

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 12 SEPTEMBER 1967

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

QUESTIONS

CAPACITY OF MINORS IN ARMED SERVICES
TO MAKE WILLS

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

In view of recent Supreme Court decisions that Australians conscripted for National Service are not eligible to make a valid Will before reaching the age of twenty-one, and of possible complications or hardship for widows and children, will he consider amending the law to expressly provide that any person on full-time military service or engaged full-time in the Royal Australian Air Force or the Australian Navy, whether in Australia or not, may make a Will, irrespective of age?

Answer:—

“The provisions of *“The Wills (Soldiers, Sailors, and Members of the Air Force) Act of 1940”*, which permit a sailor or a mariner at sea or a sailor, soldier or airman on war service to make an informal will, whether he is over or under the age of twenty-one years, have never extended to a sailor on shore not on war service or to a soldier or airman not on war service. However, legislation dealing with the whole matter of the capacity of certain minors to make a Will is under consideration.”

LIABILITY OF Q.H.I. INDUSTRIES PTY LTD.
FOR WORK DONE BY BUTICOTE
CONSTRUCTION COMPANY

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

Following his Answer to a Question on September 6, 1966, indicating that Buticote Construction Company was a subsidiary of Q.H.I. Industries Pty. Ltd.—

(1) Is Buticote Construction Company still a registered business name?

(2) If not, is there any redress for home owners against Q.H.I. Industries Pty. Ltd. or the Directors of that company for faulty work previously allegedly guaranteed under contract by Buticote Construction Company?

(3) What protection has the public against allegedly guaranteed specialised work which proves faulty when the company has ceased operations?

(4) Can any action be taken against any Directors of such companies who are still resident in Queensland?

Answers:

(1) "A notice of cessation was lodged at the Companies Office on March 20, 1967, showing that the business name, Buticote Construction Company, was ceased on December 31, 1966."

(2) "Home owners who consider that they are entitled to redress in respect to faulty work performed by Buticote Construction Company should seek legal advice thereon."

(3) "See Answer to (2)."

(4) "The company, Q.H.I. Industries Pty. Ltd., which carried on business as Buticote Construction Company, is currently registered, and this information should be made available to the legal advisers."

GOVERNMENT PURCHASE OF BELLEVUE
HOTEL, BRISBANE

Mr. Houston, pursuant to notice, asked
The Minister for Works,—

Regarding the purchase of the Bellevue Hotel for \$660,000,—

(1) Was this property on the market for sale and, if so, at what price?

(2) What was the Valuer-General's valuation of the land in (a) 1958 and (b) 1967?

(3) Was consideration given to the fact that this property changed hands in 1958 for \$300,000? If so, what factors were accepted as warranting the over one hundred per centum increase in sale value?

Answers:

(1) "The Department of Works has no knowledge as to whether or not the Bellevue Hotel property was on the market for sale."

(2) "The Valuer-General's valuation of the land was \$33,710 in 1958 and \$74,665 in 1967."

(3) "The fact that this property was purchased by Bellevue Hotel Pty. Ltd. in 1958 was known when consideration was given to its purchase by the State. The factors which warranted the increase of over 100 per cent. on the sale value included: Value of improvements effected by the company, \$200,000; appreciation due to increase of 58 per cent. in building costs from 1958 to 1967, less depreciation at 33½ per cent., \$115,000; increase in land valuation from 1958 to 1967, \$40,955."

RECONSTRUCTION OF CAUSEWAY,
CHARTERS TOWERS ROAD, TOWNSVILLE

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

Further to his Answer to my Question, has he now any definite information as to (a) whether the Causeway on the Charters Towers Road, Townsville, is to be replaced or reconstructed in order to remove the traffic dangers and congestion caused by its present dilapidated condition and narrow driveways, (b) when the job will be commenced, (c) when it will be completed and (d) the estimated cost?

Answer:—

"(a) The section known as the Causeway will be completely rebuilt, including two new bridges. (b) It is expected that the construction of the first bridge will start during the current financial year. (c) It is hoped to complete the whole project in the financial year, 1968-69. (d) It is estimated the cost will be of the order of \$700,000."

PRICE OF LIQUID SUGAR

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

(1) Regarding the increase in the price of refined sugar to all manufacturers and consumers some months ago, did the price of liquid sugar as used by breweries rise?

(2) If not, and as it was claimed that the rise was necessary to compensate the sugar industry for export losses, will he explain this apparent anomaly?

Answer:—

(1 and 2) "The prices of sugar to all consumers including breweries have been raised. However, breweries need a material for fermenting, not for sweetening. The breweries' requirement for a fermentable is now being met in some instances by supplying refinery liquid by-products, high in colour and impurities, more like molasses than refined sugar. The price arrangements for these by-products are not directly related to those of refined sugar."

HOUSING COMMISSION RENTAL ACCOM-
MODATION, TOWNSVILLE

Mr. Tucker, pursuant to notice, asked The Minister for Works,—

How many applications for rental accommodation are presently lodged with the office of the Queensland Housing Commission, Townsville, and what priorities have been allotted?

Answer:—

“With 100 points priority—nil; with 80 points—nil; with 60 points—nil; with 40 points—25; without priority—153.”

RIGHT-OF-WAY RULE OF THE ROAD

Mr. Sherrington, pursuant to notice, asked
The Minister for Mines,—

(1) Has his attention been drawn to recent statements in the Press querying the efficiency of the right-hand rule?

(2) Has any study been made of the application of this rule to satisfy him that it has proved to be the safest and most efficient method of controlling traffic flow or is there any evidence that example has shown that in practice its application has led to many accidents and near-accidents, particularly in the cases of traffic from side streets entering the major traffic flow and at intersections?

Answers:

(1) “Yes.”

(2) “There has been considerable discussion on this Question. As yet I do not feel that the situation is sufficiently clear to justify a change in the existing regulations. The right-of-way rule is the same as that applying in other States, and complies with the National Road Traffic Code approved by the Transport Advisory Council.”

APPLICATION OF RESTRICTIVE TRADE PRACTICES ACT

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

Do the provisions of the Restrictive Trade Practices Act of the Commonwealth apply to Queensland companies which trade intrastate and interstate? If not, what action does he propose to take?

Answer:—

“The provisions of the Restrictive Trade Practices Act of the Commonwealth extend to interstate trade but not to intrastate trade. The operation of the Commonwealth Act is being observed pending further consideration of the matter.”

MAREEBA-DIMBULAH IRRIGATION AREA

Mr. Wallis-Smith, pursuant to notice, asked
The Minister for Local Government,—

(1) Is it intended to offer further blocks in the Irrigation area and, if so, where are the blocks located?

(2) Will he give an assurance that any option clause will not operate?

(3) Will the Arriga blocks have special conditions when they are offered and, if so, what are the conditions?

Answers:

(1) “It is presumed that the irrigation area referred to is the Mareeba-Dimbulah Irrigation Area. In this area farms to be opened are likely to include only the following:—(a) Two farms between Tinaroo and Emerald Creeks not suitable for tobacco; and (b) the two Arriga blocks which have been partially developed with the object of encouraging commercial production of beef fattening on irrigated pastures.”

(2 and 3) “No firm conditions in respect of opening of any of the farms referred to in (1) above have yet been determined.”

NEW BUILDINGS FOR PRIMARY INDUSTRIES DEPARTMENT, ATHERTON

Mr. Wallis-Smith, pursuant to notice, asked
The Minister for Primary Industries,—

In view of the excellent accommodation now enjoyed by the Forestry Department in Atherton and the urgent need for improvement in accommodation for many officers of the Primary Industries Department, will he have new buildings provided for his officers there?

Answer:—

“Advice has been received from the Department of Works that proposals to provide improved accommodation at Atherton for officers of the Department of Primary Industries are being examined by the Department of Works and that when plans have been prepared and the estimate of cost is known approval of the work involved will be considered in the light of available funds.”

PROPOSALS BY MR. D. J. MCGRATH FOR LAND IN PARISH OF DINDEN

Mr. Wallis-Smith, pursuant to notice, asked
The Minister for Lands,—

(1) As a block of land in the parish of Dinden was recently withdrawn from sale by the Lands Department so that proposals by Mr. McGrath could be considered, have the proposals been considered and what is his intention concerning the land?

(2) What were the proposals submitted by Mr. McGrath?

Answers:

(1) “Portion 27, parish of Dinden, area 1,100 acres, was withdrawn from sale on July 7, 1967, to enable consideration to

be given to an application by Mr. D. J. McGrath, who had previously held the land under Occupation License tenure, for a priority Special Lease over the area. Proposals since submitted by Mr. McGrath for development of the land have been considered and an offer has been made to him of a Special Lease over the area, such lease to be subject to development conditions."

(2) "Proposals submitted by Mr. McGrath are as follows:—(i) Complete boundary fencing. (ii) Clear approximately 50 acres of land each year over the next four years. (iii) Plant improved types of grasses or legumes to supplement the natural grasses on such land and fertilize same."

RURAL TRAINING SCHOOL FOR AYR DISTRICT

Mr. Coburn, pursuant to notice, asked The Minister for Education,—

In view of the necessity for highly trained personnel to carry out research and to give advice to those engaged in the rural industries of the State, will he approve of the establishment as soon as practicable of an agricultural college or a rural training college in the Ayr district?

Answer:—

"When the matter of the establishment of a Rural Training School in North Queensland comes up for determination, consideration will be given to the Ayr district, in conjunction with other districts, as a possible location for such an institution."

PLANNING AND BUILDING OF NEW HOSPITALS AND ADDITIONS TO EXISTING BUILDINGS

Mr. W. D. Hewitt, pursuant to notice, asked The Minister for Health,—

(1) Has he read the report in *The Courier-Mail* of September 7, headed "The Hospital of the future", in which the Medical Superintendent of the Royal Brisbane Hospital, Dr. A. Knyvett, and the Professor of Social Medicine at the University of Birmingham, Professor T. McKeown, discussed present and future hospital organisation and development?

(2) In the light of these discussions and of the large-scale additions planned at Royal Brisbane Hospital, will he ensure that the most recent and professionally reliable advice is obtained for the guidance of the board?

Answers:

(1) "Yes."

(2) "The Boards, not only of the Royal Brisbane Hospital, but of Princess Alexandra Hospital, in planning development at these hospitals, ensure that the latest advances in hospital organisation and construction, not only in Australia, but overseas, are studied. Five years ago, Dr. Knyvett, the present General Superintendent, went overseas on a study tour which included investigation of latest advances in hospital development and services. Dr. Pye, then General Superintendent, went prior to this for the same purpose. They were assisted financially by the Royal Brisbane Hospitals Board. In March, 1967, Dr. Knyvett visited Melbourne, Adelaide and Perth to study hospital trends in these cities. The architects for the Royal Brisbane Hospitals Board, Messrs. Conrad and Gargett, sent two of their architects with him. In August, 1967, Dr. Knyvett, with Mr. Lester, Chief Inspector of Hospitals of the Health Department, attended the International Seminar on Hospital Provision and Planning in Sydney, sponsored by the University of New South Wales. The lecturers included Professor T. McKeown, Professor of Social Medicine, University of Birmingham; Professor Lord Llewelyn Davies, Professor of Architecture and head of Bartlett School of Architecture in the University of London; Professor L. Hill, Director in Hospital Administration, University of Michigan, United States of America; Mr. G. Friesen, Hospital Consultant of Washington, D.C.; and Dr. R. Sahl, Director of the Hospital Planning Institute, Dusseldorf, West Germany. Mr. Conrad, architect, attended the open day of the seminar in a private capacity. Dr. Knyvett and Dr. Powell of Princess Alexandra Hospital attended a conference on Postgraduate Medical Education in August, 1967, when the problems of post-graduate teaching of full-time resident medical officers' staff was discussed. Dr. Powell and Mr. D. Palmer, Hospital Inspector, in August, 1967, visited Sydney to attend a conference to discuss computers in relation to hospital administration. Approval has been given for Matron E. Spencer and Dr. D. Cooper, Medical Superintendent of the Brisbane Women's Hospital, to visit Sydney, Melbourne and Perth to study recent advances in maternity hospital planning and organisation. Approval was given to Dr. K. Clifton, Director of Radiology, Princess Alexandra Hospital, to visit southern States to investigate suitable X-ray equipment for the hospital, and Dr. Powell went overseas in 1965 to study hospital records, including the use of computers, and hospital construction. The information derived from these visits will be applied to the planning and building of new hospitals and additions to existing buildings."

RIGHT OF APPEAL TO PRIVY COUNCIL
FROM STATE COURTS

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

Will the Government favourably consider following the reported intention of the Commonwealth Government of limiting appeals to the Privy Council from the High Court of Australia? If so, will he consult with the Governments of the other States of the Commonwealth on this matter?

Answer:—

"I take it the Honourable Member's Question refers to the right of appeal to the Privy Council from State courts. Such right of appeal depends upon the relevant Imperial Acts and Orders in Council, and the States have no right to abolish such right of appeal as exists, nor has the Commonwealth any power in this respect. Only the Imperial Parliament has power to abolish such right of appeal. I have reason to believe that the position of the States will be discussed at the next meeting of the Standing Committee of the Commonwealth and State Attorneys-General."

LOAN ALLOCATIONS FOR PROVINCIAL
CITIES

Mr. P. Wood, pursuant to notice, asked The Treasurer,—

What are the respective loan allocations for the year 1967-68 for the cities of (a) Toowoomba, (b) Townsville, (c) Rockhampton, (d) Ipswich, (e) Bundaberg, (f) Maryborough, (g) Gladstone, (h) Mackay, (i) Cairns and (j) Gold Coast?

Answer:—

"Toowoomba, \$1,399,814; Townsville, \$1,743,535; Rockhampton, \$1,370,560; Ipswich, \$928,400; Bundaberg, \$299,884; Maryborough, \$298,600; Gladstone, \$904,299; Mackay, \$602,298; Cairns, \$517,694; Gold Coast, allocation not finally determined."

TEACHER APPOINTMENTS TO SCHOOLS
AFTER OVERSEAS SERVICE

Mr. P. Wood, pursuant to notice, asked The Minister for Education,—

Will he detail, in full, the schools to which more than one hundred teachers have been appointed following their return from overseas during the present year, and, if necessary, the number of such teachers appointed to each school mentioned?

Answer:—

"When the figure to which the Honourable Member refers was compiled for me some weeks ago by officers of the

Department, no detailed list of teachers' names or schools was made. To provide the detailed information sought would entail many hours of work by staff branch officers who, in addition to normal duties, are at present fully engaged on 1968 school staffing, including the posting of about 1,000 trainees who will graduate from the Teachers' College. I do not propose to divert staff from this work in order to Answer the Honourable Member's Question."

WORK DONE BY PRISON INMATES

Mr. Melloy, pursuant to notice, asked The Minister for Health,—

(1) What are the details of all occupational therapy work or any other work carried out by inmates of Queensland gaols?

(2) What are the names of the industrial firms for which work has been carried out?

(3) What are the numbers of articles manufactured and/or processed?

(4) What is the value of labour involved in terms of award rates of wages paid to employees engaged in similar work in outside industry?

(5) What payment is made to prisoners engaged in the various categories of work?

(6) What is the value of work carried out for each Government Department?

(7) What work is carried out for the Commonwealth Government and what is its value?

Answers:

(1) "Occupational therapy in the true sense of the term is not undertaken in the Queensland prisons. Various occupations are followed by prisoners with a view to their rehabilitation on discharge, namely: saddlery, leatherwork and boot-making, carpentering and cabinet making, plumbing and draining, tailoring, tin-smithing, electrical maintenance, wiring and installations, cooking and baking, laundering, gardening—vegetable and landscaping, brickmaking, bricklaying and plastering, farming—general, agricultural, and dairying, animal husbandry, mattress making, clerical work and librarianship, butchering, woodchopping, constructional work, sanitation, boilermen, bookbinding, fitting and turning, welding, barbering, painting, tractor driving."

(2) "No work is carried out in prisons for outside industrial firms."

(3) "It is well nigh impossible to furnish the numbers of articles manufactured or processed in the prisons. Owing to the

diversified nature of the work done, particularly where articles are made or processed from prison property, and for the prisoner, details are not kept. Some indication, however, can be given from the following figures:—The laundry at Townsville processed just under one and a-half million articles last year; at Wacol 166,000 gallons of milk and over 50 tons of small vegetables were produced. Approximately 12,000 bricks were manufactured; at Brisbane, 92,000 articles were manufactured in the workshops, while 392,000 lbs. of bread were manufactured.”

(4) “No records are kept by which a comparison can be drawn as to the value of labour involved in terms of award rates paid to employees engaged in similar work outside for the following reasons:— (a) Prisoners’ working days vary and in workshops rarely exceed six hours per day, while in the kitchen, bakery, dairy, office and other places, they may be in excess of eight hours per day; (b) Prisoners’ working days are subject to unanticipated interruptions where no record could be kept. Prisoners have varying degrees of skill, some equal to outside workers, but most below the standard which would be employed in industry. Output cannot be accurately assessed for comparison with outside workers nor is such assessment relevant in prison as the prisoner has to be employed.”

(5) “Prisoners are engaged at from 7c to 40c per day. This payment may vary according to the skill which a prisoner has or which he may develop, or to the nature of the work on which he is employed.”

(6) “The value of work carried out for Government Departments in the last financial year is as follows:—Department of Health, \$182,825.61; Department of Justice, \$9.22; Primary Industries, \$5,051.23; Harbours and Marine, \$18.28; Local Government \$3.14; Labour and Tourism, \$4.25; Department of Works, \$4,294.57; Loan Fund Project, \$3,649.06; Police Department, \$1,477.41; Mines, \$0.11; Forestry, \$320.16; Children’s Services, \$70; Fish Board, \$4.59; State Stores, \$41,323.67; Education, \$3,727.39; Premier’s Department, \$13.08; Government subsidised bodies, \$2,309.48; Aboriginal and Island Affairs, \$126.05.”

(7) “Very little work is carried out for the Commonwealth Government. A contract was undertaken from July 1 for the dismantling at Brisbane and Wacol prisons of old telephone sets. This amounts to \$732. Collapsible mobile dental chairs are made for the Department of Territories, the sales for the past financial year being \$794. Bagpipe cases and general leather repairs for the Department of the Army amounted to \$278.”

SCHOOL AND MOBILE DENTAL SERVICES

Mr. Bromley, pursuant to notice, asked The Minister for Health,—

(1) How many children have been treated in Queensland by school dental services during 1965-66 and 1966-67?

(2) What treatment has been provided, including the number of extractions, fillings, dentures and orthodontic appliances, &c.?

(3) What mobile dental service and treatment has been provided for other people during the same years?

Answers:

(1)—

	1965-66	1966-67
“Children treated . . .	11,256	10,489”

(2)—

	1965-66	1966-67
“Permanent teeth extracted . . .	1,113	766
Temporary teeth extracted . . .	9,479	6,170
Fillings	36,814	32,896
Other treatments (prophylaxis, dressings, pulp capings, linings) . . .	45,314	31,787

School health services do not provide orthodontic appliances nor do they undertake denture work. This is referred to private practitioners or dental hospital clinics where technicians with the necessary equipment are employed. Emphasis is placed on prophylactic treatment in dentistry. The children are given literature and are shown films provided by the Health Education Council. Lectures are given in the classroom.”

(3) “The number of other people treated by the Mobile Dental Service of School Health Services are small as emergency treatment is only given to people in places where there is no private dental practitioner. The statistics are not readily available as clinic records are kept at the clinic.”

DISTRIBUTION OF BREAD IN TOOWOOMBA BY COBBITY FARM BAKERIES LTD.

Mr. Davies for Mr. Duggan, pursuant to notice, asked The Minister for Labour and Tourism,—

(1) In view of allegations made to me, will he obtain a report relative to the distribution of bread in Toowoomba by Cobbity Farm Bakeries Ltd., and advise me whether such bread which is baked outside the Toowoomba and Darling Downs area is baked and delivered to Toowoomba in contravention of the relevant provisions of the Bakers and Pastrycooks and Carters Award?

(2) If the provisions of the award are being broken, will appropriate action be taken by his Department?

Answer:—

(1 and 2) "This matter is already receiving the attention of the Chief Industrial Inspector."

FINANCIAL STATEMENTS OF ABATTOIR BOARDS

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

Will he supply details of the profit and loss accounts of all abattoir boards operating in Queensland, including the Mackay Abattoir Board, for the years 1964-65, 1965-66 and 1966-67?

Answer:—

"The information sought by the Honourable Member for the years 1964-65 and 1965-66 is readily available from the annual report of the Queensland Meat Industry Authority which has been tabled in this House. Results for 1966-67 have not yet been received from all boards. I would point out also that audited financial statements are published in the annual report of the Auditor-General each year."

EXPORT LICENCES FOR ABATTOIR BOARDS

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

Is there any restriction under existing legislation which prevents an abattoir board from applying for an export licence?

Answer:—

"Before a district abattoir can be granted an export licence, the premises and operational procedures must satisfy hygiene standards prescribed under the Commerce (Trade Descriptions) Act 1905-50, of the Commonwealth. There is no restriction upon a district abattoir which can satisfy these requirements from applying for an export licence. The Honourable Member will realise, however, that the high capital cost of satisfying these requirements might well be an inhibiting factor in any particular case."

RELEASE ON PAROLE OF PRISONERS SERVING LIFE SENTENCES

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

(1) Does the relevant law provide that a prisoner serving a life sentence can be released on parole only if the Minister for Justice approves of the recommendation of the Parole Board in that regard?

(2) If so, did he approve of the release on parole of Albert Eric Murphy and William Ernest Hamilton after they had served a little over thirteen years of their life sentence for murder?

(3) In the last three years, how many murderers have been released on parole after serving (a) less than fourteen years and (b) more than fourteen years of their life sentence, and why did he approve of the recommendation of the Parole Board in each case?

(4) Are any convicted murderers still in prison and, if so, what is the longest period that any one of them has been imprisoned and, if he has been imprisoned for longer than fourteen years, in what way is his crime regarded as being more premeditated, brutal and foul than that committed by Murphy and Hamilton?

Answers:

(1) "No. By section 33 of *"The Offenders Probation and Parole Act of 1959"* the Governor in Council may, upon the recommendation of the Parole Board, release on parole a prisoner undergoing a sentence of imprisonment either with or without hard labour for life."

(2) "See Answer to (1)."

(3) "Since July 1, 1964, the Governor in Council has released on parole eleven prisoners convicted of murder or wilful murder and undergoing sentence of imprisonment for life as under: (a) After imprisonment for less than fourteen years, 9; (b) after imprisonment of fourteen years or more, 2."

(4) "There are persons still undergoing sentences of imprisonment for life for wilful murder or murder, some of whom have already served considerable periods of imprisonment—for instance, two have served twenty-seven years. Of these prisoners, at least ten who have served for lengthy periods have made application for release on parole but have not been released. Various factors are taken into account when consideration is given to applications for release on parole which is a means of restoring offenders who are considered good social risks to society and affording a prisoner deemed fit to return to community living another opportunity to make good as a decent citizen. Absolute freedom is not conferred on these prisoners when so released as they are subject to a number of conditions, including that of supervision by parole officers."

HOUSING COMMISSION ACCOMMODATION,
CAIRNS

Mr. R. Jones, pursuant to notice, asked
The Minister for Works,—

(1) How many applications for housing accommodation are at present registered as outstanding with the Queensland Housing Commission through the Clerk of the Court, Cairns, for (a) rental and (b) home ownership?

(2) How many applicants have been allotted (a) rental and (b) purchase homes for the year ended June 30, 1967?

(3) What was the number of new houses erected for (a) rental and (b) home ownership in the same period?

(4) In what numbers have outstanding applicants in their respective categories of priority applied to let rental homes?

Answers:

(1) "(a) 88; (b) 8 applications are on hand and of these applications the necessary building contracts have been let in 6 cases. A further 41 enquirers have listed their names with the Clerk of the Court, Cairns."

(2) "(a) 9; (b) 21 including sales to tenants."

(3) "(a) 3; (b) 19."

(4) "With 100 points priority—1; with 80 points—nil; with 60 points—1; with 40 points—24; without priority—62."

PAPERS

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

Report of the Agricultural Bank for the year 1966-67.

The following papers were laid on the table:—

Proclamations under—

The Collections Act of 1966.

The Registration of Births, Deaths and Marriages Act and Another Act Amendment Act of 1967.

Order in Council under the Companies Acts, 1961 to 1964.

MINISTERIAL STATEMENT

ILLEGAL STREET PROCESSION IN BRISBANE
BY UNIVERSITY STUDENTS

Hon. G. F. R. NICKLIN (Landsborough—Premier) (11.26 a.m.), by leave: As hon. members are aware, the University of Queensland Students' Union recently made submissions to the Government seeking amendments to the Traffic and Main Roads Regulations. The Government agreed to some of the submissions, but not to all of them.

On Friday last, 8 September, in the face of a threat by the University students to stage an illegal march, I met the President, the President-elect and another member of the Union, who expressed dissatisfaction with the Government's decision.

When told that the Government's decision had been made only after very careful thought and consideration and that the University students at least should give the new Regulations a trial, it was made quite apparent to me that the students, and, indeed, others, would stage an illegal procession that afternoon. Hon. members know that such a procession was held, that it disrupted heavy Friday-afternoon traffic, that it caused inconvenience to many people, and that it culminated in a number of arrests being made.

So that hon. members, and, indeed, the public, will know the factual side of events from the official point of view, I will now read a report furnished to me through the Commissioner of Police by the District Superintendent of Traffic. It reads—

"I have the honour to report that at about 4.45 p.m. on the 7th September, 1967, Mr. Frank Reid Gardiner, of 132 Venner Road, Fairfield, Brisbane, made an application on behalf of the University Union to hold a procession on the 8th September, 1967, and for such procession to commence at the University Oval, St. Lucia, at 1.30 p.m. and proceed by the following route: St. Lucia Road, Brisbane Street, Benson Street, Coronation Drive, Lower North Quay, Makerston Street, Roma Street to the intersection of Roma Street and Turbot Street, where it would disperse. Mr. A. Nucifora, President-elect of the University Union, was present at the time.

"After giving consideration to the application, I approved of the issue of a permit for holding such procession.

"Arrangements were then made by me to have Police stationed at all intersections on the route, also to travel with the procession to ensure that there was no interference. The usual attention given to all processions was given in this instance.

"I was present in St. Lucia Road, St. Lucia, with Commissioner's Inspector Bauer, other Commissioned Officers, and other Police, and at about 1.50 p.m. I received information that the students had claimed to have revoked the permit issued by me and that they were going to march without a permit.

"At about 1.55 p.m. the procession left the University Oval, marching six abreast, and on entering St. Lucia Road, the procession marched on the right-hand side, or incorrect side, of the roadway, in face of traffic proceeding outbound along St. Lucia Road, causing considerable obstruction and inconvenience to this motor traffic. The procession continued along on the incorrect side of the roadway until it arrived at Coronation Drive, where it then moved to the left-hand side of the

roadway. At this time I estimate that there were over three thousand students taking part in the procession.

"The procession continued along Coronation Drive, marching six abreast, but otherwise in compliance with the permit.

"I remained in front of the procession in a Police vehicle all the way. When the procession arrived at the intersection of Eagle Terrace and Coronation Drive it turned left into Eagle Terrace, thereby leaving the route as approved in the permit.

"On arriving at the intersection of Eagle Terrace and Roma Street, the procession turned right and then moved inbound along Roma Street, travelling in the centre of the carriageway on the tramline, causing considerable obstruction and interference with trams and other motor traffic. It was decided that Police should endeavour to stop the march at the intersection of Makerston Street and Roma Street, and that Police would be assembled there for that purpose.

"On my arrival at the intersection of Makerston Street and Roma Street, I immediately alighted from the Police vehicle and walked several yards back to the head of the procession in Roma Street, where, with the use of a loud hailer, I announced that the permit I had issued for the holding of the procession was now cancelled by me and directed that all persons taking part in such procession were taking part in an unlawful procession, and I directed them to discontinue doing so forthwith and to disperse. All persons taking part in the procession immediately sat down on the roadway on the tramline and many of them interlocked their arms and legs together so as to form a solid mass.

"I again directed them to remove themselves from the roadway, but no person moved. As a result of these persons sitting on the roadway, trams and other motor traffic were brought to a halt and it was necessary for Police to take appropriate action to have these persons removed from the roadway, and in doing so it was found necessary to arrest quite a large number of these persons taking part in this mass obstruction to traffic in Roma Street.

"After about half an hour Police managed to clear the roadway sufficient to allow trams and other traffic to flow freely. I might mention that there were, in my opinion, over two thousand onlookers on the footpaths and balconies in Roma Street and that the majority of these had walked along the footpath from St. Lucia at the side of the procession.

"After the Police had cleared Roma Street of the persons seated on the carriageway, most of those participants in the mass obstruction in Roma Street and the onlookers moved to King George Square where they walked around the footpaths for some time, but there was little obstruction caused to traffic at this point. After

walking around for approximately fifteen minutes, most of these persons walked along Adelaide Street to George Street, then down George Street to Parliament House, and in doing so they walked on the footpath and in the main observed the provisions of the Traffic Acts.

"On their arrival at Parliament House they walked around the footpath in that area of George Street below Alice Street and the Technical College grounds.

"At about 4.45 p.m. these demonstrators commenced to move from outside Parliament House and disperse. There was no need for further Police action in the matter.

"Mr. Nucifora called at my office on the 8th instant and inquired if a permit had been issued for the holding of the procession, and on being informed that I had approved the issue of a permit, he stated that Mr. Gardiner was unable to call to collect the permit and had authorised him to collect it on his behalf. The permit was handed to Mr. Nucifora at about 9.30 a.m. on 8th September, 1967, and he signed the permit:—(Signature of Licensee) as follows 'F. R. Gardiner per A. Nucifora, General Vice President'.

"Inquiries at the Watchhouse on even date reveal that 124 persons were arrested for offences arising out of this demonstration, some of the persons arrested being females. In most instances the charge preferred was 'Disobeying a Lawful Direction of a Police Officer'. However, there were a number of persons arrested on a charge of 'Behaving in a Disorderly Manner'.

"I was present during the whole of the progress of the procession, also at Roma Street, outside the City Hall in King George Square and in Alice Street outside Parliament House, and at no time did I observe Police using unnecessary force in order to make an arrest.

"The actions of these persons taking part in this procession, their mass obstruction in Roma Street and their non-compliance with the conditions of the permit issued for the procession clearly indicate that they have little or no regard whatever for the Law, and I consider that the action taken by the Police was warranted."

Many conflicting views have been expressed in the Press about Friday afternoon's illegal procession, but it cannot be overlooked that the university students and certain supporters premeditatedly took the law into their own hands and their behaviour was something to be deplored. The police are there for the over-all protection and good of the public, and I want to say, without any equivocation, that they showed extreme restraint and handled themselves with credit in the face of a very difficult situation.

It is my fervent wish that saner counsel will prevail amongst the university students in future, and that they will, as other people are expected to do, respect and abide by the laws of the State. If they do not,

they can only expect to be punished. If they do, they can enjoy all the benefits and advantages that a free society—as exists in a State like Queensland and a country like Australia—bestows on its law-abiding people.

Honourable Members: Hear, hear!

ORDER IN CHAMBER DURING QUESTION TIME

Mr. SPEAKER: Order! The hon. member for Townsville South and the hon. member for South Brisbane—I want no cross-firing in the Chamber during question time.

FORM OF QUESTIONS

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

Mr. SPEAKER: Order! I remind the hon. member for South Brisbane that Ministers cannot be held responsible for quotations appearing in the Press or for anything else appearing therein.

Mr. GRAHAM (Mackay) having given notice of two questions—

Mr. SPEAKER: Order! The hon. member's second question does not appear to be in order.

ABORIGINES' AND TORRES STRAIT ISLANDERS' AFFAIRS ACT AMENDMENT BILL

INITIATION

Hon. J. C. A. PIZZEY (Isis—Minister for Education): 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 Aborigines' and Torres Strait Islanders' Affairs Act of 1965, in certain particulars.”

Motion agreed to.

OBJECTIONABLE LITERATURE ACT AMENDMENT BILL

INITIATION

Hon. P. R. DELAMOTHE (Bowen—Minister for Justice): 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 Objectionable Literature Act of 1954, in a certain particular.”

Motion agreed to.

RELIGIOUS EDUCATIONAL AND CHARITABLE INSTITUTIONS ACT AMENDMENT BILL

INITIATION

Hon. P. R. DELAMOTHE (Bowen—Minister for Justice): 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 Religious Educational and Charitable Institutions Act of 1861, in certain particulars.”

Motion agreed to.

STOCK ROUTES AND RURAL LANDS PROTECTION ACTS AMENDMENT BILL

INITIATION

Hon. A. R. FLETCHER (Cunningham—Minister for Lands): 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 Stock Routes and Rural Lands Protection Acts, 1944 to 1964, in certain particulars.”

Motion agreed to.

ABORIGINAL RELICS PRESERVATION BILL

INITIATION IN COMMITTEE

(Mr. Hodges, Gympie, in the chair)

Hon. J. C. A. PIZZEY (Isis—Minister for Education) (11.57 a.m.): I move—

“That a Bill be introduced to provide for the preservation of anthropological, ethnological, archaeological and pre-historic Aboriginal relics.”

In introducing the Bill, I pay tribute to the assistance given by the Director of Aboriginal and Island Affairs, Mr. Killoran, the Director of the Museum, Mr. J. T. Woods, and particularly to two university staff members, Professor Peter Lawrence, who is the Professor of Anthropology, and Dr. Malcolm Calley. Those gentlemen gave a great deal of their time and the benefit of much of their knowledge and experience in this field to the committee that prepared the Bill.

The history of the Queensland we know is a history of endeavour, a story of pioneering, of struggles against physical hardship, of great efforts and great results. It is a story of man's resource and capacity for progress and, as such, it is one in which all Queensland must take great pride; it is one that should inspire us to further the development of this State, and it is a tradition that must be passed on to future generations so that they, in turn, may hand on a heritage in no way diminished or reduced.

Those who have had the privilege of seeing other countries will know what a tremendous job has been done by a mere handful of people—1,500,000; for most of the time by fewer than 1,000,000—in developing this State.

This, then, is the burden of the history of Queensland, and yet this history, as in every case, is not so much a history of a place as the chronicle of a people who have lived there and the record of how they lived. This record exists for us in their art and their buildings; we see it in the parks and gardens that they have laid out, in their writings and in their churches. It exists

in very many solid and material ways, some so obvious and familiar that they are taken for granted and little thought given to what ideals they represent and what effort they must have cost our fathers and our fathers' fathers.

If, then, the history of Queensland is bound up with all the people who have lived within this State, it is, I think, the birth-right of all Queenslanders. And, equally, it is their responsibility to protect, safeguard and preserve it, for all progress is dependent upon the solidity and cohesion of the society; and this cohesion is based upon a number of principles, one of which is a sense of continuity with the past and a respect for the achievements of our forebears.

I have so far spoken of the history of this State from the arrival of the first European settlers. We must, however, remember that within the fellowship of Queensland people are numbered many who can lay claim to be descended from the Aboriginal and Torres Strait Islander people, who originally inhabited this portion of Australia that is Queensland. They exist in all classes of Queensland society and have played their various roles in the emergence of this State. Many have been vitally involved in the expansion of primary industry, others in the construction of roads and railways, in spreading the message of Christianity to remote areas, and in the establishment of maritime industries, such as pearling and fisheries. In fact, they have undoubtedly been involved in every phase of our development.

The forefathers of these people, who were scattered from the islands of the Torres Strait and the Gulf to the southern extremes of the State, lived in accordance with the requirements and customs of their social and material cultures, and these are as much the heritage of all Queenslanders as the customs and laws of Britain which, modified to suit Australian surroundings, Australian needs and Australian temperament, represent the predominant pattern for living in this State.

Whilst it is obvious to us all that it is predominantly a modification of the European pattern of living that is common to all Australians, it is essential for us to remember and recognise that this pattern of living is always influenced by what has gone before, and the Australian legend owes much to the philosophy and thought of the Aboriginal people.

These Aboriginal people came to Australia from the North, probably more than 18,000 years ago, and although it is likely that there were a number of migrations, the majority of anthropologists would accept that they are a homogeneous people descended from the same stock. They were a nomadic people, hunters and food collectors who manufactured implements in stone, bone, shell and wood to assist them in their search for a livelihood as they travelled over their tribal territory. Their economy was, of course, a hunting and collecting one, and their travels were not aimless,

as is so frequently believed, but subject to the dictates of the supply of food and water, and the traditions of the group.

They were always careful not to waste the natural food resources of the country; in fact, the system of taboos assisted to some extent in the preservation of them. In effect, the Aboriginal people identified themselves closely with their physical environment and their religion, which involved an intimate co-operation with the cycles of nature and assisted in the maintenance of the fine balance between Aboriginal man and his environment.

These relationships between man and the living creatures about him are called "totemic" and drew from the "dreamtime" their sacred quality. The "dreamtime", of which so much has been written, was seen by the Aborigines as the source of all of their beliefs and the era during which their living pattern was formed.

It was during this time that the ancestral spirits, frequently part-man and part-animal, lived upon the earth. These ancestral beings, which were at once man, spirit, and the principle of one or other of the natural species, passed about the country creating the physical features of the land, ordaining the habits of the native fauna and forming the division between the sky and the land. They were the heroes of the "dreamtime" and through them the way of life of the Aborigine was formed.

The ancestors of the Aborigine ultimately dissolved into the land. They are represented in many ways—in billabongs, in rocks, in many distinctive features of the physical world—but their spirit remains and from them was drawn the strength of the people, the strength that could be maintained by the songs and dances that dramatised their deeds and ensured the continuity of the "dreamtime", which was past, present and future.

I have stressed this feeling of identification between the people of the past and the country in which they lived because I feel that it is necessary to draw attention to one very important fact, namely, that although these people did not possess a complex and prolific technology, they were the possessors of a rich and satisfying system of spiritual belief—which is frequently ignored in an age of increasing materialism.

During the past century, however, change, contact and development have eroded these indigenous cultures and no single person within this State lives as his forefathers did.

The effect of technology and its manifold benefits have introduced and inevitably accelerated vast changes in society and its structure, and these changes represent the gulf that exists between the way of life common to all of us in 1967 and that of every inhabitant of this State at the time of its foundation. Nonetheless, the scholarship and patient research of scientists have pieced together for us a detailed account of the language, organisation and beliefs of the first Queenslanders, and it is timely that we should

endeavour to preserve for future generations the material record of their habitation and life, their art, their spiritual beliefs, and their crafts, which are integral parts of our history and our heritage.

It is also possible that a great deal that we do not know of the original Aboriginal people lies hidden beneath the ground and should particularly be preserved for investigation by expert scholars who will be able to extract every possible residue of information for our common knowledge and benefit.

Mr. Walsh: You had better put the hon. member for Cook on that body.

Mr. PIZZEY: He would be a very useful person, too.

I believe, as I have said, that this knowledge is portion of our history and our heritage, but I am also certain that it will be of great value to those Queenslanders who are of mixed European and Aboriginal ancestry. On the one side, they have the pride that they may justifiably feel in the documented history of their European inheritance, but I do feel that this, in many ways, sometimes overshadows and diminishes the pride that they should have in their Aboriginal descent. This pride, however, must be based on knowledge and on a communal respect for the articles and places held sacred in the past.

Knowledge must always be the result of study, and it is essential that study should be in the hands of people qualified academically yet also possessed of a veneration and respect for the past.

These two prerequisites are absolutely essential because, in the first place, specialised knowledge is required before any person can hope to extract the maximum information from the relics of antiquity and, in the second, it is necessary that these objects and remains should be handled and revealed in a fashion that in no way diminishes their past significance.

We should always remember that when we speak of the indigenous citizens of Queensland we are speaking of the Aboriginal people of the mainland and the people of the Torres Strait.

What I have said concerning the care and respect that must attend the sacred places and things of the past is applicable to both, but hon. members will be aware that my comments on the philosophy and nature of the "dreamtime" is limited to the Aboriginal people of the mainland.

The Torres Strait Islanders are a race that possessed a different culture, and their old beliefs and philosophy had little in common with that of the Aborigines.

These are proud fellow-Australians who, although they have enthusiastically adopted Christianity, retain many of the social customs of their forebears.

The scientific literature dealing with the culture and beliefs of the Island people is by no means as large as the bibliography of the mainland, but it is worthy of note that perhaps the first carefully and fully organised scientific expedition of modern times was to the Islands of the Torres Strait.

I refer here to Professor A. C. Haddon's party, sponsored by the University of Cambridge, in the final years of the last century. Their work, "The Report of the Cambridge Expedition to the Torres Strait", is monumental and sets down for posterity the legends, beliefs, social organisation and languages of the Torres Strait people.

Haddon himself was a man of great eminence and he took with him to the Islands a group of younger men, some of whom achieved scientific fame in later years for their contributions to the advancement of human knowledge.

I have mentioned the Cambridge expedition, on the one hand, because of its celebrity, but, on the other, because there is a future factor that is, in my opinion, of an importance equal to that of its scientific value. I speak of the relationship that existed between Haddon and his colleagues and the people of the Islands visited by the expedition.

This relationship was that of friend to friend, and these friendships, which were continued after Haddon's departure, were based upon mutual respect and appreciation; on Haddon's part for the quality of the people and their culture and on the Islanders' part for his sincere liking of them and his respect for their customs. This is, I am certain, an ideal situation, for surely the rapport established by the scientist is a vital factor in the accuracy of his research findings. The people with whom he is working are then aware that their culture is being recorded in such a fashion that despite all effects of social change, the record of the past will be forever available to future generations.

Whilst I have stressed the fundamental nature of the change that has resulted in the divorcement of the huge majority of fellow citizens who have some degree of Aboriginal or Torres Strait Islander blood from their ancestors, care must be taken to ensure possession and usage for those few groups who still place traditional value upon the sacred places and things of their people. These are not numerous, nor do they live the day-to-day life of their forefathers, but they have, owing largely to isolation, retained some degree of continuity with the customs of the past and, consequently, know and fully appreciate the objects and places of spiritual significance.

What are the material remains of which I am talking? They are the bora or ceremonial grounds, the burial sites, the paintings, the tools and other handicraft, the ceremonial and ritual objects made by the Aboriginal people of Queensland. Within the islands of the Torres Strait are many other objects and sites that have the same claim to our respect.

As I have mentioned, the Torres Strait people did not possess a culture that had much in common with that of the mainland folk and they are fewer in number, yet theirs is a great patrimony and one in which we are anxious to share as fellow citizens whose present and future are bound indissolubly with theirs.

Upon the islands scattered throughout the narrow and deceptive waters of the Strait, from the mangroves of Boigu in the west to the pinnacle of Gelam far to the east, the Strait people achieve their own methods of maintaining life and social organisation. Within such a confined area it is, in fact, surprising to observe the differences that did exist from island group to island group—differences in language, differences in custom and law.

It is a rich and stimulating field for those whose vocation it is to study and record the traditions of a past era and to observe the changes and modifications that contact with other people, with differing values and concepts, have brought about. Here in the Strait is another Australian store of mythology and legend; stories through which man has tried to explain and enshrine his physical surroundings, to provide a source and rationale for his conduct and beliefs, places that are sacred because here, for centuries, men have attempted to come to terms with the supernatural, to accept a meaning for the elemental things that vitally concern life.

Their living was from the water that surrounded their islands and from the gardens that they cultivated and, even now, the "Sais", those old rock-built fish traps of the eastern islands, are handed down from generation to generation through the groups of people who can claim a traditional right to their use and repair.

The shark drums of Mer of Murray Island are still with their keeper and remain as symbols of the past and so they should remain—honourable symbols, protected and preserved by the wish of all—for these objects are a significant portion of the State's cultural patrimony and it is proper that they should be retained within the confines of Queensland and protected from damage and defacement.

The things of which I speak at this stage are completely irreplaceable. Any damage, however minor, is in most cases unable to be repaired and their loss becomes one of increasing significance. I am here, of course, referring to those things that are truly indicative of the material culture of the Aboriginal and Torres Strait Islander people and that could be described as relics. Certainly I am not referring to objects that have been deliberately and recently made to be sold.

Apart from the actual preservation of Aboriginal relics and antiquities, it seems that there is opportunity for this State, by enlisting the aid of researchers, to build up and make available to all interested persons

a complete library of publications dealing with the archaeology and pre-history of Queensland, where these are involved with the original inhabitants.

A collection such as this would, over the years, facilitate research by ensuring available references and would ultimately acquire all available material. This in itself is an object worthy of every effort and one in which all scientists would certainly be willing to co-operate.

Apart from this, such a collection would represent an increasing tribute to the continent's earliest cultures and add materially to the ease of research. Within the framework of Aboriginal affairs, the policy decided upon by the Governments of the States and of the Federal Houses is, as we know, a policy of assimilation.

This policy which is, without doubt, representative of the wishes of all Australians, is not in its implementation merely a matter of applying the techniques of social science, nor is it simply achieved by setting up statutory bodies with instructions to attain certain desirable goals. It is, in essence, a community responsibility in which every person of Australian birth is vitally involved.

In many ways the need to protect the material remains of history is more than a desire to preserve things of archaeological interest, or a wish to demonstrate respect for times gone by. It is significantly a gesture of sharing, in an increasingly common background, a recognition that many people of different or mixed races have taken part in the settlement of Australia, and that there should be pride in descent and an understanding of the ways and customs of the long past that shall be common to all citizens of the Commonwealth.

This preservation will mean that thousands of Queenslanders, some Aboriginal and many of mixed European and Aboriginal blood, will be assured that all Queenslanders have a living interest in, and an awareness of, their past.

The purpose of this Bill is to provide for the preservation of Aboriginal relics. Relics, broadly, fall into three classes—

1. Movable objects, (for example, weapons, ornaments, utensils and mummified corpses);
2. Immovable objects (for example, rock paintings, carved trees); and
3. Complex designs (for example, bora grounds, arranged stones).

It is considered essential that the legislation establish the ownership of relics, the steps which may be taken to protect and preserve relics and the sites where they are located, and the machinery whereby the significance and value of new discoveries may be competently assessed.

In addition, it is necessary to ensure that the provisions of the legislation neither restrict the rights of Aboriginal tribes to use relics according to tribal law or custom nor jeopardise their rights to ownership of tribal relics.

The administration of the measure is entrusted to a Minister (presently the Minister for Education) and, subject to him, the Director of Aboriginal and Island Affairs, the Deputy Director, and the officers and other persons appointed for the purposes of the measure. Inspectors and wardens may be appointed with the functions of detecting and preventing breaches of this legislation.

The function of assessing the value of relics and of advising upon the exercise of certain powers under the legislation is entrusted to a committee of persons concerned with and having some knowledge of these matters. It is reasonable that Aborigines with a particular knowledge in respect of particular areas or indeed the whole of the State would become members.

The Bill also provides for land within the State to be secured for the purposes of the preservation and protection of relics by being declared by the Governor in Council to be an Aboriginal site. I shall enlarge on this and other measures in the Bill in my second-reading speech.

With certain exceptions, ownership of relics is established in the Crown. These exceptions include relics in the possession of people at the commencement of this enactment.

The Bill controls the entry upon any Aboriginal site or interference with any relic, and also provides for the authorisation of a competent person or persons to carry out excavation work on an Aboriginal site and for the disposal of relics thus found.

There is provision also for a person who has knowledge of certain types of relics to report the existence of such relics to an inspector under the Act.

I am sure that hon. members will agree with me when I say that this legislation is essential for the preservation of Queensland's past. It will enable us to ensure that irreplaceable parts of our past are not lost to the citizens, particularly the future citizens of this State.

This preservation will mean that thousands of Queenslanders, some Aboriginal and many of mixed European and Aboriginal blood, will be assured that all Queenslanders have a living interest in, and an awareness of, their past.

I hope that I have persuaded hon. members that it is highly desirable to introduce a Bill to preserve our anthropological, ethnological, archaeological, and prehistoric Aboriginal relics.

Mr. DAVIES (Maryborough) (12.20 p.m.): The Minister has given the Committee a very interesting address, and I assure him that the Opposition will support fully any steps that the Government intends to take to preserve Aboriginal rock carvings, paintings, forum grounds, initiation grounds, and other things of interest associated with the early history of Aborigines in this country.

In the past, the places where such relics are found have, for the most part, been off the beaten tourist track and not exposed to the risk of vandalism. However, better roads, improved means of transport, and more highly organised tourist trips mean that such centres will in the future be visited by more and more people. Unfortunately, some will have in them the spirit of vandalism, and already in many places throughout Australia vandals have carved their names on rock drawings and destroyed carvings on trees. That is particularly unfortunate, and it is good to know that the Government now intends to take some action to preserve Aboriginal relics.

This wanton destruction has disturbed the thoughts of many, and in various States, particularly South Australia, action has recently been taken in an endeavour to preserve Aboriginal relics. It is necessary that this be done, because such objects are of anthropological, ethnological, and archaeological interest.

As the Minister said, we must remember what we owe to these people. They owned this country and took it from them, and the ill treatment that they have received from Australians is a sorry blot upon the history of Australia's development.

Mr. Bromley: What is more, the Government is giving more of the Aborigines' land to overseas interests, too. We see that all the time.

Mr. DAVIES: Yes, that is a matter that disturbs us, too.

In South Australia the suggestion was made that some kind of grille be used to protect wall paintings and rock carvings in caves. Although there were arguments against that suggestion, I believe that it has been done in some parts of Victoria.

The Minister did not mention specific centres or the extent to which research work directed towards discovering rock paintings and carvings has been carried out in Queensland. In 1956, Mr. C. P. Mountford, who is regarded in Australia as an authority in this field, spoke in "Art, Myth and Symbolism," in "Records of the American-Australian Scientific Expedition to Arnhem Land," of what has been done in this type of research work in the various States. He said of Queensland—

"Little research has been carried out on the primitive art of Queensland, but, as far as we know, that State appears to be poor in examples of either the cave or rock engraving art."

How much has been done since then, I do not know. I hope, however, that the introduction of this measure means that more will be done in this direction. It is well known that in the Blackall, Carnarvon Ranges and Princess Charlotte Bay areas there are exceptional examples of cave paintings. The hon. member for Barcoo is particularly interested in the Carnarvon Ranges, and a little later he will speak on some of the centres there that are worthy of preservation.

While moving round the northern part of Queensland, in the territory represented by the hon. member for Tablelands, the hon. member for Burke and the hon. member for Cook, I had the opportunity of seeing on Mornington Island, which is in the electorate of the hon. member for Burke, the very primitive form of living of the Bentinck people. They came to Mornington Island only recently, and Bentinck Island must offer wide possibilities for research work. I suggest that, where caves containing rock drawings or carvings on trees are found, it is more likely that further discoveries of interest will be made or unearthed in the surrounding areas.

I shall be very interested in seeing what provision the Minister has made in the Bill for preserving caves, rock drawings, and other relics. It might be possible to arrange for a group of people belonging to the tribes that lived in the areas concerned to be housed on the spot to act as caretakers. I do not know the exact number of areas involved, but I suppose that in the whole of the State there would be only about 10, 20, 30 or 40 acres of definite interest. Naturally, it would be wise to endeavour to have people belonging to the particular tribe as caretakers rather than bring in other people who did not have the same pride of race. Grilles and other protective devices in caves would certainly rob them of some of their interest to tourists and take away the natural atmosphere. It is my personal view that such caretakers would be an added interest to people visiting the area, and I commend my suggestion to the Minister's consideration. People at the various settlements are increasing their knowledge, taking advantage of the opportunities for training, and making progress in a number of ways. Some of them would be ideally suited to act as caretakers, and a welfare officer could make regular inspections and have over-all supervision of the areas.

It was interesting to note that the Minister said that the Bill provides that it shall be an offence for a person who has knowledge of a particular item of interest to keep that knowledge secret. It is the duty of any person, quite apart from any duty imposed upon him by the Act, to make known the whereabouts of any relic or other item of interest. Various tribes of Aborigines in

Australia specialised in different forms of art. Mr. Mountford, to whom I referred earlier, has said—

"It is in the decorating of his weapons and implements, particularly of his large fighting shields, boomerangs, and spear-throwers, that the Queensland Aboriginal has excelled."

In referring to the skills of the various tribes, it is interesting to note that a system of trading and trade routes developed over the whole of Australia. Over those trade routes food, the various ochres used in making paints, and other items were exchanged. Even corroborees moved from one centre to another. This mass incursion of tribal representatives from north, south, east and west is something that is not generally realised and appreciated by people today.

We know what has been done in some States where there have already been discoveries. For instance, in South Australia, in one centre alone some 3,000 rock carvings have been discovered, together with a large number of very valuable wall decorations, and the department in that State has had large notices erected in the area, pleading with people not to deface these wall drawings and pointing out their inestimable value. That action has had results, but I still think that these centres are too valuable for us to take any risks, and I hope we can do something along the lines I have suggested in appointing Aborigines from these centres to protect the areas. Not only should something be done in regard to drawings, paintings, burial grounds and ceremonial centres, but also in respect of the language and various dialects of the tribes. In recent journeys to the North I was pleased to see the Minister's departmental officers taking advantage of their visits to the various centres to make tape-recordings of various songs, myths and stories, and of the singing by children of songs associated with these myths and stories of the "dream world". I believe the Minister has, in his department, a large number of these tape-recordings. This must be done extensively in explanation of the drawings and paintings. Stories are told of their various beliefs and associations with various stars, planets and constellations.

It is not only that these carvings and paintings of the past need preservation—as the Minister has said, some of them go back thousands of years—it is also a matter of endeavouring to interpret them in the light of knowledge obtainable today only from some of the older Aborigines. In order to obtain the correct interpretation it is necessary to get it from the persons who created the carvings or paintings; only those people can give us the correct interpretation of the stories depicted. They are really amazing works of simple art. This must also be done, and I hope the Bill provides for the use of tape-recordings to record for the future the myths, music, stories, folk-lore and various dialects of these people.

I believe an endeavour should be made to have not only English taught in the centres in which these people live, but their own tribal dialects as well. I know that presents a difficulty at places like Aurukun, where the Reverend Mackenzie brought in a large number of tribes. People who some years ago were living in their wild state were brought in and taught how to live together peacefully. This was a great accomplishment in itself. It would be very difficult, with the various dialects spoken, to do what I suggest, but I think some endeavour should be made to get these people to preserve the particular dialects they know. At all events, recordings should be made for preservation for the future.

We have had some very wonderful examples of the natural ability of many of these people. Many fine examples of painting by these people—including the works of Namatjira and other Aranda artists—are exhibited in many homes in Central Australia. Then there have been people like Harold Blair. This shows the tremendous degree of innate potential that exists in these people if they are given encouragement and if we endeavour to make up for the wrongs we did them in the earlier years.

In the Parliamentary Library there are two books in particular to which I should like hon. members to give some thought. Some of the pictures of Aboriginal paintings and carvings in those books are worthy of more than a glance.

The Minister spoke about the inspiration these people received from "dreamtime". In their designs and patterns we see that there is no endeavour to give depth; there is no perspective; objects are flat in appearance; there is no shadow effect. We cannot expect that. But they have provided good symmetry in their proportions in the various animals and articles that are depicted. They indicate a great deal of skill and deep religious belief in all their work. The paintings differ according to the district in which a tribe lived. I have already mentioned the transport of some of these materials over many hundreds of miles for use in barter or exchange.

It is interesting to note that Professor Davidson has described an amazing mine for red and yellow ochres at Wilgamia, in the Murchison district of Western Australia. The mine is an open cut on the side of a prominent hill, and is from 50 ft. to 100 ft. wide and up to 65 ft. deep. Around the bottom of the mine deep chambers and tunnels several yards long follow the seams of ochre. Several thousands of tons of sandstone matrix have been removed by hand or in bags. The Aborigines have used stone hammers to drive stout sticks into cracks to get the pigment. All these things emphasise the need for us to place great value on their work.

We see another form of Aboriginal art in body painting, which is probably one of the oldest arts practised by the Aborigines. When other hon. members and I were at Mornington Island we saw the very skilful application of this art. It is a very lengthy process, involving the addition of feather-down as the outline to a painted design. This was a feature of the preparation for corroborees at Mornington Island.

I have already dealt with wooden sculptures and mentioned bora initiation grounds.

Most authorities agree that the making of engravings extends back in time for some thousands of years. They agree that the making of engravings was continued until the disintegration of Aboriginal culture as a result of white contact. Great effort is being made to restore Aboriginal culture in the work being done at the various mission stations in the Bamaga area.

Another form of Aboriginal art is stencilling. One method was to dip the hand in pigments, or paint it with pigments, and then imprint the hand on the rock surface. Another form of stencilling was to place the hand or the foot, or things such as lizards, boomerangs, clubs, axes or baskets on a wall, and then blow pigment through some sort of a pipe or from the mouth of the artist onto the rock around the object, leaving a blank stencil within a spotted outline when it was removed. Occasionally the outline would be painted with a particular colour to make it stand out more distinctly.

That reminds me of something that can be described only as vandalism. I refer to the efforts of some tourists to try to brighten a number of these rock paintings, with rather unfortunate results.

In various parts of the continent we see some fine groupings of rock engravings and paintings depicting religious beliefs and magical purposes, and recording daily life. There are some very excellent paintings displayed in one of the books in the Library of kangaroo hunts, emu hunts and the spearing of fish. The same theme is depicted in bark paintings, which are particularly good, in various centres in North Queensland. Other drawings illustrate the killing of animals with clubs or boomerangs, and the harpooning of dolphins, turtles and dugong from bark or dug-out canoes. It is very interesting to note that the bark canoes in these portrayals are always extremely small but the animals are of gigantic size. Of course, that was associating the animals or live objects with gigantic animals of the past.

I found it intensely interesting to read of the network of trade which existed throughout Australia among the various tribes. Corroborees travelled these trade routes. Between 1890 and 1930 the Molonglo corroboree travelled from the Northern Territory into Western Australia. Although many of the tribes performing the corroboree did not know the meaning of the words in

the songs, nevertheless their vivid imagination gave them some idea of what was intended by the particular corroboree. They traded boomerangs and fluted boomerangs for red ochre from South Australia and Wilgamia. Many Islanders traded in boomerangs, pearl shell and bailer shell. Not only did trading take place, but different cultures were introduced between tribe and tribe. People in the Far North had contact with the Melanesians and Indonesians and from them came certain customs, traits, beliefs and knowledge, which spread from tribe to tribe throughout Australia. They came into contact with various articles, corroborees, ritual cults, social systems, art designs, magical formulas and objects, and material culture of all kinds. They learnt of methods of disposal of the dead, and so on. All these things were passed from one part of Australia to another along the trade routes.

In addition to some of the matters I have mentioned, these people undoubtedly had some form of workable calendar based on the movement of the heavenly bodies. Bark paintings outline the myths of astronomy, particularly in North Australia, hence the beliefs surrounding the Milky Way, the Southern Cross, the constellation of Orion and the Pleiades, and the Magellan clouds. Various types of belief were associated with these heavenly bodies. They are all linked and they are depicted in their various works—their rather simple but very sincere art.

Frederick D. McCarthy, a senior lecturer in anthropology at the Australian Museum, Sydney, in writing "Australian Aborigines, Their Life and Their Culture", stated—

"Aboriginal life, far from being a loosely knit organisation fulfilling only the need to survive in a harsh environment, with a simple technological equipment, is a structure, strengthened by numerous institutions, by innumerable bonds which tie individuals and groups together, and by many customs of little economic or practical value which might, nevertheless, be regarded as aesthetic, cultural and intellectual."

Anything that we can do to develop in the minds of these people a deeper knowledge of their past, as the Minister has said, and restore great pride in the years gone by, and in the work of their ancestors, will be to our credit. It will repay a small part of the debt we owe to those whose land we took and then destroyed, to a great degree, a culture in which they had their own form of happiness and contentment, their system or code of laws and regulations, and as I have said, to an astonishing degree, their own means of communication in this vast continent with, in most parts, a very harsh environment for a primitive type of people.

Mr. W. D. HEWITT (Chatsworth) (12.45 p.m.): The hon. member for Maryborough, in his closing comments, crystallised very well the case for introducing the Bill. I

compliment him on those comments and, indeed, on the whole of his speech. This is one of the issues which come into Parliament from time to time that are quite non-controversial and find agreement and support of members on both sides of the Chamber. For that reason we can be a little more objective and a little more dispassionate than on other occasions.

The Bill shows evidence of an awakening interest in our developing cultures, and it is useful that it is introduced for this reason alone. I suppose if any criticism can be levelled it is the usual story that it is surprising we have not found it necessary to do something such as this before. But the step is being taken and I am sure that it will lead to an increased interest in the accumulation of relics, and the Bill may be the means of greater value being attached to them. Australians, as a race, are only slowly throwing off the rugged exterior they have tried to project to the world for so long, and slowly but surely are developing a culture in their own right.

This Bill is necessary to pursue the studies in the particular fields that it refers to. I think the three benefits that will accrue are, firstly, that it will make people more conscious of the value of relics so that they will not discard them in ignorance, secondly, that it will help to build up a collection of increasing value and interest, and thirdly, that it will help to pursue a study of our Aboriginal people. It is particularly pertinent at this stage in our history when, as a nation, we have so recently made a declaration with respect to Aboriginal rights. But we are still blase with respect to our history, our culture, our arts, and our theatre, and a developed interest in them moves along too slowly.

I should like to think that many people are as interested in the coloured sands on the North Coast as I know the hon. member for Salisbury is, and I should be surprised to know that many people in Brisbane are conscious of the fact, or indeed are interested in the fact, that the largest sandhills in the world are only an hour's travel from the heart of this city.

Progress is being made, and it is useful to record the creation of National Trusts in the past decade or so. Their objectives are simply stated. They are along the lines that the Trusts seek to preserve historic buildings and relics and to maintain areas of scenic beauty for the use of the people of Australia. They obtain control over such landmarks by various means, including bequests and Government grants. We know that Queensland itself now has its own National Trust.

It is pleasing on a Sunday afternoon to go to Newstead Park and to see the increasing interest people are taking in the contents of Newstead House. I was pleasantly surprised recently to see a large number of people passing through that building and taking an avid interest in the very fine exhibits there.

In the field of anthropology, one of the most significant finds in our part of the world was that of the Java man in 1891. This was discovered by the Dutch scientist Eugene Dubois on a river bank in Java. The estimate is that it is something like 50,000 years old. It is considered to be a most significant find, representing a stage in the development of the more modern race from his small-brained ancestor.

There have been, of course, significant finds in Australia, and one hopes that the emphasis that the Bill places on relics will lead to greater finds. At Keilor, in Victoria, and Menindee, in New South Wales, unconfirmed evidence of human occupation 18,000 years ago has been found, and in the Kenniff Cave, in South Queensland, stone tools estimated to be 16,000 years old have been found.

The Bill invites comments upon the Aborigines, because theirs is an interesting race and their culture over many years has been a varied one. The Minister stated in his introductory remarks that Aborigines arrived in this continent some 18,000 years ago. It is interesting to note that the Tasmanian Aborigines are considered to have been a completely different race which arrived before the others, crossed to Tasmania, there lived separately, and, in the course of time, virtually died away. Two quite distinct Aboriginal cultures were in evidence, and the Tasmanian Aborigines were certainly the first inhabitants.

It is estimated that there were probably 300,000 Aborigines in Australia at the time of Phillip's landing in 1788. They number now about 40,000 full-bloods and 40,000 part-bloods. Their numbers were depleted for a variety of reasons, and on some of them history will undoubtedly judge us harshly. They died because of, amongst other things, malnutrition, disease, loss of their lands, and—let us be honest about it—because there was far too much killing at some stages of our history. If one can offer any excuse at all for our forebears, one could say that it was a cruel era of history and, if Aborigines suffered, surely the original white inhabitants came here with very great problems and difficulties.

It is estimated that there are approximately 150 basic languages among Aborigines. Whilst these languages are quite distinct, Aborigines did not have much trouble in communicating among themselves as there has always been in each tongue something common to them all. It is also interesting to note that in recent times a study of these languages has been made to try to determine the origin of the race through the common tongue, and whether there is evidence of a similar tongue in some of the islands between Australia and the Asian mainland.

As a study, anthropology did not command much interest in the early days. Although some studies were made and

records kept in the latter part of the 19th century, it was not till 1920 that real study was devoted to Aboriginal culture. There was then a great increase in skill and knowledge, and it was found that many of the earlier reports were incomplete and that some were quite inaccurate. These were studied more closely, and reassessments were made.

When I was on Mornington Island a few months ago I met a Canadian anthropologist who was living with an Aboriginal tribe and making a very close study of its culture and way of life. The knowledge that such people acquire is quite remarkable.

From 1920 onwards, scholars from many countries contributed new information on kinship, social organisation, ritual, totemism, culture and language of the race. In 1925 the University of Sydney established a Department of Anthropology, and others followed after 1950. We are told that between 1926 and 1950 more than 35 professional anthropologists devoted themselves to the study of the Aboriginal way of life. In 1961 the Federal Government founded the Institute of Anthropological Studies in Canberra. All of this is evidence of an increasing interest in the study of Aboriginal culture and, to the extent that the Bill furthers that trend, it is to be commended.

The Minister should be warned about one or two things. If someone comes to the Minister and says he has found the skull of Ned Kelly when he was a boy of 12 or the skeleton of Phar Lap when he was a colt, he should recognise that an attempt is being made to perpetrate a hoax—the originals were found many years ago!

Finally, I do not think it is out of place to make some reference to the Piltdown Man. I am sure the Minister knows about this. In 1911 part of a human skull was found in a gravel pit at Piltdown, in Sussex, England. Several years later other parts were found. Some scientists believed that the skull represented an ancient form of man who lived as much as 1,000,000 years ago. They called this early form the Piltdown Man. The jaw-bone indicated that the Piltdown Man had a jaw like that of an ape; but in 1953 British scientists announced that they had tested the fluoride content of the bones and found that the skull was that of a modern ape. They believed that the skull was less than 50,000 years old and someone had committed a deliberate fake in adding the jaw to the skull. So, as a final word of warning, I say to the Minister: beware of the Piltdown Man!

Mr. SHERRINGTON (Salisbury) (12.56 p.m.): Unfortunately, it can truthfully be said that Australians have a very poor record in the conservation of many of the wonderful things that are part of this country's history, and so I consider it a privilege to be in Parliament at a time when a Bill such as this is to be introduced. In effect, its provisions should enable the history of the Aborigines

of Queensland to be preserved; at the same time, its introduction should publicise the great need for conservation. Australia was discovered about 200 years ago and, in the short space of about three generations, if one accepts the normal life span as three score years and ten, many things have been destroyed in this country that should have been preserved in the interests of posterity. Many wonderful Australian birds and animals have become extinct; some of Australia's most valuable timber has disappeared for all time. For instance, it is cause for alarm when one reads that by 1880 all the red cedar had been cut from Australian forests because of the failure to recognise the need for conservation of that timber. That is one of the reasons why, as I said earlier, it is a pleasure and a privilege to take part in this debate.

No doubt the recent discovery of an Aboriginal art gallery in North Queensland has spurred the Government into bringing the proposed Bill before hon. members, and I think at this stage I should pay a brief tribute to the many university students who devote their time to the study of anthropology or archaeology and to the numerous individuals in the community who devote themselves wholeheartedly to the discovery of rare plants and other things that are part of the State's history. But legislation of the type now proposed will be ineffective unless it gives full and complete protection.

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

Mr. SHERRINGTON: Before the luncheon recess I was saying that in my opinion the mere enacting of legislation is not a guarantee to the preservation of many Aboriginal arts. I think previous experience has shown that even the gazettal of areas as national parks has not served to protect those areas against destruction and vandalism. I feel, therefore, that it may be necessary, in the terms of the legislation now being debated, to ensure that we follow up its enactment by providing strict and adequate supervision of the historical areas that will be set aside under the terms of the legislation.

As a matter of fact, the declaration of an area as a national park very often has the effect of hastening its deterioration. One has only to visit the various national parks throughout the State to witness that within a range of some 40 yds. of the walking tracks there is very marked deterioration. I think it will be necessary to appoint wardens, clothed with all necessary powers to ensure that there shall be no undue disturbance of these areas. It would be relatively easy to supervise such places as caves and ensure that there is no destruction or vandalism merely by introducing a system such as operates in the Jenolan Caves, in New South Wales, where inspections are allowed only under the strict supervision and guidance of an employee who takes visitors on conducted tours. Because of this, vandalism in these caves is virtually non-existent.

Such a safeguard would be very difficult with some Aboriginal rock paintings, for instance, those in the Carnarvon Ranges and in the recently discovered art gallery in North Queensland, but the point I am endeavouring to make is that to throw these places open to the general public without supervision is virtually to invite their destruction.

In a report from the select committee on the Native and Historical Objects and Areas Preservation Ordinances, 1955-1960, the Legislative Council for the Northern Territory was advised in a statement from the Australian Institute of Aboriginal Places—*I quote from the report—*

"Tourism offers a great hazard to cave paintings and prehistoric sites in particular, and where tourist camps are set up adjacent to important series of paintings active supervision is necessary to protect the art galleries. Similarly, the occurrence of such relics on Crown land, whether they are reserved (preferable) or not, raises considerable difficulty from the point of view of protection. Apart from the ordinary vandal, photographers are known to chalk and re-colour paintings to achieve more striking results."

That is one aspect of the preservation of assets such as those outlined in the Bill. There must be proper policing. However, it seems that the present Government, particularly the Minister for Labour and Tourism, has set out to promote tourist activities in many of our valuable national parks, one of them being the Carnarvon gorges.

I do not propose to deal with that area to any great extent because I know that the hon. member for Barcoo intends to mention it. Like many other people who are interested in conservation, I am very concerned to see the encouragement that is being given to unrestricted access by tourists to many of the State's valuable assets. I hark back to what the Minister said in his introductory remarks: the stark truth of the matter is that many of these assets are irreplaceable.

Although I would be the first to encourage the viewing of many of these things, I would also be the first to fight against an unrestricted flow of people into these valuable areas. It would be simply courting vandalism if we did not police the visits.

Mr. Carey: The more people who saw it, the more this would be appreciated.

Mr. SHERRINGTON: If the hon. member for Albert will contain himself for a moment, I will deal with what he is trying to say about educating the people. I do not need any help from the hon. member. The only wild-life he knows anything about is what happens on the Gold Coast after midnight.

The Government is asking for trouble if it throws these areas open to tourists and does not police their visits. The Carnarvon gorges give an illustration of what can

happen. Vandalism has occurred there. Within the short space of five years all the unique stones have been removed from parts of the gorge area. Possibly this would not be vandalism in the normal sense; it could be termed "souveniring". If these places are thrown open without adequate supervision we will be inviting vandalism, whether it be intentional or unintentional. Places like the Carnarvon gorges and objects such as Aboriginal relics belong to the nation. Although I agree that facilities should be made available for people to view these places and objects, and that the opportunity should be provided for people to study them, it must be done under some sort of supervision.

Mr. Carey: Strict supervision.

Mr. SHERRINGTON: Strict supervision.

I have no doubt that there will be penalty clauses in the Bill applying to acts of vandalism and other offences. I suggest that the penalties should be framed in such a way that they will act as a sufficient deterrent to anyone who might otherwise commit acts of vandalism on natural assets such as those outlined in the Bill.

The hon. member for Albert, in his impatience, referred to educating the people. Although I agree that there is a great need to encourage the people of Queensland to visit these areas to see for themselves the beauties and other attractions of these assets, I think the whole question goes further than that. It is a matter of education in our schools. How often do we hear public outcries against vandalism in street-beautification schemes? We deplore the scribbings on various public buildings and acts of vandalism when whole streets of newly planted trees are either broken off or uprooted, but at no stage do we set out to deliberately educate our young people in school to protect these things. It is very easy to condemn vandalism. If we do not inculcate into young minds an appreciation of these benefits, how can we condemn persons who commit vandalism?

Mr. Pizzey: We have the best syllabus in Australia on conservation.

Mr. SHERRINGTON: I will not argue with the Minister on whether the Country-Liberal Government has the best system or anything else. That is not the point.

Mr. Pizzey: Conservation is taught in the schools.

Mr. SHERRINGTON: Generally, conservation is lacking in the curriculum in every State in the Commonwealth.

Mr. Pizzey: You are not up to date.

Mr. SHERRINGTON: The Minister may be prepared to sit in his ivory tower and tell everybody that we have the best education system, but I could tell him of 10,000 people who disagree with him.

Mr. Pizzey: It is being taught here this year, and it is being followed by the other States.

Mr. SHERRINGTON: I will not waste my time whanging-slanging with the Minister as to whether he has the best system or not.

Mr. Aikens: Where do you get the idea that vandals are all young people?

Mr. SHERRINGTON: If the hon. member were to clean the wax out of his ears he would know that I did not say that at any stage.

Mr. Hughes interjected.

The TEMPORARY CHAIRMAN (Mr. Hodges): Order!

Mr. SHERRINGTON: I will make my own speech. I am trying to be constructive, and even though the hon. member may disagree with me at least I am talking. I am not just sitting warming my seat, as many Government members are.

There is a need to create, by education, a greater awareness of the value of conservation.

Mr. Carey: Don't you think some of this education should be in the family home instead of relying on the department all the time?

Mr. SHERRINGTON: I do not deny that at all. The family environment can make a very good contribution towards moulding young people's minds, but how many people in the community are in a position to instil in their children an awareness of the great benefits that are to be derived by the preservation not only of our Aboriginal relics but of much of our wild-life as well? While the Minister talks in terms of having the best conservation syllabus in our schools, he cannot deny that much of our flora and fauna has become extinct, and what has not become extinct has reached the stage of being unique.

Mr. Pizzey: That is why we introduced the measure; we realised it was lacking in the past.

Mr. SHERRINGTON: I am not denying that for a moment, but surely the Minister would not say that I am wrong in suggesting that there must be a greater awareness in education. The very point made by the Minister in his opening remarks, namely, that many of these things are irreplaceable, highlights the necessity for people not to destroy them.

Mr. Pizzey: That is right.

Mr. SHERRINGTON: At least the Minister is agreeing with me.

Mr. Pizzey: I have agreed all along.

Mr. SHERRINGTON: That is fair enough.

Sufficient publicity is never given to this matter. Very little space is devoted in our daily Press to the need for conservation of wild-life and so on. I will stick my neck right out and say that because this debate is not of a controversial nature, it will receive scant publicity in tomorrow morning's Press. That is to be greatly deprecated, because unless the Press plays its part in publicising the need for conservation and the efforts made by preservation societies such as the Australian Conservation Foundation, the Wild Life Preservation Society, and Parliament itself, all of our work in an endeavour to instil in our people the need to value and treasure these things will be of no avail. I forecast that this debate will receive little Press publicity because it does not deal with a controversial matter. It is one of the rare occasions when there is agreement on both sides of the Chamber on the necessity to implement legislation.

Mr. Pizzey: It will not receive as much space in the Press as the recent student march.

Mr. SHERRINGTON: It probably will not. It is to be deplored that in our schools and in the Press more attention is not given to the important part that conservation and other matters dealt with in the Bill play not only in our life but also in the life of our future generations. I recall the statement made by an ardent conservation member that if we are not careful the only kangaroos and emus that future generations will see will be those on the coinage. He might have been exaggerating a little, but unless warnings like that are issued repeatedly there will never be a full awareness of the importance of preserving our historical relics and our flora and fauna.

More than the introduction and policing of legislation is required. It is difficult to absorb the full import of a Minister's introductory remarks unless one is a shorthand writer, but if I understood the Minister correctly the Bill will set up a body to investigate all discoveries, and will place an obligation on the discoverer of relics to report them to that body. With this, I agree.

One of the dangers to be faced is the deterioration of Aboriginal paintings. To date, no successful way has been devised to protect from the elements paintings that are not in caves. I suggest an examination of the possibility of using protective materials to lengthen the life of any paintings that are found. While I feel it is a practical impossibility to completely exclude visitors other than by the erection of fences, this method should be employed to protect the most valuable discoveries, and only guided tours should be allowed into enclosures. I have no quarrel with the charging of an admission fee, because supervision charges will have to be met. If these relics are so valuable that they are worth protecting, surely the public would not mind paying a nominal fee to view them. In that way their preservation would be ensured.

Mr. Carey: Do you think a sufficiently large number of dedicated people are interested in the preservation of these wonderful natural relics to warrant doing that?

Mr. SHERRINGTON: If these things are so valuable, we must be prepared to protect them by employing people to make sure that they are not damaged. It is no good putting supervision on a voluntary basis.

(Time expired.)

Mr. LICKISS (Mt. Coot-tha) (2.35 p.m.): I should like to compliment the Minister on his very interesting and informative speech when introducing this very important piece of legislation. I support the principles outlined by him and feel that this measure is long overdue. Aboriginal relics rightly belong to posterity. They are part of the nation's history and traditions, and the Bill means that Queensland is playing its part, with the other States and territories of the Commonwealth, in preserving a way of life that is fast disappearing from the every-day scene.

As this is a measure to preserve and in fact acquire certain relics for the people, I think it is necessary to consider a couple of points, and I trust that either in this debate or at a subsequent stage of the Bill the Minister will enlighten Parliament on his feeling towards, and provisions made in connection with, what might be described as the real and personal property of the people presently holding these relics. Many people have of their own volition acquired over the years a number of the relics as defined in the Bill. Others will have land rights, and one point for consideration is whether they will be dispossessed of relics, they being personal property, and their right of access to valuable relics in situ on land. This would be related to real property ownership. The point I make here is that unless the Bill incorporates a provision for the payment of compensation, we could in effect be introducing what could be construed as an acquisition Act without compensation provisions.

Mr. O'Donnell: Will you make that point clearer?

Mr. LICKISS: I shall make it clearer. If over a period of years the hon. member for Barcoo had acquired a number of Aboriginal relics, which he has been entitled to do, they would be his personal property. Depending on the type of collector he was, he may have spent a considerable amount of money on them, and it would be most unjust and unfair if any Bill passed here deprived him of them without compensation. That is the point I am making.

Mr. Davies: Do you think the Minister would be unjust?

Mr. LICKISS: Definitely not, and I am not saying that; I am merely pointing out that this is a matter that should be considered. The State has vested in

it the sovereign power to pass an Act of Parliament under which property can be acquired without compensation, and all I am doing is pointing out a possibility and saying that this point should be considered. Consequently, I wish to see that people are not treated unjustly.

An Honourable Member: This Government would not do that.

Mr. LICKISS: I do not say that the Government would do it knowingly.

Mr. Smith: You want to protect the rights of the people who have these things.

Mr. LICKISS: Yes. I only wish to protect a person's assets. A person who had a right of ownership before the introduction of the Bill will be divorced from it immediately the Bill becomes law.

Mr. Smith: I quite agree that they should be protected.

Mr. LICKISS: I thank the hon. member for his interjection. He is well versed in the law and realises the need for these protections for individuals against the sovereign powers of the State.

One of the problems facing the indigenous population of Australia and the islands is the rapid transition from the way of life that we are now describing and attempting to preserve by means of relics that are a reminder of bygone days. It should be remembered that the transition is taking place over a period of not much more than 50 years, and I think the Government should be careful not to rush ahead and complete the process in too short a time. Recently, with the hon. member for Ipswich East, I visited the Northern Territory. While visiting what is probably one of the most progressive mission stations in the Territory, I discussed this problem with the missionaries and with Bishop O'Loughlin, who has resided in the Northern Territory for many years. He explained that missions generally will face this problem and that there must be a steady period before people move from the traditional mission station into so-called civilisation. He said that the merger should be very carefully planned and that the people should not be pushed into it too quickly. I believe that there is a great deal of merit in what he said on that occasion, and I am sure that the Minister and his departmental officers are well aware of the problems inherent in forcing a transition from one way of life to another in too short a period.

I shall not delay the Committee any longer. In the main, I wished to make the point relative to a person's assets in terms of real and personal property.

Mr. AIKENS (Townsville South) (2.43 p.m.): I think the Committee should be very grateful that so many hon. members who probably have never seen an Aborigine in his native state have gone to the trouble of going to the Library and getting at least a

theoretical knowledge of the Aborigine and his problems. I am going to make my few remarks from the standpoint of almost a lifetime of association with Aborigines.

I can remember that, even when I was a boy in Charters Towers, the Aborigines were such an oppressed race that every Aborigine had to be out of town by dark. They could come into town after daylight; they could sell their clothes-props round the town, or do what they had to do—rake up the yard, chop the wood, and so on—

Mr. Bennett: Where did you camp in those days?

Mr. AIKENS: I have never seen an Aborigine with such a shockingly retarded mentality as that of the hon. member for South Brisbane. I am not talking about him. I am talking about the black Aborigine, not the white one.

Those were the shocking conditions under which the Aborigines lived when I was a boy. Later on I went to the West, and I should say that only one other man in this Chamber would be more competent than I am to speak about the Aborigines from the viewpoint of personal association with them and knowledge of them—the hon. member for Flinders, Bill Lonergan. It is quite true that, before they were civilised by the white people—and the white people civilised them, as they civilised the people of the South Pacific, with the bullet, the bludgeon, rum, and syphilis—the Aborigines had a wonderful system of life. As a matter of fact, their communal life and laws were much more substantial and of a much higher standard than ours. It is true, of course, that their morals were of a much higher standard than ours.

No-one ever heard of a very young Aboriginal girl having sexual intercourse. There was no such charge as having carnal knowledge of an aboriginal child under 14, or 12, years of age. No-one ever heard of an Aboriginal girl or woman, in her native state, being raped, because these things were absolutely unheard of. No-one ever heard of an Aboriginal girl having sexual intercourse, even with the Aborigine who had been selected as her husband, before she reached the age of puberty. The hon. member for Flinders and I could tell of how the old men of the tribe used to examine the young girls to make sure they were in a fit physical condition to have their first act of sexual intercourse, and during what we call the periods of menstruation, even when married, they were put aside in a special gunyah. There was no question during those periods of their associating with the men, or even the other women, of their tribe.

I am appalled when I think of the way white people have civilised the Aborigine! Bill Lonergan and I can remember—the hon. member for Cook would know well enough but he is not as old as Bill and I—how the noble white man—God save the mark when I say “noble”—civilised the Aborigine. Some of

them used to chase after the young gins, as we called them—I am not being derogatory in using that term—and attempt to rape them, but if the gin thought she was going to be caught and raped she had a very primitive but effective way of protecting herself; she dropped onto her haunches and scraped her vagina full of sand, leaves and dirt—

The TEMPORARY CHAIRMAN (Mr. Hodges): Order! I feel that the hon. member ought to be a little more temperate in describing episodes of his past.

Mr. AIKENS: If we are going to be squeamish, I shall have to obey your ruling, Mr. Hodges—

Mr. Bennett: We do not want to hear about your personal experiences.

Mr. AIKENS: If the hon. member for South Brisbane had ever taken after one of the gins it would not have mattered what she did, he would have still carried on with the job. If he comes into this he will be sorry, because if we get onto the question of, shall we say, extra-marital excursions, I will have to deal with the Labour Party. I do not want to do that because I am not interested in it.

These people have a very fine tradition and a fine way of living according to their own lights. They had very high standards of morals and personal conduct. They have been corrupted and have degenerated by their association with white people, and I commend the Minister for introducing this Bill because, as far as possible, we should preserve all the good things that we know about the Aborigines.

It is also true, as one speaker said—I think it was the hon. member for Chatsworth, who is one of our theoreticians on this matter—that there are many languages and dialects among these people. Many people have gone out into the territory where the Aborigines live in an effort to piece together the different languages and dialects and translate them into English so as to let not only the people of today but generations yet unborn know what the Aborigines were talking about. We must be particularly careful, however, because one thing that the Aborigines learnt from the white people was the practice of deception. When one talks to an Aborigine and asks him the meaning of certain Aboriginal phrases he has learnt over the years that the best thing is to tell you what he thinks you want to hear. He has become one of the greatest leg-pullers of all time.

I myself have asked Aborigines what a particular Aboriginal word meant and I have been told one thing. Then someone else might come along and ask about the same word and is told something else. The Aborigine will tell you just what he thinks you want to hear. As a matter of fact, it was only recently that the Mundingburra School Parents and Citizens' Association wrote to me seeking the origin of the word

“Mundingburra”. I sought the assistance of our very erudite and efficient Parliamentary Librarian. He looked it up in books that were yellowed with age, almost crumbling to pieces—books that one would not be game to handle—and he told me that it came from “Mungil Bura”; “Mungil” meaning “spinifex”, and “Bura” meaning “tribe”. It has been corrupted over the years to “Mundingburra”.

Mr. Pizzey: Like “Chinee apple” tree.

Mr. AIKENS: That could be so.

I asked an Aborigine once what the word “Karlumba” meant, and he told me it was “a rock python swallowing an emu’s egg”. I am sure he made it up on the spur of the moment. I am told that we got the word “Nambour” from a Aboriginal word meaning “nine dead goannas on a rock”. Whether it means that or not, we cannot be certain. I would say to the hon. member for Chatsworth that, from my knowledge of the Aborigines, one has to be particularly careful about what an Aborigine says with regard to the meaning of a particular word.

Mr. Graham interjected.

Mr. AIKENS: The hon. member for Mackay and I used to run barefooted over the mullock heaps and cyanide dumps at Charters Towers when the Aboriginal children were there and used to tell us a lot of tall stories. We used to go down to the Chinaman’s garden on Millchester Creek and pinch oranges—or, rather, I used to pinch them and the hon. member for Mackay used to get them. The Aboriginal kids used to come over the fence with me and back over the fence while the hon. member for Mackay waited outside. That is just a comment to the days of our youth.

There are many customs of our Aborigines that we should try to preserve. I think I mentioned on one previous occasion a tribe of Aborigines with whom the hon. member for Flinders and I associated and who formed perhaps the most warlike and ferocious Aboriginal tribe in Australia. They were the Kalkadoon tribe, and they had the custom—and I feel sure that this was the custom in other Aboriginal tribes—that when a man died his wife would go into mourning, and one of the ways in which she exhibited her mourning was not by tying a black band around her arm or something like that but by getting the natural gypsum and pounding it into a fine powder on a flat rock, then wetting it with urine and plastering it all over her hair while still wet. When it dried it was like great long icicles sticking out from her head so that as she walked along one could hear these gypsum icicles actually tinkling loudly. I think that some of those customs should be preserved—but not necessarily the use of urine.

The hon. member for Flinders, whose father, Mr. John Longeran, was one of the finest men in the back country, or to come out of it, has, I would say, one of the finest

collections in Queensland of Aboriginal relics. He is one of those men who knew the Aborigines as they were and as they are today.

We must admit that, whilst we are trying to preserve what is left of the Aboriginal race, there are not many of them left because in the early days they were shot down by the police, the settlers, and the native trackers, who were their worst enemies. They were exploited particularly by the grazing section of the community and when they were no longer of any service to the graziers they were herded like wild beasts and sent across to Palm Island and other mission settlements, where they remained until they rotted and died. They can now be released and can return to the mainland and take their places among the white people and assimilate themselves, but when we consider the raw deal that the white people have given to the Aborigines over the years we see that we have done very little for them of which we can feel proud.

We have a long way to go. Only last year, or the year before that, the Government decided to give full voting rights to the Aborigines, but it is obvious that the Aborigines have not learned to exercise those rights properly. At one mission station, for instance, one candidate polled 184 votes out of 185. At another place one candidate got 96 votes out of 97. It is therefore obvious that the Aborigines on the mission stations today are in a semi-primitive state. The person in charge of the mission station can cajole them, blackmail them or brutalise them into voting for the candidate that he—the man in charge of the mission—wants them to vote for.

When I consider how far the Aborigines have advanced in the last 50 years—from the time I was a boy until today—I can see a great future for them. They have come a long way in 50 years, and I hope they will go much further in the next 50 years. However, we must admit that the big problem with the Aborigine is that of helping him to help himself. Quite a lot of people say that white people have not given the Aborigines a fair go. In many cases the Aborigine himself has seen to it that he gets a fair go; he has cut himself adrift from tribal habits which, while they were quite good in the primitive and wild state, are today an inhibition to the Aborigine's rehabilitating himself. Sometimes an Aboriginal family will be set up in a very attractive home. As soon as they get the home established and furnished, and get well on the way to being accepted by their neighbours as responsible, reputable citizens, the no-hoper elements of the tribe move in and very soon they are camped all around the yard and under the house, and there is a stench that can be smelt a mile away. Unfortunately, these people suffer because of the old tribal habits that were worth while in the primitive state but which are a handicap and an obstacle to progress today.

Mr. Lickiss: That is a habit that is very hard to lose.

Mr. AIKENS: That is so.

I will not tell the story concerning my mother in Mt. Isa. She owned a property and let a young Aboriginal couple go into it—

The TEMPORARY CHAIRMAN (Mr. Smith): Order!

Mr. AIKENS: I have no doubt that people will run around after the passage of this Bill claiming that the Aborigine has not a chance in Australia today; that he cannot advance himself; that he has always to remain the beast of burden he has always been. That is all bunk. I remember meeting a very vociferous and garrulous person in the Parliamentary Library. He was an Aborigine, or part-Aborigine, who was brought up on one of the Church of England mission stations. He was a Bachelor of Arts and was blowing off his "bags" like some of the other people at the university from whom we hear so much. He was saying that the Aborigine was getting a raw deal; that he cannot rehabilitate himself in the community because of the discrimination against the Aborigine in Australia. I said to him, "If there is such discrimination against Aborigines in Australia, how the hell did you become a Bachelor of Arts?" He said, "Oh, I became a Bachelor of Arts because I was determined." I said, "If we can only put the same determination into every other Aborigine in Australia I will be a very happy man and they will all be able to do what you were able to do." That proves that there is no discrimination against the Aborigine in Australia except, unfortunately, the discrimination that the Aborigine brings into being against himself.

This is a particularly fine Bill. A very interesting point was raised by the hon. member for Mt. Coot-tha. I have a couple of Aboriginal relics. I have a very fine flint knife used by the "Abos" for what they call "whistling the males of the tribe". I would be very happy to give an exhibition of it to some hon. members. The Government will not get it from me, no matter what is provided by this legislation. I believe that all these things could be acquired under the Sugar Acquisition Act if the Government cared to have a look at it.

Mr. Pizzey: You will leave it to us in your will?

Mr. AIKENS: I will bequeath it, but the Government will not get it from me while I live because I value it greatly. If the Government can prevail on the hon. member for Flinders to bequeath to the authority which may be established under this legislation the many Aboriginal relics his late father had, it would be getting something really worth while.

The hon. member for Salisbury talked about the need to educate our children so that they will not indulge in vandalism. I

do not know where he gets the idea, and I do not wish to misquote him, but he gave me the impression that only children are vandals. Nothing could be more stupid than that, if he meant that. I do not know whether he did or not. The worst vandals in this country are the adults. Kids may do some stupid little things, but the worst and most vicious vandals are the adults. If we are to educate anyone against vandalism, it cannot be done in some homes because the parents themselves are not fit persons to educate their children against vandalism.

I shall finish with this comment as I know, Mr. Smith, you are anxious that I should finish.

An Honourable Member interjected.

Mr. AIKENS: It takes a long time to get around to anything. Some hon. members are the most obtuse politicians I have ever known.

The worst example of vandalism is evident on the Gillies Highway, which is one of the finest scenic highways in this State. On almost every beautiful rock face, spoiling and desecrating the whole view, are signs exhorting people to vote for So-and-So, the Labour Party candidate, or So-and-So, the Country Party candidate.

Mr. Pizzey: The same applies to Castle Hill.

Mr. AIKENS: No. The university students in Townsville painted "The Saint" on the big bluff of Castle Hill.

Mr. Adair: It might be the hon. member for Tablelands or someone like that?

Mr. AIKENS: I do not know that it comes into his territory.

A prominent Country Party member of this Parliament has his name painted in 5-ft.-high letters on 50 lovely rock faces on the Gillies Highway. Beneath it is the name of the Labour opponent in that election, and beneath that again is the name of the Labour opponent at the next election.

Vandalism was not practised by Aborigines in their native state. They did not go around indulging in forms of vandalism. They respected their customs and traditions and everybody else's property. There was no greater respecter of another person's property than the Aborigine, although he believed in the communal possession of property.

Mr. Pizzey: I shall have to take your word for that.

Mr. AIKENS: The Minister can take my word if he likes. I do not want to embarrass the hon. member for Flinders, but I am hoping he will speak because he can tell us more about Aborigines in their native state than anyone else because his experience is much more profound in this regard.

Many hon. members on both sides of the Chamber have never seen an Aborigine in his native state and would not know one if they saw one. As a matter of fact, if they saw a Melanesian, a Polynesian, or even a person from the West Indies or the United States of America, walking down the street they would say, "Look at all the boongs or Abos. in town."

Mr. Bennett: Have you ever been to Plantation Creek?

Mr. AIKENS: I went to Plantation Creek and I heard a story about the hon. member for South Brisbane, who was there as a boy and a youth. I shall not repeat it as it is not very complimentary to him. There would be very few Aborigines there. There would be more Kanakas, Polynesians, and Melanesians around Plantation Creek than native Aborigines.

Mr. Bennett: There were no Melanesians there before the war.

Mr. AIKENS: The hon. member for South Brisbane would not know a Melanesian from a paddy-melon.

I shall not enter into any by-play or childishness in this matter. I congratulate the Minister for introducing the measure and commend every hon. member for being interested in it and for taking the trouble, as the hon. members for Maryborough, Chatsworth, Mount Coot-tha, and Salisbury did, of going to the Parliamentary Library and reading something about Aborigines. I congratulate them for their sincere desire to support the principles embodied in the Bill.

Mr. P. WOOD (Toowoomba East) (3.5 p.m.): I join with other hon. members in welcoming this legislation, and support the remarks of previous speakers on both sides of the Chamber. Australians have for too long neglected the culture of Aboriginal Australians. Our first settlers did not consider that the native Australians had any sort of culture at all. In any case, their outlook could perceive only a culture based on European traditions.

That attitude has persisted for many years, and we find today that too many Australians still cannot accept that Aborigines have a distinct and worth-while culture. It is a culture that has been neglected and in many respects abused by Europeans. It is deplorable that many of the better-known forms of Aboriginal culture have become tourist gimmicks. This merely tends to cheapen Aboriginal culture as a whole.

I believe—and I think that this is supported by those who have done research into the subject—that Aboriginal society was a dignified society prior to the arrival of Europeans. European settlement has in many instances destroyed the natural dignity of the Aboriginal Australian. It is a source of embarrassment to me to see from time to

time in parades and processions held in various parts of the State a few Aborigines holding a handful of spears or boomerangs in the midst of what is really a procession of European culture. This seems to me to be a degrading way for Aborigines to parade. I think that those who organise processions or celebrations of any kind should not seek or encourage the parading of Aborigines in such a fashion.

In our European development of this country we have obliged Aborigines to abandon their ancient culture, but we have not provided them with opportunities to share fully in the European culture that has been imported here. The record of European settlement in Australia is, in its dealings with native people, shameful and disgraceful. We have largely destroyed their culture, and we have failed to offer a worth-while substitute.

I believe that the chief benefit of this legislation will be to encourage a sense of pride in Aboriginal Queenslanders in their traditions and history. Unfortunately, many Aboriginal Queenslanders live in circumstances that rob them of pride, and anything that will foster in them a sense of pride is welcome. This Bill will, in a small measure, give Aboriginal Queenslanders a source of pride. The best way that can be done is to improve their material circumstances. However, the Bill is not of that type, and I would welcome, more than I welcome this Bill, any legislation designed to improve the material circumstances of under-privileged Aborigines, of whom there are too many in Queensland.

The Bill will, among other things, indicate to Aboriginal Queenslanders that we respect and admire Aboriginal history and traditions, and acknowledge that the culture of Aborigines is distinct and worth while. It will indicate that all Queenslanders want to preserve as much as possible of that culture.

I think the Minister suggested the use of wardens, or some other form of supervision, to protect areas of interest. Some form of supervision or protection will be necessary, and I do not think it possible to find people better qualified for this task than Aboriginal Queenslanders. There is no question about their being capable of acting as wardens. It remains only for them to be given the opportunity, and I hope they will be.

I support the introduction of the Bill. I hope that its passing by this Assembly will create a situation in which we will have preserved for us and for future generations many of the traditions and cultures of the Aborigines.

Mr. ADAIR (Cook) (3.11 p.m.): I compliment the Minister on the proposal to introduce the Bill. No hon. member has yet mentioned the part that Aborigines have played in the development of the grazing areas of Cape York Peninsula. In my opinion, they were the early pioneers.

Mr. Aikens: I mentioned how the graziers exploited them.

Mr. ADAIR: Without the Aborigines, graziers could not have existed in Cape York Peninsula or in the Gulf country. In the early days that I can remember, one could not get white labour—ringers, station hands—to go there, and the graziers depended wholly and solely on the Aborigines, who were good stockmen and excellent men in their jobs. I claim that they must be given credit for assisting in the pioneering and developing of the cattle industry in Far North Queensland. In addition, they assisted in the sugar industry, and many a sugar farmer in the Far North can thank the Aborigines for his success and for what he has now. Even today, graziers in Cape York Peninsula depend mainly on Aboriginal labour.

The Aborigine is a different person altogether from the Torres Strait Islander; the two cannot be compared. I have been on Thursday Island when riots have occurred between the Aborigines—the “mainlanders”, as they are called—and the Torres Strait Islanders; I have repeatedly seen police stopping fights between the two races in the main street of Thursday Island, both during the day and at night. Today one sees Aborigines mixing freely with Torres Strait Islanders at Bamaga. Going back 25 years or more, the Saibai Islanders were recognised as the most vicious of the Torres Strait Islanders. Now they live at Bamaga with the Aborigines—the mainlanders—and are good friends with them and the two races mix freely.

A person who is taking a great interest in the preservation of Aboriginal paintings in Cape York Peninsula is Percy Trezise, a pilot with Ansett-A.N.A. Whenever he gets one or two days off, he travels through the Coen and Laura areas in his Land Rover hunting for caves containing Aboriginal paintings. He claims that he can take people and show them the best Aboriginal paintings anywhere in Queensland, and probably anywhere in Australia, in caves that he has found. On several occasions he has asked me to do what I could to help preserve paintings that he has found, and I hope that the provisions of the proposed Bill will do that for him.

The hon. member for Townsville South spoke about the Aborigines and his knowledge of them. When I was a lad of school age, I had a mate named Jacky, a mainlander. We would go out for long week-ends together. My parents were not worried about my going out with him because they knew that, if we ran out of food, Jacky would find something to eat. Many a time when he was with me we ran out of food and he would get a few witchety grubs out of a tree. I would help him. I have seen him trying to track down a beehive. He would sit by a waterhole for an hour until he saw the bees come for water. He would follow them until he found the tree. It might take him two or three hours but he

would eventually find the hive. We even ate white ants. He would take the leaves off a nest and in the lower portion there would be eggs and young ants and he would get a feed out of them.

The ability of the Aborigine to do that has almost disappeared today. On most of the missions today one would be flat out finding an Aborigine who can even throw a boomerang.

Mr. Aikens: They now have a tin-opener and a bottle-opener.

Mr. ADAIR: Apart altogether from that, it would be a shame if Aboriginal paintings and such things were not preserved.

The Torres Strait Islander is a different person altogether from the Aborigine. Most of his habits and items of food are different from those of the Aborigine. Only recently we went to Murray Island and were told that when a raiding party came and there was a fight they would cut their enemies' heads off and they had what they called a "tree of skulls" on the island. They could not count; they had no education. The only way they could keep a check on their tally of skulls was that if one of them had three skulls he would bury them and put three coconuts above where they were buried. In that way he would get recognition for the number skulls he had.

The Torres Strait Islands, generally, are small and the Islanders have not the caves that the Aborigines have. However, they do have carvings and similar things. In churches, one can see eagles carved by Torres Strait Islanders and, as I said, they have skulls and various other things. The graves in their graveyards are something to see. They go to great expense in putting tombstones on graves and the unveiling of a stone is worth seeing. All these things should be preserved, otherwise they will be forgotten.

The Aborigine, I can assure hon. members, has played a very prominent part in pioneering the far northern portion of Queensland. Without them graziers could not have developed the country and done what they have. Similarly, without the Torres Strait Islanders' assistance in diving for and collecting pearl shell the master pearl-ers could never have survived.

With those remarks, I express my gratitude to the Minister for the introduction of this Bill.

Mr. WALLIS-SMITH (Tablelands) (3.20 p.m.): This Bill deals with the preservation of Aboriginal relics in Queensland, and it is very gratifying to see so many hon. members taking part in the debate, especially those hon. members who have taken the trouble to do some research in the Library and elsewhere to gain a knowledge of what they are speaking about. But I was deeply shocked to hear the contribution to the debate by the hon. member for Townsville South. While he was speaking I wondered what would be the reaction in years to come

when Aborigines read his remarks in "Hansard". I am appreciative of the fact that the Temporary Chairman saw fit to draw the hon. member's attention to his conduct and the words he used. I do hope that when his words are studied in the future those hon. members who have made worth-while contributions to this debate will not be viewed in the same light as the hon. member for Townsville South.

I wish to talk about my association with the Aborigines in my own electorate and in other parts of Queensland, and here I might mention that some hon. members have talked about the Aborigines' lores, their communal rites, and the "dreamtime" lore, a copy of which I was fortunate enough to see. The Aborigines "dreamtime" lore is something that should be preserved. Copies of it should be made available in many of the libraries. Under this "dreamtime" lore the Aborigines worked quite successfully. It shows that they understood the degeneration that could follow inter-marriage. It shows also that they appreciated the danger of over-crowding, because the lore provided that after a skin or a tribe reached 600 to 800 in number some members of it had to go out and form another skin or tribe. If there were, say, A, B, C and D skins in one big tribe, the marriage code ruled that A and B skins must marry into C and D.

These are the things that the Aborigines learnt for themselves. There are records of this "dreamtime" lore, and I am sure that the Minister's departmental officers have some knowledge of it. As the hon. member for Cook mentioned, Mr. Percy Trezise knows quite a lot about this "dreamtime" lore and I pay a tribute to Mr. Trezise. I know that when he is on holidays he sometimes goes to Mornington Island or some out-of-the-way place and studies the Aboriginal customs and conducts searches for relics of their race. Recently he has visited the area outside Coen. People such as he, who have a very good background knowledge of the Aboriginal way of life, have been accepted by the Aborigines and are rewarded by their co-operation. They learn of the Aboriginal legends, and these should be collected and safeguarded because each legend is a story.

Leaving the communal effort, I mention the atmosphere that should surround the relics that cannot be moved. I speak of relics in the form of rock formations, rock drawings, fish traps, fire-places, communal burying grounds, bora rings, and so on. These should be under the control of the Aboriginal people in whose area they exist. The hon. member for Toowoomba East referred to this. It is useless to suddenly elevate a certain tribesman as the guardian for some ground belonging to another tribe, because deep down he will feel he is not the right man. He will also be resented by people who remember the old grounds and the tribe to whom the ground belonged.

I have here a map which appeared in the annual report of the Director of Native Affairs for the year ended 30 June, 1964. It shows the new buildings that were to be erected at Magnificent Creek and, in all, it covers an area of 40 acres. It is quite possible that some ceremonial grounds were included in those 40 acres. I know that this actually happened at Edward River. The Aborigines at Edward River feel it is wrong. I ask the Minister, in cases where this can be avoided, to leave communal grounds as they were, as there is plenty of other land available. I am sure that these matters have only to be brought to his attention, and the best people to bring them to his attention are the local councillors. They could quickly draw his attention to the possibility of bad feeling being engendered in the Aboriginal people by interfering with a bora ring, an initiation ground, or a communal burying ground, when providing land for houses or moving air-strips. Air-strips are being built in many places in the Peninsula area and, quite unknowingly, they may be located very close to positions looked upon by the Aborigines as very special grounds.

The hon. member for Mt. Coot-tha raised quite a good point. There are not many people who would fail to respond to a request from the Government. I know that it would not be difficult for the Minister to define areas where relics can be found. Stone axes are sometimes found around Ravenshoe. In many cases where ploughing has been done, stone axe-heads have been found in perfect condition.

Relics in certain areas are different from those in other areas. At places 20 or 30 miles from the coast the hunting and survival habits were altogether different from those at the coast, so the Aborigine made his weapons or other articles for obtaining food altogether different from those on the coast.

I have referred to legends, which are many and varied. Many short stories were written on small articles of warfare, such as spears, woomeras, boomerangs and shields. Two or three might tell the one story. Legends, however, are quite a different matter. They are handed down from one generation to another, and I hope the Minister will try to collect some of them. I should like to record the legend of the crater lake which is the site of an extinct volcano. This legend was told to me by the wife of the king in the area, Mrs. Judy Mears. Mr. Frank Mears died some years ago and Judy passed on last month. I was told I could use it. That is very important; we cannot betray the trust imposed in us by these people. A person must ask if the legend can be used and if he can tell it to his own people. Many times they will say "No". On this occasion I was told I had the right to relate it.

The legend is this: two families, each consisting of a man, his wife, and a small baby, went hunting near the crater lake, which is situated on the Barron River between

Atherton and Ravenshoe. As usual, the men went hunting. While the women prepared the fire they put their babies into dilly-bags, which they use to carry the babies on their heads, and hung the dilly-bags on the nearby branch of a tree. They collected firewood for the fires and kindled the fires, and when the fires were burning properly they went to get their babies. The babies were not there. At that time they saw a huge carpet snake disappearing over the brink of the crater. The water in the crater is 100 ft. below the surface. They frantically chased the carpet snake but it disappeared down into the water with the two babies in its mouth. They were so upset that they lost control of themselves and threw themselves into the water in an effort to get the snake. When the men returned with food to be cooked, the fires were burning but there was no sign of their wives. They looked into the lake. The bodies had gone down and had come up again with the scum of the lake on top of them, and with the sun shining on it the scum looked like the scales of a large snake. The legend is that the women were changed into the carpet snake. Since that day no Aborigine has gone within 2 or 3 miles of the crater lake, whether for hunting or for pleasure, and no game from that area is eaten. It is taboo.

That is the type of legend that goes through Aboriginal families; it is the type of legend that the Minister could use to compile an album of legends. They are wonderful stories, and they are many and varied. I leave for the consideration of the Committee whether parts of the culture and early life of these people other than relics should be preserved for all time.

Mr. O'DONNELL (Barcoo) (3.33 p.m.): Every contribution to this debate has been very interesting. Succeeding speakers have given different slants to the question before the Committee which, in itself, is an admirable proposal and one to which we should give our support.

I have in my electorate one of the most outstanding features in Aboriginal art, namely, the Aboriginal Art Gallery situated in a somewhat inaccessible canyon off the Carnarvon Gorge in the hinterland of the Carnarvon National Park, which has considerable possibilities as a tourist centre. We have heard certain remarks today relative to tourist centres. Naturally, a place is not a tourist centre unless it attracts tourists. People who come to places like the Carnarvon Gorge are a particular type of tourist, just as people who go to the gem fields, also in my electorate, are a particular type of tourist. We must attract the right type of people and to obtain the best value from this wonderful fresco we must make it accessible to tourists. That is the most difficult aspect of the Carnarvon Gorge.

I should like to say more about the Carnarvons. People intimately associated with Central Queensland feel that the Carnarvons and adjacent districts will be of tremendous importance in this State's future.

There has been increasing development of suitable lands, particularly by the pastoral industry. We are seeking the implementation—

The TEMPORARY CHAIRMAN (Mr. Smith): Order! Will the hon. member please address his remarks to the Bill?

Mr. O'DONNELL: I feel quite amused by that request, Mr. Smith, because previous speakers departed quite considerably from the Bill. However, I am going to tie these remarks very much to the Bill. Slowly but surely, development has progressed round the Carnarvon Range, and much more is still to come. Some day, with the full potential of the area developed, particularly water conservation—

The TEMPORARY CHAIRMAN: Order! Will the hon. member please have regard to the title of the Bill? If his remarks can be connected with Aboriginal relics, he may continue.

Mr. O'DONNELL: They will be, indeed.

When full development of the area comes to fruition, water conservation schemes will be implemented in the gorges. That is what is relevant to Aboriginal art, because it is on the walls of the gorges that these frescoes are seen. I hope I have now satisfied you, Mr. Smith, that I was leading up to that point.

The TEMPORARY CHAIRMAN: For the time being.

Mr. Aikens: Are you going to deal with the brigalow scheme on this Bill?

Mr. O'DONNELL: Reference to it would be quite apposite, because it is part of the development of the area.

At some stage a decision will have to be made as to which Aboriginal relics are to be retained and which are to be abandoned. I therefore refer to a matter that I consider of importance. In the preservation of Aboriginal relics, there will have to be a selective approach. No-one can gainsay the fact that many Aboriginal carvings and paintings are legible. Although they are understandable to people who see them, there are many that have little significance because their meaning has been lost in the ages that are gone beyond recall. Possibly we have not been early enough with the preservation of Aboriginal relics because there is no longer any connection between the relics and those who put them there.

I feel that this is a matter that has to be very carefully considered. It is known by the location of some of these frescoes that the work was done in a "play-about" mood. Perhaps a tribe once camped at that spot and was unable to move on because of weather conditions, or perhaps it was a very good area for hunting and the tribe camped there for some time. Whilst there, leisure time was spent in wall painting or carving.

Some of these paintings have significance. Hon. members know very well that Aborigines treated a burial cave with great respect, and the indication that a person had visited the grave of a long and well-beloved friend or relation was a mark made by a hand, perhaps, on the wall of the cave. We know, too, that people travelling through the countryside have found an occasional impression indicating that the Aborigine had his own method of communication with people who were following him. He may have been a path-finder; he may have been associated with another group far removed from the camp behind. Others were to follow him, and they would be able to read the message contained in the marks made on rocks, etc. These things show clearly that such marks, paintings and carvings were full of significance and, of course, we rightly appreciate them. On the other hand, others are not so significant, while others again are completely meaningless.

As I said, a great fresco has been discovered in the Carnarvons. There are other areas in the Carnarvons where white man has never set foot, and possibly other treasures of Aboriginal art will be found there. If they are, a selection may have to be made, because in years to come a dam may be built in one of the gorges and an exhibition of Aboriginal art will be lost. One must realise, too, that the Aboriginal people roamed the length and breadth of Queensland and that it will not be possible to preserve every place in which Aboriginal relics are found.

The Government's motive in bringing the Bill before the House is a very worthy one. I have been speaking of wall paintings and carvings, which, of course, are immovable, and hon. members who have taken part in the debate have referred already to the possibility of juvenile vandals, senile vandals, and middle-aged vandals, damaging these relics. But the movable relics, which the hon. member for Mt. Coot-tha referred to, are also very important. Possibly relics of this type—axes, knives, etc.—have been found at some time by almost every hon. member who has lived in rural areas of the State. They have been found not only in farming communities but also in grazing communities—I have found them in grazing communities—and they have had very little significance other than as something unusual to be taken to a school and put in the Museum or perhaps taken to a home and used as a paper weight. However, there will come a time when they will be of great value.

We know full well that native relics from New Guinea have brought very high prices on the American market. For instance, a stone-age axe has been worth \$200, \$400 or \$500 to an American collector. Perhaps that was the point made by the hon. member for Mt. Coot-tha. It will be the task of whoever has to care for these relics—the work probably is now being done by the Museum

authorities—to channel into some areas, particularly into Brisbane and the provincial cities, examples of the movable Aboriginal relics of the hinterland and to preserve them as such.

I do not think that we in Australia have many of these Aboriginal weapons of great antiquity, except those in the guardianship of a few collectors. We have today, of course, weapons made by various people wishing to sell them as tourist attractions, but they are not made in the same way as the weapons of the Aborigine in his natural habitat. The machine age is with us. Actually what we have today could, in many senses, be called a very poor imitation and it would only be very old weapons, if they were preserved, that would have a high value. I do not know whether the Minister intends to commandeer all the Aboriginal relics now existing throughout the State. I do not think he would be thinking along those lines.

Mr. Pizzey: That is the last thing we could do.

Mr. O'DONNELL: He would be thinking of some areas in the State as suitable for preservation to ensure that we retain as many as possible of the remnants of Aboriginal art.

Many rock paintings that were executed on cliffs are preserved from the weather, but time will take its toll of them. The Carnarvon Gorge walls are 600 feet high and overhanging, and the canyon containing the fresco is a sheltered spot, not only remote from existing townships but also remote in itself as, being an off-shoot of the main gorge, it is inaccessible in the wet season.

Reference has been made to vandals. Vandalism can only be countered by supervision by a ranger, whether paid or honorary. I am afraid that if we want to put under the control of Aborigines living in any area in Central Queensland the relics from their past we will have to go very much into the next world to recover them. I do not think we will find any trace of Aborigines who can tell us their tribal history or bring to our knowledge the fact that their forebears actually lived in that country.

We look forward to seeing the Bill and studying its provisions to see whether it is selective or general, to see what plans will be made for movable as well as immovable relics, be they associated with wall carvings or paintings, burial grounds, bora rings, and the other things that have been mentioned today.

I want to state quite emphatically that it will not be possible to make this a district project in every shire. Rather would it be better for us to really show the people of this State, and visitors, what our Aborigines have done in the past and indicate by our own practical approach in this modern period what we are doing for them now in order that they will develop, through their own attitudes and responsibilities and with the

opportunities we are prepared to give them, into the fine race that our historians tell us they were before our white civilisation came to these shores.

Mr. E. G. W. WOOD (Logan) (3.50 p.m.): I agree with the hon. member for Barcoo that it would be very difficult at this time to preserve a great deal of the Aboriginal culture. I compliment the Minister for introducing this Bill, because it is long overdue. Like some other hon. members, I at times have had a long and close association with members of the Aboriginal race. Except in the Far North, I do not know where authentic records of any particular culture can be found and preserved in toto.

When I was young I worked in the areas west of Boulia. My main companions were Aborigines, and I agree with the hon. member for Cook that the western areas of Queensland owe a lot to the Aboriginal race. Later on I was seconded to the Federal Government for the split-up of the Northern Territory, and, with the help of the Aborigines, I rode over most of the Northern Territory stations on pack-horses and came to know the Aborigines fairly well. In that area, too, hardly any trace of their culture is left. I knew the Mitta-Mitta tribe of Boulia, or what was left of them on the stations. The hon. member for Townsville South mentioned the Kalkadoons, west of Cloncurry. They, too, were a band in my younger days, but there are only relics of them around the station properties today. There are some tribes around Alice Springs who retain some of their culture, but the only Aborigines I saw in the natural state were the fierce Mullock-Mullock tribe, west of Darwin and west of the Daly River. I saw members of that tribe walking around in the bush with their spears, trying to scratch out a living from the bush. That was the closest I got to seeing these native races in their natural state.

This is a very late stage at which to attempt to preserve the culture of our Aborigines. Throughout the whole of the northern and western areas of the State there are many examples of native art and native weapons. Even as close as Wellington Point, in the red soil one can pick up tomahawks that were obviously carved from rock and were foreign to that area. No doubt there was a system of barter among the various tribes spread out over the Commonwealth.

Mr. Aikens: They used to go hundreds of miles to get pituri.

Mr. E. G. W. WOOD: That is absolutely true. Their pituri was used as a means of exchange, as we use our banks today, as a barter system.

I do not intend to add a lot to this debate because so much has been said by hon. members who have first-hand knowledge of the ways of life of the Aborigines. My

principal reason for speaking is an attempt, as the chairman of my shire, to try to preserve some of the native culture that is quickly disappearing from South-east Queensland. I have in mind particularly the kitchen midden heaps on Stradbroke Island. These midden heaps have been formed by the remains of shellfish that were eaten on the beaches by the Aborigines countless centuries ago. Until two years ago they were 200 ft. high. Hon. members can well imagine how many centuries would pass before they reached such a height. At that time there was a move afoot to examine them by the new carbon method and to look for weapons in them and establish the age group of the tribe in the area. However, there has been vandalism in all its phases, by adults, children and youths.

There is now another type of vandalism, namely, commercial vandalism. The sand-mining companies on Stradbroke Island have dredged through the midden heaps. I should not like to think what the field naturalists will say when they come to look for the much-prized midden heaps of Stradbroke. They have long since disappeared under the sand-mining dredges. However, I must be fair in this matter. Those hon. members who know about dredging realise that it is not easy for the dredge to dodge an area when it is pulling itself along.

Some attempt must be made to preserve the midden heaps that remain on Stradbroke Island. Very few are left, and they are very poor examples. However, I understand there are still some excellent examples of midden heaps on Moreton Island. I understand also that they have a tremendous value from the naturalist's point of view. Sand-mining leases have been granted on Moreton and it is quite obvious to me that the Minister for Lands and the Minister for Mines and Main Roads will have to co-ordinate their thinking and declare these midden heaps as national park areas so that they will be preserved from the dredging operations. Some hon. members may say that there are excellent examples of midden heaps on the northern peninsula, but I do not know of any more on the south. I would be very loath to see the midden heaps on Moreton Island destroyed as were those on Stradbroke. They had tremendous tourist potential—many people came to see them—but we now have only photographs of them.

Apparently the Redlands area and Stradbroke Island at one time were heavily populated by Aborigines. There are traces of them throughout the district. Close to Cleveland there is a bora ring, with a small adjacent bora ring. I understand that they were always in pairs. They were brought to our notice some time ago and are still discernible. In latter years we have been careful to keep the bulldozer away from them. Fortunately they are in a reserve which the council can protect.

I again congratulate the Minister on giving this State an opportunity to preserve what is left of our Aboriginal culture, and I again appeal for some protection for the midden heaps that remain in the south-eastern corner of the State.

Mr. BROMLEY (Norman) (3.59 p.m.): When the Minister introduced the legislation this morning I realised that it was tremendously important. In his opening remarks he gave us a very interesting preamble. This is a simple Bill, but I repeat that it is particularly important for Queensland and Australia as a whole. All right-thinking people must believe that the history of this State, and of the nation, is of great importance and concern to all. The security of what happened in the past and what exists because of the past, and the security of the future, are banded together.

The matters mentioned by the Minister are not only our birthright but also the birthright of the original Australians, namely, the Aborigines. The Bill deals with Queensland's past and also affects the future. The preservation of historical relics is of great educational interest to the people generally and to children at school.

We have on the Statute Book legislation to prevent vandalism of all descriptions. Unfortunately, not enough is being done to preserve Queensland historical buildings which are an integral part of our Australian and European history. This is good legislation, but I think that some thought should be given to preserving land that belongs to the people of Australia and to the Aborigines. We should allocate more land to these people instead of taking it away as has happened in the past few years. Recently two Orders in Council took land from the Aborigines in North Queensland.

To proud Aborigines—and there are many of them—the preservation of their history in Queensland is important. Their forebears did a tremendous amount which made this legislation possible, and Aborigines today feel that something tangible is being done for them and will welcome this legislation.

We have many proud Aborigines in our population and, while dealing with pride, in many ways we have nothing to be proud of. We should not be proud of what we have done to the Aborigines and what we are doing to them today. "The North Queensland Register" of 9 September, under the heading "The Mistreatment of Aborigines" says that some considerable time ago Aborigines were flogged.

Mr. Pizzey: That has not much to do with the preservation of relics.

Mr. BROMLEY: With all due respect to the Minister, he said that Aborigines are a part of our history and spoke of their forebears, their birthright, what they are entitled to, and so on, and, while I give

credit to the Minister for introducing this legislation, some mention of what we are doing to these people, as well as what we are doing for them, is appropriate. I give the Minister credit for doing something tangible. I see you shaking your head, Mr. Smith, so I shall not continue to quote from the article I mentioned, which refers to ill-treatment of Aborigines and the way in which a 17-year-old Aboriginal girl bore the marks of flogging, and so on.

Of course, Aborigines have played a major part in the history of Queensland, and will continue to do so in the future. Their role is both spiritual and actual, and I think it behoves all of us, as responsible members of Parliament, to preserve Aboriginal culture for posterity. Although we have a Director of Aboriginal and Island Affairs, I suggest it would not go amiss to appoint within his department an officer whose function it would be to assist in the preservation of Aboriginal culture. To a certain extent, this is all bound up in the Bill. I think that perhaps there could be an officer specifically engaged on such duties.

Mr. Pizzey: You find the answer to that at the university, where there are people engaged full time on that subject.

Mr. BROMLEY: Yes, and they are doing a very good job.

Mr. Pizzey: There is close co-operation between them and us.

Mr. BROMLEY: Whilst those at the university have much to do with the historical side, I believe that an officer of the Department of Aboriginal and Island Affairs could be engaged full time on the preservation of relics and the culture of Aborigines. In all my remarks concerning Aborigines I include, of course, Torres Strait Islanders.

I agree with the Minister that relics of the forebears of the present-day Aborigines are things of which they and all of us can be proud. The Minister mentioned movable and immovable objects of art and culture and said that they will have to be protected and preserved. That is very good to see. In many other countries this type of culture is also being preserved.

It is a fact that the language of the Aborigines is to a great extent recognised by the number of towns, cities, suburbs, properties, stations, and so on, that have been given Aboriginal names. They will remain in perpetuity, which is a good thing. In my electorate alone are found names such as Woolloongabba, Buranda, and Coorparoo. I do not intend to devote my time to explaining what those Aboriginal words mean. They do, however, give some importance to the Aboriginal language—the tongue of the original Australians.

I say to all “fair-dinkum” Australians that the practice adopted by Australians with a low sense of responsibility of naming places in Australia with phoney American names is

a tragedy and is to be deplored. A typical example of what I am referring to is to be seen on the stretch of land on the beach front on the Gold Coast—at Surfers Paradise and places such as that.

Mr. Carey: Don't you ever try to win that seat. While you talk like that, you have a fat chance of doing it.

Mr. BROMLEY: If the hon. member for Albert has such a small mind that he thinks the use of phoney American names to promote the area that he represents will assist Queensland and Australia and assist in the promotion of the Gold Coast, all I can say to him is that he has a very poor appreciation of Australian names. I do not know of one place on the Gold Coast at Surfers Paradise that has an Australian Aboriginal name. I very much regret buying into an argument with an hon. member who says, in effect, “You can't win a seat like the Gold Coast if you don't use American names.”

Mr. Carey: What about Coolangatta and Mudgeeraba?

Mr. BROMLEY: I mentioned the stretch of land known as the Gold Coast. I did not mention Coolangatta; I mentioned Surfers Paradise.

Mr. Carey: As a matter of fact, the Gold Coast has done so much for Queensland that the hon. member is frightened of it.

Mr. BROMLEY: The Gold Coast has not done very much in this respect for Queensland, nevertheless, it is a very pleasant place to spend a holiday. The hon. member for Albert is not going to disrupt my speech by saying that American names should be used for places in Queensland.

Mr. Sherrington: He has changed the name of “Carey's Clip Joint” down there.

Mr. BROMLEY: I understand he has recently disposed of it to other people who are not interested in “clipping” visitors to the Gold Coast.

I pay a tribute to the Australian Aborigines and Torres Strait Islanders who have so patriotically and faithfully served in the wars in which Australia has been involved. When a person whose forefathers at one time owned this great land and who knows that it has been taken from his race as the years have gone by dons a uniform to fight for Australia, he should be given due credit, and I place on record the appreciation of the Australian Labour Party of the services of the Aborigines and Torres Strait Islanders who fought so well for this country. Some of them paid the supreme sacrifice and gave their lives for their country. Many hon. members know that they made fine soldiers; probably they mixed with them on various battlefronts. Those who were not in the fighting forces played their part by assisting men on active service in places such as

Darwin, Thursday Island, New Guinea, and Papua, and in other areas in which Australian Forces were engaged.

Unlike the Americans we are not cursed with the riots that occur constantly in that country as a result of the colour bar. For this I think we should be truly grateful. Racial hatred does not exist here as it does in America. Throughout the centuries, coloured folk in America have, in the main, been greatly hated, and, as the result, violence has constantly erupted. I hope this never happens in Australia.

Although black Americans are hated in America, when they have great ability in some field and can represent America in that field—such as athletics, boxing, music and other spheres of art—they are spoken of as “our great Americans”. At other times they are hated and treated like pariah dogs.

Mr. Pizzey: Thousands of American Negroes occupy high executive positions and are very well liked.

Mr. BROMLEY: That is true, but we can only go by Press reports and, in the main, black Americans are hated by the great majority of white Americans. This I dislike, and I hope the time never arrives when we see that state of affairs in Australia. The Minister interjected that many Negroes hold executive positions and are well liked. When they represent America and are classed as “our American champions” they are almost idolised by Americans.

Mr. Aikens: One of them was appointed to the Supreme Court bench, the highest judicial position in America.

Mr. BROMLEY: I am happy to hear that, and I should like to see similar happenings in Australia. But I am pointing out what has happened in the past in America and in Australia, and also what is happening here and overseas at the present time. These people are classed as Americans when they are champions but if they are not they are treated as though they were a disease, or something similar. I do not think that will ever happen in Australia because, probably as the result of our English ancestry, we are very open-minded.

Mr. Carey: It will never happen if the Minister sends you and me on another trip around the various areas where these people are.

Mr. BROMLEY: I will deal with that matter shortly, because that trip was very educational. That is evidenced today in the fact that we are so interested and that so many have spoken on this legislation.

I do not want to name all the great Australians in their various spheres, but I feel it is proper to mention some Aborigines who distinguished themselves in the past, and perhaps one or two of the more recent ones. Some of them have been, and are, outstanding. Of course, most Aborigines have

natural ability in sport, and the Minister himself would be well aware of the fact that in Eddie Gilbert we had a tremendous cricketer.

Mr. Sherrington: In Jack Pizzey we had one, too.

Mr. BROMLEY: Jack Pizzey was a good cricketer but he cannot be described as coloured. Nevertheless, I will not deny that he was a good cricketer. Over the last few months he has been defending his wicket instead of trying to attack.

I mention, too, with great respect, a very close friend of mine, Mr. Ron Richards, who was one of Australia's greatest boxing champions. He, like many other coloured men, was a great fighter, and I also assisted, with my brother-in-law, Gordon Jamieson, to train many other champions of fine calibre. In other spheres our Aborigines have done particularly well. The hon. member for Ipswich East mentioned Harold Blair, the wonderfully natural singer. There are painters such as Albert Namatjira, and many others whom I should like to mention, but cannot because of the limitation on my time. They have all had natural talents.

I am grateful for the opportunity of going on the trip to the various Aboriginal settlements and missions. The members of the party who made that trip heard the natural singing ability of these people when they performed their corroborees. In the sphere of poetry one Aborigine has been outstanding. I refer to Mrs. Kath Walker, who is renowned throughout the world for her poetry.

Mr. Aikens: Another great Australian was “Nigger” Telfer.

Mr. BROMLEY: There are many I could name, but unfortunately I have only 25 minutes to speak. We should give due credit to some of these people.

The trip that I referred to was of great educational value, and I am grateful for the opportunity of being a member of the party. The hon. member for Townsville South mentioned in his rather shocking type of speech that a lot of hon. members had not seen Aborigines or had not had very close contact with them. I do not come into this category; I have seen many Aborigines in their natural environment. On the trip that we made we saw their natural ability with their hands in carpentry and weapon-making and the making of implements for use on jobs. We saw that they were natural horsemen, particularly good on station properties, and we saw them handling cattle. We also saw the Torres Strait Islanders at work, pearl-diving and fishing. We learned quite a lot.

(Time expired.)

Mr. PORTER (Toowong) (4.24 p.m.): This is a very worth-while debate because it concerns something that we all support. This

fact must be a source of gratification to the Minister. I must say that I have not heard the word "culture" used in this Chamber as often as it has been used today, and it seems rather a pity that our university audience of this morning did not stay to discover just how enlightened hon. members are when they deal with relics.

This Bill, which is to provide for the preservation of anthropological, ethnological and archaeological features, is without doubt one of the most "logical" Bills that have been introduced in this Chamber. It is indeed a "logical" Bill. It will provide some recognition of the efforts of the Aborigines' ancestors, and is, indeed, enlightened legislation. After all, our Aborigines have been maligned by many people in the past as having a culture of no great importance.

There has been some argument as to where the Aborigines came from originally. Some experts believe that they were of Ethiopian stock. Others think that they may have been Malays from the East Indies Archipelago who came here many hundreds of thousands of years ago. If I remember rightly, Professor Elkins, who was Professor of Anthropology at the Sydney University, believed they were a type of their own, and he referred to them as "Australoid". We are dealing with a very distinctive culture and, as such, it makes a contribution to the world of which we are a part.

What the Aborigine was in this country, in terms of the social mores by which he existed, grew out of his background, out of the type of country Australia was, the fact that it was a continent cut apart from the rest of the world and lived as a dreamland for virtually countless millions of years; the fact that it was largely an inhospitable continent and that the Aborigine had to adapt himself to living in a small portion of it. What he is, what his tribal customs are, are all part of this environmental heritage over a great many years. The preservation of these various types of relics helps to show that he was not the primitive that many say he was. In fact, he was intensely skilled, in living on equal terms with his own environment. He had a most complex social system—a very adequate social system. I do not know as much about some of these intimate experiences as the hon. member for Townsville South does, but I venture to say that it was a very adequate system for the situation in which the Aborigine existed.

I believe it is vital to keep these relics of the Aborigines' past, these records or totems of both spiritual and secular life, because the Aborigine was a man who lived intensely, as it were, in terms of the spirit. He believed, for instance, that everything that happened in his waking life was related to his dream life. This, in turn, was tied to the mythology of the spirits that he saw in the thunder, the lightning, the wind, the hills, the rocks, the trees, the creatures he

hunted, and so on. What we have in these cave drawings are not just exhibitions of Aboriginal art. They are a chronicle of the Aborigine's history, his religion, his tribal customs and his mythology, and most certainly they need to be preserved and studied.

I hope, as do some other members who have spoken, that all the treasures that are found will be open for general inspection. It is true that, by and large, it is important that academic men, whose job it is to unravel the small mosaic pieces they find and fit them in with the context of other knowledge, may present a broader picture of our Aboriginal forebears. I hope they will get their opportunity, but I believe the opportunity should be equally open to other people. After all, the treasures are important to all of us.

I agree with previous speakers that whatever is done must be done under very controlled conditions. This is the very stuff that visitors from other countries want to see. These are the chapters, as it were, of authentic history made by hands that vanished thousands of years ago. Undoubtedly they will be important, not only to those Australians who wish to see them, but to visitors from overseas. I look on the Bill as a very useful basis—a suitable framework, as it were—for extending the enjoyment and the appreciation of these Aboriginal relics in the future. I should like to see very careful planning to make them available for all people, but with adequate precautions against undue accident, foolish exploitation or vandalism.

I repeat that this is a good measure, an enlightened measure. The Government is to be commended for it, and the Minister must indeed be pleased to introduce a measure which has resulted only in commendation from both sides of the Chamber.

Mr. LONERGAN (Flinders) (4.30 p.m.): I have great admiration for the true Australians in this country. My knowledge of them goes back 50 years. My first recollection of coloured people is of being on a property at Mt. Merlin, between Selwyn and Bouli, to which I travelled in a horse dray. On this out-station we had an old "darkie" named Frog. His wife's name was Polly. Neither of them could speak our language. I knocked around with them. Possibly that was the foundation of the great respect I have had for these people over the years.

I commend the Minister for introducing this Bill, but it is possibly 60 years too late.

Mr. Pizzey: You cannot blame me for that.

Mr. LONERGAN: No. Even if it had been introduced 60 years ago, would the result be any different today? In my area there are a few Aboriginal paintings in caves and so on, but they are in places to which tourists will never go.

This country is held under pastoral lease, I presume, and these sites will be declared. It is felt in some quarters that the landholders should be compensated. Quite candidly I do not think they would be the slightest bit interested, because the paintings are usually in very poor country. The only objection the landholder might have is that the people going there would disturb his stock. I feel that I can speak with as much knowledge of Aborigines in the Cloncurry district as most people in the area.

I feel it is my place to rise today and pay tribute to our coloured brothers, who are so often looked down upon as being lazy and unskilled. If others had the opportunities I have had to see their handiwork they would not be so ready to condemn them. I doubt very much whether any tradesman could turn out a barbed spear, nulla nulla, or boomerang, as well as Aborigines do with only primitive tools, such as stone knives, to shape them.

At this stage it is difficult to compare the New Guinea native with the Aborigine. Intellectually and physically the New Guinea native leaves the Aborigine for dead. That is my opinion, although I could be wrong. But it is based on the relics in my collection. I have 50 New Guinea spears which are all of poor quality. They are made from heavy cane grass or a type of bamboo. The shafts are tipped with bone, boars' tusks, or shaped bamboo, and, when the spears are compared with those made by Aborigines, it is obvious that the Aborigines, possibly not today but in the past, were very clever men.

Mr. O'Donnell: That is a very interesting opinion. I have a collection of my own, and I thought that it was in the production of the woomera and boomerang that the Aborigine showed his ability.

Mr. LONERGAN: I am something of a connoisseur of this type of weapon, and at one stage my collection was considered to be one of the best private collections in Australia. It is not now, because I have not had the opportunity to add to it and have just not bothered collecting any more. I believe that there are two very good collections in New South Wales, owned by people who have the time and the means to gather these items.

Mr. Aikens: Have you enlarged your late father's collection?

Mr. LONERGAN: Very little, but it is something in which I take a great pride. I would not part with it; indeed, it is something that money could not buy. Both my father and I could have sold it for quite a lot of money.

Such relics today are unprocurable, and I was a little concerned, till I heard the Minister's reassurance on this point, that such collections might be taken over by the State. If that had been so, naturally I, as well as many other people, would have been very worried because if it were not for the likes of us there would be none of these

weapons in Queensland today outside museums. They would not mean anything to the average person and, if one came into his possession, he would probably give it to children who would throw it about and it would be lost for all time.

Mr. Aikens: Most boomerangs today are made in Japan; they are shipped here and sold as genuine Australian boomerangs.

Mr. LONERGAN: Possibly that is so.

I thought it fitting to make passing reference to this matter because it is something that I am keen about. Myths and legends are recorded in the pages of various publications to be found in libraries. If someone says he saw a corroboree at Burketown or some similar place, that has little effect on me. I should say that in Queensland today there would not be an Aborigine with any knowledge at all of the old customs and legends known to his great-great-grandfather. As the hon. member for Townsville South said, if an Aborigine senses that anyone asking him a question wants a certain answer, that is the one he will give. Another person asking the same question would probably get a different answer. No reliance can therefore be placed on anything an Aborigine says about happenings in the past. That is an unfortunate fact, and I say it as one who knows Aborigines very well.

I take this opportunity to commend the hon. member for Salisbury on the interest he has taken in this and other associated matters. I give him great credit for it. Unfortunately there are not enough people like him in Queensland who are concerned about our flora and fauna. If some steps are not taken to protect bird and animal life, in a few years it will be in the same position as Aboriginal life is today. Although I realise that I am departing somewhat from the Bill in saying that, I think it only right that I should give the hon. member the credit due to him.

I can see the difficulties that will confront the department when it attempts to police the provisions of the proposed Bill. Quite frankly, I do not see how they can be policed. Because of the passage of time, vandalism, and so on, the few sites that I know of in Queensland are of little or no value now, but perhaps further discoveries of importance will be made.

The hon. member for Salisbury referred to the deterioration of Aboriginal paintings on rocks. For his information, I point out that it depends largely on the type of rock on which the paintings were done. If they were done on sandstone, they would weather away; if they were in a cave, they would last for many years. The hon. member for Townsville South will know what I am referring to. Just below Malbon, 32 miles from Cloncurry, there is a big monument rising out of the Cloncurry River on which there are Aboriginal paintings. How the Aborigines got up there to paint them, I do

not know; I do not think anyone else does, either. Perhaps they were able to do it when the river was very small, but it would be impossible to do it today. I spoke to an old hand in the district many years ago. He said he first saw the paintings in 1880, and I am informed that they are as good now as they were then. They were done in red ochre, which usually was mixed with kangaroo fat or something like that. Possibly that is why it penetrated the rock and the paintings have remained there for as long as they have.

I commend the Minister on the proposed Bill, which will have my full support. It is good to see that hon. members on both sides of the Chamber can agree at least sometimes.

Hon. J. C. A. PIZZEY (Isis—Minister for Education) (4.42 p.m.), in reply: As the hon. member for Flinders said, it is refreshing to see such unanimity when a measure is brought down in this Chamber. It has been a very interesting debate, and it is pleasing to know that hon. members are aware of the need for conservation in its many different forms, and particularly for a Bill such as it is now proposed to introduce.

I believe that the practice of taking all-party committees round to the missions, settlements and islands is paying dividends. Hon. members are better informed and are less apt to be purely theoretical in their approach to problems, and therefore they are better able to contribute to the debates in this Chamber. Already some 30 members have visited these areas at some time or other, and I should say that, on Aboriginal and Island affairs, this perhaps is the best-informed Parliament of this century. Far more people are making themselves familiar with the problems involved.

It is estimated that there are 50,000 people of Aboriginal and Island extraction in Queensland. Speaking statistically, that is one in every 30. If one takes statistics a little further and speaks in averages, it means that 2½ members of this Chamber would be of Aboriginal descent. As the years go by and there is greater inter-marriage amongst people in the community, that proportion will become higher still.

The hon. member for Salisbury mentioned something about conservation. I assure him that the Government realised some time ago that there was a need for conservation, and it is now one of the most important sections of the science syllabus, beginning at Grade I. I have a copy of the syllabus here, if hon. members care to examine it. The Government might be criticised for many things, but it was commended at a symposium at the University of New England for having one of the most advanced primary-school science syllabuses in Australia.

One hon. member mentioned the collection of legends. There are already many books available in which one can read legends that

have been collected, though not, perhaps, from all tribes. It is pleasing to know that at the University College, Townsville, Professor Colin Roderick and Mrs. Margaret Lawrie have been compiling, over the past two years, legends of the Torres Strait Islands. As a matter of fact, Mrs. Lawrie has been living on the Islands for about three months each year trying to win the confidence of the people and get them to tell her their stories.

One hon. member mentioned compensation. I think it will be found that this Government is always reasonable on the question of compensation. There is no suggestion that we will confiscate everybody's relics. The Bill provides for the exclusion of these, but it provides that on and after a certain date all relics will be deemed to be the property of the Crown and new relics will have to be reported. It provides for compensation under the usual resumption Act—the Public Works Land Resumption Acts, 1906 to 1955. Of course, it is not for me to say what any court would determine as the value of compensation. I do not think anybody would claim compensation for something that is discovered underground, or after the passage of this Bill, if it is an Aboriginal relic, particularly if it is a cave or a rock painting, or something like that. It will become the property of the people of this State, for this generation and all future generations.

I think it would be well for hon. members to wait until they get a copy of the Bill and are able to examine the details. Then they can perhaps put forward any suggestions they wish, in the light of their knowledge, in order to make this Bill as good as possible for the purpose for which it is intended, namely, the preservation of Aboriginal relics.

Motion (Mr. Pizzey) agreed to.

Resolution reported.

FIRST READING

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

TRUSTEES (HOUSING LOANS) BILL

INITIATION IN COMMITTEE

(Mr. Hodges, Gympie, in the chair)

Hon. P. R. DELAMOTHE (Bowen—Minister for Justice) (4.49 p.m.): I move—

“That a Bill be introduced to make provision with respect to the making by trustees of loans in respect of which contracts of insurance against loss are entered into pursuant to the Housing Loans Insurance Act 1965-1966 of the Commonwealth.”

The proposed Bill seeks to enable trustees to make loans of trust funds in respect of which contracts of insurance against loss are entered into pursuant to the Housing Loans Insurance Act 1965-1966 of the Commonwealth.

The present powers of the trustee to invest trust funds are derived from two sources. A trustee can lawfully invest trust funds only in the manner provided in the trust instrument or upon such securities as are authorised by statute.

The modern tendency is for the trust instrument to contain provisions which give the trustee full liberty and discretion in the matter of investing trust funds. A normal provision inserted in a trust instrument for the purpose of giving the trustees unlimited powers of investment would state that the trustee may invest trust moneys "in such securities as my trustees shall think fit."

The statutory powers as to investments, which are conferred upon all trustees in the absence of a contrary provision expressed in the trust instrument, are contained in section 4 of the Trustees and Executors Acts, 1897 to 1964, which reads as follows:—

"4. In addition to any investment of trust funds authorised by any other Act, a trustee may, unless expressly forbidden by the instrument, if any, creating the trust, invest any trust funds in his hands, whether at the time in a state of investment or not, in manner following, that is to say:

(a) In any of the parliamentary stocks or public funds, or Government securities of the United Kingdom;

(b) On real or heritable securities in Great Britain or Ireland;

(c) In the stock of the Bank of England or the Bank of Ireland;

(d) In any securities the interest of which is for the time being guaranteed by the Parliament of the United Kingdom or the Commonwealth of Australia or of any of the Australian Colonies or New Zealand;

(e) In debentures or securities of the Government of the Commonwealth of Australia or of any of the Australian Colonies or New Zealand;

(f) On real securities in Queensland;

(g) In any of the stocks, funds, or securities for the time being authorised for the investment of cash under the control or subject to the order of the Court;

(h) In debentures or other securities charged on the funds or property of any Local Authority in Queensland;

(i) (A) On any interest-bearing term deposit in any bank; or (B) On deposit in any savings bank, authorised under Part II of the Commonwealth Banking Act 1959 (including any Commonwealth enactment in substitution or amendment thereof) to carry on banking business in Australia or established by any Commonwealth Act, and, in each case, carrying on business in Queensland for the time being;

(j) In debentures and stock issued by the Metropolitan Water Supply and Sewerage Board pursuant to the powers contained in 'The Metropolitan Water Supply and Sewerage Acts, 1909 to 1923';

(k) In any other manner from time to time approved by the Governor in Council by Order in Council published in the Gazette;

and may also from time to time vary any such investment."

For the purposes of the Bill the only relevant authorised investment is that contained in paragraph (f), namely, to invest on real securities in Queensland.

A trustee is not necessarily protected by investing in authorised securities, as he must take such care as a reasonably cautious man would use, having regard not only to the interests of those who are entitled to the income but to the interests of those who will take in future. All that the statutory provision, or the expressed power in the trust instrument, does is to shift the onus of proof, so that, instead of the trustee having to prove affirmatively that the investment was prudent, the beneficiary who attacks it has to prove that it was imprudent.

I have just said that the trustees are not freed from responsibility because they invest on authorised securities; but more especially is this the case when they lend trust funds on the security of a mortgage.

In the absence of express authority in the trust instrument, trustees who desire to invest on mortgage should restrict their investment to first legal mortgages of freeholds. The mortgage must not be a contributory mortgage, that is, a mortgage where the trustees join with other persons in a joint loan, and trustees must take precautions not to advance too much money on the security offered.

The precaution against lending too much money on the security of a mortgage is indicated by section 8 of the Trustees and Executors Acts, 1897 to 1964, which provides that a trustee is not chargeable with a breach of trust "by reason only of the proportion borne by the amount of the loan to the value of the property at the time the loan was made" provided that—

(a) the trustee acted upon a report as to the value of the property made by a person whom he reasonably believed to be an able practical surveyor or valuer;

(b) such surveyor or valuer was employed independently of the owner of the property;

(c) The amount of the loan did not exceed two-thirds of the value of the property as stated in the report; and

(d) the loan was made under the advice of the surveyor or valuer who prepared the report.

Section 9 of the Trustees and Executors Acts, 1897 to 1964, relieves a trustee whose only fault is that he has advanced too much

money from having to make good the whole loss incurred. It limits his liability to the amount advanced in excess of the proper two-thirds.

The Bill proposes to enable a trustee to advance a sum which is greater than two-thirds of the value of the property secured by the loan, provided that the amount of the loan is the subject of a contract of insurance entered into by the Housing Loans Insurance Corporation.

The Housing Loans Insurance Corporation was established in November, 1965, under the Housing Loans Insurance Act 1965-1966 of the Commonwealth. Its establishment has already resulted in greater sums of money being available for home finance. The value of housing loans insured by the corporation to date has exceeded \$50,000,000, \$7,000,000 of which represents the value of housing loans insured in Queensland. The persons who derive the utmost benefit from the corporation are those who are unable to obtain home finance through the normal avenues, for example, building societies, banks and insurance companies, because the amount of money they can produce as a deposit is not sufficient. However, these institutions are prepared to accept a low deposit if the corporation enters into a contract of insurance in respect of the larger sum advanced by them.

The establishment of the Housing Loans Insurance Corporation has provided a means of overcoming the long-standing problem of obtaining home finance on low deposit. The corporation is empowered, subject to the Housing Loans Insurance Act, to enter into a contract of insurance insuring an approved lender against the whole or any part of any loss in respect of an insurable loan made, or proposed to be made, by that lender.

For the purposes of that Act an approved lender is a person or class of persons approved by the corporation. In relation to trustees, the corporation up to date has approved only of companies who are authorised by a law in force in a State or territory of the Commonwealth to act in that State or territory as executors, administrators and trustees.

Generally speaking, the Commonwealth Act has defined—

(i) an "approved security" to mean a first legal mortgage or a mortgage that will, upon registration under the law of a State or territory of the Commonwealth, constitute a first legal mortgage; and

(ii) an "insurable loan" as a loan the repayment of which is secured by a first legal mortgage and which is made for the purpose of enabling a borrower to buy a home or build, or complete the building of, a home.

Should default be made by a borrower in his repayment of the loan, the trustee advancing trust moneys for the purpose of the

loan will be able to recover from the corporation, by virtue of the contract of insurance, the outstanding amounts of the loan, the interest payable on the loan and all other necessary expenditure incurred in respect of the default of the borrower.

The Bill provides that unless forbidden by the trust instrument a trustee who is an approved lender may, for the purpose of making an insurable loan, lend on an approved security such amount as the trustee thinks fit, but not exceeding in any case such amount as is the subject of a contract of insurance in respect of the loan entered into by the corporation pursuant to the provisions of the Commonwealth Act.

It is important to emphasise that the Bill applies only to those trustees whom the corporation declares as approved lenders within the meaning of the Commonwealth Act. Where the trustee lends money on an approved security in accordance with the provisions of the Bill, the trustee will not be chargeable with breach of trust by reason only of the proportion borne by the amount of the loan to the value of the property on which the loan is secured.

It is considered that the Bill affords ample protection of trust funds which are properly invested by way of housing loans pursuant to the provisions of the Bill, because the trust funds are secured—

(i) by a first legal mortgage over the property in respect of which the loan was made; and

(ii) by a contract of insurance with the Housing Loans Insurance Corporation for the amount of the loan and the interest and other charges payable in connection with the loan.

I commend the Bill to the Committee.

Mr. HANLON (Baroona) (5 p.m.): The Minister has given us a concise and lucid explanation of the circumstances which prompted the proposal that he has submitted. The establishment of the Housing Loans Insurance Corporation has meant a progressive development in the provision of a means by which additional funds for housing in this country can be secured. It has been a feature in overseas countries, particularly the United States of America and Canada for a long time, and the Commonwealth Government was urged to approve of this practice and make provision for it by introducing Commonwealth legislation. It decided to do so. It was not the type of legislation that could be introduced immediately, but it was eventually introduced in 1965, as the Minister has said.

A booklet published by the Housing Loans Insurance Corporation sums up the purpose of the establishment of the corporation and shows why the Minister is proposing to allow trustees, with the safeguards he outlined, to make loans as approved lenders, covered by the insurance of the corporation.

The booklet reads—

"Purchasing a home is for most families the largest and one of the most important single investments they will ever make.

"For the fortunate few who have managed to accumulate substantial savings, the task of financing such a project is comparatively simple. But to the great majority it is often a time of great trial, as even those with a good capacity for repayment but little capital are compelled to seek supplementary finance at high rates of interest to bridge the gap between the maximum amounts available from traditional lenders and the purchase price of the proposed home."

The corporation puts concisely what many of us on both sides of the Chamber have said at different times, namely, the need to bridge the deposit gap by insurance cover provided by the corporation, the cost of which is met by the borrower. It is added on to the advance. On a \$10,000 loan the premium, normally at the rate of 2 per cent., is \$200, which is charged by the corporation. It is a single charge and not an annual charge. It is not something a person gets for nothing. It is cover in the way of a premium paid to the corporation.

The Minister mentioned the sum of \$7,000,000, which has become available in Queensland already. If we want to encourage as many avenues as possible to become approved lenders under the Housing Loans Insurance Corporation Act, the restriction of two-thirds of the value of the property imposed on trustees should not be applicable to the cover available or to the purpose to be achieved by the Housing Loans Insurance Corporation, because the lenders are encouraged to advance a higher proportion of the cost of a home, that is 95 per cent., than would normally be the case. For this reason the Minister has rightly looked at the position of allowing trustees to exceed the previous two-thirds restriction, which precluded their advancing up to the 95 per cent. available under this scheme. The Opposition certainly will support the introduction of the measure, though naturally, as always, we reserve the right of decision at a later stage after we have seen what the Bill contains.

Whilst it is good to see finance made available to those who can take advantage of this opportunity to secure homes through approved lenders by advances up to 95 per cent. of their cost, we must bear in mind how grim the housing situation continues to be. I make these comments not in a political manner but merely to draw attention to the fact that all over Australia many people continue to face great difficulty in obtaining their own homes. A home is a fundamental acquisition, and successive Governments in this State have taken some pride in increasing percentages of home-ownership. With the escalating cost of building, and particularly sky-rocketing land values, it is increasingly difficult for young people to obtain their own homes.

When steps are taken to extend the opportunities available to people to obtain homes, there is a tendency on the Government's part to feel that because progress is being made and more and more people are being accommodated financially by various means, the situation is in hand. It is necessary to keep in mind those for whom advances must be under even more generous terms, and who in the meantime require rental accommodation. Those people have to be kept in mind. Whilst we commend the Government on steps taken to extend home-ownership, we must take care to see that we do not allow ourselves to feel that these measures, whilst good in themselves, are solving the problem.

The housing problem has to be attacked on all fronts, and I think it can be conceded that the Housing Loans Insurance Corporation is attacking it by the provision of finance. I mention housing not as I would in, for example, a Budget debate but because, when we support a Bill such as this, we should not overlook the general subject of housing. The Minister is making a contribution to allow additional finance for this purpose, which is what the Opposition likes to see. I merely make the point that the attack on the housing shortage has to be maintained on all fronts.

I shall content myself with those remarks and wait till the Bill is printed to see what it contains.

Motion (Dr. Delamothe) agreed to.

Resolution reported.

FIRST READING

Bill presented and, on motion of Dr. Delamothe, read a first time.

QUEENSLAND LAW SOCIETY ACTS AMENDMENT BILL (No. 2)

INITIATION IN COMMITTEE

(Mr. Hodges, Gympie, in the chair)

Hon. P. R. DELAMOTHE (Bowen—Minister for Justice) (5.11 p.m.): I move—

"That a Bill be introduced to amend the Queensland Law Society Acts, 1952 to 1967, in certain particulars."

The Bill contains two amending provisions, each relating to the Legal Practitioners Fidelity Guarantee Fund. That fund was established by the Queensland Law Society Acts Amendment Act of 1930 and consists mainly of moneys paid to the fund by practising practitioners, either as annual contributions or as levies. When a practitioner makes application each year for a current practising certificate he is required to make an annual contribution, which at present stands at \$16.80. The object of the fund was to afford a measure of protection to

unfortunate people who suffer pecuniary loss through stealing or fraudulent misappropriation committed by a practising legal practitioner or any member of his staff.

The first amendment relates to the administration of the fund. Section 20 of the Queensland Law Society Acts, 1952 to 1967, provides that certain concessions and remissions are to be given to those practitioners who have made 20 annual payments to the fund when the moneys in the fund reach, and are maintained at, the sum of \$150,000. That is the present provision of the Act.

In addition to the annual contribution of \$16.80 payable by each practitioner, interest derived from the investment of moneys deposited by solicitors from their trust bank accounts is apportioned and paid to the fund in accordance with the provisions of the Legal Assistance Act of 1965. Hon. members will recall that interest derived by the investment of such moneys is apportioned under the Legal Assistance Act of 1965 in the following manner:—

(i) reimbursing the Law Society for its costs and expenses in administering the provisions of the Act relating to the investment of moneys deposited by solicitors from their trust bank accounts;

(ii) paying one-half of the balance to the Legal Assistance Fund;

(iii) paying the other one-half of the balance to the Legal Practitioners Fidelity Guarantee Fund until that fund is credited to an amount of \$600,000; and

(iv) paying to the Legal Assistance Fund any balance remaining after the Legal Practitioners Fidelity Guarantee Fund is credited to the amount of \$600,000.

The apportionment and payment of interest in accordance with the Legal Assistance Act of 1965 has resulted in a considerable increase in the amount now standing to the credit of the Legal Practitioners Fidelity Guarantee Fund. At present the sum of money standing to the credit of that fund is in the vicinity of \$150,000, and the first amendment contained in the Bill proposes to amend section 20 of the Queensland Law Society Acts, 1952 to 1967, by increasing the sum of \$150,000 to \$600,000. In other words, where the solicitor has a concession after paying into the Fidelity Guarantee Fund for 20 years when it reaches \$150,000, under the amendment he will not get that concession until the fund reaches \$600,000.

The second amendment relates to the application of the Legal Practitioners Fidelity Guarantee Fund. Section 24 of the Queensland Law Society Acts, 1952 to 1967, places a limitation upon the total amount that may be applied in the reimbursement of all persons who suffer loss through stealing or fraudulent misappropriation by the same

practising practitioner or firm of practitioners, or any member of his or their staff. The total amount that may be applied at present varies according to the date when the stealing or fraudulent misappropriation was committed. The variation ranges from the sum of \$10,000 where the stealing or fraudulent misappropriation was committed on or before 30 June, 1936, to the sum of \$30,000 where the stealing or fraudulent misappropriation was committed partly before, partly after, or wholly after 1 July, 1940. The last-mentioned sum was increased from \$20,000 to \$30,000 in 1961, and the reason then given for the increase was the depreciation in the value of money.

It is considered that the measure of protection afforded to those unfortunate persons who suffer loss through stealing or fraudulent misappropriation should be extended now that the amount of moneys standing to the credit of the Legal Practitioners Fidelity Guarantee Fund is increased.

The second amendment contained in the Bill proposes to amend section 24 of the Queensland Law Society Acts, 1952 to 1967, by—

(i) increasing the sum of \$30,000, which is the limit of disbursement today, to \$60,000 where the stealing or fraudulent misappropriation was committed partly before, partly after, or wholly after 1 July, 1967.

(ii) as this fund is building up pretty rapidly with the payment of this moiety of interest into it, enabling the last-mentioned sum of \$60,000 to be further increased from time to time by the Governor in Council upon the recommendation of the Council of the Queensland Law Society Incorporated.

Mr. Hanlon: The way it is building up with interest, one can understand why the banks were not too happy when this was brought in.

Dr. DELAMOTHE: What I propose to do as Attorney-General is to keep an eye on the fund and, as it gets bigger, to lift the amount until we reach the happy stage of saying, "All right, no matter what the amount is we will make up the total loss to the people involved."

Mr. Aikens: But you would only allow the increase recommended by the Council of the Queensland Law Society?

Dr. DELAMOTHE: That is so.

Mr. Aikens: You allow the tail to wag the dog.

Dr. DELAMOTHE: No. After all, it is their fund.

The Queensland Law Society Incorporated, which administers the Legal Practitioners Fidelity Guarantee Fund through a committee of management, is agreeable to the amendments being made.

I should like to pay tribute to the members of the council of the society and to the members of the solicitors' branch of the profession for their concurrence in these amendments.

The Bill increases the extent of protection afforded to members of the public and, as such, I have no hesitation in commending it to the Committee.

Mr. BENNETT (South Brisbane) (5.20 p.m.): I believe that all hon. members will agree that these amendments are not only desirable but also imperatively necessary. Why the Government has been so reluctant in the past to make this move, I cannot understand. As a matter of fact, I do not know why the Government is not prepared to go the full distance now and do justice to the community by creating a proper system of legal aid. The money is obviously available, and if it is released in a suitable fashion it will protect individual clients who have been defrauded by a few solicitors from time to time.

I mentioned on past occasions that the Queensland system of legal aid has become frustrated and stultified merely because funds are not available at the present time. It is clear from what the Minister has said that the fund is building up and will continue to build up, and that there is no reason for postponing legal aid to people who are entitled to it and who are in necessitous circumstances. The scheme has the proper principle, in that the interest, which had previously been skimmed off the solicitors' trust accounts by the banks, will now be made available for legal aid. Simply because the scheme is still in its infancy there is inadequate money at the present time to meet all the deserving applications for legal aid, and therefore the committees that have been constituted under the Act by the Queensland Law Society have to either refuse deserving applications or approve of them in part only.

Over a period of years there has been a delay in litigation, particularly in the matrimonial field, because of the lack of funds, and when the benefits of this scheme became available many of those litigants who had been suffering hardship and inconvenience over that period made application to take advantage of the scheme, as they were entitled to do, and the scheme became bogged down very quickly. There are some people in the matrimonial or divorce field who cannot obtain justice because of the lack of funds. These people think that they have to walk in with \$80 before they receive any attention whatever, and to a person who is looking for legal aid and who deserves legal aid \$80 is a lot of money. Indeed, it is a lot of money to the ordinary wage-earner.

Mr. Davies: It is almost impossible to find.

Mr. BENNETT: In fact, it is. When a man is in matrimonial difficulties he has virtually to keep two homes and he is not saving any money. If he is not keeping two homes he is not facing up to his responsibilities. If he is facing up to his responsibilities he cannot save \$80 in order to commence divorce proceedings.

Mr. Aikens: Does that \$80 apply only to matrimonial or divorce actions or does it apply to other cases as well?

Mr. BENNETT: So far as I know, the \$80 applies to divorce actions. The scheme has become bogged down by divorce actions. After the Chief Justice had issued instructions that a certain procedure was to be followed with matrimonial cases on the call-over list, they were not always called over on every call-over day.

The maintenance field has been denuded of justice because people—particularly deserted wives—cannot afford the money to venture into court to see that justice is done and that their erring husbands shoulder their responsibility. I commended the scheme when it was introduced, but unfortunately its reputation has been somewhat tarnished by a lack of enthusiasm for it on the part of the Government. The Government should have subsidised the scheme at the start. I do not believe that any ex gratia payments should have been made, but if the Government had initially subsidised the scheme it is perfectly obvious that the money advanced for its flotation could have been subsequently recovered by it. I do not know why the Government does not do so now.

Mr. Hanlon: Particularly when we remember that the Government subsidised the creation of the T.A.B. with a two-fifth rebate of tax for establishment expenses.

Mr. BENNETT: That is so. The Government subsidises schemes of that nature, which obviously are not as commendable as schemes of this nature, for deserving litigants.

Mr. Davies: The Government subsidised the breweries by opening the pubs on Sundays.

Mr. BENNETT: That is true. The Government also subsidised a couple of insurance companies. I am not attacking the Government for subsidising those insurance companies, but it stepped into the field of insurance law, in the main, to help big business, yet it is not prepared to help the ordinary person who, though he may not want to go to court, has to go to court to secure justice.

If the Government implemented a proper scheme of legal aid it would be made available for cases in the lower courts. There is no system of legal aid in the quasi-criminal jurisdiction of the lower courts—for instance, for traffic matters and other matters under the Criminal Code that can be dealt with in a

summary way, and for committal proceedings. Legal aid is not being made available because the funds are insufficient to provide for it. Again it is the little man who is being attacked. The man who wants to embark on Supreme Court proceedings, under certain circumstances, can get assistance from the legal aid scheme, but the little man who is involved in small litigation and has to go to the Magistrates Court does not find any comfort in the scheme. Something should be done to ensure that he gets protection.

I believe that the principle of legal aid is desirable and it has the unqualified assistance of barristers and solicitors alike. However, it has been spoilt to some extent by the pinch-penny attitude adopted by the Government in its flotation. The Minister for Justice told us today that financially the scheme must obviously pay. Incidentally, it is a fair observation to say that a barrister wins and loses 50 per cent. of cases over a lifetime. I do not know whether the record of the hon. member for Windsor is better than that, or worse. On the basis of winning 50 per cent. of the cases, 50 per cent. of the cases that the Government supports will be successful and the costs that are recovered will be returned to the fund. That means that the Government would not be at a loss if it had subsidised the fund at the beginning. On the law of averages, 50 per cent. of the fund would have been returned by way of awards in costs in successful litigation.

The other important matter in the field of law practice concerns the Legal Practitioners Fidelity Guarantee Fund. I am very pleased to see that the amount that will be guaranteed is to be lifted from \$30,000 to \$60,000 and that, in effect, those who have been paying into the scheme over the years will not get any concession until the ceiling is lifted to \$600,000. They will be relieved by way of a concession after 20 years because they have been making these contributions for a long time.

The idea was that the younger men coming into the profession should shoulder the responsibility. That was not a good principle, because with some few exceptions it is the members who have been in practice for a long number of years who have fallen into difficulties and whose clients have had to seek the assistance of the Legal Practitioners Fidelity Guarantee Fund. Fortunately, in Queensland and no doubt in other States, the number of practitioners who cause trouble in this field are in the extreme minority; they are the rare exceptions. But when they do cause trouble they inflict great hardship and injustice on, and sometimes plunge into bankruptcy, their clients, who have had the utmost faith and confidence in them. So there must be a scheme.

It is normal for a young practitioner not to get involved in these things for many reasons. The obvious ones are that on entering the profession he is imbued with high

ideals and a sense of integrity, and in any case would not run any risks. I am dealing with the solicitor side of the profession. Barristers must continue to go into court until the day of their retirement or their demise from the profession. A solicitor can have a staff; barristers do not. Solicitors do not necessarily have to appear in court for themselves; barristers, independent of age, must appear if they want to continue in their practice.

So we find human weaknesses creeping in, in some exceptional cases, and the senior man does not exercise over his staff and practice the same supervision as he did in his younger days and should in his older days. It is because of those practices that sometimes anomalies creep in and firms become guilty of negligence.

Mr. O'Donnell: Is that what happened to the hon. member for Windsor?

Mr. BENNETT: He is flat out supervising himself.

The firms are presided over or supervised by these practitioners in semi-retirement, and very often they are controlled by staff who, unfortunately, are not always fully qualified. They may have had years of experience in law but did not qualify.

It would seem to me that that is what happened in the last 12 or 15 months to a firm which has been established in Queensland for over half a century. A female member of the staff of this firm who was not qualified, but no doubt because she had worked in the firm for many years became skilled in the mechanical practices of conveyancing and other procedures required to be followed in a solicitor's office, was trusted by her principals and gained competence in her work, and suddenly it was discovered that she was behind in her funds to the extent of some \$50,000. The firm claimed—I do not doubt that their claim was absolutely correct—that it had no knowledge that she was defrauding their clients in this fashion, but the principals of the firm should not be entirely exculpated by claiming lack of knowledge of the conduct of an unskilled, unqualified, untrained member of their staff. I think that if they employ such people in positions where they are required to exercise serious legal responsibilities, to a large extent they have to put up with the consequences. The alternative is to pay properly for the professional service of men who are qualified. I therefore did not have a great deal of sympathy for the principals of that firm, who sheltered behind the skirts of the unfortunate woman who was tempted to embezzle the money. The principals were entitled, however, to claim on the Fidelity Guarantee Fund, which exists fundamentally to protect clients.

Even worse than negligent conduct of that nature is fraudulent conduct, where legal practitioners set out deliberately to use the

funds of clients. How they expect to escape ultimate detection one would never know. The usual pattern is that they become inveterate gamblers on the racecourse; they hope to be successful in their gambling ventures and replace their clients' money. More often than not, that never happens. Incidentally, the legal fraternity charges very reasonable and just fees, and if one sees a legal man betting rashly in large sums on a racecourse one can immediately begin to suspect that the solicitor is being subsidised by his clients. Solicitors cannot afford that sort of activity on their own incomes. When such fraudulent practitioners get into difficulties their clients have to be protected, and that is where the Fidelity Guarantee Fund comes into operation.

There is another type of practitioner who is also in the extreme minority. Whilst he does not steal his clients' contributions to his trust account, he does not attend to his practice assiduously and allows claims to drift out of time, thereby depriving his clients of damages that they would otherwise have obtained in successful litigation. With all due respect to the Queensland Law Society, I feel that it has been over-tolerant towards members who have been guilty of such conduct. I think that allowing an action to run out of time is most unconscionable and indicates either complete inefficiency in the conduct of an office or a don't-care attitude and lack of responsibility. In cases in which people have been seriously injured and stand to be awarded large sums as compensation, it is shocking to find that actions are allowed to run out of time. This happens not only in isolated cases—to my knowledge, it has happened in a reasonable number of cases—and I think that the Queensland Law Society has been extremely patient with members who have been guilty of that conduct.

Incidentally, the money lost by clients in that way could amount in some cases to \$60,000. Damages awarded in what are called "running-down" cases average, I should say, about \$30,000, and that is lost when actions run out of the period set down by the Law Reform (Limitation of Actions) Act of 1956.

Of course, there is a solicitor who has been struck off the roll because of conduct of this nature and who has several unsatisfied clients at the moment. The unfortunate part of it is that his guarantee under the Fidelity Guarantee Fund has been eaten up. Those who made their claims against him on the fund early in the piece had them satisfied; others who could not claim what is termed a liquidated amount of damages, in that none of their specific money had been stolen or lost, but who had actions pending that ran out of time, could not have their claims satisfied. The amount of damages was indeterminable and had not been fixed by

the court—in fact, the damages were unliquidated and the solicitor had to be sued for negligence so that the court could determine the amount of damages that his clients may have received had their actions been pursued in time. Before their cases came on for hearing, the fund, so far as this solicitor was concerned, had been eaten out; the well was dry.

What happens then? The clients can recover personally against the solicitor, or at least get an order against the solicitor who has been struck off, which is cold satisfaction because he has no assets against which they can recover. I know of one instance in which fractured legs were involved and there was a permanent impairment of the person's capacity to work. Instead of getting a healthy award for damages for his injuries, it is likely that that man will pursue his action for negligence in the Supreme Court, get an award by a Supreme Court judge that he cannot enforce, and then be saddled with the rather severe and substantial costs of getting that empty award.

It seems, therefore, that the scheme needs further exploration so that any deserving claimant upon the fund will be paid out, quite apart from the number of claims that the unfortunate solicitor has had to meet already, and so that some people do not get preferential treatment—the early-comers are paid and the late-comers are left whistling. I believe that there will now be sufficient moneys in the fund to meet all claims on it because—I stress this—solicitors who are negligent or fraudulent in this regard are in the extreme minority. The fund could well meet all deserving claims that are made upon it.

I think it is a shocking thing in our system of law. As a Parliament, we have an obligation to maintain people's respect for the law. We hold legal men out as being professional men of integrity, and when they let the community down by their conduct, I think that we, as leaders of the community and members of the Parliament that creates the system, should ensure that the unfortunate victims of the fraud or negligence of legal men should not have to pay the piper themselves. In my opinion, that fraud or negligence occurs because of the society in which we live, and I think society should protect them. The fund would not have been dented by meeting those just claims; yet there are unfortunate individuals who, because of injury, have been put out of their jobs and deprived permanently of their capacity to work and who, at the same time, have not received any damages or compensation for the injuries they have sustained.

Although the proposed Bill is a timid step in the right direction—it is typical of the Government, not showing courage and some adventure in its deliberations by saying, "We will go the full distance", but proceeding very cautiously and timidly—there will still be a great deal of injustice done. Certain people in the community will suffer privations because the Government has not the courage to go the full distance in a measure of this type.

Mr. SMITH (Windsor) (5.45 p.m.): If the Government has not shown the courage that the former speaker desires, then I ask him to look at the very weak-knee'd attitude of the party he supports when it was in office.

Mr. Bennett: What a weak argument! That is 10 years ago.

Mr. SMITH: I will ask the hon. member to go back even further; go back to the 1930's.

Mr. O'Donnell: Were you here then?

Mr. SMITH: No, but I am familiar with the legislation that has been introduced in this Chamber, which is probably more than the interjector can claim. This measure was on the Statute Book for many years—much more than 10—during which time the Labour Party in this Parliament could have taken steps to do exactly what I presume the now-shadow Minister for Justice suggests. There seems to have been a change in portfolios.

Mr. Bennett: At least we will put in a legal man, which is more than your Government did.

Mr. SMITH: There seems to have been a spill of portfolios this afternoon, because on the last measure we saw the hon. member for Baroona dealing with housing loans.

At this stage I want to correct what appears to be over-apprehension on the part of the hon. member for South Brisbane in respect of legal aid. The scheme is not bogged down. An interjection by him received publicity in the newspapers last week, but it was his interjection; I did not say it was bogged down. I said it was short of funds. There is a big difference. Nobody has been refused aid in the categories in which people are entitled to aid. Even the divorce applicants are getting their entitlement. Admittedly the entitlement is conditioned on the payment of \$80 where they can afford it. There are many instances where this has not been insisted on. If the hon. member for South Brisbane would like to inform himself, I could show him instances of people who have been relieved of the payment of the \$80 because they could not afford it.

Mr. Bennett: I can show correspondence where Dan Hempenstall said he could not do that under any conditions.

Mr. SMITH: The conditions under which assistance is given have been clearly laid down. The requirement is there in cases where the people can pay. As the person who introduced this scheme for consideration here in 1957, I point out that there was not going to be free legal aid; it was legal aid in which assistance would be given to the litigant, but it was never a free legal-aid scheme and was never intended to be.

At this stage I point out that those who do get assistance from the scheme are not rejected in part, or in any way at all; if they are deserving they are not refused. If they are deserving cases they are accepted and their work is sent out to one or other of the solicitors in the scheme. Whatever assistance they get is not paid for in part; it is paid for in full.

I contradict the hon. member in so far as he made the statement that the scheme is bogged down. The scheme is working very well; it could have more money, but then, everything could have more money. It was only last week that I made a plea for a subsidy for the scheme. In fact, I have always insisted that it should be, in part at least, subsidised by the Government. If \$10,000 were allocated to it each year it would cover the administrative expenses.

Mr. Aikens: Didn't you originally oppose this scheme?

Mr. SMITH: I was the one who proposed it. To say it is bogged down is quite inaccurate, and to say that people must pay \$80 before a divorce action will be contemplated is also inaccurate. Whatever may have been the Chief Justice's direction as to the listing of these cases has nothing to do with legal aid. The Legal Aid Committee was not even concerned in any way with the Chief Justice's attitude at all-overs. The scheme is concerned purely with the merits or demerits of applicants' cases, and one of these days I hope it will be extended into quasi-criminal matters.

One of these days we should contemplate a criminal legal-aid scheme as is conducted in England now, because, undoubtedly, representation in the lower court at the committal proceedings would save the Criminal Court some work. Proper representation at the committal stage could well avoid the necessity for the Criminal Court to enter into the hearing of some matters that are, during the course of their hearing, thrown out when the Crown Prosecutor enters a *nolle prosequi* or when some other step is taken. Representation in the lower court at the committal proceedings would be desirable.

The first point is this: the scheme is in function, and in so far as it is we should see that it functions well. To that end

I suggest that a subsidy be granted, and I also suggest the utilisation of the certificate from the Legal Assistance Committee to obviate the need for filing fees. I mentioned this as recently as last week, and I mention it again today because filing fees necessitate outlays of funds which, if they could be saved, would represent assistance to more litigants.

I think all hon. members would agree with the hon. member for South Brisbane that it is a terrible thing that cases are stayed because they were not instituted in time. Part of the reason for this is the backlog of cases, which builds up inertia. If cases were heard shortly after the writs were taken out the litigants would know where they stood, but at present there is the unavoidable waiting list, and this is common throughout Australia and throughout the common-law systems of the world.

Mr. Aikens: It is because greedy barristers are taking too many briefs.

Mr. SMITH: It has nothing at all to do with barristers. The backlog of cases is one of the inevitable problems of all forms of administration of the law, and it means that a person can issue a writ today and then have to wait up to two years for his action to be brought on. Eighteen months is probably a safer estimate. When a litigant sees his solicitor today and asks him to take action on his behalf he is not unduly surprised by the fact that he hears nothing for about 18 months, because he knows that that delay is to be expected. I hope we can eventually get back to what was the situation in the past when, after a writ was issued, the judges whose names appeared on the writ were the judges who would hear it at that sittings. That was a very desirable state of affairs. How we get back to it, I do not know. If we could we would no longer have the position of clients going to solicitors and having their cases thrown into the pigeon-holes, and then six years later, or, in the case of negligence actions, three years later, finding that their actions must be stayed because they are out of time. It may be desirable, as the hon. member for South Brisbane has mentioned, to make provision to permit the Law Society to erode this fund for some of these cases, but before this drastic step is taken let us look at the other ways in which people could lose their money. Stockbrokers, accountants and trustees could wittingly or unwittingly lose their clients' money. It is commendable that the legal provision has gone as far as it has, but I would not suggest that it go farther at this stage. Let us be thankful that we have a system as good as it is.

Progress reported.

The House adjourned at 5.55 p.m.