Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 13 NOVEMBER 1968

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

QUESTIONS

JOINT JAPANESE–AUSTRALIAN OFF-SHORE OIL SEARCH

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

(1) When will development commence in the proposed Japanese/Australian planning for an under-sea oilfield off the eastern coast of Queensland?

(2) What is the location of the under-sea oilfield and is any part of the Great Barrier Reef included in the area?

(3) What companies are involved in the planning?

(4) What is the percentage of involvement of each company in relation to the total involvement?

Answer:—

(1 to 4) "Ampol Exploration (Q'land) Pty. Limited held Authority to Prospect No. 103P for a number of years. This title covers an area both on-shore and off-shore along Queensland's coast-line from Bowen to Marlborough. During the past four (4) years Ampol has spent some $200,000 in exploring this area including the drilling of a well near Proserpine. The off-shore part of this title is being transitioned into an Exploration Permit for Petroleum under the Joint State-Commonwealth off-shore petroleum legislation. Ampol has announced that it is negotiating an Agreement with Japex and Mitsui who have offered to drill

an off-shore well in the area prior to mid-1969 in return for a fifty per cent. interest in the title. As with many other off-shore petroleum titles, the area includes parts of the Great Barrier Reef."

SUSPENSION OF DRIVERS' LICENCES UNDER NINE-POINTS SYSTEM

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

(1) During the months of July, August, September and October, 1968, how many drivers were called upon to show cause why their licences should not be cancelled under the nine-points system?

(2) How many of the drivers—(*a*) presented themselves for interview and how many lost their licence, and (*b*) were accompanied by legal representation at such interviews and how many lost their licence?

(3) Of those who had their licences suspended with (*a*) nine, (*b*) ten, (*c*) eleven and (*d*) over eleven points, how many in each case were suspended for (i) up to three months, (ii) up to six months, (iii) up to nine months, and (iv) up to twelve months or more?

Answer:—

(1, 2 and 3) "For the period July to October, 1968, referred to by the Honourable Member, at least 2,089 show-cause actions were determined and of this number approximately 785 related to persons residing outside the Metropolitan Police Traffic District. These determinations except for a very small percentage were in respect of drivers who had incurred penalties of nine (9) or more points. The small percentage to which I have referred where show-cause actions were determined involves cases where the points penalty total was less than nine (9) points and these cases related to medical causes, advice from interstate of convictions for dangerous driving and other offences."

RAIL HAULAGE OF COAL FROM MOURA AND BLACKWATER

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

(1) On what date was coal first hauled from (*a*) Moura by the new line and (*b*) Blackwater to Gladstone?

(2) From each commencing date to June 30, 1968, what was the total tonnage of coal hauled from (*a*) Moura and (*b*) Blackwater?

(3) What were the total freight charges received for each of the periods for the haulage of coal to Gladstone from (*a*) Moura and (*b*) Blackwater?

(4) What was the working profit on each of the lines for coal haulage during that period?

Answers:—

(1) (*a*) "Moura on new line—January 22, 1968, and continuous from February 21, 1968. (*b*) Blackwater—October 18, 1967."

(2 and 3) "The information sought is confidential between the parties and I am sure the Honourable the Leader of the Opposition would expect this to be respected."

(4) "Commodities other than coal are hauled over sections of these lines and the figures are not separately extracted."

ALLEGED STATEMENT BY QUEENSLAND UNIVERSITY LECTURER ON VIET CONG

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

(1) Has his attention been drawn to a statement in *Sunday Truth* of October 27 in which Mr. D. O'Neill, a Queensland University lecturer, said on television last week that if it came to an issue he would be prepared to fight for the Viet Cong against Australians?

(2) As Mr. O'Neill is a lecturer employed by the Queensland University and so paid out of public funds, will the Premier confer with the Commonwealth authorities to ascertain if the statement made comes within the definition of treason and, if so, will he then approach the University Senate to take suitable action regarding the matter?

Answers:—

(1) "Yes."

(2) "The Commonwealth Authorities doubtless have access to the *Truth* newspaper and should Mr. O'Neill's utterance amount to treason or any other crime, those Authorities could be expected to take "suitable action" against Mr. O'Neill on their own initiative. I point out to the Honourable Member that the Senate of the University of Queensland is an independent statutory body which, under section 11 of *"The University of Queensland Act of* 1965" has full power and authority to appoint and dismiss the servants of the University and has the entire management and control of the affairs, concerns and property of the University."

ADDITIONAL SMALL-BOAT HARBOUR, MAGNETIC ISLAND

Mr. Tucker, pursuant to notice, asked The Treasurer,—

Is it intended to construct a further small-boat harbour at Magnetic Island, Townsville? If so, where will it be situated and when will work commence?

Answer:—

"A preliminary investigation into a boat harbour at Magnetic Island is being carried out by the Department of Harbours and Marine. However, it is unlikely that funds will be available for off-shore public boat harbours until mainland boat harbours have reached a more advanced stage of development."

GOVERNMENT NEGOTIATIONS WITH AMERICAN REAL ESTATE COMPANY

(*a*) **Mr. Hinze,** pursuant to notice, asked The Premier,—

(1) Has his attention been drawn to a Press statement by a representative of an American company, headed by Pat Boone, wherein it was stated that attempts were made to negotiate with the Queensland Government to develop certain areas in Queensland and that the negotiations had lapsed?

(2) Is he also aware that the company representatives have indicated they have received the utmost assistance from the New South Wales Government and that plans are under way for the development of a $100-million project at Brunswick Heads?

(3) What were the reasons why we were unable to attract the company to Queensland?

Answers:—

(1) "Yes."

(2) "Yes."

(3) "Mr. P. Stocker of Double Bay, New South Wales, made application on April 15, 1967, on behalf of Messrs. P. Boone, W. Holden, R. J. Ryan and himself for a development lease over Moreton Island or so much thereof as is suited and available for planned development. Solicitors for the Wendell-West Development Company applied on November 6, 1967, for a development lease of all that part of Moreton Island not already alienated. The proposal was for the establishment of an international tourist destination together with the establishment of a resort city, marina and airfield. Stage development was intended and the consideration $U.S.500,000. The application was considered by Cabinet when full consideration was given to all relevant aspects which included the offered price and the firmness of the proposal. Cabinet decided that, before disposal of land on the island could be finally considered, it would be necessary to make a full appraisal of the island's best future usage. In accepting the desirability for this procedure, Cabinet therefore refused the application by the Wendell-West Development Company. In conveying advice of the circumstances surrounding this refusal, the then Minister for Lands informed the solicitors for the Company that, if at some future time it were decided to offer part of the island for development, public applications would be invited and the Company would then have the opportunity to submit an application if it so desired. No other application in respect of Moreton Island is presently before the Government."

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

(1) Has his attention been drawn to the article in *The Sunday Mail* of November 10 headed "Queensland lost a $100,000,000 land deal", wherein two Americans, Messrs. P. Boone and M. Smith, stated that the New South Wales Government had been eager to help but the Queensland Government had not?

(2) If so, (*a*) did their company approach the Government with a view to obtaining a suitable site for tourist and other developmental purposes and on what date approximately, (*b*) what areas were suggested, (*c*) did the persons mentioned propose any firm terms of agreement, (*d*) on what grounds were their applications refused and (*e*) is any other application still before the Government?

Answer:—

"I refer the Honourable Member to the details I have provided in my Answer to Question No. 6."

DIESEL-ELECTRIC LOCOMOTIVES AND ELECTRICAL TRADESMEN, RAILWAY DEPARTMENT

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

(1) How many diesel-electric locomotives are in the railway service at the present time and how many were there in November, 1965?

(2) How many electrical tradesmen were employed by the Department in November, 1965?

(3) Is every diesel-electric locomotive fitted with a vigilance control system?

(4) How often are these safety systems checked by electrical tradesmen to ensure that they are functioning correctly?

Answers:—

(1) "November, 1965, 144; November, 1968, 277."

(2) "November, 1965, 312; November, 1968, 314."

(3) "Yes."

(4) "I am advised that the vigilance control is subjected to a daily check."

CASUALTY AND OUT-PATIENTS' DEPARTMENTS, CHILDREN'S HOSPITALS, BRISBANE

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

(1) Has his attention been drawn to a statement in *The Courier-Mail* of November 12 that Brisbane's two children's hospitals are facing severe problems with rapidly expanding demands on the casualty and out-patients services?

(2) Is there sufficient staff on duty at Brisbane Children's Hospital at week-ends to cope with the demands at the out-patients and casualty departments?

(3) What were the attendances at the children's out-patients and casualty departments for the years ended June 30, 1966, 1967 and 1968?

(4) What was the average number of medical staff on night duty at the departments in the month of June in the years 1966, 1967 and 1968?

Answers:—

(1) "Yes."

(2) "The Medical Superintendent of the Royal Children's Hospital has advised me that he considers sufficient staff is rostered on duty to cope with requirements."

(3) "

	Out-patients' Department	Casualty Department
Year ended 30th June, 1966 ..	32,695	76,187
Year ended 30th June, 1967 ..	32,820	73,453
Year ended 30th June, 1968 ..	31,692	76,487"

(4) "The same numbers of medical staff have been rostered on night duty for June, 1966, 1967 and 1968 namely—1 Junior Resident Medical Officer rostered solely for Casualty Department. 2 Junior Resident Medical Officers rostered for duty to cover both Casualty and Hospital wards. The greater part of their time however is spent in Casualty Department. 1 Surgical Registrar to cover both Hospital wards and Casualty Department with the greater part of his time spent in wards. 1 Medical Registrar to cover both Casualty and Hospital wards with the greater part of his time spent in Casualty Department."

STATUTORY PROCEDURES FOR LOCAL AUTHORITY TENDERS

Mr. Porter, pursuant to notice, asked The Minister for Local Government,—

What procedures, if any, are stipulated by (*a*) Statute or Regulation and (*b*) established practice to ensure that when tenders are invited by local authorities such tenders are for a clearly defined requirement, so that adequate and proper evaluation may be made between them?

Answer:—

"I would refer the Honourable Member to section 19 of *"The Local Government Acts,* 1936 *to* 1967" and the Standard Code of Tendering."

NATHAN STREET BRIDGE, TOWNSVILLE

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

(1) With reference to the assurance given in his Answer to my Question on August 29 that the Nathan Street bridge over Ross River, Townsville, would be completed in mid-December, is he aware that the contractor has advised the City Council, whose job it is to build the requisite earthworks and approaches, that the bridge will not now be completed until March, 1969?

(2) If so, was the contract for the building of the bridge let on the "Kathleen Mavourneen" basis or does it contain a "definite date for completion" clause and, if the latter, is any action to be taken under it in respect of the irritating delays and inconvenience caused to the public by the interminable procrastinations of the contractor?

Answers:—

(1) "Yes. This followed a number of conferences betwen the Townsville City Council as Principal and the Contractor."

(2) "The specified date for completion of the contract was October 1, 1968. The Contractor is paying 'liquidated damages' as provided under the contract and every avenue is still being explored to secure earlier completion if possible."

HOUSING COMMISSION RENTAL HOUSES, IPSWICH

Mr. P. Wood for **Mrs. Jordan,** pursuant to notice, asked The Minister for Works,—

In view of the small number of Housing Commission rental homes for civilians in Ipswich, will he consider increasing the number to cope with the civilian waiting list?

Answer:—

"As is the case in respect of other parts of the State, the requirements of Ipswich will receive every consideration when further construction is being determined. Apart from Air Force and Army houses we have a pool of 102 State Rental Houses in the Ipswich area including 4 rental houses completed in September and October, 1968."

KARRALA HOUSE

Mr. P. Wood for **Mrs. Jordan,** pursuant to notice, asked The Minister for Health,—

(1) In view of the frequency of attempted suicides at Karrala House, Ipswich, recently, indicating that the therapeutic treatment used there is not very successful, will he consider having the procedures reversed and the low level of denial of privileges on admission with emphasis on reward for apparent improvement altered to admission at a much higher level and gradual withdrawal of privileges if behaviour does not improve?

(2) What is the name and what are the qualifications of the psychiatrist who examines the girls and how often are they examined?

(3) When will the therapeutic treatment of allowing the girls to be taken to the toilet between the hours of 6 a.m. and 10 p.m. be instituted and the use of rubber receptacles discontinued during those hours?

(4) When will the therapeutic treatment of allowing the staff to converse with the girls when attending to them be commenced?

(5) On what date was the decision made to allow padres to visit Karrala other than at the girls' request?

Answers:—

(1) "These girls are admitted to Karrala House from Denominational Homes and other situations in which they have already repeatedly abused or rejected privileges offered. They are very difficult and refractory juveniles who require initial seclusion to safeguard both themselves and the other girls. I invite the Honourable Member's attention to my statement in this House on Thursday, October 31, last, in which I said, 'Amongst these girls emotional storms may be generated in a flash, and to put a girl who has lost all self control amongst others who are on the road to recovery could destroy the results of weeks of patient work by the staff'. Since recent attacks by Opposition Members on the staff at Karrala House, their already difficult task has been made much more difficult; and I would appeal to those Honourable Members, and in particular to the Member for West Ipswich to exercise a greater degree of responsibility and restraint in this matter lest their actions be interpreted as a continuing vendetta against Sister Kraus and those working with her."

(2) "The girls are under the constant supervision of the Medical Superintendent of Challinor Centre, who has had wide and continuous experience in psychiatric medicine over the last sixteen years at the King Seat Hospital, Aberdeenshire, Scotland, and at the Baillie Henderson Hospital at Toowoomba. In addition, girls are examined as required, either prior to or after admission by a Specialist Psychiatrist from the Division of Welfare and Guidance."

(3) "This has been in operation for at least 18 months. Rubber receptacles are presently retained for emergent use."

(4) "This has always been the case since Sister Kraut took over in February, 1963."

(5) "Padres have always been permitted to visit Karrala House if they so desire. When a girl requests a padre's visit, others of the same denomination are asked if they wish to see him."

AWAY-FROM-HOME ALLOWANCE FOR CHILDREN ATTENDING OPPORTUNITY SCHOOLS

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

As children who attend Opportunity Schools are frequently forced to board away from home to obtain this special teaching, is any allowance available for them at the present time? If not, will he consider an allowance to ease the burden on parents who do not live in close proximity to any of these schools?

Answer:—

"There is no available allowance at the present time. The matter is under consideration for the next financial year."

PLANS FOR ADDITIONAL ACCOMMODATION, RAVENSHOE STATE SCHOOL SECONDARY DEPARTMENT

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

(1) Have alterations been made to the original plan for extra accommodation at Ravenshoe State School secondary department? If so, has any part of the plan been deleted and why?

(2) Will he have the original plan adhered to?

Answer:—

(1 and 2) "The original plan for the provision of additional accommodation for the Secondary Department of the Ravenshoe State School was amended because available funds permitted only two (2) additional classrooms to be constructed at this school. The provision of locker rooms and a covered way between the new wing and an existing wing and the conversion of an existing room to a staff room was deleted from the original proposal. Consideration will be given from time to time to approving of this work in relation to available finance."

LIMESTONE CROSSING, MT. GARNET

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

(1) Is he aware of the unsatisfactory state of Limestone Crossing, Mt. Garnet?

(2) As there have been two fatalities there and as there are 70 residents, including at least 20 schoolchildren, who use the road, will he take urgent action to have the danger eliminated before the next wet season?

Answer:—

"This crossing is not located on a road declared under the Main Roads Acts and therefore does not come within the control of the Main Roads Department. Responsibility would rest with the Local Authority concerned."

ACCURACY OF BREATHALYSER READINGS

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

(1) Has his attention been drawn to an article in *The Courier-Mail* of November 1, which claimed that a doctor told the Wynnum Magistrates Court that it was possible for a breathalyser machine to err by as much as .025 per cent.?

(2) Is not this a very substantial margin of error?

(3) In view of the severe monetary penalties involved together with the mandatory suspension of licences, what does he intend to do to ensure that breathalyser machines give an accurate recording and do not mislead courts before the imposition of penalties?

Answer:—

(1 to 3) "My attention has been drawn to a report in *The Courier-Mail* of November 1, 1968, of the hearing of a charge of drink driving in the Magistrates Court, Wynnum, on October 31, 1968. Before the breathalyser is used, it is tested with a standard alcohol solution. If the machine is in order, it should give a specified reading according to the temperature of the solution which is subject to slight variations or within the range of .01 above that reading or .015 below that reading. The range of .025 represents the permissible extreme limits. The reading must be within the said permissible extreme limits of .025. The breathalyser is within order for use for testing a sample of human breath if such reading is within that range. It is not a margin of error. The variations relate only to the testing of the machine and not to the testing of a sample of human breath as referred by the Honourable Member and in no way reflect on the accuracy of the breathalyser. Every care is taken to ensure an accurate reading of the sample of human breath and the breathalyser is tested for accuracy both before and after the testing of the sample of human breath. Every effort is made and every precaution is taken to ensure the accuracy of the reading of the sample of breath. I refer the Honourable Member to the Regulations."

NOTIFICATION OF PARENTS BEFORE POLICE INTERROGATION AND TRIAL OF MINORS

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

(1) Has his attention been drawn to an article in *Sunday Truth* of November 3, wherein it was claimed that two teenage boys were placed before the court, convicted and imprisoned without their parents' knowledge?

(2) Is it departmental practice to allow teenage boys to be interrogated in the absence of their parents or guardians?

(3) Is it departmental practice to place teenage children before a court without advising their parents?

(4) Why were the parents of the boys not informed at least as to their whereabouts?

Answers:—

(1) "Yes."

(2) "The policy of the Police Department is that children, i.e. persons under the age of 17 years, should be, wherever practicable, interrogated in the presence of parents or guardians. The boys in question were aged 19 years and 18 years respectively."

(3) "It is the policy of the Police Department, wherever practicable, to advise parents of children, i.e. persons under the age of 17 years, of the intention to place those children before courts."

(4) "This aspect is presently the subject of an investigation within the Police Department."

ORAL DEAF SCHOOL, ANNERLEY

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

(1) Why are two classes conducted in one small classroom at the Oral Deaf School, Cornwall Street, Annerley?

(2) When two teachers are teaching in the same room at the same time, is it possible for classes to concentrate on each particular teacher?

(3) Are all letters written by teachers to the children's parents censored by the principal?

(4) Are staff employed to clean refrigerators and walls and to do domestic work or are teachers required to perform the duties?

(5) Is there any infirmary for sick children or do children with contagious ailments, e.g., conjunctivitis, still have to attend class?

(6) What medicines are available for treatment of the children, particularly those suffering from sunburn and other temporary ailments?

(7) Was a child sunburnt so badly at a recent picnic that he blistered and had infected sores for the next nine days necessitating bandaging with ripped-up sheets?

(8) Was this burning caused through the absence of zinc cream and other preventive measures that the school should provide?

(9) Are some teachers required to work overtime to the extent of five hours in one day? If teachers do have to work overtime, what is the hourly rate?

(10) Are the children placed in classes according to age groups or according to the time of arrival at the school?

(11) During the annual inspection of teachers, do the inspectors observe the methods of teaching or do they go from teacher to teacher and bid them the time of day without making any reference to the class or examining the charts and reports prepared by the teachers?

Answers:—

(1) "The accommodation in one room of two classes, each of seven pupils, was made necessary as a temporary measure because of the demolition of an existing classroom block to make way for a new residential block. A second block of modern classrooms will be completed before the end of the year."

(2) "Yes. The difficulties involved in having two teachers in one room are reduced by the arrangement of a temporary partition between the classes and by the fact that deaf children are less distracted by classroom sounds than are children with normal hearing."

(3) "No."

(4) "Domestic staff are employed to carry out domestic duties. Teachers are not required or expected to perform these duties."

(5) "Yes. There is a sick bay and children are only returned to classes when the Matron, Sub-Matron or Nursing Sister consider there is no further need for them to be isolated."

(6) "The school is well stocked with medicines normally required in the case of childhood illnesses and minor affliction such as sunburn."

(7) "One child was rather badly sunburned at a recent school picnic. The Matron provided the necessary care and treatment and as a result the child suffered little interruption in schooling."

(8) "No. A first-aid kit was available at the picnic."

(9) (*a*) No. Teachers at the School for the Deaf are required to undertake supervision duties with resident pupils in out of school hours. Male teachers average 4 hours a week. The number of hours of supervision duties by female teachers ranges from 1½ to 4½ hours per week. (*b*) The rate of payment is $1.40 per hour."

(10) "No. Children are placed in classes in accordance with their age, abilities and attainments."

(11) "The Inspector devotes at least a fortnight each year to the inspection of the School for the Deaf. During that time he observes the teachers in the discharge of their normal duties."

Late Admittance of Visitors, Ward 3C, Princess Alexandra Hospital

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

(1) Is he aware of the inconvenience caused to approximately 25 to 30 friends and relatives who visit Ward 3C, Princess Alexandra Hospital, by late admittance, e.g. on Saturday, October 26, at 1.45 p.m., Saturday, November 2, at 1.52 p.m., and Saturday, November 9, at 1.46 p.m.

(2) Will he arrange for the admission of visitors to the ward at 1.30 p.m. as is the case with visitors to other wards?

Answers:—

(1) "I have been advised that on the occasions mentioned by the Honourable Member, it was necessary to delay the admittance of visitors because of seriously ill patients requiring attention and the need to re-arrange the location of various patients."

(2) "I am advised that the Medical Superintendent endeavours to ensure that, as far as possible consistent with good medicine which is of course the primary concern, there is no delay in the admittance of visitors to the various wards."

UNIFORMS FOR RAILWAY STATION-MASTERS AND STATION-MISTRESSES

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

(1) Will the material used in the sample station-masters' uniform coat be used for all railway employees' uniforms except station-mistresses?

(2) What is the percentage of wool and terylene in the material?

(3) What is the difference in weight between the material used in the present railway uniforms, excluding station-masters, and that used in the new uniforms?

(4) If the station-masters' union and the majority of its members prefer that marking of their rank, position or grade be transferred from sleeves to epaulettes of their coats, will he concur and, if not, why not?

(5) Will he include in the uniform trousers one hip pocket, tab and button, a turn-up not less than 3½ in. and a back-seam inlay not less than 3 in. for alterations and the choice of either zip or button fly for employees whose physique is not suitable or practical for the use of zip flies?

(6) Has a special skirt length been agreed upon for the new uniform for station-mistresses?

Answers:—

(1) "Yes."

(2) "80 per cent. wool, 20 per cent. terylene."

(3 to 6) "The suggestions of the Honourable Member will be considered along with those already received from others."

CIGARETTE SMOKING AND INCIDENCE OF LUNG CANCER

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

Is he aware of the statement by the President of the Australian Academy of Science, Sir Macfarlane Burnet, that it was now perfectly clear that cigarette smoking was almost wholly responsible for lung cancer and that he was disillusioned by the fact that no significant action had been taken against its medical hazards? If so, what action has been taken by his Department to educate people on the apparent dangers of cigarette smoking?

Answer:—

"Since 1959 the Queensland Health Education Council, at the request of my Department, has conducted an educational campaign against cigarette smoking. One of the main activities has been an educational campaign in schools. There is provision in the primary school syllabus for a lesson at Grade 7 level and in the Health and Physical Education syllabus in secondary schools for a lesson at Grade 10 level. In addition, the Council has arranged extra instruction, using four large teaching units featuring smoking machines. Two special publications have been circulated to all teachers to assist in this programme. Over the same period, the Queensland Health Education Council has prepared and exhibited 5 special displays; screened 12 different films 998 times to 69,960 people; distributed 914,775 pamphlets, 7,793 posters, 280,700 bookmarks; issued many press releases and given numerous lectures on the association between health and cigarette smoking."

ELECTORAL ENROLMENT OF TORRES STRAIT ISLANDERS AND ABORIGINES

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

(1) Has the State Electoral Office directed officers to the islands of Torres Strait and/or have instructions been issued to enrol all eligible persons in those areas?

(2) If not, is it intended in the near future to enrol all persons qualified and/or entitled to vote in the islands?

Answers:—

(1) "I must draw the Honourable Member's attention to section 26A of *"The Elections Acts,* 1915 *to* 1965" of this State, which exempts Torres Strait Islanders and the Aboriginal Inhabitants of Australia from the provisions of those Acts relating to compulsory enrolment and makes it an offence for any person to influence or attempt to influence in any manner or by any means whatsoever a Torres Strait Islander or an Aboriginal Inhabitant of Australia in the free exercise of his choice whether or not to enrol as an elector. Consequently the answer here is 'No'."

(2) "Following the passing of *"The Elections Acts Amendment Act of* 1965" in which the provisions previously mentioned are contained and adopting a practice previously established by the Commonwealth, Departmental officers visited all Aboriginal and Torres Strait Islander communities in Queensland for the purpose of informing, so far as possible, these people of the provisions of the new law, answering inquiries and assisting those who elected to claim for enrolment. I am informed that officers of the Department of Justice intend to visit these communities for the same purpose as soon as possible."

ORDER IN CHAMBER DURING QUESTION TIME

Mr. SPEAKER: Order! The hon. member for Townsville South has been persistently interrupting during question time. I warn him that if he does so again on any future occasion I shall have to deal with him.

FORM OF QUESTIONS

Mr. ARMSTRONG (Mulgrave) having given notice of a question—

Mr. SPEAKER: Order! I point out to the hon. member for Mulgrave that his question seems to be similar to one of which notice has already been given by the hon. member for Clayfield.

In reference to the first question of the Leader of the Opposition, I have a recollection that the hon. member for South Coast asked a similar question several days ago.

I will have a look at both questions.

LAW REFORM COMMISSION BILL

SECOND READING

Hon. P. R. DELAMOTHE (Bowen—Minister for Justice) (11.42 a.m.): I move—

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

This Bill seeks to establish a permanent Law Reform Commission in this State consisting of not fewer than three and not more than five members who are judges, experienced barristers or solicitors or university law teachers.

Each member will be appointed for three years. During the introductory stage of the Bill it was suggested to me that a three-year term is too short and that it should be extended to five years. The Bill provides that any member whose term of office has expired shall be eligible for reappointment, and I have no doubt that hon. members will appreciate the wisdom of a short-term appointment with provision for reappointment rather than a relatively long-term appointment.

As previously stated, the function of the commission will be to take and keep under review the laws of this State with a view to their systematic development and reform, including in particular—

(i) the codification of such law;
(ii) the elimination of anomalies;
(iii) the repeal of obsolete and unnecessary enactments;
(iv) the reduction of the number of separate enactments; and
(v) generally, the simplification and modernisation of the law.

For the purpose of carrying out the functions of the commission, the Bill provides that the commission will receive and consider any proposals for the reform of the law which may be made or referred to.

As hon. members will realise, the subject of law reform is a matter in which every person in the community may participate. Important questions of law reform may be brought to the commission through the vigilance of the Government, members of Parliament, judges, the Press, and, of course, members of the general public.

In order that the commission may operate in an orderly fashion, the Bill requires that it will prepare and submit a programme for the examination of different branches of the law for the purposes of reform, consolidation or statute-law revision for the approval of the Attorney-General.

Consolidation is the process of combining the legislative provisions on a single topic into one coherent enactment, while statute-law revision is the process of pruning the dead wood from the Statute Book. These processes will, I am sure, make our laws easier to ascertain and, when appropriate, will facilitate the later process of codification.

An example of the need for law reform has been forcibly brought to the attention of hon. members by the introduction of a Bill which is presently before this House and which seeks to terminate the application, in so far as this State is concerned, of an Imperial Act enacted in England over 230 years ago.

Mr. SPEAKER: Order! I should like to draw attention to the gallery. There is too much noise and animation when the school-children are leaving.

Dr. DELAMOTHE: Once a programme is approved by the Attorney-General, the commission will undertake the necessary research and then advise the Attorney-General of its recommendations. These recommendations will, upon approval by the Governor in Council, be laid before the House.

Some hon. members, in their contributions to the debate that preceded the first reading of the Bill, expressed concern that the Bill would encroach upon the functions of Parliament. As a result of perusing the contents of the Bill, hon. members will be aware that the Law Reform Commission will be an advisory body only and will in no way usurp or infringe upon the legislative powers of this Parliament. As an advisory body, the reports and recommendations of the commission will be submitted to the Attorney-General.

I commend the Bill to the House as a most desirable measure which will make our laws simpler, more readily accessible, more easily understandable and more certain than they are at present.

Mr. BENNETT (South Brisbane) (11.47 a.m.): Mr. Speaker——

Mr. Aikens: If it is more easily understandable that will be right up the alley of the hon. member for South Brisbane.

Mr. BENNETT: As I said earlier, the hon. member for Townsville South should have been here when I spoke about cattle ticks, because I made the point that they do severe damage, even to hides. He is a living example of my argument.

The A.L.P. supports the appointment of a Law Reform Commission in Queensland. I have argued in favour of it over the years. There is no doubt that the principle is desirable. Anyone can profit by advice; a Minister can be helped by the advice of others, either in a casual or official way, and parliamentarians can be assisted if they listen to the advice of others. I agree that it must be an advisory body, not an authority supervening Parliament, dictating to Parliament what legislation should be enacted. It should be composed of men distinguished in the law, so its advice will not, and should not, be lightly set aside. Any person, be he a public authority, a public representative, or an ordinary individual, who is not prepared to listen to advice is a plain and absolute fool. On the other hand any person who does everything that is suggested to him is purely a sycophant. The advice must be gleaned and must be carefully considered, and, after that, desirable suggestions must be implemented. In addition, they will be implemented in keeping with the Government's policy.

While we support the establishment of a Law Reform Commission, we sincerely hope that the Government will not, when making appointments, adopt the principle, practice and policy it has followed on many occasions in the past in matters of this nature, and appoint only people of Liberal political thinking. I say that advisedly. In a democratic community it is most important to have party politics, and due consideration must be given to the beliefs of the respective accredited parties. It would be entirely wrong and improper to give any one political party dominance in appointments to any important administrative and advisory board. I must say that this Government, unfortunately, is inclined to err and to give political preference to those who are either members or supporters of the Liberal Party. In that regard, as I am speaking about the Law Reform Commission, it is unlikely that Country Party members will be given any consideration because there are no Country Party members in city electorates.

Mr. SPEAKER: Order! I was hoping that the hon. member for South Brisbane would not continue in that strain, because he is imputing improper motives to the Minister and the Government. It is not in order to do so. I ask him not to continue in that strain, and to continue with the business before the House.

Mr. BENNETT: I accept your rebuke, Mr. Speaker. I did not wish to impute improper motives. I was merely dealing with practical history.

Mr. SPEAKER: Order! The hon. member is only making things worse for himself if he continues in that strain.

Mr. BENNETT: As has been indicated in the notice circulated, it is the intention of my colleague the hon. member for Baroona (Mr. Hanlon) to move an amendment which simply means in effect that this body should inform Parliament of its activities, recommendations and decisions, and not just the Minister for Justice and Attorney-General.

Obviously there are good and valid reasons for that submission, and I sincerely hope, in keeping with the ruling you have just given, that the Minister will, by accepting the amendment, convince me that there is no improper political motive. I feel that the Minister, as he represents the Government, as it were, in law, has the prerogative to decide fundamentally what amendments he will make to any particular legislation.

Mr. Aikens: Why don't you let the hon. member for Baroona move it? He will make a better job of it than you will.

Mr. BENNETT: He proposes to do so in due course. As I have said on other occasions, the hon. member for Townsville South comes in bright and perky early in the morning, and he leaves at lunch-time and we do not see him for the rest of the day. We can see him only when the ticks are thick.

I might say that the amendment will be moved in the sincere belief that Parliament is at least entitled to be informed. The Minister, I concede, is entitled to introduce in his sphere or jurisdiction whatever legislation he desires. But if this Law Reform Commission is appointed—no doubt at considerable expense to the State—the State's representative, this Parliament, is entitled to know what it is doing and what recommendations it makes. If the Minister does not implement all its submissions and recommendations, Parliament is entitled to ask why, and be given the necessary reasons if there are any reasons. If Parliament is not to be informed of the activities of this Law Reform Commission, it will not be in a position to ask the Minister about the recommendations or to query him on any possible refusal to adopt or accept the recommendations that might be made from time to time.

It seems fairly obvious from a reading of the Bill that the Government or the Minister proposes to appoint one of the Supreme Court judges to the Commission. As I understand it, there is no principle in the Bill that makes such an appointment mandatory. But it would seem from the spirit and intention of the Bill that this is the desire and intention of the Minister, and I have no query on that or objection to it.

Mr. Walsh: They might put you on the bench, you know.

Mr. BENNETT: If I am put on the bench I think I will walk from here to Bourke and back in amazement. I cannot give my reasons for making that remark because Mr. Speaker might again suggest that I am imputing improper motives.

Mr. Aikens: He might think that you have not got the ability.

Mr. BENNETT: Anyone who thinks along those lines might have the same low mentality as the hon. member for Townsville South.

As I understand it, the Law Reform Committee appointed in New South Wales was a part-time one. To some extent it is unfortunate that the proposed commission in Queensland will not operate full time, because there is obviously so much to be done. The work involved is complex and complicated, and carrying it out efficiently and effectively will involve the study of many legal measures and reforms adopted throughout the English-speaking world and those places in which our system of jurisprudence is followed, as well as the legal systems of other nations and instrumentalities that do not necessarily adhere to our democratic procedures. That is indeed a very big task.

I am prepared to concede that by appointing a full-time commission the Government would incur a great deal of expense. However, that expense would be justified because, as the late Sir Roslyn Philp, erstwhile Senior Puisne Judge, said on one occasion, justice is priceless. In order to preserve justice and our concept of democracy, the expense of maintaining a permanent Law Reform Commission would be perfectly justified. I shall quote shortly one concrete example to prove the force of my argument on that matter.

The Minister may counter that suggestion by saying that it is good to have sitting on the commission practising legal men who can bring to the work of the commission their practical every-day experiences in dealing with problems met from time to time in their practices. That is an argument of a sort, but not a convincing one. The Minister pointed out when moving the second reading of the Bill that the members of the commission will be appointed for only three years. That would be only a short time away from active practices for those who are prepared to make the sacrifice to serve on the commission—and a sacrifice it would be—following which they would return to their own spheres of activity. A Supreme Court judge or District Court judge would not make any financial sacrifice because he could be asked to serve full time on the commission without any reduction in salary, and no doubt judges would be only too happy to do so under those conditions. I strongly recommend to the Minister that all steps be taken to make the work of the commission a full-time task for the term of a person's appointment.

The Law Reform Committee in New South Wales comprises representatives of the Supreme Court, the District Court, the Magistracy, the Bar, and the Law Society. No mention is made there of any academic representation. It is quite clear from a reading of the Bill that academic representation is proposed on the Law Reform Commission in this State. I do not query or object to that provision. I think that such a body should always contain a sprinkling of academics because, as this will be a part-time commission, they will have more time available for research than will practising lawyers and judges.

Mr. Aikens: What would your reaction be if they put Gerber on it?

Mr. BENNETT: I shall deal with that situation if it ever arises. Knowing the Minister as I do, I do not think that will ever come about.

I repeat that there are good reasons for making the commission a full-time body. For example, several years ago—I say "several" advisedly—a committee that might be termed a law reform committee was appointed.

Its purpose was to amend the Criminal Code so that there would be a common code of criminal law over the length and breadth of Australia. To have something common to all States, is, no doubt, desirable in the practice of the law, and hon. members have seen already the Children's Services Act, the Maintenance Act and the Companies Act that have provisions common to all States. It makes the reciprocal enforcement of those laws much easier, and members of the public who move from State to State are better able to understand the principles.

Of course, lawyers cannot cross State boundaries and practice in various States even when the laws are similar. For example, no Queensland lawyer can practise in the Northern Rivers of New South Wales unless he has been admitted to the New South Wales Bar—it is now impossible for him to do that—even though it obviously is less expensive for litigants in Northern New South Wales to have Queensland barristers appearing for them than to bring New South Wales barristers all the way from Sydney.

Mr. Walsh: A very strong union.

Mr. BENNETT: I do not know whether it is a very strong union, or whether the barristers have a very receptive ear in the Government of New South Wales. The Government of Queensland eliminated that possibility when it introduced a legislative amendment advocated by the former Liberal member for Mt. Gravatt, now Mr. Justice Hart.

Dealing with the need for a full-time commission, I point out to hon. members that the Queensland criminal law committee, which has some leading legal brains on it, has been sitting from time to time—mainly at week-ends, because members of the committee are too busy to sit during the week—for several years, and it has not yet come up with a complete criminal code. This State was given the honour of appointing that committee as a piloting committee for the reform of criminal law in Australia, no

doubt because Queensland has the best brains in this country in that field. I shall mention some of them in the next few minutes. They are not only outstanding legal brains in the criminal field; they are very assiduous in their attention to their work, and work long hours over the week-ends. However, in spite of the fact that they have sat for several years, they still have not produced a criminal code that can be recommended for adoption in other States as an Australia-wide criminal code.

In my humble attitude to the practice of criminal law in Australia, I believe that all other Australian States should adopt the Code framed by Sir Samuel Griffith, an erstwhile leader in both law and politics in this State, because I do not think that they can make any improvement on it. However, they believe they can, and they are trying to improve it.

The committee originally was presided over by Sir Roslyn Philp, S.P.J., who did a great deal of work on the committee—unfortunately, it was part-time work—and who has since died. It has had on it Judge Carter of the District Court, who has annotated the Criminal Code in Queensland and has lectured in criminal law. He has resigned from the committee. I do not know the reason for his resignation, but I expect that he thought the work was taking too long. Still on the committee is Australia's leading criminal lawyer, Mr. Dan Casey. Mr. Gerald Brennan, Q.C., has been a member of the committee, as have others ranking down to junior barristers. The most junior member of the committee probably is Mr. John Geraghty, who recently graduated from the university. The committee has been working for so long that either interest has flagged or frustration has overcome enthusiasm, and the only ones who are still on the committee, to my knowledge, are Mr. Dan Casey and Mr. John Geraghty. When its work is completed—if ever it is completed—probably all the names will return to endorse the recommendation, but that is the way things stand at the moment.

I draw attention to that fact to prove that part-time committees in fields such as this cannot function efficiently because of the time factor. They are reading criminal codes from all over the world and are trying to correlate them with those of Queensland, New South Wales and the other States and, unless they are doing it full time, it is a sheer practical impossibility. I ask the Minister, therefore, to give serious consideration to making the commission a full-time committee.

There are various matters that should urgently engage the attention of this commission and I should like the Minister to indicate quite clearly when it will come into operation. I sincerely hope that it coincides with the beginning of the next legal year.

There is, for instance, in New South Wales, as I understand it now, a permanent Appeal Court, and there are many practising barristers—and, no doubt, judges—who believe that there should be a permanent Appeal Court because, if we face reality relative to interpretations placed on statutes by various judges over the years, the interpretations have been made according to their own way of thinking. Over the years, we have been fortunate in Australia, particularly in Queensland, in having judges of outstanding integrity, but their interpretations of the laws, in many ways, to my way of thinking, have been influenced by their own lives and backgrounds. I say that advisedly because we have had decisions over the years that appear to be in conflict one with the other. An outstanding example is provided in decisions on section 92 of the Commonwealth Constitution. One has only to read High Court judgments on interpretations of this section to see and to be convinced that on sections such as this they vary considerably according the complexion of the High Court of the day. Time does not permit me, at this stage, to point out articles that clearly support my contention and argument in this regard.

Mr. Walsh: That is more so over the last 10 or 15 years.

Mr. BENNETT: As the hon. member for Bundaberg says, it is more so over the last 10 or 15 years. Dr. Evatt was one of many outstanding judges on the High Court. His judgments in the High Court, many of which were dissenting judgments, were well written, couched in outstanding literary langauge, and were a joy to read even for a layman who was not reading them for the purpose of studying the law. They were convincing, but were given according to Dr. Evatt's background, and by a majority of the High Court, he was held to be wrong on quite a number of occasions.

I could quote later decisions made on the self-same section 92, by later High Court judges, when the individuals on the High Court had changed, that virtually adopted the dissenting judgments of Dr. Evatt.

Mr. Walsh: They were referred to very favourably by the Privy Council.

Mr. BENNETT: That is so. As pointed out by the hon. member for Bundaberg they were favourably referred to by the Privy Council.

Mr. Walsh: Even though they were dissenting judgments.

Mr. BENNETT: That is so. So I say with the greatest of respect that decisions, although given by men of outstanding and unquestionable integrity, do vary and are influenced very often by their own background and their upbringing. As a matter of fact, it is quite manifest now, in the High Court field, that Sir Garfield Barwick

has his own particular attitude and inclination towards various problems put to him in the High Court. Nobody doubts his outstanding legal ability, but here again, I think it can truthfully and fairly be said, his decisions, although decisions of honesty and integrity, are influenced by his own history and the difficulties he has had in his own life-time.

If that applies to the High Court, does it not apply equally to the Full Court of Queensland, which is the top court in this State. It is the State's top appeal court and one can go no further in this State per se than the Full Court of Queensland. Anyone who wants to go past that must go to the High Court of Australia or, in certain circumstances, to the Privy Council.

It is my belief that one of the fundamental and foremost tasks of the Law Reform Commission should be the consideration of whether or not it is necessary to have a permanent Full Court in this State. I realise, of course, that the Full Court cannot sit every day because it would not have sufficient work to require it to do so. However, the personnel who constitute the Full Court of this State should be constant. The present practice is that each judge in the State takes his turn according to the roster for sitting on the Full Court.

It is true and fair to say—and again I am not casting any aspersions whatsoever on the decisions or personnel of the Full Court—that when lawyers have a particular type of case to present to the Full Court they go before it either with confidence or with diffidence according to the personnel who constitute the particular Full Court before which they are appearing. I think that most judges and barristers would agree with that. All the judges who sit on the Full Court are qualified lawyers, but, I believe that in personnel it should be constant so that practising barristers and litigants will know its attitude to all problems that will be argued before it and so will be confident of obtaining constant decisions from the court. I could refer to several authorities that appear to me, as a humble lawyer, to be in conflict.

One case is that of Sutton and Prenter, which is reported in Queensland State Reports, 1963. In that case the Full Court of this State, by a majority decision, decided that when there is a conflict in prosecution evidence, even though there is evidence on which a magistrate could convict, a conviction should be quashed. Mr. Justice Stable, who dissented, held that when there was a conflict on a vital fact, a conviction can be recorded despite that vital conflict. The court quashed the conviction that had been made by a stipendiary magistrate. Mr. Justice Gibbs and Mr. Justice Jeffriess decided that, owing to the conflict and to the standard of "proof beyond a reasonable doubt", there could be no conviction. As I have said, the dissenting judge was Mr. Justice Stable.

Within a couple of years a differently constituted Full Court dealt with a case known as Grayson and Crawley and whereas Mr. Justice Stable was the junior judge on the bench when the Full Court heard the case of Sutton and Prenter he was the presiding judge in the court that heard the appeal of Grayson and Crawley. In that case, to my humble way of thinking, the ratio decidendi was in no way different from that in Sutton and Prenter, but the other two judges agreed with Mr. Justice Stable on that occasion and decided that, although there was a conflict in the prosecution case, there was sufficient evidence on which a conviction could be recorded, and the court disallowed the appeal.

Mr. Walsh: Are you suggesting that the judges do not follow their own precedents?

Mr. BENNETT: In certain cases they must follow their own precedents, but in some cases, when certain judges disagree with a precedent, they endeavour to find good reason for distinguishing cases. I am not questioning the integrity of the judges at all, because each lawyer is entitled to be convinced and confident about his own knowledge and his own convictions. For that reason I am suggesting that the personnel of the Full Court should be constant so that they will be prepared to follow their own earlier decisions (because they are their decisions) and not merely give the decisions of the court in which they sit.

I suppose judges are like the rest of us: some have outstanding ability, some have good ability, and some have fair-average ability. I should imagine that those who are regarded as having outstanding ability should be appointed to the permanent Full Court of Queensland, so that junior judges would not be sitting as an appellate authority considering the decision of, for instance, the Chief Justice. Incidentally, I think three junior judges were appointed in one year, and when I say junior judges, I mean that they came up from the ranks. Under the present roster system for the Full Court they could sit as appellate judges on the decision of their own Chief Justice.

Mr. Walsh: In other words, the three last appointed to the bench.

Mr. BENNETT: Yes, that is right. I have referred to them as junior judges, and, of course, they follow strictly the rule of seniority, or seniores priores. It does not matter how outstanding a barrister may be, if he is the last appointed to the bench, he is the junior judge.

Mr. Aikens: Do you think that when the Full Court gives a judgment it should also give the reasons for it?

Mr. BENNETT: The Full Court always gives reasons for judgments.

Mr. Aikens: No, it does not.

Mr. BENNETT: It does, if it is a complicated case.

Mr. Aikens: No, it does not.

Mr. BENNETT: If an appeal is trivial or vexatious, or if it has no substance, the Full Court may dismiss it peremptorily. If there is substance in any argument put before the Full Court, reasons for judgment have always been and always will be given.

I will develop my argument about the three junior judges sitting as the appeal authority on a decision of the Chief Justice. It could well happen that two junior judges could overrule the decision of the Chief Justice, and one could agree with him as the dissenting judge on the Full Court. The litigants are then placed in a peculiar position in that the Chief Justice and one other judge in Queensland say that one litigant is right, and two junior judges say he is wrong. That is a very unsatisfactory state of affairs.

Mr. Chinchen: How can that be overcome?

Mr. BENNETT: It can be overcome by having a permanent Full Court so that in personnel it is constant. I take it for granted that the Chief Justice would be the presiding judge of the Full Court and that there would be two other senior judges.

Mr. Walsh: That principle operates in the valuation court, for example.

Mr. BENNETT: Yes. A litigant who went to the Full Court in those circumstances would be satisfied at that stage, subject to certain exceptions, that he had exhausted his avenues of litigation. Although he might be disappointed, he would accept the situation with equanimity if he was the loser, or be happy as the winner.

Mr. Aikens: The Chief Justice, no matter who he might be, may not be the best lawyer.

Mr. BENNETT: I concede that he may not necessarily be the best lawyer, but he would certainly be a skilled lawyer, if not the best. He would be an experienced lawyer; he would be fair-minded; and he would have presided over the Full Court previously. My point is that, being skilled and experienced, he would be constant in his decisions, which might not be the case if his place was taken by a junior judge at the next Full Court sittings.

I am not saying that all appointees should be Rhodes scholars, because many brilliant men are not necessarily the best appointees. Men with fair-average ability are often very successful in their application of the law, as such men are in any field. Just because a man shows outstanding academic brilliance in the course of his legal career, it does not necessarily follow that he should be the Chief Justice of Queensland. I could name some of the biggest idiots in the field, who have had outstanding academic successes over the years but could not earn a cracker at the Bar.

Mr. Hughes: You need to have an application of common sense.

Mr. BENNETT: Exactly.

Mr. Walsh: One prominent barrister, Dan Casey, did not go to the university.

Mr. BENNETT: Dan Casey was offered a seat on the Supreme Court Bench many years ago and he rejected it. He preferred the freedom of the Bar and the camaraderie of his mates, and, as a practising lawyer, I am glad he made that decision.

Finally, with the uncertainty of the situation when the position is two-all, with the Chief Justice on one side, being the single judge in the first instance, what must be done then? Any lawyer must recommend to his client who is a losing litigant that he go to the High Court. The lawyer could say, "You might not respect my opinion very much, and perhaps my opinion does not count very much, but we have two judges on one side and two judges on the other side so, to use gamblers' language, it is worth a 'punt' to go to the High Court if you have got the money." And away he goes to the High Court. I sincerely hope that the Minister will give serious consideration to that matter.

Mr. Walsh: Do you think that an experienced officer from the Crown Law Office should be on the commission?

Mr. BENNETT: I certainly think that an experienced officer from the Crown Law Office should serve on the commission and I have no doubt that one will be appointed. He would bring to notice the difficulties experienced in that office and could perhaps overcome certain difficulties that barristers experience sometimes in their association with the Crown Law Office. If a member of that office was on that commission, the bugs that crop up from time to time could perhaps be suitably ironed out. In addition, he would be able to listen to the submissions and arguments of those who come from other fields in the practice of law.

One of the early considerations of the commission should be to the law relating to libel and slander, and without limiting the generality of this law, it should inquire into the extent to which the law and the practice of it in respect of contempt, libel and similar legislation, hamper the Press in publishing facts of public interest and in editorially commenting thereon within the limit of what is necessary for the protection of the liberty of the subject and the security of the State.

I say that advisedly because the law of libel and slander has got completely out of hand. Many writs issued at the present time are commonly referred to in legal, Parliamentary, and other circles, as "stopper"

writs. We have seen this Parliament held in contempt, in my time, for a period of two years by the issue of a "stopper" writ that was never proceeded with, in order to stifle free public discussion and to tie the hands of the Press on a matter of urgent public controversy which the reading public of Queensland and of Australia is entitled to know, understand and read. These "stopper" writs are issued, not in any sincere way to prosecute them to finality, but for the vexatious and malicious purpose of stifling public discussion until such time as the matter is no longer of any importance, or alternatively ceases to be of any public discussion value.

Mr. Walsh: You are not suggesting that that applies to Parliament?

Mr. BENNETT: No. I have no argument with the law as it applies to Parliament. As I pointed out recently in a letter to one leading and eminent authority, the reason for the laws relating to Parliament is clearly and manifestly just. This Parliament could not properly and efficiently operate unless the laws were as they are. I am not by any means suggesting that the laws of libel and slander should be abolished, but I do suggest that methods and procedures should be adopted to prevent abuse of those laws and prevent contempt of court and Parliament.

Mr. Aikens: Have you proceeded with all the writs that you have issued?

Mr. BENNETT: Only one writ in this field has been issued against me. It was not proceeded with, so I indicated that I was going to apply to the court for a speedy trial of the matter. As I was the defendant I did not have the carriage of the action, and the plaintiff in that case, who held Parliament in contempt for almost two years, filed a notice of discontinuance, which I could not stop, and paid my full costs. I still have a photostat copy of the cheque and the notice of discontinuance.

Mr. Aikens: What about the writs that you have taken out yourself, in which you were the plaintiff?

Mr. BENNETT: I can assure the hon. member for Townsville South that they have all been prosecuted to a successful conclusion.

Mr. Aikens: I know one that has been lying dormant for five or six years.

Mr. BENNETT: The hon. member for Townsville South should recall the time when he was thrown out of the royal commission into the Golden Casket because the gentleman who is now Governor of this State tired of his antics.

I also think that one of the functions of the proposed Law Reform Commission should be to prepare a Bill and a set of rules to modernise court procedures in general accord with the report prepared by a subcommittee of the Chief Justice's Law Reform Committee in New South Wales and approved in principle by that committee. No doubt the recommendations made will be of value to the commission that is to be set up here.

I am glad to see that this commission will no doubt be in a position to give, without taking politics into consideration, serious thought to an item of policy in the platform of the Australian Labour Party during the last two elections, namely, the appointment of an ombudsman. This State is crying out for an authority of this nature.

Mr. Walsh: In your own way you are an ombudsman, and so is every other member of Parliament.

Mr. BENNETT: I agree with that, too, but the job is getting too big for me. Although I employ people to do this work, I would need to enlarge my staff and office to keep up with it, and I think it is high time the State made provision for a general ombudsman. In relation to what has happened in the Vietnam War (and what will happen in the very near future is pretty obvious), what has been done to teenagers who are regarded in law as minors, and liquor reform, the proposed Law Reform Commission should consider quickly whether citizens of this community should become civilly responsible for debts and liabilities, and entitled to own and deal with property, at an age earlier than 21 years, and it should determine the nature and extent of liability, if any, of such persons upon their attaining such earlier age as may be proposed. In considering these matters, regard should also be had to the question of whether any recommendation of the commission should apply to extending the franchise to those people.

That is a very important matter, and I know that over the years the Government has side-stepped this thorny problem and controversial issue. Now it may be cushioned in by a recommendation of this detached commission. It may be that we will get the necessary and desirable changes in this field, and certainly the commission will be required to investigate anomalies and sectional legislation. Not only will it have to cut out the dead wood referred to by the Minister, but it will also have to deal with sectional legislation because no "fair dinkum", genuine Law Reform Commission could tolerate the Liquor Act as it presently stands. I will guarantee that one of the commission's first recommendation will be that the Government should adopt a policy of conscience in relation to the Liquor Act, because it is not genuine, honest or "fair dinkum". Any Law Reform Commission that considered it would be horrified and would not approve of it.

There is a big field open to the commission in the law relating to the sale of goods, and it would take me another 90 minutes to deal with what is required in

that regard. It was as a result of southern investigations into the Testator's Family Maintenance Act, the Guardianship of Infants Act and the Succession Act that improvements were made in Queensland in those fields. No doubt Queensland was adopting or plagiarising the work of law reform committees in the South in that instance.

An important point, too, is that the commission should consider whether a right of appeal should be granted from decisions of administrative tribunals and officers, and whether, in this regard, it may be desirable to have some independent authority—either a court or some other body—to consider such appeals.

I referred recently in this Chamber to land in Merivale Street that I said was frozen. The Minister said that there was not an ounce of truth in what I said. I could take all the hon. members in this Chamber to that vacant land and the neighbours would tell them that it has been vacant ever since the Wilbur Smith Report was published. Technically, it is true, no notice of acquisition was ever served on the owner; but, according to the plan, the land is involved and, consequently, cannot be sold. No sane man will buy it, because other land is available elsewhere in the city. This land would be attractive only if permanent improvements could be put upon it.

Mr. W. D. Hewitt: If you are referring to the same block of land as I think you are, it was actually sold when the intending purchaser heard about the proposed plan, and the sale fell through.

Mr. BENNETT: That is correct. One could say that it was sold in a moral sense. The technicalities of the sale had not been completed and the contract had not been signed. There was to be further discussion or argument about the final price, but they were within $1,000 of each other. If the plan had not been announced, the contract would have been signed and the land would have been sold. However, it was announced, and the owner has not since been able to get an offer for the land. It is true, of course, that the prospective purchaser did not go on with the purchase. Admittedly the Government has said, "We might never need your land." On the other hand, that does not comfort any prospective purchaser who has alternative propositions open to him, and so the land is vacant and will remain vacant.

I believe also that the commission should review the law—this is one of my long-time arguments in relation to the law of courts in running-down cases—relative to personal injuries, and to consider the problems that arise where the plaintiff or the defendant, or both, are covered by liability insurance policies, and to review the retention of the fault rule in such cases. When I refer to the "fault" rule, it is a question of whether one motorist or the other or a pedestrian was negligent.

The law relating to negligence is very complicated and complex, and the hearing of cases may extend over some days before a decision is given as to who was negligent and thus was responsible for the accident. Certainly no pedestrian walks out onto a roadway with definite suicidal tendencies. His action is the result of error, lack of concentration, or worry; undoubtedly his mind is not concentrating on the job in hand. For that reason, because there is an insurance scheme designed to protect those injured on the highway, if negligence cannot be proved, should a person who is maimed, and perhaps put out of work for life, be deprived of the opportunity of successfully establishing his claim? In any case, I understand that in running-down cases, or, alternatively, in cases in which persons are injured on the highway, legal fees amount to 14 per cent. of the moneys paid out in damages. That is a lot of money. I believe that in order to avoid costly litigation and to eliminate time delays in the courts, the question of fault should not be able to be contested. The only consideration should be how much a person should get according to the nature of the injuries and the damage he has sustained.

Getting down perhaps to more mundane things I should say that the Law Reform Commission also should consider whether or not the robes that are worn in the legal profession are really necessary. I think there is a controversy over that. A Mr. Ogilvie, a Tasmanian legal practitioner, was one of the latest to raise the question of modernising court dress. He moved a motion at a meeting of the Law Society of Tasmania to discuss the matter. Of course, there are arguments for and against. Reference was made, first, to the inconvenience in an amalgamated profession of making a complicated change of clothing, from interviewing a client in street dress, to appearing in court in robes. Of course, that does not apply to Queensland. There is no amalgamation of the profession in this State; one must practice either as a barrister or as a solicitor. One cannot practise as both, and there is no amalgamation. The argument against robing was set out in the following terms. It is rather a long quotation, but I will read it because it sums up the attitude of those opposed to robing. It reads—

> "The tragedy of our Courts is that means have come to count more than ends, form more that content, appearance more than reality. The antique ritual is positively harmful, for it drives a wedge between the citizen and the law, outlawing him as a stranger in his own land, making him hostage to customs which he has had no share in framing. A small reform like the shedding of horse-hair would be a step in the right direction; for it would enhance rather than diminish the

> dignity of the law. Judge and counsel would be seen to be human, too, and would no longer feel the need to go on acting a part which they mistakenly believe tradition demands of them: wigless, they might think twice before daring to say to a jury 'albeit' when they mean 'although', and 'avocation' when they mean 'job'. There is a need for flexibility instead of fossilisation, for all the diverse elements in a Court-room to be brought nearer together, not driven further apart, a need for communication, and, above all, understanding."

I preface any further remarks I have to make by saying that I am fully aware that there is controversy on this issue. I suppose one would not get a unanimous decision on it from any meeting of lawyers. Although there would be no unanimous decision, I think it is something that the commission could well consider in relation to the practice of law in this State.

I believe that it is time for a review of the law of evidence in both civil and criminal cases. In my estimation, over the years courts have whittled down the protection given to an accused in a criminal trial. It has been whittled down by decisions, sometimes of the House of Lords, although, incidentally, our own High Court does not always, or necessarily, follow the House of Lords. In fact, on occasions it has violently disagreed with the House of Lords.

I believe that the full protection that has been given to an accused over the years should be preserved. I have heard it suggested—it has been a strong rumour in this State—that the Minister for Justice is giving definite and serious consideration to the elimination of the practice, written into our Criminal Code, whereby a prisoner has the right to make a statement from the dock without entering the witness box.

Mr. Houghton: Where did you get that from—the Trades Hall?

Mr. BENNETT: No. I got it when I was down at Redcliffe with tourists on Sunday. We were all drinking alcohol there because we could not get a drink at Cleveland. I can only infer that the hon. member for Redcliffe and Mr. Speaker exert a strong influence on the Government.

It would be a sad thing if the Minister deprived accused persons of the right, which they have enjoyed over a long period of time, to make statements from the dock. Admittedly, when a prisoner makes a statement from the dock the Crown Prosecutor is not entitled to cross-examine him; but the members of the jury are given the opportunity of listening to his statement and giving it due weight and deciding how much credence they should place on it. If they disbelieve it, they do not accept what he says; on the other hand, if they believe it they act upon it and give it the weight that they think it deserves.

The practice of allowing a prisoner to make a statement form the dock is of paramount importance. There are some men who, although able to recount events, become very nervous in the witness box and are unable to think because of their nerves and hypertension resulting from a considerable amount of worry during the period prior to their trial. They are not physically or mentally equipped to stand up to severe cross-examination by a Crown Prosecutor who may cause their credibility to be doubted. I would be horrified if there was any truth in the suggestion that the Minister proposes to remove that provision from the Criminal Code.

The Law Reform Commission should also review all imperial Acts that are in force in this State and, so far as is practicable, engage in the preparation of legislation to repeal them as imperial Acts and re-enact such parts of them as should remain part of the law of the State.

In his introductory speech the Minister referred to a very ancient Act that became useless or futile in this State and was repealed. I know that there are other imperial Acts that, although they have application in the State, should be repealed. I hope that they are. If there are any provisions left in them that are of any importance they should be written into our own Queensland Acts. A review should be made of the Acts Interpretation Act so that it can be modernised.

The Law Reform Commission should review submissions made by the International Commission of Jurists. Perhaps the Minister has not had time to read the recommendations of that body, so I point out to him that the Law Reform Commission would be able to act on recommendations or principles laid down by the International Commission of Jurists, which comprises top-line lawyers from all over the world. Its recommendations are well worth considering.

Although this State has a law relating to contracts, it has not been changed very much over the years and it needs codifying. The law of contracts is made up of the actual statute itself, the Sale of Goods Act, and decisions of our courts and other courts, and it also embodies, to some extent, custom and practice. I feel that the law of contract should be looked into. Although our courts are very busy—I have no complaint about the courts for any delays that may have occurred from time to time—we must insist on there not being any opportunity to cause delays. Strange to say, since the last amendment of the District Courts Act to increase rather substantially the jurisdiction of those courts, the work in the Supreme Court has lessened to such an extent that it can be truthfully said there is no longer any delay in the Supreme Court list. In fact, the Supreme Court is insisting on cases being set down when sometimes it is not altogether convenient for practising lawyers. This position has arisen because the District Court jurisdiction has been extended and also because the

Supreme Court fire, to which I have already referred, has prevented the Full Court from sitting. I do not think it will sit again this year, except on ceremonial or formal occasions such as for the admission of barristers and solicitors. It is not sitting, not because the present accommodation is inadequate (although it is rather difficult for it to sit in the Bankruptcy Court, where it has been sitting as a Court of Criminal Appeal) but fundamentally because the Supreme Court library is at present out of use and inaccessible.

It was tragic that the Supreme Court should have been burnt down as it was, but it seems extraordinary that such a happening should put the top court of this State out of operation because no alternative accommodation is available for the Supreme Court library. It is impossible to hold a Full Court sitting without the Supreme Court library being available. The library was not materially damaged by the fire, although water did a certain amount of damage. I understand that the volumes have been dried out and that they are available, but there is no accommodation for the library, which has to be properly set out and indexed. The books must be accessible but so far I believe that no suitable hall or room is available. It has been suggested that it will be set up on the top floor of the old Magistrates Court building. I sincerely hope that that suggestion is without foundation. If that happens, it will be most inaccessible and, again, that building presents an extremely high fire risk. The old hoses were marked "out of commission" by the Fire Brigade some time last year—many months ago—and it was only after I asked a question in Parliament that they were replaced. A fire in that building could be a real death trap. I sincerely hope that the Supreme Court library is not put there because if a fire occurred it would certainly be destroyed.

I am bringing this matter into the debate only with reference to delays. There are certain delays in the District Court, which is a particularly busy, energetic and active court, but since its jurisdiction was extended its work has increased markedly. It has also been inconvenienced by the temporary arrangement of lending its courts to Supreme Court judges. When dealing with delays I have always argued—I hope that the Law Reform Commission will consider this matter—that we should appoint an adequate number of judges. I do not suggest that the Supreme Court bench is inadequately staffed.

Dr. Delamothe: There are four judges currently sitting in criminal jurisdiction.

Mr. BENNETT: I concede that there are, and they are necessary. I assure the Minister that they are fully employed. A couple of weeks ago I appeared in a District Court criminal trial in which there had been a delay of five months in bringing the matter to trial. As the Minister makes that observation, I admit that it was not the fault of the District Court that the delay occurred.

Dr. Delamothe: The Chairman of the District Court had something to say quite recently about some causes of delay.

Mr. BENNETT: I read with great interest the observations made by the Chairman of the District Court. I say quite frankly that he did not implicate counsel at all; he said we were not responsible in any way whatsoever. He did castigate the other arm of the profession. Without entering into that controversy between judge and solicitor, might I say that I do think that at least some of the judge's observations were quite accurate. Of course, he did qualify them subsequently to some extent.

There is a call-over three or four times a week. There can be three call-overs or adjourned call-overs in the District Court, which necessitate the presence of somebody for some time, and there can be a call-over in the Supreme Court in the same week. An hour and a-half to two hours can be spent at a call-over and very often a barrister has to be in attendance at another court by 10 o'clock or he will be castigated and disciplined. So it is not easy to get round these things.

I realise that there are perhaps faults in the profession which cause delays. I do not deny that. I do not blame the courts for delays, but it appears to me that the District Court at the moment is inadequately staffed. The work involved requires the attention of more judges. I have always adopted the argument that to have one judge who is semi-surplus, whose time is not fully occupied, is better for the litigant and more advantageous for the taxpayer than to have cases delayed. There are unfortunate people starving, perhaps, for want of the money involved in damages suits, there are those who could invest the money to their advantage, but have to wait and lose the opportunity to make a good investment; and I know, from other legal men informing me of their clients, that there are people who could obviate bankruptcy proceedings if their cases were heard. My argument is that it is cheaper for the taxpayer and better for the litigant to have appointed a semi-surplus judge who is idle for portion of his time than to have inadequately staffed courts.

In that regard I refer to an article written by Mr. D. W. Hicks, Q.C., who, in his proper phraseology, quoted what has been the attitude of courts to delays over the years. He does not deal with Queensland, but of course the same principle applies. He said—

> "We believe that Justice delayed is Justice denied. We believe that this is not a mere catch-phrase but a truism and that at present there are great delays in the administration of justice. These delays have not occurred only recently, but have gone on over a number of years. I am quite sure that Honourable

Members on that side as well as those on this side will want to assist and do all that can be done, without impairing the image or the quality of justice, to shorten those delays and reduce the expense of litigation within the Courts.

"These were the words with which the Attorney-General of New South Wales, Mr. McCaw introduced into the Legislative Assembly on the 12th October, 1965, the Supreme Court and Circuit Courts (Amendment) Bill which establishes a Court of Appeal as a new division of the Supreme Court."

In case I am misunderstood in the earlier remarks I made when the Minister interjected, I want to make it quite clear that the five months' delay was not the fault of the District Court. It was the fault of the Crown Law Office, and it did an injustice to my client by making him wait for five months because the man who was to be charged conjointly with him absconded from bail. There was a period of waiting of at least five months, after which the main witnesses could not remember with accuracy what happened on the occasion in question. My client adhered to his bail and appeared for trial from time to time, and was prejudiced by the misdemeanour of the prisoner charged with him. He therefore suffered injustice as the result of a delay for which he was not responsible. The fundamental reason for the delay was that the Crown Law Office was not prepared to proceed against him, as was his entitlement, when the other man absconded, in spite of my objection to adjournments over that period.

I should say that the Minister would be well advised to consider that the expense to the State of providing an adequate number of judges is well compensated for by the saving of expense to litigants and the preservation of justice in the criminal field in this State. I might mention that it is to be sincerely hoped that the present acting judge of the District Court, whose appointment I understand terminates at the end of this legal year, is continued in his office next year. It would be unfortunate if the numerical strength of the District Court bench was reduced by failure to reappoint him at the beginning of next year when I understand that some of the District Court judges will be taking leave.

In conclusion, I summarise the Opposition's attitude to the Bill by saying that we think it introduces a desirable measure of reform in the practice and procedures of the law in this State. My colleague the hon. member for Baroona will preserve the dignity, importance and place of Parliament by moving his amendments, which I am quite confident the Minister will accept.

The House adjourned at 12.58 p.m.