we would say, "Do not charge it." The Commissioner has a discretionary power. Let us find out if it does cost what the hon. member says it will.

Motion (Mr. Pizzey) agreed to.

COMMITTEE

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

Clauses 1 to 4, both inclusive, as read, agreed to.

Bill reported, without amendment.

RABBIT ACTS AMENDMENT BILL

SECOND READING

Hon. A. R. FLETCHER (Cunningham—Minister for Lands) (9.12 p.m.): I move—

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

This is not a very long or very complicated Bill, and I will not delay the House with a complicated speech.

During the introduction of this Bill I set out carefully to give a detailed outline of its provisions, and I feel that there is little I can add to assist the House on the details of the Bill.

To reiterate, in brief, the purpose of the Bill is to provide a new basis of constitution of the Darling Downs–Moreton Rabbit Board. Under the present Act members of that board are elected by the vote of owners and property-managers of rateable holdings situated within the district. This method of constitution was largely based on the old system of fund-raising whereby the board secured its finance by levying directly a rabbit tax upon landholders.

Today, the board secures its finance from a Central Rabbit Control Fund established in the Treasury. This fund is financed by precepting local authorities in the board district as well as in the rabbit-control area. As the responsibility for fund-raising now rests with local authorities, it is considered that local authorities should have direct representation on the board if they so wish in order that they might play a direct part in the board's administration.

The Bill does away with the necessity of holding elections of the members of the board. In view of the relatively small annual budget of the board and the small degree of interest demonstrated by landholders during previous years, this action is warranted and will relieve the board of an unnecessary expenditure of some significance, considering the size of its income.

The Bill provides that the membership of the new board will consist of six members, as before, one of whom will continue to be the Land Commissioner, Toowoomba.

The Bill proposes that future boards will be constituted by appointment. Two members will be appointed by the Government. The other three members will be appointed by nomination of the local authorities situated within the rabbit board district. Two of the three local authority representatives will be nominated by the local authorities situated in the Darling Downs Division. The other local-authority representative will be nominated by the local authorities within the Moreton Division.

In view of the fact that the existing board has discharged its duties and responsibilities very effectively and has acquired considerable experience in rabbit control, the Government has decided to ensure that at least two members of the existing board will be retained on that board.

Under the Bill, one of the Government's representatives will represent the Darling Downs Division and the other the Moreton Division. The other three board members will be nominated by the local authorities, which are free to nominate local-authority members or, if they so wish, an existing member of the board qualified to represent the particular division of the district. The Bill therefore streamlines the constitution of the board and will provide a board that will be representative of the landholders and the local authorities in the district. It will retain to the board the experience and efficiency that has been built up over a number of years.

The Bill provides that members of the board will hold office for three years. To be qualified to represent a division of the district, a member must be a resident of the division and must be the owner of a holding rateable under the Act in that division. The Bill also converts to decimal currency equivalents all references in the Rabbit Acts to £ s. d.

I think I should place on record that the board members are—

William Alexander Raff, chairman;
William Ray Drynan, deputy chairman;
Donald Scott Bligh;
Andrew Frederick McWilliam;
Arthur Edward Paul Mort; and the
Land Commissioner for the time being in Toowoomba.

I think I should also place on record our appreciation of the services rendered by these men. It is fitting that we should place in the records of Parliament our sentiments towards some of these men who give willingly and freely—in the double sense, in that they are not paid for it—and convey to them the appreciation of the Government for their service to the community. These gentlemen are responsible primary producers. They realise the need for rabbit control, and are willing to do something about it and make contributions from their own resources. They have devoted years of their time and energy to this public service. I thank them personally, for I know how much they have done and how well they have done it.

Mr. O'DONNELL (Barcoo) (9.18 p.m.): I endorse the remarks of the Minister in appreciation of the services of the members of the Rabbit Board who have devoted themselves not only to the interests of their own district but also to the interests of the State. As the Minister has said, throughout the length and breadth of Queensland there are many self-sacrificing people who put the public interest before their own. It is undoubtedly right and proper that the Minister, and the Opposition, should place on record their appreciation of the services rendered.

I sincerely hope that under the new set-up to be established under the measure we may retain in 1967 the services of most of these gentlemen who have done such a wonderful job in the past. I am sure that the Minister in his wisdom will promote their interests and ensure that their services are retained.

This is a somewhat unusual Bill at this time of the year in that approaching Chrismas, as we are, we should almost complete the session with the Easter Bunny.

This is a most important measure, as the control of the rabbit pest is of immense importance to primary producers. As a consequence, the Bill is of extreme value to the State as a whole. It will increase production, which will be of benefit to our overseas markets as well as our local markets.

All in all, this pest must be controlled. Because only a small budget of $80,000 is involved, some people might think that the activities are not so great. Although the board has not been 100 per cent. effective, its work has been very effective. It is constant warfare. Rabbits were introduced long ago and showed such tremendous promiscuity that they are a menace at present. It may interest the House to know that a half-grown species was caught at Bluff, in the centre of Queensland. That indicates that the rabbit is constantly on the march.

The method of appointment of board members is of economic value because it will eliminate the costly preparation of rolls, the cost of appointing returning officers, and the cost of conducting a postal ballot. That money will be better used in the pursuit of Brer Rabbit. It is important to realise that some people who have a casual look at what is going on when these matters are published in the Press might think that this is only a measure for the time being because we have gone through a drought and need to economise in certain directions. This type of appointment is here to stay until this Parliament determines otherwise. What has been said about the appointment of officers to this board—two from the Darling Downs area, one from Moreton, and the ministerial appointment of one representative from each district—must be considered fair by hon. members. I do not think we could criticise it in any way. I have studied all the clauses in the Bill and it is important to stress that this new method of appointment will exist until we legislate otherwise.

The Bill then deals with the qualification of members and disqualification from appointment. Then follow some amendments converting amounts to decimal currency.

The asides passed by some hon. members indicate that this subject is causing a great deal of amusement in the House. For the benefit of those hon. members, I tell the House that in Great Britain efforts are being made to produce bigger and better rabbits. We do not want bigger and better rabbits in this country.

Let me return to decimal currency. When the previous Treasurer introduced the Decimal Currency Bill last year I gathered from his remarks that much of this conversion work would be obviated. He said—

> "The Bill provides that—
>
> (1) In State Acts and statutory instruments, such as regulations, orders in council, by-laws, ordinances and the like, all references to money in existing currency are to be construed as references to corresponding amounts in the new currency calculated on the 'exact equivalents' basis, which is the basis laid down for conversion in the Commonwealth legislation. Under it the conversion is made by precise mathematical calculation, even if it results in fractional figures—for example, one penny becomes five-sixths of a cent; and
>
> (2) Where the 'exact equivalent' conversion will be inappropriate or impracticable—as it is in cases of some duties and taxes, especially those denoted by stamps—the conversion is made to manageable amounts. These exceptions to the general rule are specifically provided for in the two schedules to the Bill."

When I heard that statement by the former Treasurer, I thought, "This will simplify many amendments," such as those dealing with Rabbit Control Board receipts, receipts from penalties, duties of owners, and so on. I thought they would automatically be changed from pounds, shillings and pence to their decimal currency equivalents. That is why when I saw some of the provisions of this Bill I thought they were a sheer waste of time. However, when I looked at the schedule to the Decimal Currency Act I found that there was in it only one reference to the Rabbit Act. It reads—

> "Section twenty-six is amended in subsection (2) by omitting the words 'one half penny in the pound' and inserting in their stead the words 'one quarter of a cent in the dollar'."

This is one aspect of the conversion to decimal currency that has annoyed us. When a penny becomes a cent, there is an increase of 20 per cent. I know that is the maximum rate that can be charged. Decimal currency was introduced because of its facile operation and, if the nearest equivalents are to be taken, it is just as easy to take ·21 as ·25. This is my one point of criticism in the conversion programme, and I know that there has been considerable feeling about it throughout the country. When a penny becomes a cent and a quarter of a penny a quarter of a cent, an increase of 20 per cent. is imposed.

I know that the control of rabbits is an important project. The Act provides that the maximum rate is a half-penny in the pound, and I appreciate that the rate may not be as high as that. However, why should the Government, by converting this

rate to ·25 of a cent in the dollar, impose an increase of 20 per cent.? It is not necessary, and I do not think the Minister's advisers did a good job in their approach to the whole question. I cannot see that ·25 of a cent is any easier to manage than ·21.

In dealing with the rabbit pest, there has to be an efficient organisation, and it is pleasing to know that on the Rabbit Control Board are people who are dedicated to their work on behalf of primary producers. They are consequently of great value not only to those in the districts in which they operate but also to the State and the nation because their aim is to increase productivity and therefore national wealth. This is, after all, what we seek to achieve in order to make our nation prosperous.

I agree with the Minister that the Bill is a good one, and I sincerely hope that the new constitution of the board will be to the satisfaction of all concerned.

Motion (Mr. Fletcher) agreed to.

COMMITTEE

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

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

Bill reported, without amendment.

MEDICAL ACTS AMENDMENT BILL

SECOND READING

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (9.32 p.m.): I move—

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

In the debate at the introductory stage I set out details of the Bill, and I was pleased to hear the expressions of support from hon. members generally.

Medical science has progressed rapidly since the war. In 1955, when the Medical Act was amended to provide for removal of eyes from a deceased person for the purpose of alleviating blindness, little was known about the transplantation of other organs. In the last few years, experimental research has been carried out into transplantation of kidneys in animals. It can no longer be said to be experimental in the true sense of the word. The factors required for the success of transplantation are known, and this operation is being undertaken in some centres on patients suffering from chronic renal failure. These operations have not been carried out for a sufficiently long time for the results to be finally assessed, but I am informed that in experienced clinics there is a survival rate at the end of one year of 60 to 70 per cent. in the case of close family donors and 33 per cent. in the case of unrelated donors. The type of case chosen for operation is one for whom nothing else can be done.

It is not intended to commence renal transplantation at Princess Alexandra Hospital in the immediate future, because the experience at other clinics must still be observed and adequate facilities provided.

Experiments have been undertaken also in regard to the transplantation of the liver and heart in animals, but so far without success. Heart valves, however, have been transplanted from pig's heart to human heart, and one of the leaders of this work in Australia is Dr. M. F. O'Brien, who will take up duty in January as cardiac surgeon to the Chermside Cardiac Unit.

Other provisions of the Bill that I explained at the introductory stage relate to the registration of distinguished overseas doctors who have been invited to Queensland for the purpose of teaching or research (the amendment will facilitate their registration); the use of titles that might be misleading to the public; the registration of specialists; and the allowing of a person other than a medical practitioner to display X-ray equipment provided he is a person who is entitled to use such equipment under the Radioactive Substances Act of 1958 or any amendment thereof. The remaining amendments refer to penalties or are of a machinery nature.

I have nothing further to add at this stage to what I have already said, and I commend the Bill for the consideration of the House.

Mr. MELLOY (Nudgee) (9.35 p.m.): Opposition members have considered the clauses in this Bill and feel that there is much to be said in favour of it. We do not intend at this stage to debate it but there are some clauses on which we will reserve our comment until the Committee stage.

Motion (Mr. Tooth) agreed to.

COMMITTEE

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

Clauses 1 to 12, both inclusive, as read, agreed to.

Clause 13—Amendments to s. 47; Prohibited practices—

Mr. MELLOY (Nudgee) (9.37 p.m.): Clause 13 relates to the display of various instruments used in connection with medicine, including X-ray apparatus. It provides that no person shall hold himself out as a medical practitioner unless he is a person who, in the case of display or exhibit only of such an instrument or apparatus, does so only for the purpose of acting or, in any other case, is acting solely under the supervision and instruction or upon the request of a medical practitioner or, in the case of an X-ray apparatus, he is a person who, under the Radioactive Substances Act of 1958, is lawfully entitled to use the same.

I should like to ask the Minister what the position is in relation to dentists who use X-rays. Are they covered by the Radioactive

Substances Act of 1958? If not, I think the Minister must look at this because X-rays are used rather extensively today and there appears to be no qualification for for dentists in their use. The usual dental surgery is not set up with any protective apparatus in the use of X-rays and in many cases according to the strength of the X-ray machine, the dentist's attendant could come under the influence of the X-rays. The attendants are present time after time when X-rays of the mouth are being taken and would be subject to the effect of the rays. I do not know whether dentists are covered by the Radioactive Substances Act of 1958.

Mr. Tooth: They are covered by that Act; there is special reference to dentists.

Mr. MELLOY: Is there any special provision to cover the work of dentists using X-rays? I do not know that all of them would be aware of the fact that they are covered by the Radioactive Substances Act. Are there any special precautions that have to be taken, because I know that in many dentists' surgeries no precautions at all are taken in the use of X-rays. I realise that the effect is only minor with X-rays of the mouth, but as more knowledge is becoming available daily about the effects of X-rays on some people, there should be some tightening up of the conditions under which X-rays are used in dental surgeries.

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (9.40 p.m.): Very briefly in reply to the hon. member for Nudgee, the Radioactive Substances Act of 1958 provides for the use of irradiating apparatus by people who are registered as medical practitioners and people who are registered as dentists. I am both surprised and disturbed at the suggestion by the hon. member that practising dentists are not aware of the need for caution and for proper care in the use of irradiating apparatus. I shall certainly have the matter looked at.

I do not think the hon. member's anxieties in this matter are well founded. Nevertheless, he is a responsible member of this House, he has been associated with dentistry in the past, and therefore he is probably in a position to know something about this matter. As I say, I am disturbed at his suggestion that there are dentists practising their profession and using X-rays who are unaware of the dangers involved and of the necessity for care. I will have a look at this problem that he poses.

Clause 13, as read, agreed to.

Clauses 14 to 20, both inclusive, as read, agreed to.

Bill reported, without amendment.

HEALTH ACTS AMENDMENT BILL

SECOND READING

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (9.43 p.m.): I move—

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

I outlined the purposes of the Bill in my introductory remarks.

It is interesting to note the history of the control of poisons in this State. Prior to 1931 the control of dangerous drugs was provided for in the Poisons Regulations. The Health Act was amended in that year by the inclusion of a section listing the dangerous drugs and providing basically the same powers for control as those existing today; that is, a member of the Police Force may detain, search and arrest without warrant any person who is suspected of breaching the section of the Health Act referring to dangerous drugs, and may search any premises, vehicle or place. The Act of that time provided that if a person was to be searched, it must take place at a police station in the presence of a justice of the peace.

The Health Act was consolidated in 1937, and in 1939 the Government of the day repealed that portion referring to the searching of a person at a police station in the presence of a justice of the peace. This was due no doubt to the fact that there would be no trouble in disposing of incriminating evidence while being taken to a police station if the person arrested was some 30 to 40 miles therefrom and if the journey had to be undertaken at night.

Mr. Bennett: That is an indictment against the police. In other words, the suspect got rid of the booty while he was in custody.

Mr. TOOTH: It is not an indictment against the police when one considers the minute size of the container in which a very potent dose of a dangerous drug can be carried. This is the whole point of the legislation. This is why the whole problem is so difficult. This is why agencies for the control of drugs have been set up, formerly by the League of Nations and now by the United Nations Organisation. This is why we are all fighting such a desperate battle against this form of enslavement. It is worse than anything else that has ever been seen in this field. This is known to the police. For the information of the hon. member for South Brisbane, the point I am making was made very forcibly by a former Minister for Health, the late Hon. E. M. Hanlon, when he moved an amendment to the Act. The amendment of 1939 allowed a person to be searched immediately wherever he was arrested.

The section listing the dangerous drugs was later deleted from the Health Act and included in the Regulations because new drugs discovered became so numerous that it was not practicable to amend the Act on each occasion.

Mr. Davies: When was it deleted?

Mr. TOOTH: I think it was in 1945. It had to be done because the list was continually becoming obsolete due to the discovery of new drugs and the development of new forms

of the old drugs. For that reason it was ultimately necessary to delete them from the Act and include them in the Regulations.

The amendment will allow drugs to be declared by the Governor in Council as dangerous drugs for the purposes of this section of the Act, and the penalties that apply to dangerous drugs will apply to these declared drugs.

I commend the Bill for the consideration of the House.

Mr. DAVIES (Maryborough) (9.48 p.m.): The Opposition has studied this Bill very carefully. We agree that it is a very important measure, and we are very pleased at this attempt to control the traffic in dangerous drugs. The Bill contains three clauses and, as our objections relate to one clause only, we will reserve comment until the Committee stage.

Motion (Mr. Tooth) agreed to.

COMMITTEE

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

Clause 1, as read, agreed to.

Clause 2—Repeal of and new s. 130; [130.] (2) restriction on possession, &c., of drugs—

Mr. DAVIES (Maryborough) (9.49 p.m.): By clause 2 of the Bill section 130 of the Act is being repealed and a new section 130 is to be inserted in its place. On behalf of the Opposition, I move the following amendment—

> "On page 2, line 44, after the word 'container', insert the proviso—
>
> 'Provided that he shall not, by reason of any provision of this subparagraph (b), be empowered to search any dwelling-house or part used for residential purposes of any building save where his entry therein was made under the authority of a search warrant or with the permission of the occupier of such dwelling-house or, as the case may be, part'."

In conformity with the Premier's views, which so clearly indicated that it was his wish, over a period, to remove from various Acts the right to search dwellings or places of abode without a search warrant, we move this amendment.

The Minister for Health mentioned that some years ago—a Labour Government was in power at the time—it was necessary to possess a search warrant to enter a dwelling or place of abode, and that at a later stage in the history of that Government such a necessity was removed. That is not a logical argument to use. Whether it was an error at the time or not, it does not follow that the argument can be used today. The argument cannot be used that an error in administration should be perpetuated. We believe that a man's home is his castle.

The Minister says that the forces of law today are fighting a desperate battle against this infamous drug trade. There is also a necessity to fight a desperate battle to maintain the rights of the owner of a dwelling. Even in these circumstances it is not right for anybody to enter a dwelling or place of abode without the permission of the owner.

The Bill does not say that the owner of the dwelling is to be present when the member of the Police Force opens any room, package or container. He can use any such means as is deemed necessary, so that a door can be bashed in and windows broken. I believe that 98 per cent. of police officers would carry out their responsibilities in a proper way, but we must protect the owners against the other 2 per cent. One can imagine the destruction, inconvenience and upset that can be caused, particularly if only the wife is at home. She would be distressed at the sight of a police officer searching through her private possessions, particularly since there would be no definite charge and the officer would be acting only on supposition.

It has been said before that it is the duty of the administration to ensure that drugs are not destroyed before they can be found. Surely the administration, with its technique in dealing with these infamous people who trade in dangerous drugs, can evolve ways and means of overcoming this problem. The administration could provide a justice of the peace, for instance. These raids should not be made by a solitary policeman. If an arrest is made, it is the duty of the administration to ensure that sufficient members of the Police Force are made available to remove the fear that an informer will rush to that person's house and have the drugs destroyed. The Minister's arguments seem even too elementary to discuss.

The Police Force should be sufficiently well staffed to enable one officer to remain with the man placed under arrest while another proceeds to the place of dwelling to see that no-one leaves it. At least three police officers could be employed in a matter serious enough to involve breaking into a private dwelling. Surely it is not for me to solve problems met in the administration of the law. It is puerile to advance the argument that because a justice of the peace cannot be found at 10 o'clock at night or 2 o'clock in the morning, the provisions of this clause are justified. The Government should see that justices of the peace are so stationed that their services are available at all hours.

I cannot accept this situation, as I feel that this is a further invasion of the precious rights of the individual. There are sufficient restrictions on the right of privacy of the individual today without allowing it to be further invaded. I therefore believe that considerable support for the amendment will be received from the back bench of the Liberal Party. I would not like to think that the Liberal disturbers of the Government have

deliberately vacated the House. I see that one of them is present, and it will be interesting to see whether he supports the amendment of whether what goes on at the back of the Chamber is merely sham fighting.

The CHAIRMAN: Order!

Mr. DAVIES: I am merely emphasising the necessity for supporting this amendment. The clause is an invasion of a person's privacy in his own dwelling. It gives to a police officer the right to walk in and disturb a household. The housewife may be alone with her children, and I ask the Committee to consider the frightening effect that such an intrusion would have. A woman could well suffer such great distress that she would have to go to a hospital for a long time. This is indeed a very serious matter. No argument has been advanced by the Minister that this is an impractical amendment. I hope that he will accept it, and not force it to the vote.

Mr. Muller interjected.

Mr. DAVIES: I have great respect for the interjector for the many services that he has performed for the State. He may have made mistakes in attending to the demands of the graziers who, according to his own statement after he resigned as Minister for Lands, rushed down George Street to his office. Does he desire that such mistakes, if any should be perpetuated?

I am not saying that in the political history of the State errors have not been made by the Labour Party. If they were made they should be corrected, and no-one is more ready than we are to admit that errors have been made. After all, it is only parties that are willing to experiment and prepared to initiate reforms that make mistakes, and the Labour Party admits that mistakes may have been made. However, we are now dealing with this amendment in 1966, and we say very strongly that it is necessary to preserve the privileges and rights of the individual from further invasion. I therefore have much pleasure in submitting the amendment.

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (10 p.m.): I cannot allow this to pass without comment—and very considerable comment. If the hon. member for Maryborough and any of his colleagues wish to amend the Bill in any way that will make it easier for drug pedlars to peddle their wares——

Opposition Members interjected.

Mr. Nicklin: You are on the side of the drug pedlars.

Mr. Sherrington: Rubbish!

Mr. TOOTH: —— neither I nor my colleagues in government will have a bar of it.

The amendment that the hon. member has placed before the Committee relates to clause 2 of the Bill, which substantially re-enacts the present section 130 of the Act. It was decided to re-enact the whole clause only to enable the Government to get the necessary authority to declare certain restricted drugs as dangerous drugs and for the purpose of controlling their use by teenagers and transport workers. But the vital issue has been removed altogether from the "pep pill" and the "purple heart" by the Opposition into the sphere of dangerous narcotic drugs, and this staggers me. I am surprised that it should have been done. However, the hon. member for Maryborough revealed the purpose in the course of his remarks, when he turned to the empty crossbenches on the Government side and said that he expected support. This is a puerile tactical move—and a very dangerous one, because the public at large may think it is meant seriously. Because of the possibility of this misconception, I propose to deal with it as if it were a serious amendment.

In 1939 section 130, which is now in force, was substituted by a Labour Government for the section of the 1937 Act, and the Bill effecting that substitution was piloted through this Assembly by a former distinguished leader of the Labour Party, the late Hon. E. M. Hanlon.

The hon. member who has moved the amendment may not know why Mr. Hanlon brought down the 1939 section 130, which is now being substantially re-enacted. Mr. Hanlon's object was to remove from section 130 the search-warrant provisions that, in a somewhat limited way, the Labour representation now in this Chamber wishes to put back into the section. His reason for removing the search-warrant provisions was very simple—that they made unworkable the policing of the law as to the unlawful possession and peddling of dangerous drugs.

Details of Mr. Hanlon's reasons appear at page 1860 of volume 175 of "Hansard", and I propose to quote briefly from his remarks on that occasion. He said—

> ". . . the whole civilised world is tightening up the law on the distribution of dangerous drugs. The League of Nations has devoted a tremendous amount of time to the investigation of methods of distribution and to making the control of drugs throughout the world uniform in order to ensure that the vendors of dangerous drugs are pursued with the utmost rigour in an endeavour to put an end to this highly dangerous traffic. There is nothing startling about the dropping of the provision that the search must be done in the presence of a justice of the peace. The hon. gentleman (a member of the Opposition) suggested that we have dropped something that has stood the test of time. As a matter of fact, we are dropping a provision that time has proved to be unworkable."

If it was unworkable then, how much more unworkable it is at present.

This morning, having warning of the possibility of this move by the Opposition, I sought the advice of the Director of the Chemical Laboratory, and I asked him to bring to my office quantities of morphia and heroin. He brought me 5 milligrammes and 10 milligrammes of heroin and 5 milligrammes and 10 milligrammes of morphia. Ten milligrammes of heroin, which is a very substantial "fix", to use the jargon of the drug-takers——

Mr. Houston: Where would that come from?

Mr. TOOTH: From the laboratories.

Mr. Houston: They make it here, do they?

Mr. TOOTH: No, they do not make it here. This is a drug that is used in the medical profession. It is a drug in the same way as strychnine is, and it is used by the medical profession. It is not given to all and sundry. Mr. Henderson brought it to me. This 10 milligrammes of heroin, which is a very substantial "fix" for an addict, contained insufficient powder to smear a thin layer over a threepenny piece. It was so minute that one could hardly see it. I made inquiries and I was advised that a capsule of this size—I do not know whether hon. members can see it—would contain 500 milligrammes of heroin.

Mr. Inch: Was it in concentrated form?

Mr. TOOTH: Yes. The pedlars, of course, would have it in concentrated form and break it down.

Mr. Houston: They get it through Customs?

Mr. TOOTH: It is smuggled in. Surely the hon. gentleman understands that.

The point I want to make is that the minute size in volume of these dangerous drugs makes it an extremely difficult job to catch any pedlar with them. On the drug market the content of that 500 milligrammes would probably be worth some hundreds of dollars. It is very easily secreted; it could be dropped and stood on; if a person were close to a sink or a toilet it could be disposed of almost instantaneously; yet hon. members are asking us to tie still further the hands of the law-enforcement authorities in this dangerous situation by a technical regard for certain general principles to which we all subscribe in a general way but which, in a particularly dangerous situation, we must dispense with. There are times when these things must be looked at in the light of the special and difficult circumstances involved.

The amendment itself, apart altogether from the principle of it, I think is extremely bad. It does an extraordinary thing. The clause says that any member of the Police Force may search the person and possessions of any person so detained—in the previous paragraph there is provision to detain any person—and anything carried or conveyed by such a person and any premises or place wherein such person may be and any premises or place wherein such person has or is suspected of having any such drug or substance and, for that purpose, open by such means as he deems necessary any room, package or container. So that he is in a house; he has gone to the house, he has seen the person he suspects and he has detained him. But at that stage, under the amendment, if he wants to search the rest of the house he then has to go away and get a search warrant.

Mr. Bennett: That is absolute rot.

Mr. Sherrington: Why wouldn't he arm himself with a warrant in the first place?

Mr. Bennett: Your argument is an indictment against the intelligence of your inspectors.

Mr. TOOTH: The hon. member for South Brisbane is very smart in referring to other people's intelligence. Apparently the intelligence of my inspectors is at fault. Apparently the hon. member and his colleagues are unaware of the world-wide extent of this nefarious traffic, and apparently they are unaware that every agency of every civilised country is using every possible means to control and contain this traffic. Apparently they are unaware of the extent to which thousands upon thousands of teenage school children in the United States of America, and in other countries, have become addicts. Apparently they have never heard of the "pushers", and they talk on this as if this is something quite new and we are seeking extraordinarily unusual powers.

Mr. Houston: How many "pushers" have been arrested and prosecuted in the last 12 months in Brisbane?

Mr. TOOTH: Does the hon. gentleman want us to do nothing until they are being arrested every day of the week—if, with the limited powers that the Opposition decides to give us, or suggests we should have, the police are able to find any of them? None will ever be arrested if we are going to tie the hands of the police by this sort of amendment. Without further ado, I say that the Government will not accept this amendment under any circumstances whatever.

Mr. DAVIES (Maryborough) (10.12 p.m.): I am amazed by the reply of the Minister; he has not dealt with my arguments at all. First of all, he goes back some 20 or 30 years and depends upon what happened then. This is 1966.

I resent the charge by the Minister that this amendment was brought forward for political reasons. As a matter of fact, if it was, it was far more effective than the Premier and his Cabinet in clearing the rebel Liberals out of the House. I notice that they have completely retired from the Chamber. The Government is cleft right down the centre over this issue, and the representatives of the

Liberal headquarters support us, going by the arguments that were put forward in this Chamber over the last few days, but they have not the courage to face a division. Evidently the Minister was stung to the quick by the charge that I made.

I resent also the charge that the Opposition is desirous of seeing the drug trade spread. I hope, and I believe, that this is a facetious remark and I will deal with it as such. The statement by the Minister is that the forces of the law are so inefficient that they could be outwitted by these people in such a simple fashion as described by him, and I refuse to accept that. I have great respect for the efficiency of the law. The Opposition is as keen as the Government parties or anybody else in the community to see this drug trade wiped out. Does the Minister mean that there are school-girls who are dealing in some of these pills or dangerous drugs? Is he going to any school where he thinks that this may be so or is he going to search the house that a particular girl might come from? If he did, that would most definitely be an intrusion on the rights and privileges of any respectable home, especially if the Minister had only a suspicion that the girl was so acting.

I am surprised at the Minister's reply. He has dealt with the matter in a very shallow fashion and he has not replied to the argument of the Opposition, so that our argument still stands. The Opposition believes that it is in the interests of the community generally that this amendment should be carried, and it has put it forward with great sincerity.

Mr. BENNETT (South Brisbane) (10.14 p.m.): I very strongly support the arguments put up by the hon. member for Maryborough, and can only say, "Thank goodness we still have somebody in Parliament who has the guts to defend the rights of the people." Incidentally, if a proper search was conducted some Government members would have to hand over the drugs and pep pills they are taking at present. If the police were to search the rooms of hon. members opposite they would find the dangerous drugs they keep at Parliament House. They should also have the right to search their persons.

Government Members interjected.

The CHAIRMAN: Order!

Mr. BENNETT: I am very sorry, Mr. Hooper.

Mr. Bischof should send his police investigators and detectives to search some of the Liberal Party and Country Party members who are in the Chamber.

Mr. Houghton: Get up to the Trades Hall.

Mr. BENNETT: If they did they would take all the drugs they have here.

I know that the Premier is super-sensitive about this. I have observed him over the years and I know that when he becomes super-sensitive his conscience is troubling him. I know he is embarrassed because he is inserting in the Statute Books, in relation to the Health Act, this concept that is absolutely odious to our way of life and our thinking. It is rather strange that in the Chamber tonight there are only two Liberal members other than Ministers, of course, to support a Liberal Party Minister.

Mr. Ramsden: Ring the bells!

Mr. BENNETT: It is all very well to talk about ringing the bells. If the bells ring they will dance to the dictates of the Government. The point I am making is that they are not here.

The Premier is obviously super-sensitive on this point because he is not happy with the position in which he finds himself. He said by way of interjection to the hon. member for Maryborough, "Are you on the side of the drug peddlers?" Either he does not believe in the truth of that accusation, or alternatively he is trying to deceive the public understanding of what the Opposition is trying to do by the amendment moved by the hon. member for Maryborough. He either misunderstands the position or is deliberately trying to draw a cloud across the path of clear, honest thinking.

One is never on the side of a criminal until he is proved to be a criminal, and the Crown and the police should have the necessary efficiency to prove who is a criminal and who is not. Merely because we are preserving the rights of decent citizens, it does not follow by any logical inference that we are on the criminal's side. We are on the side of decent citizens who do not want to be treated like criminals by the Premier and his Cabinet, which is what the Premier is trying to do.

The Minister referred to an amendment that significantly was introduced in 1939 when, because of the war that we were embarking upon, it was impossible to get recruits for the Police Force. Police numbers were inadequate and there were in Australia thousands of troops from overseas. We were operating under the exigencies of war.

A Government Member: Thousands of troops were not here in 1939.

Government Members interjected.

Mr. BENNETT: I happened to be down at the Newstead oil installations on guard long before that, and there were many troops there then.

Government Members interjected.

Mr. BENNETT: In any case, that related to 29 years ago—I might almost say it is a third of a century ago—when communications were less adequate than they are today and radio was not nearly as well developed as it is now. Transport and road communication were not nearly as highly developed and other mechanical aids in transportation were not in existence. So that the argument that we should go back to what happened 30 years ago is not convincing at all.

As we pointed out earlier this Government on so many occasions seeks to justify its actions by pointing to something done by a Labour Government in years gone by. During the time the Government was in Opposition it castigated the thinking of Labour Governments and their endeavours. Now that its members are sitting in a different position they are endeavouring to follow what they claim was the policy of the Australian Labour Party in those days, although they did not cheer and acclaim that policy at the time. So I do not believe that that argument is convincing. Nor do I think, if there was a mistake made in the past by any particular administration or political party, that it should be perpetuated, and there is no reason to so perpetuate it.

The suggestion is not, as read out by the Minister, that the search should be conducted in the presence of a justice of the peace.

Mr. Tooth: I did not suggest that.

Mr. BENNETT: I understood the Minister to say that.

Mr. Tooth: You were not listening. You always make any sort of point you can.

Mr. BENNETT: If that was not part of the Minister's argument I cannot understand why there is any difficulty in obtaining a warrant, because before the police go into a man's house they must suspect that he is dealing in drugs. They would not knock me up at 1 a.m. and say, "We have come to search your home because we think you might be dealing in drugs" unless they had some reasonable ground for suspicion, and they do not get that on the spur of the moment. The procedure is that they must have those reasonable grounds for suspicion before they appear before the J.P., and they must record in writing their reasons and grounds for having that suspicion; then they will receive a search warrant expeditiously, within five minutes. But they have to swear on oath to the truth of their belief that there are reasonable grounds for suspicion. If they obtain the warrant fraudulently it can be exposed in court. If they obtain it honestly and sincerely they have nothing to fear, no time is lost, and they have the opportunity to enter the property legally.

Mr. Tooth: You have not studied the amendment because this is subsequent to the detention of a person.

Mr. BENNETT: It says—

> "Provided that he shall not, by reason of any provision of this subparagraph (b), be empowered to search any dwelling-house."

Mr. Tooth: Look at the Bill and put it in its context.

Mr. BENNETT: I did not cast aspersions on the Minister's intelligence. I have read both the amendment and the Bill.

Mr. Dewar: Then you will admit that the man is already being detained.

Mr. BENNETT: Clause 2 (3) of the Bill says that "a member of the Police Force may search the person and possessions of any person so detained."

Mr. Tooth: Look at clause 2 (3) (a).

Mr. BENNETT: The subclauses are separate. One paragraph is not the key to another. The amendment is designed to ensure that a warrant is obtained before a dwelling is searched. It is clear that a warrant must be issued before any authority under any particular clause is exercised.

The hon. member for Maryborough was also taken to task because he said that he expected to receive support from the back-bench members of the Liberal Party, who are still absent. That is not playing politics at all; it is merely expecting parliamentarians to be consistent with the assertions they make on other matters.

Mr. Tooth: That is the purpose of the amendment.

Mr. BENNETT: It is not the purpose of the amendment at all. Surely it is logical argument and clear thinking to say that we expect those members to be consistent with what they have said before, and this proposal will allow them to do that. Section 130, as it will be, provides the penalty, and subsection (3) reads—

> "Any member of the Police Force may—
>
> (a) detain any person found in any premises or place . . . "

The proposed amendment merely states that before a police officer can enter any such dwelling referred to in this section, he shall have a warrant. That is the kernel of the argument.

Much to my surprise, the Minister, and, in the past, the Minister for Education, have agreed with my submissions, by questions asked in Parliament, that there was drug trafficking in Brisbane, particularly in the Albion area. Time does not permit me to refer to the answers to those questions. They were, however, published in the Press, and the Minister for Education stoutly denied that there was any drug trafficking to any extent in Queensland, and, in particular, in Brisbane.

Mr. Pizzey: That was a good time ago—over a year ago.

Mr. BENNETT: It was last year.

Mr. Houston: There has been no arrest since.

Mr. BENNETT: No. If the Minister had insisted that the Police Force carry out its duties, there would have been no need for search warrants to obtain convictions for drug trafficking in Brisbane. Instead, he chose at the time to hide his head in the sand because the subject was raised by me. He was prepared to deny the truth of my

assertion. There was drug trafficking in Brisbane then, and the police should have known it. Instead of saying, "We know there is drug trafficking in Brisbane but we find it difficult to catch the offenders because we have no right of entry without a search warrant," he denied any suspicion of drug trafficking in Brisbane. Who is telling the truth—the Minister for Education or the Minister for Health?

Mr. Tooth: Do you know there is drug trafficking?

Mr. BENNETT: The Minister is saying that there is drug trafficking now.

Mr. Tooth: No, I am not.

Mr. BENNETT: The Minister did say that. He clearly gave us to believe that the situation has got out of hand in Brisbane, and in Queensland as a whole.

Mr. Tooth: No.

Mr. BENNETT: That is the impression the Minister gave.

Mr. Tooth: It was the impression you might have got.

Mr. BENNETT: Furthermore, he mentioned that teenagers were engaging in this unhealthy habit to a great extent. That is what the Minister said, and apparently he said it without having any concrete evidence. I challenge him to name the circumstances and the occasion that he referred to when opposing the amendment, and I also challenge him to find out why the police have not brought the offenders to court for their illegal trafficking, if that is the position. I challenge the Minister to answer those questions. Will he tell us the truth and say that he has no evidence of drug trafficking? If the right of entry and search, as desired by the Minister, is necessary, let him give us at least three instances in which it was desirable this year. Let him give the Committee three examples this year where the police did in fact suspect drug trafficking and under what circumstances. Let him give full particulars of the offence and indicate to hon. members that the only reason why the police were not able to obtain the necessary evidence was that this clause did not reside in the existing legislation. If the Minister is sincere and bona fide in his argument, surely he will be able to tell the Committee the circumstances and give it the full facts and details of the times when police had these suspicions but were frustrated in carrying out their duties by difficulty in gaining entry to the premises. Surely if one is to engage in a radical departure from what one understands to be the correct concept of protection of people in their private dwelling house, one should have some evidence to show that such a right is necessary. Let the Minister tell hon. members how many raids, if any, have been conducted on the homes of any persons. Let him tell hon. members what has been done in relation to the peddling of drugs to transport drivers. Let him tell the Committee in what way the investigations of the police were frustrated by the existing legislation. Let him explain how their efforts could have been more successful, if they made any efforts in that regard, if they had had the right of entry and search as suggested. Before asking the Committee to adopt a very harsh proposal of this nature, which will interfere very radically with individual privacy and one's own person, I think that the Minister should place evidence before it to show that the proposal is necessary.

Some of the capsules and drugs are in very small containers. It would be very easy to "plant" one on a person, and it would not be the first time in the history of Queensland that such a thing had been done. It is a protective measure to have a warrant for search sworn out before any search is conducted. Subject to exceptions, no person can be searched in Queensland before he is arrested.

Mr. Carey: Don't you support the Government in its efforts to stamp out the traffic in illegal drugs?

Mr. Houston: You are in the wrong court.

Mr. Carey: I asked the question.

The CHAIRMAN: Order!

Mr. BENNETT: The hon. member is merely echoing the interjection by the Premier that I have already dealt with.

Mr. Armstrong: Not very successfully.

Mr. BENNETT: My submission would be quite successful before an intelligent jury; but I must admit that there are many men as bad as my friend "morphia" on that side of the Chamber.

The CHAIRMAN: Order!

Mr. BENNETT: As I was about to explain, Mr. Hooper, usually a person cannot be searched until he is arrested and at the watch-house. Then, of course, he is searched in the presence of a responsible sergeant—incidentally, Sergeant Keohan, who was at the watch-house, was on trial for about three months before it was discovered that the Crown had no evidence against him—and at least two other policemen, and he is searched properly and efficiently under supervision. That system has worked well in the past, and I do not know of any instance in which the police have been so dull, lethargic and inefficient that they have lost their evidence after apprehending a person and before they got him to the watch-house. I have not heard of any incident such as that. I am perfectly satisfied that our Queensland Police Force——

Mr. Armstrong: You must be changing your opinion about them.

Mr. BENNETT: There again, unlike some Country Party members, and certainly unlike back-bench Liberal Party members, I am consistent in the attitude I adopt in this Chamber. I have always said that the vast majority of Queensland policemen are men worthy of their office and men to respect.

That is why they get me to defend them when they are in trouble and I do it successfully.

The point I was making is that I have never known in my long association with, and wide experience of, the Queensland Police Force any policeman to lose an article obtained from a person who has been arrested prior to his being searched in the watchhouse. I have known some instances of their losing a prisoner, due to his physical capacity and ability to run, but no policeman is going to lose any evidence obtained by him, except by physical duress. Therefore I cannot see the necessity to give to a police officer the right to come into one's private home and subject one to the indignity of search in the presence of one's wife and family unless it is absolutely necessary. I am submitting that, in order to ensure that it is absolutely necessary, they should be required to arm themselves with the necessary warrant.

Such a warrant can be easily obtained by swearing out the necessary information, if it is true, in the presence of a justice of the peace, and it takes, at the most, five minutes. I feel that the reasons for the amendment moved by the hon. member for Maryborough are substantiated by his argument and justified by the unhealthy reaction from the Premier and Minister for Health.

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (10.38 p.m.): I must confess I have never in my whole time in this Parliament heard such a farrago of nonsense as I have just heard from the hon. member for South Brisbane. Let me reiterate that we are not introducing something new.

Mr. Bennett: You are introducing something bad.

Mr. TOOTH: The hon. member will be interested in what I am about to say. We are not introducing something new; we are retaining something introduced into the Act by the late Hon. E. M. Hanlon.

Mr. Houston: That is the first time you have ever praised him.

Mr. TOOTH: No; I have praised the hon. gentleman on more than one occasion in this Chamber. He was a gentleman for whom I had considerable regard. Obviously the hon. member for South Brisbane has little or no regard for his memory.

Mr. Bennett: That is cheap and nasty.

Mr. TOOTH: The hon. member for South Brisbane talks about cheapness and nastiness. I would say he is one of the greatest purveyors of those commodities in this Chamber.

The hon. member, in the course of his remarks, said that some time about a year ago the police could have got quite a number of convictions for the possession of dangerous drugs.

Mr. Bennett: I did not say that either; be truthful!

Mr. TOOTH: He referred to Albion and to the fact that it would have been possible for the police to obtain some convictions. I put it to the hon. member, what did he do about this if he had this information? He has waited for a year to tell us about it.

Mr. Bennett: I gave the information to the Minister for Education.

Mr. TOOTH: Not to the police.

Mr. Bennett: To the Minister for Education, in charge of the police.

Mr. Pizzey: In general terms.

Mr. Bennett: Not in general terms. I will get out the correspondence.

Mr. TOOTH: The hon. member says that it would be possible for a police officer who suspected a person to get a warrant before he made any move. With his extensive knowledge of police practice, surely the hon. member knows that very frequently in the course of other investigations additional matters come to the notice of the police. Indeed, it is on occasions such as these that the police usually gain knowledge of the handling of dangerous drugs and narcotics. I say that any member of this Chamber who has any sense of responsibility would not play politics on this issue. That is what the Opposition is doing; the Opposition is playing politics in this. It is endeavouring to blacken certain members on the Government side. The hon. member for Maryborough revealed that in the course of his remarks. I am amazed that on a serious issue of this nature——

Mr. DAVIES: I rise to a point of order. I did not make that statement; I simply pointed out that the Liberal rebels had left the Chamber and had been putting up some sham fighting during the last few days, and that the intention of the Opposition in moving the amendment was a very, very sincere one.

The CHAIRMAN: Order!

Mr. TOOTH: The hon. member for Maryborough clearly indicated that part of his thinking in this matter was that a certain attitude would be adopted by certain members on the Government benches.

The CHAIRMAN: Order! I ask hon. members on my right to give the Minister the courtesy he deserves in answering the debate.

Mr. TOOTH: I wish to revert once more to the comments made by the hon. member for South Brisbane. He said that this amendment would refer to paragraph (a) of subsection (3) of the clause and that it would refer to the words "detain any person found in any premises". Irrespective of my opinion of the hon. member in other fields, I have always regarded him as a competent lawyer; but this amazes me.

Mr. Bennett: You never gave me any briefs.

Mr. TOOTH: I have never been in the situation where I have needed to, thank God! I would direct the learned gentleman's attention to the terminology of the amendment. It says—

> "provided that he shall not, by reason of any provision of this subparagraph, be empowered to search any dwelling-house or part used for residential purposes of any building . . ."

Obviously this amendment has not got general application at all; it refers merely to a dwelling place or some place used for residential purposes, whereas the clause itself talks about the detention of any person found on any premises. If that is the sort of advice that the hon. member gives in respect of legal matters, we can judge what his advice would be on other matters.

Mr. HOUSTON (Bulimba—Leader of the Opposition) (10.44 p.m.): I think I should make it clear to the Government that this is not a matter of playing politics. In times of need the Opposition has always shown that it will support the Government on any worth-while proposal. On the one hand, the Premier said that we are encouraging dope pedlars. What utter nonsense this is! I asked him to tell us whether there were any arrests or prosecutions in the last 12 months. There have been none. The Premier said that we are interfering with the police. The Premier tells us that the "dope" is here, and the Minister has suggested that schoolchildren are handing it around. If that is so, why is it that this Government has closed down local police stations one after another and reduced the number of policemen on actual service?

Why has the Government refused to supply high-powered cars to the police? The Government of New South Wales is tackling crime by providing for the police higher-powered cars than any that criminals could possibly have. Here, we are only giving the police Fords and other slow cars, yet hon. members opposite talk about what they are trying to do, and what they are doing.

Government Members interjected.

The CHAIRMAN: Order!

Mr. Pizzey: Are you saying that crime here is more serious than in New South Wales?

Mr. HOUSTON: I have never said that.

Mr. Inch interjected.

The CHAIRMAN: Order! I remind the hon. member for Burke and hon. members on my right that there are far too many interjections.

Mr. HOUSTON: The Premier made an assertion that we are not interested. I say we are interested and, if things are as bad as the Premier implies, the Government should make the Police Force more effective than it is. To my knowledge, I have never seen one policeman on his own looking for criminals. There are always at least two. Let the Minister in charge of police deny that. They go out in pairs—and I have no argument against that.

In his introductory speech the Minister said that a certain person was arrested in a hotel for having drugs in his possession. Did the police go there on the off chance and say to him, "You have drugs in your possession", and then search him? Of course not! They planned it—and I have no fight with that. That was a deliberate attempt by the Police Force to find out who was peddling drugs. They did it effectively and I give them full credit for it, but they knew who the person was. If any person is known to be trafficking in drugs, or even if he is suspected of doing so, surely it is not asking too much to require that at least two police officers go after the person concerned, armed with a search warrant to enter any home in which he may be residing. Let us all realise that when a warrant is obtained it does not become invalid in an hour or two. When a warrant is obtained it remains operative for a long period. If the Minister does not think so, let him amend the Act accordingly.

Some peculiar happenings have arisen during the debate on this measure. When replying to the hon. member for South Brisbane, the Minister was keen to say that we were supporting the small child, teenager or student who intended to peddle drugs.

Mr. Tooth: I said they were the victims of drugs.

Mr. HOUSTON: That is quite right, but the Minister did not mention anything about the transport driver. In the introductory stage the main point made was that this——

Mr. Tooth: Are you confusing dangerous drugs with restricted drugs?

Mr. HOUSTON: I am not confusing anything at all.

I put to the Minister quite bluntly and frankly that under this legislation the Government will raid the homes of the transport drivers. The Minister may deny that if he can. That is what is planned; it is the main purpose of the Bill. If it is not, let us have a guarantee from the Minister or the Government that is is not intended to raid the homes of transport drivers who it might be considered have drugs in their possession. These are the people that country members represent. I assure the Premier that we strongly believe there have been too many inroads over the years into the privacy of the individual. Let us find ways and means of restricting the traffic in drugs and other crimes, but by other means than openly invading the privacy of private homes.

If the Government feels that our amendment is too severe and that it will interfere with the working of the law, the Minister should tell us exactly how he will operate when transport drivers are considered to be using drugs or when it is suspected that students are using drugs. The other day some teenagers were convicted of drinking, but no mention was made of anybody trying to stop this practice. I feel that the Minister must come up with a more convincing argument that the Government is doing all in its power to cut out this traffic before it takes power to invade the privacy of a person's home.

Hon. G. F. R. NICKLIN (Landsborough—Premier) (10.52 p.m.): I feel sorry for the Leader of the Opposition. He has had to come in to protect members of the Opposition from the over-enthusiastic action of the hon. member for Maryborough, who endeavoured to gain a cheap political advantage by moving his amendment.

I say to the Leader of the Opposition that as Leader of the Government I think I am entitled to receive a copy of an amendment that it is intended to move. I ask him if he will please send me one the next time the Opposition intends to submit an amendment.

Mr. Houston: If I may answer the Premier——

The CHAIRMAN: Order!

Mr. HOUSTON: I rise to a point of order. I can assure the Premier that no discourtesy was meant. I followed what I understood to be the normal procedure adopted in handing out amendments. I shall see in future that he gets one personally.

Mr. NICKLIN: I was not chiding the Leader of the Opposition; I was merely suggesting that he might show that courtesy to the Leader of the Government next time.

Mr. Bennett: After 17 years in Opposition——

The CHAIRMAN: Order! The hon. member for South Brisbane has taken the opportunity of making a contribution on this clause. I ask him to cease interjecting.

Mr. Bennett: I appreciate your observations.

The CHAIRMAN: Order!

Mr. NICKLIN: The hon. member for Maryborough, and the hon. member for South Brisbane, particularly, came here tonight like knights in shining armour in an endeavour to protect the rights of the individual! Was there ever such political hypocrisy as those two hon. members coming forward in an endeavour to protect the rights of the individual? Why do they not tell the truth about this amendment? It was moved in an endeavour to play a smart political trick, namely, to embarrass the Government. But it has rebounded on them. To play politics they would go to the length of assisting the drug pedlar or possible drug pedlar. They would do anything. I admit they did not think what they were doing, but that is the effect of their action.

Mr. Inch interjected.

The CHAIRMAN: Order! The hon. member for Burke will withdraw that remark and apologise.

Mr. Inch: When the Premier——

The CHAIRMAN: Order! Withdraw that remark.

Mr. Inch: I refuse to withdraw that remark.

The CHAIRMAN: Order! I shall give the hon. member for Burke a further opportunity to withdraw the remark that the Premier is imbecilic.

Mr. Inch: In the circumstances, and out of respect to the Premier, I withdraw the remark.

Mr. NICKLIN: Do not let us deceive ourselves. Drug traffic is one of the most insidious and dangerous evils in the world today. It is so dangerous and insidious that the United Nations Organisation is spending many millions of dollars on setting up a world-wide organisation to control it. Fortunately it has not as yet hit Australia to any great extent, very largely as a result of the strict surveillance of the Customs authorities and the good work of the various Police Forces throughout Australia.

Every possible step has to be taken to eliminate the possibility of drug trafficking in Queensland. That is our duty not only as a government but as responsible legislators, because members of the Opposition have in this matter as much responsibility as do members on this side of the Chamber. If hon. members opposite vote for the amendment that they have moved tonight, they will brand themselves for all time as members who are prepared to break down the laws of this State designed to deal with drug trafficking. They will be breaking down the laws put on the Statute Book of this State by a Labour Government for the very purpose of dealing with drug trafficking.

Mr. Bennett: If it is so serious, can you tell us if you have any drug squad in the Queensland Police Force?

Mr. NICKLIN: There is a squad that deals with it.

Mr. Bennett: There is not.

Mr. NICKLIN: If the hon. member was so keen to deal with the alleged drug traffic, why did he not give the information to the Minister in charge of the Police Force?

Mr. Bennett: I did, and he wouldn't use it.

Mr. NICKLIN: As a responsible citizen and legislator, he should have given this information to the Government if he had

it. This may be a joke to the hon. member for South Brisbane, but it is not to responsible citizens. The hon. member is prepared to break down the laws of this State that prevent any possibility of drug trafficking in Queensland.

So far as the Government is concerned, we are not going to have broken down the provisions of the Bill now before the Committee. They have been framed deliberately to deal with this most dangerous and insidious traffic. If any members care to vote against this clause, they can, but by doing so they label themselves as people who are prepared to support the growth of the drug traffic in Queensland.

All sorts of arguments were introduced by the hon. member for South Brisbane. He even brought the American Army here three years before it arrived. When his history was corrected, he was left floundering about like a fish just hauled from the water.

Mr. Bennett: I got you on your feet.

Mr. NICKLIN: It was not my intention to enter the debate, as the matter was so very expertly handled by the Minister for Health. He absolutely devastated the arguments put forward by Opposition members. My purpose in speaking is to lay on the line exactly where the Government stands. We stand for every possible action to deal with drug trafficking in this State and the consequent ruination of the future of our young citizens. There is no doubt where hon. members on this side of the Chamber stand. Let the Opposition take its stand now.

Mr. DAVIES (Maryborough) (11.1 p.m.): I assure the Premier that the Opposition does not need any lectures from him on the seriousness of this ugly traffic, and no-one will fight harder than hon. members on this side of the Chamber to suppress it. They will do everything possible to assist the forces of law and order in this State to overcome the evils of trafficking in drugs.

I wish to place on record the questions asked by the hon. member for South Brisbane on 15 September, 1965, and the replies given by the Minister for Education. The first question was—

> "Has his (the Minister's) attention been drawn to the claim made in 'Sunday Truth' of September 12, 1965, to the effect that there is a large drug racket established in Brisbane?"

The Minister's answer was—

> "Yes."

The second question was—

> "If so, will he make reference to his answer to my question in Parliament on October 31, 1962, when he informed the House in effect that the Police Department had no knowledge of any drug racket in this city."

The Minister's answer was—

> "I am aware of the particular question and answer."

The third question was—

> "Will he now direct that some concentrated attention be given to that area mentioned in my previous question bounded by Albion Road, McLennan Street and Storkey Street, Albion, near Campbell's Joinery Works?"

and the fourth question was—

> "Will he also have a thorough investigation made into the activities at the Fish Markets in connection with the existing drug racket referred to in the 'Sunday Truth's' article?"

The Minister's answer to those two questions was—

> "I am not in possession of any information to suggest that either the area or the place named warrant the concerted attention suggested. If the Honourable Member has any information which will assist in the detection of offences against the law and the bringing of offenders to justice, I and the Commissioner of Police will be happy to receive it, when consideration as to the appropriate action to be taken on that information will be immediately given."

The fifth question was—

> "Has any special squad been directed to closely investigate this allegation of a scandalous drug racket?"

The Minister's answer was—

> "In so far as the Police Department is concerned, the answer is 'No'."

The sixth question was—

> "What action do the Water Police take to adequately patrol Moreton Bay and the Brisbane River against activities of this nature?"

The Minister's answer was—

> "The Brisbane River and wharves thereon are constantly patrolled by members of the Water Police in order to prevent and detect offences generally, and Moreton Bay is patrolled when circumstances warrant it."

The seventh question was—

> "Will he cause investigations to be made to ascertain if any members of the Customs Department are involved?"

The Minister's answer was—

> "I can only repeat that if the Honourable Member has any information which will assist in the detection of offences aganist the law and the bringing of offenders to justice, I and the Commissioner of Police will be happy to receive it."

Evidently neither the Minister nor the Commissioner of Police had any evidence.

The eight question was—

"In spite of his denial that complaints had been made about this matter in his answer to the question on October 31, 1962, will he make further investigations to find out if a Mrs. R. Doughty had in fact complained and appealed to the Commissioner of Police prior to June, 1961, about the adverse effects on her family affairs as a result of this drug traffic?"

The Minister's answer was—

"Numerous letters were received by the Police Department from a Mrs. R. Doughty in relation to various subjects prior to June, 1961. The subject matters of these letters were thoroughly investigated even to the extent of seeking the assistance of the Government Analyst but it was found that there was no substance in the complaints which were considered to be purely imaginary."

The ninth question was—

"Did the Commissioner, prior to his answering my question on October 31, 1962, receive a code note dealing with the peddling of drugs?"

The Minister's answer was—

"The actual receipt of a note of the kind referred to, by the Commissioner of Police, cannot be pinpointed, but correspondence from Mrs. Doughty refers to 'a strip of paper with six words in code, namely "light match—keep alight—plant lane" '."

The tenth question was—

"What is he doing generally to safeguard this State and City against any such drug racket?"

The Minister's answer was—

"The Police Department under my Ministership is fully aware of its duty to protect life and property and prevent and detect offences against the same, and is well versed in the law dealing with offences associated with illegal trafficking in drugs."

Evidently the Minister was not in a position to give any information to hon. members about instances of drug trafficking in Brisbane, and neither he nor the law enforcement organisation under his control had any knowledge of any drug trafficking. Despite that, the Minister and the Premier claim that the drug traffic exists in the city to such an extent and is so serious——

Mr. Pizzey: What were your reading from?

Mr. DAVIES: Volume 241 of "Hansard", which is the record of the session from August to December, 1965. I have already given the actual date.

The Premier has acted hysterically during this debate. Evidently the attacks of members of the Liberal Party who sit on the cross-benches at the rear of the Chamber are wearing him down. The Opposition is serious in this matter, and the amendment that I moved has served the purpose of openly displaying to the Committee the sham fight that has been engaged in by senior representatives of the Liberal Party in this Chamber. They have made claims similar to those made by the Opposition in this instance; but they lack the courage to stand up in the Chamber and face up to the Government. The Opposition is serious in moving the amendment and asking the Committee to vote on it and protect the interests of the citizens of Queensland.

(Time expired.)

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (11.5 p.m.): I do not feel there is anything further to answer. The remarks of the hon. member for Maryborough have no relevance to the matter at all.

Question—That the proviso proposed to be inserted in clause 10 (Mr. Davies's amendment) be so inserted—put; and the Committee divided—

AYES, 17

Bromley	Melloy
Davies	Newton
Duggan	O'Donnell
Hanlon	Sherrington
Harris	Wallis-Smith
Houston	
Inch	*Tellers:*
Jones, R.	
Lloyd	Bennett
Mann	Hanson

NOES, 36

Armstrong	Miller
Beardmore	Muller
Camm	Murray
Carey	Newbery
Chinchen	Nicklin
Delamothe	Pilbeam
Dewar	Pizzey
Fletcher	Rae
Herbert	Ramsden
Hewitt, N. T. E.	Richter
Hewitt, W. D.	Row
Hodges	Tooth
Houghton	Wharton
Jones, V. E.	Wood. E. G. W.
Kaus	
Lee	
Lickiss	*Tellers:*
Lonergan	
Low	Smith
McKechnie	Sullivan

PAIRS

Dean	Hughes
Donald	Cory
Jordan	Bjelke-Petersen
Thackeray	Chalk
Tucker	Knox
Wood, P.	Campbell
Graham	Porter
Byrne	Ewan

Resolved in the negative.

Clause 2, as read, agreed to.

Clause 3, as read, agreed to.

Bill reported, without amendment.

The House adjourned at 11.13 p.m.