Queensland

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Legislative Assembly

FRIDAY, 29 OCTOBER 1948

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have been caused by the shortage of galvanised iron, and that the reason given for such prohibition was that the drums are required for the Queensland-British Food Corporation project at Capella?

"2. If so, will he take steps to ensure that farmers are not thwarted in their desire and efforts to increase food production by such a policy?"

Hon. J. LARCOMBE (Rockhampton) replied—

"1. It was not the intention of the Commissioner of Main Roads that primary producers should be precluded from purchasing used bitumen drums available on Main Roads works.

"2. Used bitumen drums will be available to local primary producers as hitherto, and a number will be provided for the Queensland-British Food Corporation. To avoid any misunderstanding in the matter a further instruction is being issued by the Commissioner."

ADULTERATION OF TEA.

Mr. LUCKINS (Maree) asked the Secretary for Health and Home Affairs—

"Will he consider having teas now sold for home consumption analysed, with a view to ascertaining if any adulterants are added to any of them, and if so, inform the House what adulterants are added to what brands?"

Hon. A. JONES (Charters Towers) replied—

"Teas are periodically examined by my Department. Fourteen samples submitted to the Government Analyst during the past year were reported by him as conforming to the legal standard and fit for human consumption. Over the last thirty years tea has never been found to contain an adulterant. If the Hon. member has any information as to where adulteration is suspected, the Department will be pleased to have the tea analysed."

STOP-WORK ORDER, COOLANGATTA.

Mr. PLUNKETT (Albert) asked the Acting Secretary for Labour and Industry—

"1. Has his attention been drawn to a report in the 'Brisbane Telegraph' of 27 October that following a stop-work order placed on a building at Coolangatta, drainage and sanitation works were suspended and that in consequence foodstuffs in these and adjoining premises were left subject to contamination?

"2. In view of the menace to public health caused thereby, will he take immediate action, in accordance with the policy previously announced, to suspend the stop-work order to allow the necessary drainage and sanitation works to be completed?"

Hon. W. M. MOORE (Merthyr) replied—

"1. and 2. The matter was brought to my notice a few days ago, and I am having inquiries made."

FRIDAY, 29 OCTOBER, 1948.

Mr. SPEAKER (Hon. S. J. Brassington, Fortitude Valley) took the chair at 11 a.m.

QUESTIONS.

SALE OF BITUMEN DRUMS TO FARMERS.

Mr. SPARKES (Aubigny), for **Mr. MACDONALD** (Stanley), asked the Treasurer—

"1. Is he aware of the fact that, as the result of an instruction stated to have been given by the Commissioner of Main Roads, farmers are now precluded from purchasing from the Main Roads Commission used bitumen drums which they have been using for roofing of pig pens and similar farm buildings in order to overcome production set-backs which would otherwise

SUBSIDIES FOR SUBURBAN HOSPITALS.

Mr. KERR (Oxley) asked the Acting Premier—

"Will he give consideration to some scheme of subsidising of the costs of construction of suburban hospitals, the main cost of which is raised by local residents, or alternatively meet a portion of the yearly running costs?"

Hon. H. H. COLLINS (Cook—Secretary for Agriculture and Stock), for **Hon. V. C. GAIR** (South Brisbane), replied—

"It is not desirable to re-introduce the old voluntary system of financing hospitals which, with its inherent deficiencies, left a legacy of inadequate, ill-equipped and badly situated hospitals, and for the rectification of which the district system had to be designed. The policy for the further development of hospital provision within the metropolitan area is one of decentralisation. That policy will be implemented as early as practicable by the Brisbane and South Coast Hospitals Board, which is the authority charged with the function of the treatment of the sick within its district."

ELECTRICITY CHARGES, TEMPORARY HOUSING PROJECTS.

Mr. NICKLIN (Murrumba—Leader of the Opposition) asked the Secretary for Public Works—

"In view of the statement on page 86 in the Auditor-General's report that the Queensland Housing Commission considered that charges made by the Brisbane City Council and the City Electric Light Company Limited for electricity supplied to temporary housing projects were excessive, will he inform the House—

"1. What was the difference, if any, between the tariff rates payable by the commission and those payable by private consumers?

"2. On what grounds does the commission base its claim that the charges paid by it were excessive?"

Hon. W. POWER (Baroona) replied—

"1. Private consumers are assessed at domestic tariff rate which rate in respect to the Brisbane City Council is authorised by ordinance. Electricity is supplied to the Commission's temporary housing areas and metered in bulk. In its largest temporary housing establishment at Holland Park, supply is measured through five (5) meters and the aggregate of the readings (including supply for street lighting, which is necessary within the area) is divided by the Council equally among the 549 families living in the area, and is assessed at domestic tariff rate as if each family was separately metered. In this regard it is pointed out, that when the ordinance which authorised the domestic tariff rate was approved, the emergency necessitating temporary housing to such a large extent was not contemplated, and it is, therefore, doubtful if such ordinance applies to such emergency areas or whether any ordinance applies in respect of this supply.

"2. Electricity suppliers were unable to instal meters to individual tenements owing to shortage of supply, consequently, there was no alternative but to place a flat rate charge on tenants. Flat rate charges, which were considered by officers of the Council's Electricity Department to be the maximum which could be reasonably charged to tenants, were made. Such charges were paid to the suppliers. To meet the Council's levies on the commission it would have been necessary to increase tenant's charges abnormally. If this were done, tenants in temporary accommodation would not pay the rates and would demand that the tenements be metered. There is no doubt that the City Council, if its levies were paid, would receive from these tenants a greater percentage return on capital outlay than that obtained by it from householders of any suburb or any section of a suburb, and the Commission considered it would not be justified in making payments from its funds to provide the Council with such abnormal percentage on outlay. It is admitted that some tenants, by unnecessary use of light and power, would probably exploit the system which provides for supply through bulk meters. However, there is no way of policing and correcting misuse of electricity supply except by having tenements separately metered. The charges made to tenants were:—

Prior to 5 April, 1948.

2s. 3d. for lighting and minor electrical appliances.

1s. 9d. for power used for cooking appliances.

From 5 April, 1948.

2s. 3d. for lighting and minor electrical appliances.

1s. 9d. for power used by electric griller.

3s. 6d. for power used by electric stovette.

10d. for power used by motor type refrigerator.

3s. for power used by element type refrigerator.

A conference is now being arranged between the Brisbane City Council and the Housing Commission in connection with supply charges for electricity or separate installation of meters for each tenant, when it is hoped the whole matter will be settled to the satisfaction of all parties."

SUPPLIES OF ROOFING IRON.

Mr. CHALK (East Toowoomba) asked the Acting Premier—

"1. In reference to his reply on 15 October as to the Commonwealth Government having secretly stored at Wallangarra for approximately two years a quantity

of approximately 750 tons of galvanised and black corrugated iron, has he been able to establish the correctness or otherwise of such information?

"2. Has he received any information regarding a large quantity of iron having been removed from Wallangarra Commonwealth Store to New South Wales since 15 October?"

Hon. H. H. COLLINS (Cook—Secretary for Agriculture and Stock), for **Hon. V. C. GAIR** (South Brisbane), replied—

"1. A communication was forwarded to the Right Honourable the Prime Minister on 15 October in respect of this matter, and the Prime Minister has promised an early reply.

"2. No."

HOUSING COMMISSION AND PURCHASES OF TOOWOOMBA LAND.

Mr. CHALK (East Toowoomba) (11.6 a.m.): Mr. Speaker, I desire to bring to your notice and to the notice of the House the fact that the question that I gave notice of yesterday does not appear on the business sheet in the form in which I gave it, and unless you rule otherwise I propose to ask the question in its original form.

Mr. SPEAKER: In reply to the hon. member I want to say that his question, as it appears on the business sheet today, gives him the right to get all the information he desires. That part of the question which he complains has been omitted, was of a purely personal nature and in my opinion not allowable. The question in its present form will give him all the information he desires.

Mr. Pie: Why did you leave it in the second part?

Mr. SPEAKER: Order! I did not catch the remark of the hon. member for Windsor.

Mr. Pie: You did not catch it? I said, why did you leave that portion in the second part of the question, and cut it out of the first?

Mr. SPEAKER: I want to tell hon. members that I gave this question deep consideration yesterday, and that my desire always is to be absolutely fair to hon. members. On this occasion the hon. member for East Toowoomba has ample opportunity to secure all the information he desires.

Mr. CHALK: My point is that what you have left out of the question is very vital to me.

Mr. SPEAKER: Order! Is the hon. member going to ask the question?

Mr. CHALK: Yes, Mr. Speaker, I intend to proceed. In accordance with your ruling, Mr. Speaker, I now propose to ask the question, but I do it under protest. I ask the Secretary for Public Works—

"1. Is it a fact that the Public Curator wrote to the Toowoomba City Council on 4 January, 1947, in regard to the purchase of certain land from one Eric Edward Goodall and requesting transfer of the said land from Goodall to the Housing Commission?

"2. Is it a fact that on 21 May, 1947, the Public Curator wrote to the Toowoomba City Council advising that on 18 October, 1946, the State Housing Commission purchased from F. A. R. and H. A. Downes an area of land situated in East Toowoomba, and requesting transfer of the said land from Downes to the Housing Commission?

"3. Is he aware that on 15 January, 1947, and 25 August, 1947, the Toowoomba City Council made such transfers in their rate books, and in accordance with the Local Authorities Act then advised the Valuer-General?

"4. Is he aware that the Council has entered the Housing Commission as the owner of the properties, and accordingly no rates have since been levied on the said land.?"

Hon. W. POWER (Baroona)—Secretary for Public Works, Housing, and Local Government) replied—

"1. to 4. The hon. member should not be asking for discovery of evidence until an order on that behalf is made by the court."

CONSTITUTION OF GREATER TOOWOOMBA.

Mr. McINTYRE (Cunningham) asked the Secretary for Public Works—

"With reference to his answer to my question of 27 October regarding the proposed creation of a Greater Toowoomba area, is it intended to afford an opportunity for the holding of a ballot in the areas concerned in order that the wishes of the electors in this matter may be determined?

Hon. W. POWER (Baroona) replied—

"I would refer the hon. member to my answer to his question of 27 October. These matters are in a preliminary stage and no decision has yet been made to create a Greater Toowoomba. The hon. member is anticipating things."

NEW RAILWAY TIMETABLE, NORTH COAST.

Mr. EVANS (Mirani), for **Mr. LOW** (Cooroora), asked the Minister for Transport—

"From what date is it anticipated the November railway timetable for the North Coast will be in operation?

Hon. J. E. DUGGAN (Toowoomba) replied—

"A definite date cannot be given at present."

PRIVILEGE.

EDITING OF QUESTIONS BY MR. SPEAKER.

Mr. HILEY (Logan) (11.12 a.m.): Mr. Speaker, I rise to a point of privilege. I wish to inform you that I intend to submit in writing notice of a motion examining as a

breach of privilege your handling of the question submitted by the hon. member for East Toowoomba.

Mr. SPEAKER: The hon. member gives notice of it?

Mr. HILEY: Yes.

INTERJECTION FROM FLOOR OF HOUSE.

Mr. AIKENS (Mundingburra) having given notice of a question—

Mr. Mann: You look after Townsville and we will look after Brisbane.

Mr. AIKENS: You would not find all the dirty dumps like that in Townsville, boy.

Mr. SPEAKER: Order! I ask the hon. member for Mundingburra to be more careful in his conduct. He has no right to shout out interjections when crossing the floor.

Mr. AIKENS: They incited me.

Mr. SPEAKER: Order ! I ask the hon. member to resume his seat.

LANDLORD AND TENANT ACT OF 1948 AMENDMENT BILL.

INITIATION.

Hon. W. POWER (Baroona—Secretary for Public Works, Housing and Local Government): I move—

"That the House will, at its next sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the Landlord and Tenant Act of 1948 in certain particulars."

Motion agreed to.

SUPPRESSION OF GAMBLING ACTS AMENDMENT BILL.

INITIATION.

Hon. W. POWER (Baroona—Secretary for Public Works, Housing and Local Government): I move—

"That the House will, at its next sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend The Suppression of Gambling Acts, 1895 to 1936, in a certain particular."

Motion agreed to.

STATE HOUSING ACTS AND OTHER ACTS (RATE OF INTEREST) BILL.

INITIATION.

Hon. W. POWER (Baroona—Secretary for Public Works, Housing and Local Government): I move—

"That the House will, at its next sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to provide for a reduction in the rate of interest payable to the Queensland Housing Commission in respect of advances and contracts of sale made pursuant to the State Housing Acts, 1945 to 1948, and certain other Acts and to the Workers' Homes Corporation in respect of contracts of sale made pursuant to the Workers' Homes Acts, 1919 to 1934."

Motion agreed to.

NURSES AND MASSEURS REGISTRATION ACTS AMENDMENT BILL.

SECOND READING.

Hon. A. JONES (Charters Towers—Secretary for Health and Home Affairs) (11.17 a.m.): I move—

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

Hon. members have now had an opportunity of seeing the Bill and they will note that it contains only three clauses and two principles. Yesterday the House discussed at some length the acute nursing shortage at hospitals throughout the State; and one of the principles that we are concerned about in this Bill is the deletion of that part of the Nurses and Masseurs Registration Acts that makes it obligatory on the trainee nurse to be 21 years of age before she can become registered. During the war years a number of trainees were taken in at an age that made it possible for them to complete their courses perhaps at 20 years and 3 months or 6 months and they therefore have to wait for six or nine months thereafter before they can become registered.

Mr. Morris: Could they not be even younger than that?

Mr. JONES: They could be. I had a telephone ring yesterday morning from the Nurses and Masseurs Registration Board asking me to bring this legislation before the House as soon as possible and this was the reason for my request to the Acting Premier to allow me to put this Bill through all its stages today. They say they have a number of nurses throughout the State who are affected in the way I have described and they are anxious that these girls should be in a position to take employment in some of our hospitals where their services are urgently needed. That is all that is contained in the amendment. It deletes the age limit of 21 years and it will make it possible for any girl who has completed her course to be eligible for registration.

The second principle contained in the Bill has reference to physiotherapists. Under the Nurses and Masseurs Registration Act there is no protection for physiotherapists, although there is protection for masseurs. After all, physiotherapists carry out a much more important function from the medical point of view than masseurs.

Mr. Sparkes: What is their job?

Mr. JONES: I will give the hon. member a definition that I obtained in connection with the work of physiotherapists. It reads—

"Postural exercises for deformities of legs and flat feet, round shoulders, curvature of the spine. This is becoming very important as recent surveys by the Commonwealth and school health services of this States have shown quite a number of children suffering from these defects.

"Poliomyelitis—the physiotherapist carries out re-education.

"In fractures, physiotherapists carry out the graduated movements, and increase muscle power by remedial exercises, aided by various forms of electricity, such as short wave and infra red rays. They also treat sprains.

"In many conditions such as chronic rheumatism, the pain is alleviated by short wave and infra red rays, also exercise of the parts, preventing deformity and strengthening the muscles.

"At the Women's Hospital the physiotherapists give muscle exercises to women ante- and post-natally."

Hon. members will see that physiotherapists have become recognised by the medical profession as doing very valuable work. As a matter of fact, a deputation of several medical men waited on me some time ago asking for this protection for physiotherapists. They pointed out, as I have already stated, that the work of physiotherapists was much more important than that of masseurs. No-one can advertise himself as a masseur unless he is registered under the Act, and all we are asking in the case of physiotherapists is for the same protection as masseurs. I think I mentioned at the initiatory stage that until, I think, 1942, we had no provision at our University for a course of physiotherapy and consequently anyone who desired to get a diploma had to go to the other States. In 1942 that provision was made and today many girls particularly are taking this course. It is a three-year course and a girl who takes it is entitled to some protection. At present in Brisbane there is a registered firm that advertises that it will make certificates available in physiotherapy, but the certificates given by this firm are not recognised. Moreover, there is no reciprocity of registration with other States and we think it is our duty to do what has been done in the other States in this connection and make provision so that those who take up this profession can enjoy reciprocity with the other States if so desired.

Mr. Sparkes: And practise?

Mr. JONES: That is so. These are the only two principles contained in the Bill.

Mr. NICKLIN (Murrumba—Leader of the Opposition) (11.23 a.m.): The Opposition appreciate the Minister's desire to obtain a speedy passage of this Bill, and I can assure him we will help him in that respect. After listening to the Minister yesterday dealing with the nursing position in this State, and knowing, as we do, the urgent need to make available to the hospitals of this State all the trained nurses possible to enable hospitals to fill the shortages of staff with which they are faced, and appreciating the fact that a number of girls trained in the nursing profession are awaiting the passage of this legislation to obtain their certificates, it is right that we should ensure the speedy passage of the measure.

As the Minister states, it is a simple Bill containing two principles, with which we are in entire accord. The first principle is that allowing nurses who have completed their training to obtain registration even though they may not have attained the age of 21 years, the age at present provided in the Act. This is a particularly important principle and I feel that it will have an effect on the shortage of nurses in this State, because one of the greatest difficulties at present is to hold the interest of girls in nursing from the time they leave school until they reach the age of 18 years, which was the age to permit of their entering a hospital for training.

The age has been reduced and I understand that hospitals now take in girls of 17 years of age. I think that is right, because I am afraid we have lost a number of very good nurses because girls had to do something to fill in the period between leaving school and entering a hospital for training. In the intervening period they perhaps obtained good positions and did not feel like sacrificing them to enter the nursing profession, where they would receive a lower rate than that which they were earning.

As a result we have lost a number of nurses, although I have known other girls who have sacrificed excellent civilian jobs to gratify their desire to become nurses. That is the spirit we like to see and that we must encourage. The period of training laid down at present is four years in hospitals of more than 20 beds and five years in hospitals of between 10 and 20 beds. During the war the period was reduced to three years, but I understand that war-time provision is not now operating and the girls have to complete their full period of training as prescribed in the course.

As a result of the provision that will be written into the Act allowing girls to start their training earlier, we should be able to stop the drift that takes place between the school-leaving age and the present entry age of 18 years, and it is possible that in consequence we shall get more girls to take up nursing as a profession. All hon. members will admit that anything that will overcome the shortage of nurses must be adopted, so long as the necessary standard is maintained. I do not think there will be any lessening in the standard of training to be given to our girls because the standard set in Queensland hospitals is high, as is evidenced by the fact that so many southern hospitals are pleased to employ those girls who have received their training and obtained their certificates in Queensland. Again I emphasise the fact that the desirable objective would seem to be to encourage girls to start their training

immediately they leave school. With the projected increase in the school-leaving age and the fact that nowadays most girls who enter into secondary education closely approach the age at which they can enter training at hospitals, it seems as though this gap were being closed, and this also should help in that connection.

Mr. Jones: That gap is the big difficulty.

Mr. NICKLIN: It is a very big difficulty. I do not know whether the Minister has thought of taking the girls into hospitals after they have passed their Junior at 16 years of age and before attaining the age of 17 years. They could take lectures and have preliminary training to help them in their training later. Anything that can be done to lessen this gap between the school-leaving age and the beginning of training should help to encourage more girls to enter the profession.

Mr. Jones: We are losing scores of young girls because they go into other avenues when they cannot start training as nurses.

Mr. NICKLIN: That is so, and I trust the position will be examined with a view to getting as many girls as we possibly can into the hospitals straight from school. I admit that it is not desirable for them to start their training too young, but they could have a preliminary probationary course in which much of the training they get now could be imparted to them and they could become accustomed to the atmosphere of hospitals before starting their real training.

It must be realised that at the moment there is keen competition for girls leaving school. In the commercial world there are many attractive vacancies. Many businesses are paying above award wages to obtain the services of these girls.

As a result our hospitals are suffering. If a young girl wishes to take up the useful profession of nursing, we should remove as far as possible all bars that might prevent her from doing so. If we do that we shall help to overcome the shortage of trained staff and, as I have already mentioned, prevent the drift between school-leaving age and the age at which girls can begin their training as nurses.

The second principle prohibiting the use of the title "physiotherapist," unless the person concerned is registered as such and holds the required certificate, is also very important. As the Minister said, there will now be reciprocity as between the States. We have laid down the principle in our Dental and Medical Acts, so that unless a man has the necessary qualifications laid down he cannot hang out his shingle and offer his services to the public as a dentist or a doctor. Physiotherapists and masseurs also, particularly the physiotherapists, play an important part in the treatment of the many diseases and disabilities the Minister detailed this morning. It would not be right to enable anybody to hang out a shingle telling the world that he is a physiotherapist if he does not possess the necessary qualifications. Such a person might do untold harm. As a profession physiotherapy has received university recognition, and a course has now been established setting a certain standard for the certificate awarded. After all, if a person is prepared to spend much of his time and money in becoming qualified, he should have protection against the quack. I agree entirely with that provision, particularly because it has been asked for by the Nurses and Masseurs' Association and the Australian Physiotherapists' Association, a recognised organisation of qualified operators in massage and physiotherapy.

The Bill is a desirable one, and we will help the Minister pass it through all stages, so that he may get assent to the Bill and enable girls who have the necessary certificate and are willing to take up nursing to fill the many vacancies existing at the present time in our hospitals.

Mr. MORRIS (Enoggera) (11.33 a.m.): Whilst I agree wholeheartedly with the first principle of the measure, I agree even more with the idea behind its introduction. The amending Bill is an indication that the Minister and the Government are recognising the vital principle of incentive about which we hear so much. This is a real recognition of the need for greater incentive than we have seen perhaps in any other Bill for quite a long while. It will give young girls who would not otherwise enter the profession of nursing the incentive to do so because they will know they will benefit at an earlier age than they can now.

The shortage of nurses, to which reference has been made this morning, is a positive one, and I hope that when this Bill is passed through all its stages it will help to overcome the shortage. I hope that as a result of the immigration schemes now being adopted we shall get quite a number of very young women who, because of the greater incentive now offered will enter the nursing profession and help overcome this shortage.

On the subject of physiotherapy, both the hon. member for Windsor and I raised the point that perhaps certain people at present practising massage, using heat, and even manipulation, might be detrimentally affected by the measure, but I was pleased to hear the Minister say that they would not be. For that reason we agree that the second principle, too, is a worthy one. War has taught us that the practice of physiotherapy is an infinitely more important science than was realised until the last few years.

Speaking generally, we think the Bill is a good one, we support it, and will do everything possible to give it a quick passage through this House.

Mr. AIKENS (Mundingburra) (11.36 a.m.): I am particularly pleased with the Bill, but I should have liked a little more time to study it and to deal with the old idea that a person becomes sensible and responsible only on reaching the age of 21 years. Right down through the ages we have taken the age of 21 years as being the age at which men and women reach a stage of responsibility

and mental balance yet we know that there are quite a number of young men and young girls who reach the age of sensibleness, mental balance and responsibility much earlier than the age of 21 years. We also know—as a matter of fact we have examples of it in this Chamber—that there are some men much older than 21 years who are completely irresponsible, completely senseless, and completely incapable of bringing a sane and sensible mind to bear on any subject. The same, of course, goes for women. Some men and some women never get out of the giggling, irresponsible age. Some young men and young women reach the age of responsibility much earlier than others. There is nothing sacrosanct about the age of 21 years and I am particularly pleased that the Government have at last recognised that fact. The Bill will do much to increase the intake of nurses into our public and private hospitals, although they must go to certain recognised public hospitals for their training. It is true, as the Leader of the Opposition has pointed out, that the hiatus or lacuna between the school-leaving age and the age of 18 years, which was previously set down as the age at which girls might enter public hospitals for training as nurses, may be regarded as being responsible for the loss of quite a number of young girls to the nursing profession. Between the time they leave school and the time they reach the age of 18 years they find their way to better-paid jobs outside the nursing profession and in other respects, too, they find that the jobs they have taken in order to keep them going until they reach the age of 18 years or until they get married or take some other job are sufficiently attractive to them.

Therefore, I am very much in accord with the principle that wipes out the mandatory age of 21 years for anything. I know that it is not possible to set an intelligence test for all people but if a girl enters a public hospital, even at the age of 16 years, and works and studies for four years and obtains her certificate for general nursing she should be able to go out into hospitals, public or private, and draw the wages and enjoy the conditions applicable to sisters in such hospitals. I see no reason why, if she obtains her certificate at the age of 19½ years, 20 years or 20½ years, she should have to wait until she reaches the supposedly magical age of 21 years before she can actually work as a trained nurse.

Mr. Hilton: The age of 18 years is recognised in Royalty circles.

Mr. AIKENS: Of course Royalty has special rules and special privileges.

Mr. SPEAKER: Order!

Mr. AIKENS: I know, of course, that we cannot discuss in this House two matters that are absolutely inviolate. They are Royalty and the Industrial Court.

Mr. SPEAKER: Order!

Mr. AIKENS: I am surprised at the hon. member for Carnarvon, a Temporary Chairman of Committees, suggesting that I should discuss them.

Mr. Hilton: I merely made an interjection.

Mr. AIKENS: It must be realised, as was stated the other day, that nurses' conditions and wages have improved. But strangely enough, the intake of nurses into public hospitals has not improved. Consequently, we must look further afield for the reason. I have given this matter a considerable amount of thought and study and I am convinced that one of the reasons why young girls today shy clear of the course of nursing and the nursing profession is the semi-military discipline that still obtains in our hospitals today.

Mr. SPEAKER: Order! The hon. member is drifting off the principles of the Bill.

Mr. AIKENS: I was going to work back to the Bill in a process of oral circumlocution, if you permitted me.

Mr. Jones: You'll be comin' round the mountain.

Mr. AIKENS: To use the vernacular, I was coming round the mountain. (Laughter.) It is true that in order to achieve the qualification of sister, these girls must do a tremendous amount of study in their own time. They must not only work 40 or 44 hours training as nurses but they must devote several hours every week to study for their qualifying examinations.

There is another vital matter in connection with the Bill, that is that there is a very serious and almost tragic shortage of tutor sisters in our hospitals. Consequently ordinary sisters and double- and triple-certificated sisters have to give up their time, voluntarily, in order to tutor trainee nurses. I know that the department and various hospitals boards have done all they possibly can to engage tutor sisters at some of the big hospitals. Although good wages and conditions have been offered there is a serious shortage of tutor sisters in public hospitals today. Consequently an additional burden is placed on the qualified sisters in our hospitals. And the ordinary sisters, if one can term them such, although some of them are extraordinarily competent in dealing with patients, have to give quite a lot of their time to trainee nurses to fit them for their qualifying examinations. The matron, of course, has to give lectures, the doctors, too, give lectures on various aspects of nursing, but in the main we suffer from a lack of tutor sisters, which is a pretty serious matter.

The trainee nurses have to put in several nights a week in study and if they want to leave the institution they must get permission and be back in the institution by a certain time.

Mr. SPEAKER: Order! The hon. member is getting away from the principles of the Bill. His remarks would be more in keeping in a debate on the Estimates.

Mr. AIKENS: One of the principles of this Bill is that when a trainee nurse passes her qualifying examination in general nursing and becomes what is termed a sister she can go out and take a position as a sister,

irrespective of her age. It does not matter whether she has qualified before she reaches the age of 21—she can take a position as a sister. I was merely outlining some of the conditions surrounding trainee sisters before they qualify as sisters. That is one of the principles of the Bill. Nevertheless I have dealt with it and I thank you, Mr. Speaker, for the latitude you have allowed in the matter. I will not pursue that argument any further. I suggest, however, that if we are going to build up the staffs of our general hospitals we must first of all not only make their wages and conditions better but we must also remove some of the military discipline obtaining in hospitals. If we do, we shall provide for better sisters.

Motion (Mr. Jones) agreed to.

COMMITTEE.

(The Chairman of Committees, Mr. Mann, Brisbane, in the chair.)

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

Bill reported without amendment.

MINING ACTS AMENDMENT BILL (No. 2.)

SECOND READING—RESUMPTION OF DEBATE.

Debate resumed from 27 October (see p. 1006) on Mr. Foley's motion—

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

Hon. T. A. FOLEY (Normanby—Secretary for Mines) (11.47 a.m.), in reply: There are a few points that I desire to put before the House.

With reference to the remarks of the hon. member for Logan, who stated that he was not in accord with imposing the condition requiring the lessee to bona fide and continuously work the lease, I point out that what we are aiming at is to tighten up the law with regard to what is called manning a lease. Under the present law the only provision that exists is a covenant in each lease to observe certain manning conditions, according to the area. There is always the difficulty that if a lessee is challenged for not manning his lease in a proper way, the fact that he has a couple of old-age pensioners or horse-breakers on the ground is sufficient to defeat an application for forfeiture when it comes before the warden, although it is generally known that the lease is not being worked at all.

I think the hon. member for Carpentaria referred to a certain lease in the Cloncurry district the other night, where the existence of a couple of horse-breakers was the only indication of the working of the lease, but they did no mining work whatsoever. The company is registered in London and has an agent here. In that case we got a ruling of the warden to the effect that the condition had not been fulfilled and we forfeited the lease. This Bill will clear up the matter so that there will be no doubt on this point in the future if an application is made for forfeiture. If it is found that the lease has not been worked continuously the warden will report accordingly, and action can be taken.

The Leader of the Opposition mentioned that he thought there was a danger of damaging our beaches in obtaining valuable minerals from them if we are not careful. I wish to point out to the House that we have supervising this class of mining a very fine inspector who has had a very wide experience and is a practical man. It has been his particular duty, in addition to other duties, to look after the work being done on our beaches in the mining of rutile, zircon, and monazite sands. I would explain that some leases are granted over areas between what is known as the berm and the water. There is always a danger there to what one might call a small natural mound caused by the action of the water and wind over a period of years. Further back there is a natural barrier, what is called the main dune. Between the berm and the sea mineral leases have been granted in the past, but most of the lessees have been very fair indeed in their mining operations in not disturbing that berm to any extent. We have no instance on record of any erosion or damage, even after severe cyclones, or that the berm has been in any way affected or eroded as the result of any mining operations.

Mr. Nicklin: Is any action taken to replant the herbage?

Mr. FOLEY: I will come to that. As to the ordinary main dune, we absolutely prohibit any mining operations under it, and naturally, mining companies work from the bank as close to the back of the main dune as they possibly can without disturbing it. After they have finished their work and filled in the excavation they level it with a bulldozer and plant natural grasses such as pig-face and other grasses that grow in the district. It has been found that the land is in a better state after the mining operations and the levelling off and grassing have been done than before.

Recently there have been applications to mine the sands actually covered by water. That is something new. I understand there have been five such applications before the Warden's Court and the warden desired particulars as to how the lease was proposed to be worked. In granting such leases I shall be guided a great deal by the warden's recommendation and should the leases be granted hon. members can be assured that every precaution will be taken by inserting a covenant in the lease to prevent risk of damage to the beach.

The hon. member for Maree raised the matter of recording data of the working of leases. I deplore the fact that we have not as much information as we should like as to the working of leases in the past, but I would point out that the department has a considerable amount of information about old mines. For instance, we have the wardens' reports, which are published monthly and are supplied to Parliament in

the annual report of the department. In addition, we have the reports of inspectors who in the course of their duties visited the mines in connection with applications for assistance or subsidy. And further, we have the reports of the geologists, who on the occurrence of anything of importance in their district map out the deposit and supply any other information that might be of importance. There are also the ordinary reports of the wardens, some of which are not published, but are rather extensive and contain valuable data which will be available on application to any mining investor, company, or syndicate desiring it.

The hon. member for Mundingburra referred in a very loud voice to certain prospecting authorities that had been granted, and endeavoured completely to misrepresent the whole position. Of course, he thrives on misrepresentation, but we are not throwing the prospector into the discard, as he endeavoured to suggest. As a matter of fact, we are helping the prospector in every part of the State. In the first place we give prospecting assistance, then we pay a subsidy on such developmental work as driving and sinking, and then we spend thousands of pounds annually by way of aid in the purchase of plant and machinery necessary to work the mine properly.

Mr. Luckins: Is the miner's right of any value now?

Mr. FOLEY: Yes. When the miner pegs out his claim he has certain definite rights over a given amount of land, just as the lessee has rights over a certain acreage.

Mr. Aikens: Has the prospector with a miner's right any right in these big prospecting concessions?

Mr. FOLEY: Yes. No existing title is interfered with in any way within the boundary of the prospecting authority.

Dr. Wooster, who was referred to as having received a grant of 100 square miles—

Mr. Aikens: Ten square miles.

Mr. FOLEY: No, not 10 square miles, as the hon. member said. It is 100 square miles.

Mr. AIKENS: I rise to a point of order. I definitely said Dr. Wooster had been granted 10 square miles.

Mr. FOLEY: And I am correcting the hon. member by pointing out that he has been granted 100 square miles—10 miles by 10 miles. He has been granted this authority over that area to prospect for silver-lead only.

Mr. Luckins: Not for any other mineral?

Mr. FOLEY: No other mineral whatsoever, and no other title in the area is affected in any way. Any miner or prospector can go in at any time and mine for any other mineral.

That prospecting authority would not have been granted to Dr. Wooster had there been any great development in silver-lead mining in that district. Not one silver-lead mine, lode or deposit was being worked in the area. When we received the application and laid down the condition that £2,000 must be spent each year, we naturally thought it desirable to develop one or two more silver-lead mines in the district by encouraging scientific prospecting.

Mr. Aikens: He is picking the eyes out of existing mines and treating the dumps.

Mr. FOLEY: That is being done for a definite purpose. In the case of an old mine, the first thing to do is to try and get some indication from the dump of the type of material that was mined originally. You cannot go down old filled-in shafts or tunnels. If on indications obtained from the dump the prospect is satisfactory, the next task is either to open up the shaft or begin drilling operations to determine whether the lode is still payable.

What we are endeavouring to do is to encourage the companies that have these prospecting authorities—there are approximately 11 or 12 of them—to ascertain whether what might be termed a second harvest that the prospector has no chance of reaping is available, and at what depth it is situated. He has already reaped the harvest, as it were, to be obtained from most of the known deposits that are easily worked or gouged out, and naturally a big mining company with a diamond drill and huge expenditure of money would look for the second harvest.

Mr. Luckins: Will the Crown preserve rights on the surface when they are mining underground?

Mr. FOLEY: We give only mining rights.

Mr. Aikens: Will you give the assurance that any genuine prospector can go onto Dr. Wooster's lease and prospect?

Mr. FOLEY: No. Naturally, Dr. Wooster can operate and prospect in that area. If there was any prospector on the area with his silver-lead lode or deposit pegged out under miner's rights conditions he would naturally be protected and could work and operate it as if nothing had happened in the district. If they are successful in locating a lode or deposit they will have to take out a mining lease before they can sink a shaft to mine and develop it. His right is merely to a given area of country for prospecting purposes only.

Mr. Aikens: And a monopoly of the prospecting rights.

Mr. FOLEY: It only gives them a period of 12 months and the covenant in the authority provides that a certain sum shall be expended. If at the end of 12 months the indications are that they have not completed their work, they can apply for an extension. We have had quite a number of cancelled leases recently in the Chillagoe district and other areas where people have carried out definite and systematic prospecting campaigns. Those prospectors have supplied us with full particulars of what has been done. The drilling reports, the geologists' reports, and information of a like nature, are there for any other

body of prospectors who might desire to follow them up in the hope that another line of attack may be more successful than theirs.

Mr. Luckins: Have you records of the diamond drills?

Mr. FOLEY: Yes.

I feel I have answered most of the points of any importance raised by hon. members and I therefore have much pleasure in asking them to agree to the second reading of the Bill.

Motion (Mr. Foley) agreed to.

COMMITTEE.

(Mr. Devries, Gregory, in the chair.)

Clauses 1 to 8, both inclusive, as read, agreed to.

Clause 9—New s.45B inserted; Improvements on forfeited or determined mining lease, &c.—

Mr. HILEY (Logan) (12.6 p.m.): I move the following amendment:—

"On page 6, line 53, after the word 'Crown,' insert the words—

'in right of the State.' "

Because of the dual sovereignty of the Crown in Australia, the State Crown in the right of the State of Queensland and the Federal Crown in the right of the whole Federation of Australia, it is necessary that the meaning of the word "Crown" should be clarified. That is the purpose of my proposal to insert the words "in right of the State." It makes it perfectly clear that a Crown debt means a debt due to the Queensland Crown and that it has no relation whatever to the Commonwealth Crown. I commend the amendment to the consideration of the Minister.

Hon. T. A. FOLEY (Normanby—Secretary for Mines) (12.7 p.m.): There is no objection to the amendment. I agree with the hon. member for Logan that it clarifies the meaning of the word "Crown." I accept the amendment.

Amendment (Mr. Hiley) agreed to.

Mr. HILEY (Logan) (12.8 p.m.): I had intended to move another amendment on line 54 but in view of the discussion that has taken place I am satisfied that it would be difficult to achieve the purpose of that amendment and I do not now propose to proceed with it. However, I move the following amendment:—

"On page 7, line 12, after the word 'therein,' insert the words—

'or chattel thereon.' "

This clause deals with a mining lease that is subject to forfeiture. If the owner of the plant fails to remove it within a reasonable time the Minister may quite properly take it and sell it. The clause, in a succeeding part, gives statutory direction as to the disposal of the proceeds of the sale and in this part of the clause endeavours to protect mortgages or liens on the property. The only mortgage the clause protects is a mortgage that is a charge on the mining lease itself. If you have a mortgage or lien that charges the plant on the lease but excludes the lease itself, the Minister is left with no option but to pay the proceeds to the lessee, notwithstanding the fact that the mortgage extends to the plant. If my amendment is accepted, where the plant is subject to a mortgage or a lien, the mortgagee will be protected, whereas at present the protection will not be given unless the lease itself is the subject of charge.

Hon. T. A. FOLEY (Normanby—Secretary for Mines) (12.11 p.m.): I am afraid I cannot agree with the hon. member for Logan and accept his amendment. It is not of very great importance to the lessee, because preceding provisions of the Bill protect him in the distribution of any moneys that may be realised from a sale. If, for instance, it is found impossible to dispose of plant and equipment privately it is submitted to auction. The Bill provides that then certain things shall be done with the moneys received from that sale. Crown dues must be liquidated, for instance, as well as rates due to a local authority and if there is any mortgage on the property the mortgagee must receive consideration. If there are any chattels or items that are not disposed of they will automatically become the property of the Crown. We should not alter the position as it is laid down in the measure. As I pointed out in an earlier discussion, we have in this clause practically followed the provisions laid down in the Local Government Act when sales of property take place. I feel we are on safe grounds in following that course and that it is better to leave the clause as drawn by the Parliamentary Draftsman.

Mr. HILEY (Logan) (12.18 p.m.): I have listened carefully to the Minister's argument. He will appreciate this difference between the local-authority position and the position under our Mining Acts. Under the Mining Acts under no circumstances can chattels be sold. Under the Local Government Act the only things subject to sale and consequently dealt with in terms of that sale are land and fixed improvements to land; movable assets such as plant cannot be sold. Under this measure it is only chattels that it is proposed to sell.

I could agree with the Minister's purpose in providing for the right of sale under certain circumstances, but if a lease itself is subject to a mortgage, then and only then can the Minister apply the proceeds of the plant after he has met the priorities and paid off the mortgage. If the lease is not mortgaged, although the plant is, the Minister is prevented by the wording of the clause from paying one penny of the proceeds to the holder of the bill of sale over the plant. If the Minister discusses the matter again with the Parliamentary Draftsman, he will see the distinction between the application of the local-authority law and the instance he gave. There is a different set of circumstances here and he will find that there are good grounds for my differing with him in his contention.

I think we shall find ourselves in rather a dangerous situation if movable plant is seized and sold and the proceeds paid to the people when somebody has a bill of sale over it. That should not be possible. Unless the mining tenant has any share or interest that is subject to a mortgage, you cannot pay any of the proceeds to the mortgagee; you are obligated to pay to the lessor or owner. In many mining cases, where no mortgage is taken over the mining lease, there is a bill of sale over the plant. I hope the Minister will see the effect of the case I have in mind and that he will find it possible to accept the amendment.

Mr. WANSTALL (Toowong) (12.16 p.m.): I should like to reinforce the argument advanced by the hon. member for Logan on this point. It was apparent to me when I listened to the Minister that he had misunderstood the effect of the amendment. The Minister said he did not think it was necessary in order to give any more protection to the lessee, and the lessee had protection in preceding and subsequent clauses. The object of the amendment is not to give more protection to the lessee but to give some protection to the mortgagee. It is not doing anything to protect the lessee's interest but to make sure the holder of the bill of sale does not lose the chattels over which his security is taken, as he might if those circumstances existed that are envisaged by the hon. member for Logan, when in some cases only the plant and machinery are subject to a bill of sale and there may be no mortgage over the actual lease. If this amendment is accepted, the mortgagee will get the protection given to him under the bankruptcy law and which is attempted to be given to him under the clause we are discussing. I urge the Minister to consider the position, particularly in the light of the fact that it is the mortgagee the amendment wishes to protect.

Hon. T. A. FOLEY (Normanby—Secretary for Mines) (12.18 p.m.): It is possible to clutter up an Act with all kinds of provisoes. In actual practice it is not necessary to do what has been suggested. As was pointed out by the hon. member for Logan, this does not go so far as to provide for the person who may have a bill of sale over movable plant or equipment in or about the mine that is being forfeited.

The obligation is on the individual who has the bill of sale. This is abandoned property. If an application is made to the Warden's Court and the lease is forfeited, that means that the holder will have time to dispose of the plant and equipment thereon. During that period the person who has the bill of sale has the right to satisfy his claim by taking action on his bill of sale and removing any movable plant or equipment. Under the bill of sale he can go and seize the property over which he holds the security.

The mortgagee, on the other hand, is protected under the Act itself. It is laid down that if there is a mortgage on the lease, the plant and machinery, the Bill provides for the mortgagee, in that after the Crown and local authority are satisfied, the mortgagee receives the balance and then, if there is anything left, it is handed to the owner of the lease.

As to a bill of sale, during the period before the Crown takes possession, the holder has every power to exercise the right and take any plant or machinery covered by it. There is really no need for the amendment.

Amendment (Mr. Hiley) negatived.

Clause 9, as amended, agreed to.

Clause 10—Amendments of s. 175, nature of commonage rights—as read, agreed to.

Bill reported with an amendment.

COAL MINING ACTS AMENDMENT BILL.

Resumption of Committee.

(The Chairman of Committees, Mr. Mann, Brisbane, in the chair.)

Consideration resumed from 26 October (see p. 992) of Clause 2—Amendments of s. 12 (1): conditions of lease—on which Mr. Foley had moved the following amendment:—

"On page 2, after line 13, add the following paragraph—

'Every coal-mining lease granted before the passing of "The Coal Mining Acts Amendment Act of 1948" in force on the date of the passing of that Act, and containing a covenant as to the employment of labour, shall be deemed to contain a covenant on the part of the lessee, his executors, administrators and assigns to bona fide and continuously work the land comprised in the lease by carrying on mining operations for the recovery of coal with reasonable diligence and skill and at all times to comply with the labour covenants contained in the lease unless total or partial exemption is granted under this Act, and shall be read and construed accordingly.'"

Mr. MAHER (West Moreton) (12.24 p.m.): The amendment moved by the Minister to the clause that is at present before the Committee is really more important in its ultimate effect, in my judgment, than the amending Bill; in other words, we have the rather extraordinary situation whereby the amendment transcends in importance the Bill itself as introduced.

It will be recalled that this Bill to amend the Coal Mining Acts was not introduced to cover existing coal-mining leases.

As the Minister explained on the introductory stage, and as is expressed in the Bill itself, it was only to apply to such coal-mining leases "as shall hereafter be granted;" that is to say, to such coal-mining leases as may be granted after the passing of this Bill. It was explicitly understood, and the Minister's explanation was confirmatory in that respect, that there was no intention on the part of the Government to apply this condition of the amending Bill to coal-mining leases already in existence. Whatever

has happened behind the scenes since the amending Bill came before the House, I do not know, but the fact remains that the Minister now introduces an amendment that cuts right across the information he gave us on the introductory stage.

So we are faced with a situation for which I can find no precedent in my parliamentary experience, where one single amendment is of far greater importance in its effects than the actual Bill it seeks to amend. The amendment proposed by the Minister now seeks not only to cover future leases that may be granted, as provided in the Bill, but to be retrospective in its application and to cover coal-mining leases that are already in existence, of which there are a great number, as evidenced by the reply to a question I submitted to the Minister earlier in the week.

The effect of the Minister's amendment is to provide that the covenants that are contained in the amending Bill shall apply to existing leases. Those covenants are very severe and may cause very great hardship to many existing lessees. I move the following amendment—

> ''Add the following proviso—'Provided that although a lessee has not complied with any requirement of the covenant deemed to be contained in every coal-mining lease to which the paragraph as aforesaid applies the Minister is nevertheless satisfied that such non-compliance has occurred through insufficient capital or other circumstance for which the lessee cannot justly be held responsible then the Minister may waive that requirement for a further period of one year and during such period no action shall be taken for forfeiture of the lease or otherwise upon the failure to comply with such requirement.' ''

The ''or otherwise'' relates to the fine of £100 that may be imposed.

The object of the proviso, of which I seek the Minister's ratification, is to prevent any existing lessee from being squeezed out of his lease. It is possible that somewhere throughout the State today there are lessees of very valuable coal-mining areas. As happens where there is room for the play of human frailty, there may be men in groups more powerfully placed than these lessees who look with envious eyes at the immense coal deposits that are held on lease by men who cannot command the resources of those who would like to get possession of them, and so there may be a move to dispossess the struggling lessees of their lease in favour of those with capital and the requisite experience.

By this proviso I want to give any small lessee who at such a moment might be caught off-guard by the Minister's amendment, an opportunity of meeting the new situation and provide that no action will be taken to deprive that small lessee of his leasehold rights on valuable coal-mining areas without giving him sufficient time to raise whatever capital is required and/or to meet any other set of circumstances that might bring the lessee into conflict with the Minister through his inability to comply with the covenants now being imposed upon him for the first time. It is really a question of equity and whether the Minister is willing to give the small lessee who is caught unprepared by this drastic provision an opportunity to meet the requirements of the law. I submit that amendment for the consideration of the Minister this morning and I see no reason that might be advanced against it.

I have looked at the principal Act because the Minister might say that the provision is already in the Act, and I find that whatever provision is in the Act does not cover sufficiently the position that has developed by reason of the new covenants that will be imposed on coal-mining lessees in the State. To put the matter beyond doubt and give them the opportunity of raising capital and meeting any other conditions that might be regarded as non-compliance with the covenants, it is but right and proper that the Committee should give existing lessees at least 12 months wherein to meet the new requirements. That is the effect of the proviso and I submit it in good faith to the Minister for his consideration.

Mr. KERR (Oxley) (12.33 p.m.): I support the amendment submitted by the hon. member for West Moreton. When the Bill was introduced it was made clear by the Minister that there would be no such thing as retrospectivity. His amendment, apparently, is an afterthought and although I personally am in accord with the principle involved, that something should be done with the lessee who holds a lease and does nothing about it, I should like to point out that these leases were entered into by some of the smaller lessees when there was no obligation upon them such as that now being thrown upon them by the Minister's amendment. He is inserting a new condition in their contracts with the Government and making that condition retrospective, which I say is totally unfair. When the lessees entered into their contracts they knew the conditions they had to meet.

The Government should not attempt to introduce an amendment like this without giving existing lessees necessary protection, and I am in full accord with the idea that they should have a period of time in which to obtain the necessary capital. When they originally entered into their leases no time was stipulated, other than the general period contained in the Act. Moreover, some of them may not even hear about this amendment. They should have an opportunity to look round to get the necessary capital to develop their leases. We should not do anything that is not fair. I support the amendment of the hon. member for West Moreton because I recognise that justice should be done to these people. If they are given time they may be able to get the necessary capital to carry out developmental work. I desire to record my protest on behalf of the lessees against any attempt to deprive them of their existing rights. And I go further and say that before

any action is taken against them in respect of their leases under the old conditions they should first be informed of the existence of the amendment moved by the Minister.

Mr. BURROWS (Port Curtis) (12.37 p.m.): When this matter was under discussion on Tuesday last, hon. members opposite were in a quandary. The hon. member for West Moreton protested against the action of the Government in taking the Bill into Committee on the same day as it had passed the second reading, because, according to him, he desired to get a direction from the mine-owners as to how he was to vote.

Mr. MAHER: Mr. Mann, I rise to a point of order. I do not mind this little demagoguery introduced by the hon. member for Port Curtis, but I did not say what he ascribes to me, that I had to seek instructions as to how I was to vote. I am a free agent in this Parliament, and nobody instructs me as to what I shall do here. The expression is offensive to me and I should like the hon. member to withdraw it.

The CHAIRMAN: I ask the hon. member for Port Curtis to accept the denial of the hon. member for West Moreton.

Mr. BURROWS: I accept his denial, but I especially remember his saying that he wanted to ring up certain mine-owners in his electorate before he would express any opinion on the matter. He wanted to consult them. I know that it is only because of his inherent honesty that he made that admission, but it only tends to indicate that hon. members opposite are subject to some outside influence, and I think I am correct in suggesting, in view of the big influence that coal production can play in the economy of Australia at the present time, that any such influence as that can only be described as a sinister one.

Anyone who has lived in a mining area will know that it is a common thing to see a notice by a warden published in a paper setting out that an application has been made by certain lessees for exemption from the conditions required to be carried out under the mining regulations. I do not propose to enlighten hon. members in regard to that, but I have had the experience of knowing that exemptions have been granted under the principal Act for the specific purpose of allowing lessees sufficient time in which to raise the necessary capital.

This is done publicly by inserting an advertisement in a newspaper. The amendment suggests that it be done privately, more or less, by the Minister. The amendment might conflict with the principal Act. In any event it appears to me to be redundant.

It is very likely that tomorrow the Opposition may charge the Government with not making any effort to increase the production of coal, notwithstanding the fact that by virtue of this amendment moved today they want to condone its non-production. The whole purpose of this Bill is to try by reasonable methods to force men to work leases they at present hold. On Tuesday last I quoted a case as an example. If the Opposition cannot appreciate the need for urgency and the serious effect that lack of coal has on Australian economy today I am very sorry for Australia.

Mr. MACDONALD (Stanley) (12.42 p.m.): I rise to support the amendment moved by the Leader of the Opposition. When the Minister in charge of this Bill explained this part of it I was absolutely horrified and regarded the matter as having a very sinister significance. This is simply a repudiation of conditions written into the original lease. It brought my mind back to 1914, when the representative of Britain in Berlin, Viscount Goshen, interviewed the German Chancellor Count von Bethmann-Hollweg, when Germany was stressing through that representative that Britain should ignore Germany's intention to cross through Belgian territory. He said, "What! Go to war over a word called 'Neutrality'—over a scrap of paper!" The Minister's action is on all-fours with that of the Prussian Government of that time.

Mr. Foley: No, you have not read the Bill correctly.

Mr. MACDONALD: I have read it correctly. I can only support this new clause if the amendment moved by our Deputy Leader is accepted. What I stress is the attitude of the Minister as compared with that of the Chairman of the Transport Board. He altered the conditions of certain licences that were granted to certain transporters but always with the stipulation that if there was any change thereafter the conditions of those licences would change too. Here, as the Minister knows, a solemn agreement was entered into by the Minister of the day with certain coal-mining lessees. I am not trying to exculpate any mine-owner or to defend any mine-owner for not working his coal-mining lease, but it is only a matter of justice that the conditions of his lease at the time of his taking it up should be adhered to. If the Minister accepts the amendment it will meet the case, otherwise the whole thing will be abhorrent and repugnant to me, for it will amount to the Government's repudiating their signature to the lease.

Hon. T. A. FOLEY (Normanby—Secretary for Mines) (12.45 p.m.): I cannot accept the amendment of the hon. member for West Moreton. Hon. members opposite will realise that we are not imposing any new conditions in regard to any existing coal-mining lease or in any way attempting to repudiate any contract we have with a lessee.

As I explained earlier on the Mining Acts Amendment Bill, which dealt with exactly the same thing, this provision is introduced for the purpose of tightening up the law as to the manning of leases. The principal Act provides that when a coal-mining or mineral lease is granted it shall include a covenant that there shall be so many men to so many acres to work the lease. That condition is in all leases today. In the case of coal-mining leases, in the first two years you require only one man to every 40 acres, and after the expiration of two years one

man to every 20 acres. If an application for forfeiture was made to a Warden's Court for non-fulfilment of that condition, it might fail because the mine-owner had a couple of old-age pensioners squatting on the land, although they were not doing any work on it. We are not trying to repudiate anything, but to tighten up the law so that when a lease is granted it shall be worked as intended.

Mr. Kerr: What would happen if the lessee exhausted his capital?

Mr. FOLEY: In the case of an individual, it was suggested by the hon. member for West Moreton that time should be given. I refer to sections 15 and 16 of the principal Act, and paragraph (vi.) of section 12 (1) of the principal Act. Section 15 provides that total or partial exemption in respect of the employment of labour or the expenditure of money may be granted by the Minister on such condition as he sees fit to impose. That is taken advantage of from day to day in mining practice.

Mr. Macdonald: There is no gainsaying the fact that you are writing another condition into it.

Mr. FOLEY: We are writing a condition into the Mining Act that in future every owner of a mining lease shall carry out the labour conditions of that lease and that he shall carry them out in a continuous and reasonable way.

Mr. Macdonald: You are making it retrospective.

Mr. FOLEY: We are applying it to all mining leases. At the present time the manning conditions are there; that is to say, you must have so many men to so many acres. The difficulty is that if a man is squatting on his lease with a couple of bagmen and paying them £1 a week, there is a possibility that we should fail in a claim for forfeiture. We want to tighten up the law so that when we grant a mining or mineral lease we can feel sure that it will be mined and worked. We want to have the provision in the Act in order that the lease shall be worked continuously and in a reasonable way, unless an application is made to the court for exemption.

Mr. Macdonald: If that is so, why do you say this—"shall be deemed to contain a covenant"? It does not contain it at the present moment. You want to read that into the lease.

Mr. FOLEY: All existing leases. The point I wish to emphasise is this: the original intention of the Act was that when a lease was granted the Crown had an implied condition in it that the lessee should work it continuously.

We make provision in other parts of the Mining Act that if for some reason or other he is not able to do that, all that is necessary is for him to apply to the Minister for partial or total exemption for a given period and an application is granted.

Mr. Macdonald: Do you not see the immorality of writing that in now?

Mr. FOLEY: I cannot see any immorality in putting in our mining legislation something that was originally intended.

Mr. Maher: No, you are making it retrospective.

Mr. FOLEY: If some person applies for a coal-mining lease one would think he naturally wanted to work it and mine the coal. That is all we have asked of him, but in the event of his not doing that, if some other party or the Crown makes application for forfeiture because of non-fulfilment of the conditions, we want the law tightened in such a way that he must mine the lease in a proper way instead of having a couple of men merely squatting on it. That is the evil we are trying to correct in this instance. For instance, the Mt. Elliott Company has squatted on its leases in the Cloncurry district since 1920. That has held up work on the field. Broken Hill South wants more copper for the smelters controlled by it at Port Kembla and there are deposits lying all over the Cloncurry area, the working of which is held up by the Mt. Elliott Company by having a few men squatting on the leases and doing no work. If we make application for forfeiture the danger is that we shall lose the case because the leases were manned, inasmuch as there were a few men sitting on the land. We want to be able to insert in our leases, not only mining but coal-mining leases, that they shall be bona-fide and continuously mined. That is all we are aiming at. It is a legitimate attempt to tighten our mining laws so that our coal deposits and mineral resources shall in the future be mined properly and legitimately.

Mr. MACDONALD (Stanley) (12.53 p.m.): I am thankful to the Minister for his explanation but it confirms me more than ever in the belief that I am right. This amendment includes the words, "shall be deemed to contain a covenant on the part of the lessee." In other words, that covenant is not in the contract when the Minister, in this instance the Crown, enters into the agreement with a certain person. Now, it is found that the other contracting party is too astute. I am not going to enter into the merits or demerits of the case of the other contracting party but what I am concerned with is that you are writing a new term into the Bill and making it retrospective. You agreed to certain conditions when the original agreement was entered into.

Mr. Foley: We intended that he should mine; that is implied.

Mr. MACDONALD: The Minister states that the Mt. Elliott Company since 1920 has not been mining but has been simply dummying—in conformity with a lease requiring only certain labour conditions. It is most regrettable that the wealth of that area should be denied to the State, but that does not justify the Minister or the Government in repudiating an agreement. Out of evil

can never come good; morality cannot be divorced from politics and I cannot for the life of me see that there is any morality in the Minister's argument: either I am too stupid, or he is.

Mr. NICKLIN (Murrumba—Leader of the Opposition) (12.55 p.m.): It is a most extraordinary thing that the amendment moved by the Minister will write into the Bill an entirely new principle. It is questionable whether if his amendment is examined closely, it will be found to be in order.

The point is that when this Bill was introduced it contained certain principles, and all of a sudden—and it was all of a sudden—this amendment is introduced. Before we knew where we were the amendment was circulated and this Assembly was asked to agree to a proposal that inserted an entirely new principle in the Bill. Mr. Devries, you know the storm that arose in this connection, but the Acting Premier was good enough to defer the Committee stage of the Bill in order to give the Opposition time to have a look at it.

I should like to know why this extraordinary action of introducing a new principle by way of amendment is being taken by the Minister. On looking round for a reason, my thoughts go back to the speech delivered by the hon. member for Port Curtis and confirmed by his further remarks a few minutes ago. There is the obvious reason. Apparently the hon. member for Port Curtis has brought pressure to bear on the Minister to introduce this amendment for some reason or other. Then he has the colossal hide to get up and say that the hon. member for West Moreton was doing something he should not do as a member of this Assembly when he said he would like to consult with some of the persons interested in the effect of the amendment! In doing that he was just carrying out an obligation that a member of this Parliament has to his constituents, yet the hon. member for Port Curtis makes these senseless charges against the hon. member for West Moreton this morning. There is no doubt that apparently the hon. member for Port Curtis has had something to do with the introduction of this amendment.

The principle of writing something into existing leases and covenants is wrong.

Mr. Foley: In other words, you agree that they should not bona fide work the lease?

Mr. NICKLIN: I do not agree to anything of the sort. We say that the Minister and his department should have some power to deal with lessees who are not carrying out their covenants and who are holding up valuable coal-mines in this State for ulterior purposes. The proviso moved by the hon. member for West Moreton covers that. It also provides protection for the present lessees, who will be vitally affected by the amendment proposed by the Minister, in that it gives them 12 months to adjust their affairs. That is the least we can do for men who have entered into a solemn covenant with the Crown, a covenant that the Crown is now attempting to repudiate by the amendment moved by the Minister.

Mr. Foley: They agreed to mine continuously the coal on the lease.

Mr. NICKLIN: They agreed to certain manning requirements, to which the Minister is going to add. If you read the Minister's amendments literally you will find that additional conditions can be imposed by him.

Mr. Foley: It insists that the men shall mine instead of squat.

Mr. NICKLIN: The Crown is repudiating an agreement entered into with the lessees.

I think that if the Minister examines the proviso moved by the hon. member for West Moreton he must agree that it will give some protection to the lessees concerned, a protection to which they are undoubtedly entitled. After all, they did enter into a contract with the Crown, and they are entitled to think that the Crown would stand up to its contract. As I said before, the Opposition agree with the Minister as to the need for the Crown to have some power by which it can direct a lessee who is not carrying out the covenant of his lease to do what he contracted to do, or be dealt with. The effect of the proviso is that the lessees would have a certain measure of protection for 12 months during which time they would be able to look round to see whether they could get the extra capital required or overcome some of the circumstances for which they cannot be held responsible.

If the Minister will look at the proviso he will note the following words:—

> "That such non-compliance has occurred through insufficient capital or other circumstances for which the lessee cannot be held responsible"—

and under those circumstances the Minister may waive the requirement for a period of 12 months.

Mr. Foley: That provision is already in the Coal-Mining Act.

Mr. NICKLIN: I do not know whether it is as adequate as this proviso. If we repeat something already in the Act, it is justifiable and there is no harm in repetition in this case. I submit that the proviso makes it clear that the lessees are entitled to protection for one year—which, after all, is not a great period—under specific circumstances. We have already established the principle in legislation that in certain circumstances lessees of coal-mining leases in this State are given a certain period to get things in order before they work those leases. For instance, in the Blair Athol proposal we are giving the Electric Supply Corporation (Overseas) Ltd. special exemption in respect of the working of the lease, exemption that was justified because a great deal of preliminary work has to be done before the corporation can operate that franchise as it intends to do. So this is not a new principle that will be written into the legislation. The proviso limits the period under which the lessees get respite for one year and then only under certain circumstances.

No matter how you examine the matter the proviso is justified. It would make good legislation and it would give protection to the lessees and it would intimate to them that their agreement with the Crown was not being repudiated. The Crown should set an example in this respect and as we are introducing an entirely new principle into this legislation I suggest that at least it should be watered down to the extent suggested in the proviso moved by the hon. member for West Moreton. It would at least give a measure of protection to the lessees.

Mr. FARRELL (Maryborough) (2.21 p.m.): There seems to be some misunderstanding about the amendment and I cannot do better than give an illustration of what has happened on the Burrum coalfield in order that hon. members may know exactly what we are trying to do. I have referred to the Burrum coalfield on numerous occasions before and I have mentioned the peculiarities of one particular seam. It is what is called a rise seam, because it crops very close to the surface. However, this outcrop cannot be traced above a depth of 150 feet. The late Colonel Rankin, who was manager of the Queensland Colliery Co., took a lease of the area with the object of working it. It was also his intention to start an undertaking which would have been a great blessing today. He proposed to establish a cement works in the district and it was his idea to get coal from this coal lease to provide the electrical energy to run the plant at the cement works. Unfortunately he was not successful in his venture and no-one did more to kill the idea than the present management of the Darra cement works. If ever anyone endeavoured to stop the development of cement works in that district the Darra people did and they killed it good and hard. However, my point is that when the coal lease was taken the object was to use it in conjunction with the cement works but unfortunately those works were never established. That lease was taken by Colonel Rankin 17 years ago and not a pick has been put into the ground or a stone turned, although he set out to develop it as a mining lease.

Let me give another illustration. When we started to develop some of the areas the Queensland Colliery Company put in a tunnel known as Quenton. Another colliery took up a lease adjoining and as a result eventually the Quenton closed down, leaving an area of coal between the boundaries of the Queensland Colliery Company lease and the Burgowan Coal Company lease. Despite all the endeavours of the Queensland Colliery Company to work its lease it could not work it at a profit. The only company that could work that coal was the Burgowan Coal Company because that pillar of coal was on its side of the lease.

These two illustrations will serve to confirm the wisdom of the Minister in deciding to have the position in relation to mining leases clarified.

We do not want any coal-mining lease held by lessees unless they are prepared to carry out its conditions. We only desire to write into such a lease a covenant that will have the effect of seeing that those conditions are carried out and the lease is developed along lines that we think best. That will be done under the authority of the Coal Board.

I went further than this when I spoke on this Bill on its initiation in Committee. I then stated that holders of prospecting leases should be compelled to give to the department records of their borings. The Opposition, in moving this amendment, have not comprehended the problems that have faced the department from time to time with respect to the manning of leases. The only desire of the Minister and his department is to see that the covenant contains such an authority as will enable the company to know what it has to do and what is expected from it by the department.

Mr. MAHER (West Moreton) (2.26 p.m.): The plea put forward by the hon. member for Maryborough and the argument he used——

(Time expired.)

Mr. KERR (Oxley) (2.27 p.m.): I listened with interest to the remarks of the Minister with regard to mining for copper. I would remind him that this is a coal-mining measure.

Mr. Foley: The same principle is involved.

Mr. KERR: That may be, but the principle involved in the clause before the Committee relates to coal-mining leases particularly. There is nothing comparable whatsoever to what might be occurring in respect of other kinds of mining leases.

Mr. Foley: The principle is the same. Leases should be worked, not squatted upon.

Mr. KERR: The whole of the Opposition are quite in accord with the Minister in saying that the covenant should be inserted in existing leases that the mines should be continuously worked. It is not for the good of our economy that leases should be acquired and nothing be done with them. No-one would object to the insertion of the covenant in leases issued under this Bill, but it is useless comparing coal-mining leases with the Mt. Elliott leases. This is purely a coal-mining measure applicable to coal-mining leases.

The lessees who have entered into agreements between the Government and themselves, are not being fairly dealt with under it. We are not asking that the conditions should not be made retrospective but we are asking that the lessee should be given a certain amount of time to meet the possibilities envisaged in this amendment.

I had my suspicions about this Bill after hearing the hon. member for Port Curtis. I am inclined to the opinion, on reflecting on his speeches, that this Bill is aimed at some leases on the Callide field. If that is so then we should scrap it altogether. I am honestly suspicious that he is doing something to the lessees of the Callide field.

We are not asking the Government to abandon the Bill entirely, only to give the lessees time to make arrangements to comply with the new conditions; that is only a fair request.

Mr. BURROWS (Port Curtis) (2.29 p.m.): I have been accused of the atrocious crime of attempting to increase the production of coal. I do not deny that, nor do I attempt to palliate it in any way whatsoever. I will do everything in my power to improve coal-production in Australia. I sincerely hope, too, that I shall never get down to the same tactics of political—I do not know what to call it and for want of a better word I will say "hypocrisy"—the political hypocrisy of the Opposition. The members of the Opposition, as I said last Tuesday, were elected to do nothing else but to come here and record their votes honestly, yet we have the Deputy-Leader saying, "I cannot, I cannot make up my mind."

The CHAIRMAN: Order!

Mr. Maher: Be honest.

Mr. BURROWS: I will be honest. Certain members of the Queensland People's Party discussed the Callide leases with me and said to me that I should approach the Premier and have the leases forfeited. That is the position.

Mr. Maher: Name them.

Mr. Luckins: Name them.

Mr. BURROWS: That is the position. No-one knows better than the members of the Queensland People's Party the position of Callide. They are ready to condemn the Government if they do not work it yet we have the hon. member for Oxley getting up and suggesting that I have used influence. If any member of the Opposition proves that I made any approach to the Minister in that respect or that I had any motive or took any part in suggesting this amendment, except what I stated openly in this Chamber—if any member can prove that I discussed this amendment with the Minister before it was introduced, I will freely resign my seat immediately. I expressed an opinion in the Chamber openly, and, unlike some of the suggestions from the Opposition, it was sensible. That is the whole position. The amendment was introduced and I got up and said that it was the same thing as I advocated. The Opposition now accuse me of tactics that are typical of those adopted by themselves. Their action in connection with this amendment makes them unfit to be members of this legislature.

Mr. MULLER (Fassifern) (2.33 p.m.): The remarkable thing about the Minister's amendment is the late hour at which it has been introduced. The hon. member for Port Curtis has been endeavouring to explain his position. In the very early stages of the Bill the hon. member referred to one of the companies operating in the Callide Valley. I am not going to suggest that the hon. member's opinion is responsible for this amendment, but I do suggest that the Minister woke up, he "took a tumble" after he heard the hon. member's speech and realised that the Bill did not adequately cover the things that he wished it to cover. In the ordinary course of events, when a Bill is introduced it is the Minister's duty to give the Committee the chief principles of the Bill and then on the second-reading stage hon. members have an opportunity of examining the Bill. In this case the Bill is really this amendment and it was introduced after the second reading. There is nothing very contentious in the Bill at all, but this amendment is contentious, and we object to it.

There is nothing more unfair, as you know, Mr. Mann, after a person has entered into a contract—that contract is binding on the two parties—than that one party, the Minister, should have the right to revise it.

If this was not a contentious matter I should like to know why the Minister did not go through the usual procedure and include his amendment in his Bill. We should then have known what we were talking about before we reached the Committee stage.

Mr. CLARK (Fitzroy) (2.36 p.m.): After listening to the debate today I am of the opinion that the Opposition are after something for their own ends. All the provisions necessary to enable a man who has to raise capital to get a full or partial exemption are in the principal Act. I am satisfied that no Minister or Coal Board would close any mine if it was for the lessee to raise the capital necessary to develop the mine.

I remember that some time back application was made to the Minister for the forfeiture of a lease on the Blair Athol field. What happened? Those who held a lease have it still. The Minister gave them the necessary protection. I am sure that no Minister of the Crown, even if he was a member of a Tory Government or a Government of the Queensland People's Party, would squeeze any mining company or small miner out if he was developing his mine.

I take it that the Bill is for the purpose of ensuring that leases are developed in a proper way. This has not been done up to date with many of them. As soon as coal is struck they want to sell. When a person takes up a lease, a coal-mining or mineral lease, he takes it up for the purpose of mining for coal or mineral and the purpose of the Bill is to ensure that he produces the coal or mineral. The amendment moved by the Opposition means nothing at all.

Hon. T. A. FOLEY (Normanby—Secretary for Mines) (2.38 p.m.): Clause 12 of the principal Act lays it down that every coal-mining lease "shall contain the following reservations, covenants and conditions." There are five of them, of which (iv.) is appropriate to the matter we are discussing—

> "A covenant on the part of the lessee, his executors, administrators, and assigns, not to assign, underlet, or part with the possession of the land demised, or any part thereof, without the previous consent of the Minister."

The intention of the Crown when granting a lease is that the lease shall be worked continuously and bona fide for the purpose for which it is demised. Covenant iii. reads—

> "A covenant on the part of the lessee, his executors, administrators, and assigns, to use the land continuously and bona fide for the purpose for which it is demised and in accordance with the regulations."

What are the purpose for which the lease is granted? For the purpose of mining coal.

Section 14 of the Act reads—

> "Every coal-mining lease shall, in addition to all other covenants and conditions applicable to such leases, contain a covenant and condition on the part of the lessee, his executors, administrators, and assigns, as follows:—
>
> (*a*) To work the land demised by not less than one man for every 40 acres or fraction of 40 acres during the first two years of the term, and by not less than one man for every 20 acres during the remainder of the term."

The reason for the amendment is the need for removing a doubt that exists as to whether one man on 40 acres is sufficient to comply with the covenants of the lease.

There is a doubt as to how it is to apply. All we seek to do is add a provision that every coal-mining lease granted before the passing of the Coal Mining Act of 1948 and in force on the date of the passing of the Act, containing a covenant as to employment of labour, shall be deemed to contain a covenant on the part of the lessee, his executors, administrators and assigns to bona fide and continuously work the land comprised in the lease by carrying on mining operations for the recovery of coal. That makes it definite and distinct. There will no longer be any possibility of a lawyer's submitting otherwise in the Warden's Court.

Mr. Kerr: Give them time.

Mr. FOLEY: They are given time. Section 15 of the principal Act provides that if after a lease is granted the lessee finds he has not sufficient capital or that because of some other disability he cannot assemble the necessary plant and machinery to work his mine properly he has only to make an application to the warden stating his financial circumstances and partial exemption, or exemption for a period, is recommended to the Minister and granted. That is happening almost every week.

Section 16 provides that any lessee satisfying the Minister that his lease has been worked unprofitably during the previous six months or that he has expended more money than the amount prescribed shall be entitled to an extension for periods not exceeding three years. Notwithstanding what is sought by the Deputy Leader of the Opposition in his amendment, ample provision already exists covering these things.

Mr. Maher: There is a vast difference. The principal Act requires him to go before a court and fight his way through. Under this new covenant he can go to the Minister.

Mr. FOLEY: He may make application through the warden. If he does not do it through the warden the Minister refers it to the warden for inquiry. All I seek to do by my amendement is to clear up a doubt as to whether the fact that one or two old-aged pensioners are squatting on a lease is mining the lease in compliance with the covenant set out.

Mr. MACDONALD (Stanley) (2.44 p.m.): No-one can gainsay the sincerity of the Minister in his endeavour to convince us of his purpose, but his purpose is a very fell purpose indeed. I can visualise him in the olden days, with a laurel wreath on his head, with a robe for a girdle, and sandals on his feet, being proclaimed the king of Sophists.

The question all boils down to one of sanctity of contract. The Minister is relying on the rule that the King can do no wrong. Put this matter on all-fours with a private contract. No private individual can alter the terms of a contract, no matter who he may be, yet the Minister, by virtue of his right as representative of the Crown, is taking advantage of that position by writing into this Bill a clause that is retrospective and will bind those people who entered into contract with him under certain conditions.

If he faces up to the law on the contract as it stands he is ruled out of court, but now under the cover of Crown privilege he is introducing this thing to impose other terms on the other party to the contract. One does not want to talk about the material damage that will be done but by his acts the Minister is inflicting moral damage on this community. We know what happened to Queensland once before as a result of repudiation. What was done then was on all-fours with the present amendment by the Minister. In no way has he justified his stand. He is trying to assure us that the welfare of Queensland is at stake. To a degree it may be but it is doubtful whether the amendment is a real benefit. In the present case the Minister is out of court.

Mr. AIKENS (Mundingburra) (2.46 p.m.): It is becoming increasingly apparent that we have reached a new stage of morality in this country and I intend to deal with it in another debate. Today we see in the debate on this amendment a new conception of morality as interpreted by hon. members of the Opposition. It would appear from what I have heard and read that the unscrupulous coal-mine-owner has found a loophole in the existing law and by using this loophole he can dodge the provisions of the solemn covenant into which he entered when he took out the lease; he can take advantage of the law and can refuse to produce coal, and we have hon. members of the Opposition with their bosoms heaving with sobs pleading for clemency and mercy for the unscrupulous fellow. They say that the Government should extend clemency and mercy to the mine-owner but when the coal-miner refuses to produce coal, and refuses to produce it in order that he might increase his wages or improve his conditions, then he

is denounced as a Commo, a disrupter, a fellow traveller, an anarchist, and by the other opprobrious names that may be applied to him by hon. members of the Opposition. Contrast their attitude today towards the mine-owner who deliberately refuses to hew coal with their attitude towards the miner who refuses to hew coal and you will see slimy hypocrisy, naked and unashamed, parading itself in this Chamber.

Mr. SMITH (Carpentaria) (2.49 p.m.): As I said when speaking on mining matters before, I think this amendment to the Coal Mining Act so far as the manning of mining leases is concerned is something to which the Government should have given consideration many years ago. I feel that in the past the Government have tackled the mining fields, both metalliferous and coal, in a haphazard way. On my entry into this Assembly I found that the office of Secretary of Mines was a junior portfolio and did not receive much consideration. The holder of that portfolio was usually given another portfolio in addition and naturally the department became neglected. As I said in my speech on Private Members' Day on the development of mineral resources in this State, it is time the Government took action to stop the speculation that operates in our mining fields, both metalliferous and coal.

There are big mining concerns that will not work the leases themselves but let out a certain area on tribute to gougers and miners to develop it as best they can with help from the department in driving, cross-cutting and sinking shafts and with the aid of loans at nominal interest rates to buy air-compressors, jack-hammers, Holman hoists and other things that go to make for the partial mechanisation of a mine. The Mt. Elliott Company, for instance, refuses to work its leases, but insists on a royalty of 12½ per cent. of the gross receipts for ore taken on tribute and sold to big companies like Mt. Morgan and Port Kembla. Recently at Trekelano——

The CHAIRMAN: Order! I ask the hon. member to connect his remarks with the amendments before the Committee.

Mr. SMITH: Hon. members opposite have asked me to give an instance, and I am giving an instance of where these big mining concerns take advantage of the mining leases they hold. I have it from the hon. member for Port Curtis that certain coal-owners have taken up leases in the Callide district and are not working them. What are they doing? They are putting them on the market in the hope of making a profit without producing 1 lb. of coal from them themselves. They are speculating with them. They are complying with the law merely by putting one man on 40 acres, and doing no work at all.

In my electorate, a mine was connected by seven miles of railway line to the main line, but the owner of the mine sold the railway line to a sugar-mill in Mackay, and immediately the railway line was removed the mine-owner made application to the warden in Cloncurry for exemption from working conditions on the ground of transport difficulties. All that the owner had to do was to have two men at the most sit down at the mine and do nothing, to do no mining work at all. When the mining inspector came round all they had to do was to point to a pot-hole in the ground and complain that they were short of fracteur or something like that, and that amounted to compliance with the mining law.

Mr. Aikens: Is that the Wee Macgregor mine?

Mr. SMITH: That was at Trekelano. The owner of this big producing mine sold seven miles of railway line, and immediately it was removed he made application for exemption from working conditions for six months because of transport difficulties.

Mr. Wanstall: Did the warden grant it?

Mr. SMITH: No. I protested to the Minister. It is time that the Government took action to see that mining fields, whether metalliferous or coal-mining, are developed to the utmost. The people who hold mining leases should be compelled to develop them to their full productive capacity. Is there anything wrong in that? Is there anything wrong in the Government's compelling the holder of, say, 10 acres of coal-bearing country to develop it to its fullest capacity?

Mr. Maher: All we ask is that they be given time in which to raise the necessary capital.

Mr. Aikens: They have had time. You did not want to give the railway men even 10 minutes in which to get back to work.

Mr. SMITH: I do not know that very much time is required to raise the necessary capital to work a worth-while mine. If the owner of a mine made application to the warden for exemption from labour conditions so that he could raise the necessary capital, either overseas or in Australia, I am sure that no warden would refuse to grant him exemption for six or 12 months for that purpose. I have not seen an unjust mining warden in this State.

Mr. Kerr: We shall see later on.

Mr. SMITH: The hon. member for Oxley has cast a great slur on mining wardens. I understand from my colleagues that it was the hon. member for Toowong who interjected. As a member of the legal profession, he should hesitate before casting any slur on our mining wardens.

Mr. WANSTALL: I rise to a point of order. I do not know what I have been accused of. I have as good a sense of humour as anyone in this Chamber but I should like to know what the hon. member is accusing me of.

Mr. SMITH: I heard the interjection, "We will see later on." I thought it came from the hon. member for Oxley but my colleagues, who are always on the alert, said it was made by the hon. member for Toowong. Be that as it may, the interjection followed on my remark that I had never seen an unjust mining warden in this State. It was an unjust slur on mining wardens.

My electorate extends from Cooktown to Cape York down through the Gulf to Cloncurry. It embraces a diversity of mining interests, including a coal deposit outside Cooktown. I have never seen any reasonable application made to the warden at Chillagoe, Cooktown, or Cloncurry for exemption from working a lease refused, when the application was proved to be aboveboard. I exempt from that category the case of Trekelano, where the owners sold their 7-mile railway line to sugar interests in the Mackay district and then applied for exemption from working their lease because of transport difficulties. That is an example of the schemes that are worked. What has the Mt. Elliott Company been doing with its leases for the last 27 years. That overseas concern has held up the development of one of the richest copper-bearing belts in Australia. I commend the Minister for bringing down this Bill because it will stop speculation in mining leases. It will prevent mining speculators from taking up 10-acre leases on each side of a prospector who is working his ground with the object of blocking him from developing it.

Mr. Maher: Only one guess. Who was it?

Mr. SMITH: The hon. member knows who it was and what it was done for. We should protect the genuine prospector from those mining speculators.

Mr. Russell interjected.

Mr. SMITH: The hon. member for Dalby knows that he cannot go along with a land-speculation programme as he can with a mining speculation. If you take a lease of land from the department you are forced to spend so much on development and you have to reside there for five years.

Mr. Russell: The prospect of increased value tends to make you develop it; that might apply to the other too.

Mr. SMITH: If this amendment is put through it will improve the value of our mining leases and eliminate the wild-cat individual whom we have known so frequently in the past.

Mr. DECKER (Sandgate) (3.1 p.m.): I am not sure that the Minister's amendment will have much effect on the coal-mines of this State. I know it is his intention to make mining operations continuous, with the object of increasing production. I have visited the Callide area and I should like to know what is to be done with a seam like that. There we have one big company at least working continuously, employing a few men with picks and shovels. The Government are spending money and a target could be set of probably 1,000,000 tons a year. Who is going to set the target?

A Government Member: The Coal Board.

Mr. DECKER: Transport will be a dominating factor. If we carry out continuity of work with the idea of developing a huge output, what shall we do with the coal? The potentialities of the State are tremendous and we are on the fringe of huge developments. I agree with the hon. member for Port Curtis as to the resources of the Callide field. We have evidence of work being done on both leases. A considerable amount of overburden was removed, but owing to the faulty layout difficulties were encountered.

A Government Member: Would you suggest that the lease be forfeited?

Mr. DECKER: No. I think we should be careful that we do not do an injustice to the poorer miner who has settled on these fields that are proving so rich. The men may not have the capital but they are endeavouring to produce the coal. The object of the Government should be to help these people and advise them so that they can improve their production to what is believed to be a fair thing, but they should not be placed at a disadvantage on account of their lack of finance. We do not want to down the small man because he is making an effort to the extent of the maximum of his resources.

The Government can help mining shows such as those of Dr. Dittmer. Then why can they not help these coal-mining lessees? Is there any reason why these lessees should not speculate? As their holdings are developed they find that the reserves are huge, and if the persons to whom they sell part of the lease continue the development there is no reason why they should not sell.

There is nothing much to quibble about in the amendment moved by the Minister. If he thinks his amendment will improve the Bill I will support it and I will support the amendment moved by the hon. member for West Moreton, if he is worried about the extra period of 12 months. But will these amendments get us anywhere? They mean the inclusion of numbers of words, and powers and Acts, but that does not mean production. We must concentrate on helping the men who have not the finance to produce and when we have got the production we must give assistance to ensure that the coal reaches the port from which it is to be shipped. I know that it is a big problem.

Mr. Burrows: Do you think the Government should buy some lorries and cart the coal overland?

Mr. DECKER: I am not asking the Government—

The CHAIRMAN: Order! I think the hon. member is getting away from the question before the Committee.

Mr. DECKER: I should like to answer the question that has been asked. We should provide financial help not only to develop the mine but to enable the mine-owners to provide transport facilities to ports.

Amendment (Mr. Maher) negatived.

Mr. MAHER (West Moreton) (3.8 p.m.): The hon. member for Port Curtis struck a heroic pose this afternoon. He wanted to remove all the obstacles that stood in the way of production of millions of tons of

coal in the Callide Valley. The present lessees on the Callide coalfield must be removed at any cost in order to realise his high national aim of the production of millions of tons of coal from the Callide. Without a doubt, a very worthy objective, to raise increased quantities of coal. No doubt the hon. member representing the port of Gladstone is anxious to promote the well-being of that town and the hinterland. I do not blame him for that, but there is more in this than appears on the surface because it is obvious, as the hon. member for Sandgate so correctly pointed out, that increased production is definitely tied to transport facilities. What is the use of talking, as the hon. member for Port Curtis did, of knocking these wicked lessees out of the Callide because they are not producing sufficient and putting in another group capable of producing vast tonnages of coal annually, unless there is a sufficiency of transport to remove that coal to the seaport? There is the catch, and the hon. member for Port Curtis has no answer to it.

Even if you put the most powerful company in Australia to supersede the existing lessees on the Callide field, unless a railway is constructed to remove the coal in big quantities there can be no increased production. Who knows what will be the reaction of the existing lessees when they are faced with the realities of the situation, the cold, hard fact that unless they are able to man the coal-mines adequately and put in the requisite machinery to produce coal in a big way and come to some arrangement with the State for the provision of a railway they are going to lose their leases?

Is it not fair and reasonable that we should give them some time? They are on the spot. Whether the Government like it or not, they are the men to whom a Labour Government issued these leases, and they have been acting lawfully within the terms of their leases. Is it not right that those men, who pioneered the field and who are struggling today, should be given a fair and reasonable opportunity to raise the extra capital or to get in touch with groups of men who can put the money up that will enable them not only to produce coal in a big way but also to get that coal away from the field?

What I fear, and what is exercising the minds of many people is that behind the scenes there is a move on the part of powerful groups either in Australia or out of it who see here a very valuable area indeed. These small pioneer lessees operating in the Callide Valley are in the way, so some means must be provided by which they can be got rid of so that it will become easy for the more powerful groups to take over the production of coal in that valley. If that comes to pass ways and means will be quickly found for providing transport facilities to the coast.

The Opposition want to see the production of coal greatly expanded, but we realise that times have changed. It is not so long ago that I was obliged to make constant approaches to the Commissioner for Railways and the managers of private industries in an endeavour to help the small mine-owners in the West Moreton area to sell their coal. The hon. member for Maryborough gave us a concrete instance of a mine in his locality that stood unworked for 17 years, but that was merely symptomatic of the conditions of the period of which he spoke. The State did not wish to push men who developed the coalfields, because there was a surplus production of coal. More coal was being mined than industry could absorb, so there was no need for hard and fast observance of conditions and covenants in the coal-mining leases of the period. Today we are facing an entirely changed condition. There is a tremendous demand for coal. Let us mine coal by all means, let us build up our production of coal to millions of tons if there are markets for it, but do not let us be unjust and unfair to the little band of Australians, probably all Queenslanders, who have put their all into the development and pioneering of the Callide Valley. Let us give those men a fair chance to raise the capital and to establish themselves there as heads of a big strong company that will be able to mine the coal and find ways and means, with Government co-operation, of getting transport facilities to take it to the coast.

That is the issue as I see it. We stand here merely for justice for the existing lessees. There is no loophole, such as the hon. member for Mundingburra tried to suggest today, whereby the rich mine-owners are trying to evade the law. They are abiding by the conditions of the lease that was granted to them by the Government. They are doing everything that is lawful. They are struggling and battling. Let Parliament give them every facility to raise the money to develop the Callide field which, according to the information I can obtain, is a vast and wonderful coalfield. They were first on the field. They have taken all the hard knocks; now give them a chance to do the job. If they find it is beyond them and finally, throw up their hands in despair, then will be time enough to impose hard conditions on those who do come in.

The Minister would have been well advised to have accepted my amendment, but as he has not done so I hope that at least some consideration will be given to the rights of the men who have pioneered the Callide Valley or any other field in Queensland that will come under the effect of the amendment today and that justice and equity will be done to them.

Mr. BURROWS (Port Curtis) (3.15 p.m.): I was impressed by the remarks of the hon. member for West Moreton when he spoke of the pioneering of the Callide coalfield. The pioneer of that field was a very excellent gentleman, from reports I have gathered from old timers. He discovered it about the time I was born. I think his name was Rand. He spent a great deal of money in that field, and even forfeited £500 to the Crown because he was unable to fulfill the conditions of the franchise he was granted to build a railway line from Gladstone to

the field. I think he pioneered it in 1900. The hon. member for West Moreton has put on a theatrical act this afternoon and was trying to prevent the Callide field from being developed. Twenty years ago Rylance Limited—and they are typical of the firms we expect to be supported by members of the Opposition—feared that the field would be developed and would prove a potential competitor. What did that company do? It bought the Callide field from the men who had a lease of it at the time, and never sank a pick into it. The members of that company held it for years until they thought everyone had forgotten about it. That was one way of putting a potential competitor out of the road.

The hon. member for West Moreton belongs to that unfortunate crowd or section who believe that if the Callide and Blair Athol fields are developed it will be the end of the West Moreton field. I say that is an absolute fallacy, and the sooner he and members of his party disillusion themselves and disabuse their minds of that idea, the better for everybody. The demand for coal is so great today that it is a question of "Produce or perish." We cannot go on for many years on this hand-to-mouth policy caused by the short production of coal. As I pointed out in my Address in Reply speech, you can attribute the shortage of galvanised iron and steel and things like them to the shortage of coal. Hon. members opposite need not take my word for that. Let them take the word of the manager of the Broken Hill Proprietary Limited, who in his annual report said that production in that vast concern was the lowest it had been for 13 years, owing to the shortage of coal supplies.

The Government of this State are trying to do something. They say that the Government have not provided transport facilities to get coal from the source of production to the coast. It is possible to transport coal from the Callide field to Gladstone. At present it is being done in a way by the owner-driver system, but the majority of the lorries in use are not suitable for the work. Only about two lorries of some 12 or 15 have proved themselves suitable for the work, and I challenge the Opposition to support me in advocating that the Government buy suitable diesel lorries, and put them on the road to transport coal from the Callide field to Gladstone.

The CHAIRMAN: Order! The hon. member is getting away from the matter before the Committee.

Mr. BURROWS: I have been complimented by the present lessees of the Callide field, who told me in the presence of Mr. Kent Hughes, "Only for you we should not have been as far advanced as we are."

The hon. member for West Moreton is trying to suggest that I am out to choke these people, but he makes that charge only to distract attention from the fact that he does not want any new coal-mines opened, that he wants to protect the people who are holding up coal production in Queensland and to a certain extent in Australia. Those persons are not coal-miners. As the hon. member for Mundingburra rightly said, if the coal-miners did what the coal owners do, hon. members opposite would be shouting for their blood.

Hon. T. A. FOLEY (Normanby—Secretary for Mines) (3.21 p.m.): With the Deputy Leader of the Opposition I have great admiration for the pioneers who are working the Callide seams at the present time. They have displayed a good deal of courage in investing their few thousand pounds in this big mining venture situated in a locality 12 miles from a railway line in one direction and 70 miles in another. Mr. Neill, one of the persons to whom a lease was granted in recent years, spent several thousands of pounds in pioneering work there and the Government came to his rescue by giving him an order for 30,000 tons of coal delivered at Biloela. Later on the firm of Julin, Wood and Parnwell worked their lease but they need capital. They are trying to work it as individuals. They have put in their own few thousand pounds and they have to depend on Thiess Bros. to do the stripping of the field for them. In my opinion that is not a sound method of developing the field.

Mr. Wanstall: The Government are doing exactly the same thing in Central Queensland.

Mr. FOLEY: It is not a sound method of developing the field. There may be room for differences of opinion but that is my opinion. The fact remains that they have displayed courage up to date and they have done everything required of them to comply with the law. No-one can take exception to the work they have done. They have complied with all conditions up to date. But the point is that if at some future date there should be obstacles in their way and they should be handicapped in complying with the conditions they have all the protection of the Coal Mining Act. Sections 12, 14, 15 and 16 of the Act gives them the right to apply to the Minister through the warden for relief—for partial or total exemption for a period if they so desire—in order to get a respite to enable them to obtain further capital, organise transport, or do anything else they may require.

Hon. members opposite may have no fear that the Government will deal harshly with anyone who is genuinely trying to develop the field and do something in the interests of the State. I give the Committee that assurance.

Amendment (Mr. Foley) agreed to.

Clause 2, as amended, agreed to.

Clause 3—New s. 27A inserted; improvements on forfeited or determined lease, &c.

Mr. MADSEN (Warwick) (3.24 p.m.): This clause deals with the impounding of plant, it sets out that the lessees may dispose of certain removable plant and what fixed improvements shall remain vested in the Crown. It provides also for the application of the fund resulting from the sale.

I move the following amendment—

"On page 2, line 23, omit the word—

'shall'

and insert in lieu thereof the words—

'may at the discretion of the Minister, and.'"

It is necessary that I should at this stage foreshadow a consequential amendment, as follows—

"On page 2, lines 26 to 28, omit the words—

'subject to obtaining the prior consent in writing of the Minister, the late lessee or applicant may'

and insert in lieu thereof the words—

'If any plant, machinery, equipment, or other improvements is vested in the Crown in accordance with subsection 1 of this section, the late lessee or applicant shall have the right to elect to either receive compensation from the Crown for such plant, machinery, equipment, or other improvements, or any portion thereof, in accordance with subsection 3 of this section or, notwithstanding anything contained in subsection 1 of this section.'"

I also foreshadow that I will move the following consequential amendment—

"On pages 2, lines 40 to 54, and page 3, lines 1 to 11, omit the words—

'(3.) If any plant, machinery, equipment, or other removable improvement which may be removed or disposed of by the late lessee or applicant under subsection two of this section is not removed or disposed of by him within three months or, if the Minister has allowed a longer period, within that longer period after the date when the forfeiture or determination of the coal-mining lease or application for a coal-mining lease took effect, the same may, by order of the warden, be sold by public auction at the risk of that late lessee or applicant.

'The proceeds of such sale shall be applied as follows, that is to say:—

(i.) Firstly, in payment of the expenses of the sale;

(ii.) Secondly, in payment of all moneys due and payable to the Crown on any account whatsoever by the late lessee or applicant;

(iii.) Thirdly, in payment of all moneys due and payable to the Local Authority in respect of rates to the date when forfeiture or determination of the lease or application took effect, and the balance, if any, remaining after the above payments have been made shall, subject as hereinafter provided, be paid to the late lessee or applicant:'"

and insert in lieu thereof the words:—

'(3.) (i.) If the late lessee or applicant elects to receive compensation for any plant, machinery, equipment, or other removable improvement he shall, subject to paragraph (iii.) of this subsection receive from the Crown as compensation the value of such plant, machinery, equipment or other removable improvement as determined by a Warden's Court on application thereto by such late lessee or applicant.

'(ii.) The late lessee or applicant shall subject to paragraph (iii.) of this subsection receive from the Crown as compensation the value of any covering, fencing, casing lining, timbering, ladders, platforms, mounds, dumps, or other improvements required to keep open and protected any shaft, level, drive, or other excavation as aforesaid as determined by a Warden's Court on application thereto by such late lessee or applicant.

'(iii.) The amount paid as compensation to the late lessee or applicant in accordance with paragraphs (i.) and (ii.) of this subsection shall be less all moneys due and payable to the Crown on any account whatsoever by the late lessee or applicant and all moneys due and payable to the Local Authority in respect of rates to the date when forfeiture or determination of the lease or application took effect.'"

I also foreshadow a further amendment when this is dealt with—

"On page 3, lines 23 to 29, omit the words:—

'(4.) If, for any reason, any moneys payable under this section to the late lessee or applicant remain in the hands of the Crown for a period of six years, and no successful claim has been made within that period in respect of those moneys, such moneys shall become vested in the Crown and no claim by any person in respect thereto shall be entertained.'"

The chief purpose of this amendment is this: to meet the following eventuality: On the determination of a lease what rights will the lessee have with regard to the plant and machinery, or plant used in the production of coal? Further, what rights will he have in what might be regarded as fixed improvements on the lease. All hon. members recognise that in every Crown lease the interests of the lessee in fixed improvements or plant are protected during the term of the lease. It is right that he should be protected. Last week, for example, there was a ballot for Wellshot homestead, where £4,370 was allowed for improvements placed on the land by the lessee.

In the case of a mine, the regulations set out that certain things shall be done for its proper working and development, and safety. I am in agreement with that principle, but I do say that on the expiration of the lease, if a mine is still capable of producing, the lessee should be entitled to some compensation for what might be regarded as fixed improvements that he has made during the term of his lease.

There are many reasons why forfeiture may be necessary. Economic conditions change from day to day and week to week; and

during the next few years we may find conditions in the mining industry similar to the conditions existing many years ago. I remember that when I was a lad the miners worked two or three days a week and each day they wondered whether there would be orders for next week, and how many days' work they would get, based on those orders. We hate to think of those conditions returning again. On the other hand it is absolutely necessary that we produce every possible ton of coal.

My chief concern in moving the amendment is to protect the rights of the lessees who, for certain reasons, may be forced to forfeit or determine a lease. I believe the lessee is entitled to that consideration. There is a provision that it shall lie in the discretion of the Minister. I have in my own area a mine in which the seam is gradually reducing and it may be necessary—it is freehold; but it is an example of what may happen—to abandon the mine. That could happen on leasehold land. Therefore if a lessee had fulfilled all obligations and owed no debt to the Crown or the local authority, the Minister in his wisdom could, using his discretion, say, "We allow you to sell your plant to the best advantage and to sell the improvements that may be movable," such as the things mentioned further down in the other sub-clauses.

The other matter is that of improvements. I have already stated that I believe these fixed improvements mentioned there might apply even to an open-cut mine where the lessee had removed considerable quantities of over-burden. That is a costly work, and I feel that if circumstances brought about the forfeiture or determination of the lease the lessee is entitled to consideration. That is in conformity with the rights of lessees in land matters, where all these things are taken into consideration.

Briefly, this is what the amendment refers to: I think the lessee is entitled to receive compensation for fixed improvements. The Crown sets down by regulation certain improvements that he is expected to carry out. I believe that is right for the proper development of the field. First of all, the lessee may spend considerable sums in boring and casing the test bores and put down a double shaft and an air shaft and all the things that are necessary to open up a field and then find that he is unable to carry on.

I feel that in many of these cases the leases may be forfeited when there is still a large amount of coal capable of being won from the mine. I know depreciation and all that sort of thing have to be taken into consideration but I am making only a very reasonable request, which is in keeping with the principles applied to other Crown leases and the resumption of land by local authorities when fixed improvements are taken over. I commend the amendment to the Minister's consideration.

Hon. T. A. FOLEY (Normanby—Secretary for Mines) (3.37 p.m.): I quite understand the good intentions of the hon. member in moving the amendment but I regret that I cannot accept it for the good reason that it would leave the clause too indefinite. For instance, in the event of the forfeiture of a coal-mining lease, if there is still coal to be won from the mine, it is desirable that production should proceed. A reasonable time is given to the owner to remove certain improvements, machinery, and equipment, and if he does not do this there is no other course but to dispose of them. The matter would be left indefinite by making the clause read "may" instead of "shall." We take possession of the whole of the plant, machinery, equipment, and improvements after a certain time has been given to the owner to remove them, the object being to allow the new lessee who has won the forfeiture case in the Warden's Court to proceed with the production that in these days is so necessary. If the owner does not take these things away or does not dispose of them, there is only one thing left and that is for the Crown to take them over.

Recently there was a case at Bluff. The mine had been closed down by the management and there was a non-fulfillment of the conditions. The coal-miners made application in the Warden's Court at Rockhampton for the forfeiture of the mine, and the warden found that the conditions had not been complied with. There was only one course left and that was to forfeit the lease. I discussed the whole thing with the parties who won the case in the Warden's Court and found that if the lease was forfeited it would not have benefited the miners because they could not begin operations on the mine, the lessees' plant and equipment being merely an obstruction. The Crown wants power, after giving the owner reasonable time, to take possession and the substitution of the word "may" for the words "shall at the Minister's discretion" would leave it too indefinite.

Amendment (Mr. Madsen) negatived.

Mr. MADSEN (Warwick) (3.40 p.m.): I move the following amendment:—

"On page 2, lines 26 to 28, omit the words—

'Subject to obtaining the prior consent in writing of the Minister, the late lessee or applicant may'

and insert in lieu thereof the words—

'If any plant, machinery, equipment or other improvements is vested in the Crown in accordance with sub-section 1 of this section, the late lessee or applicant shall have the right to elect to either receive compensation from the Crown for such plant, machinery, equipment or other improvements, or any portion thereof, in accordance with sub-section 3 of this section or, nothwithstanding anything contained in sub-section 1 of this section.'"

When a lease is forfeited, a lessee may be placed somewhat at a disadvantage in disposing of the equipment. Of course, it is of advantage to the incoming lessee to have suitable plant already installed, and if it is left to the applicant to decide whether

he will accept the valuation of the Warden's Court or go on to the open market and sell, the onus is on him. The Warden's Court should be in a position to value the plant and equipment. Its valuation should be a fair and reasonable guide in the case of a forfeiture, and the forfeiting or retiring lessee should be protected. This amendment merely follows the principle adopted by the Government in connection with Crown land, and I commend it to the Minister's consideration.

Hon. T. A. FOLEY (Normanby—Secretary for Mines) (3.43 p.m.): When a grazing homestead or pastoral lease falls into the hands of the Crown, or where resumption rights have been exercised by the Crown, the value of improvements is assessed by Crown assessors. If the land is subdivided and selected later, the Crown protects the improvements effected by the original tenant and arranges for the collection of any compensation involved. If the amount set out is too low, the aggrieved party can approach the Land Court. But in this case we are dealing with a person who has not complied with certain conditions laid down in the covenant of his lease, and the Warden's Court has found him guilty and forfeited the lease. Why should the Crown be required to pay compensation for any plant and machinery on the surface in such a case?

There is no liability on the Crown to pay compensation. We give lessees three months or such further period as may be required—and this is at the discretion of the Minister—to dispose of the plant and I feel that on the present market and the market that will be available for a number of years ahead, no owner of any mining plant and machinery in this State need have the slightest fear of not getting top market prices for it. We can therefore eliminate the point that the lessee might lose. The lessee would lose if it was obsolete machinery, because then it would be of no use to anybody. If the machinery is obsolete the onus is on the lessee to remove it or on the Crown to dispose of it. I feel that there is no liability on the Crown to compensate the late lessee of a forfeited lease for any improvements or machinery, and consequently I cannot accept the amendment and involve the Crown in the payment of such compensation.

Mr. NICKLIN (Murrumba—Leader of the Opposition) (3.46 p.m.): The Minister appreciates of course that this amendment moved by the hon. member for Warwick is tied up with others that will follow. The purpose behind the amendment is at least to give to the lessee anything that may come to the Crown as a result of the sale or disposal of some of the assets he cannot remove. The lessee is protected in regard to the removal of the assets but there are other assets attaching to a mine that are not removable, for which—and I can envisage this in the future under the conditions we have written into this legislation—the Crown will receive value. There is no provision by which that value received by the Crown will go to the lessee who might have his lease determined or forfeited.

As we have pointed out in previous amendments, it will be possible for the Crown to receive value because the lessee has not been able to live up to the covenants imposed by the Crown and written into the lease through, possibly no fault of his own. The lessee would have no protection whatever in respect of the money and work he put in, beyond being able to sell the movable assets.

I think the Minister is right when he says that the Crown has no liability but there is an obligation upon the Crown. The Crown has an obligation, after the lease has been determined and the removable assets have been sold, because the mine is not exhausted. The mine is there with its shafts, levels, drives, timber, and fencing ready for the new lessee to operate. In selling that lease again the Crown is rightly entitled to ask for some compensation from the incoming lessee for the improvements already on the lease. If the Crown receives that value for the improvements, is not the lessee, whose hard cash put them there, entitled to some of the value received? That is the purpose behind this amendment moved by the hon. member for Warwick. After all, the lessee has created the asset and he is entitled to any value that may be received for those assets.

The clause makes no provision whatsoever that the lessee shall receive compensation for any covering, fencing, casing, lining, or timbering, and these may represent most of the money sunk in the mining lease. If the Minister will look into the matter a little further and calculate the effect of it, he will realise what is behind the amendment and see that if he accepts it it will ensure protection to the lessee by as far as possible giving him some value for the money he may have put into the lease, particularly if the lease is forfeited or determined as the result of some condition, especially a retrospective condition written into the lease by the Minister himself.

Amendment (Mr. Madsen) negatived.

Mr. MADSEN (Warwick) (3.52 p.m.): The Minister has already intimated that he cannot accept any liability in this connection. However, I wish to move the following amendment:—

"On pages 2 and 3, omit the subclause—

'(3.) If any plant, machinery, equipment, or other removable improvement which may be removed or disposed of by the late lessee or applicant under subsection two of this section is not removed or disposed of by him within three months or, if the Minister has allowed a longer period, within that longer period after the date when the forfeiture or determination of the coal-mining lease or application for a coal-mining lease took effect, the same may, by order of the warden, be sold by public auction at the risk of that late lessee or applicant.

'The proceeds of such sale shall be applied as follows, that is to say:—

(i.) Firstly, in payment of the expenses of the sale;

(ii.) Secondly, in payment of all moneys due and payable to the Crown on any account whatsoever by the late lessee or applicant;

(iii.) Thirdly, in payment of all moneys due and payable to the Local Authority in respect of rates to the date when forfeiture or determination of the lease or application took effect, and the balance, if any, remaining after the above payments have been made shall, subject as hereinafter provided, be paid to the late lessee or applicant:'

and insert in lieu thereof the following new subclause:—

'(3) (i.) If the late lessee or applicant elects to receive compensation for any plant, machinery, equipment, or other removable improvement he shall, subject to paragraph (iii.) of this subsection, receive from the Crown as compensation the value of such plant, machinery, equipment or other removable improvement as determined by a Warden's Court on application thereto by such late lessee or applicant.

'(ii.) The late lessee or applicant shall subject to paragraph (iii.) of this subsection receive from the Crown as compensation the value of any covering, fencing, casing, lining, timbering, ladders, platforms, mounds, dumps, or other improvements required to keep open and protected any shaft, level, drive, or other excavation as aforesaid as determined by a Warden's Court on application thereto by such late lessee or applicant.

'(iii.) The amount paid as compensation to the late lessee or applicant in accordance with paragraphs (i.) and (ii.) of this subsection shall be less all moneys due and payable to the Crown on any account whatsoever by the late lessee or applicant and all moneys due and payable to the Local Authority in respect of rates to the date when forfeiture or determination of the lease or application took effect.'''

As the Leader of the Opposition has pointed out, while there may not be any liability on the Crown there is certainly an obligation on it to pay the lessee who may through various circumstances be forced to forfeit or make application for the determination of the lease. It may not always be brought about by an infringement of the regulations or failure to comply with the law; economic or other circumstances may cause the forfeiture by the people who have put money into the mine to provide fixed improvements that can still be used in the production of coal. Surely they are entitled to some consideration for their fixed improvements? They are similar to the improvements that would be made on any other property and they are still there for use by the incoming lessee.

The Crown may benefit to some extent by the very fact that these improvements are there, and naturally an incoming lessee, who can walk in and immediately begin operations, is in a much better position than if he had to begin anew in an endeavour to exploit the seam and ascertain the quantity of coal there.

He has already all the information he needs by reason of the fact that the outgoing lessee is compelled by law to supply it to the Crown. Therefore it is only in keeping with British justice that the outgoing lessee should be entitled to compensation for what fixed assets have been impounded under previous regulations. They will be of considerable value in determining what the lease is worth to the incoming lessee. I commend the amendment to the Minister's consideration.

Hon. T. A. FOLEY (Normanby—Secretary for Mines) (3.56 p.m.): My reading of this amendment suggests that it is consequential on a previous amendment moved by the hon. member for Warwick that was not accepted. Consequently, I think it is out of order because the main principle with respect to compensation has been decided. It is involved in the main principle.

The CHAIRMAN: The point raised by the Minister is a sound one; therefore I rule the amendment out of order.

Mr. KERR (Oxley) (3.57 p.m.): I move the following amendment—

''On page 3, line 2, after the word 'Crown,' insert the words—

'in right of the State.' ''

This amendment is similar to the one previously accepted by the Minister. I do not think there is any need for me to dwell on it. It merely preserves the right to the State and not to the Crown generally.

We had intended moving some further amendment, but as the principles contained in them were rejected on the previous Bill it is not our intention to do so.

Hon. T. A. FOLEY (Normanby—Secretary for Mines) (3.59 p.m.): I accepted a similar amendment in the earlier Bill because I believed that it would clarify the meaning of the word ''Crown.'' I therefore accept this amendment.

Amendment (Mr. Kerr) agreed to.

Clause 3, as amended, agreed to.

Clauses 4 to 6, both inclusive, as read, agreed to.

Bill reported with amendments.

MATRIMONIAL CAUSES ACTS AMENDMENT BILL.

SECOND READING.

Hon. W. POWER (Baroona—Acting Attorney-General) (4 p.m.): I move—

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

There is very little that I need add to what I said on the introductory stage of the Bill.

The reason for the amendment is the need to validate any marriage that may have taken place within the period of 21 days after a decree nisi had been made absolute, and in all future cases to make it quite clear that no marriage shall take place before a period of 21 days after the decree nisi has been made absolute, which is the time within which an appeal may be made to the Full Court, and 21 days after that in case such an appeal may be lodged. A number of people are much concerned about their position, having married within the 21 days I have mentioned, and the Bill, as I stated, will clarify this position, and lay down what is necessary to be done in the future.

Mr. WANSTALL (Toowong) (4.2 p.m.): Since the Bill was introduced I have had an opportunity of studying its provisions, and I support the Minister's attempt to clarify the law and remove doubt that exists. As I pointed out previously, there is a division of opinion as to whether people who have married within the 21 days after the decree absolute was granted are in any trouble at all and I recall that when the New South Wales Government were placed in a similar position about 1943 they took leading counsel's opinions, and some were one way and some the other. No doubt the same position would apply in Queensland.

Mr. Power: It does.

Mr. WANSTALL: I have given an opinion on it myself, and I have no doubt that other counsel would reach an opposite conclusion. The only way to remove the anomaly is to do what the Bill proposes to do.

I point out to the Minister that in making certain that the doubt will be removed he is adding another 21 days to the period that divorced people have to wait before they can remarry. That is the universal effect of this amendment—that nobody will be able to contract a valid marriage until at least 21 days from the date of the decree absolute. The Full Court of New South Wales gave consideration to the effect of the amendment in that State on that particular point.

I suggest to the Minister that it was not necessary for him, in order to cure the existing defect, to add a further 21 days to the period that people have to wait before they can legally remarry. There are some cases in which it is desirable, on the grounds of morality and of public policy, that there should be early marriage of people who have been divorced. There have been a number of cases in Queensland, but not nearly as many as in New South Wales; the reason being that in New South Wales the judge can in his discretion reduce the period of waiting between the order nisi and the order absolute, whereas in Queensland he has no discretion. Sometimes in New South Wales the trial judges are asked to exercise that discretion on the grounds that one of the parties—the woman being either the divorced wife or the co-respondent—is pregnant and it is desirable to have an early marriage in order to legitimate the expected child.

Mr. Power: Does not the marriage in the usual way legitimate the child?

Mr. WANSTALL: Yes, the child will be legitimated, but that is not as desirable a state of affairs as having the child born in wedlock.

I think the Minister will agree with me there. In Queensland, according to the latest Year Book, the number of legitimations for the year 1946 was 249, and Queensland had the highest Australian quota of ex-nuptial births, the figure of 1,611 representing 5.96 per cent. of the total births in this State. I mention these figures only in passing. I am not suggesting that they are related to this subject. Some are related to people who have never been married at all.

The point is that there are some circumstances that make it desirable to allow a divorcee to remarry as soon as possible, and this Bill will make it obligatory for them to wait 21 days, to enable the time for appeal to expire. The Full Court in New South Wales considered that point and made the suggestion that I offer to the Minister for his earnest consideration, that suggestion, made in the case of Emanuel v. Emanuel, being that a proviso should be added to the appropriate section, which corresponds to our Clause 3 of this Bill that "nothing herein contained shall make it unlawful for the parties to such a marriage to marry again at any time after such decree has been made absolute if it has been made absolute without opposition." If a decree absolute is made without opposition there is no need to wait the 21 days. I make that suggestion to the Minister for his consideration on behalf of the small number of people who may find themselves in the circumstances of being responsible for the parentage of an illegitimate child or a child that is to be legitimated by their subsequent marriage.

Apart from that comment on the Bill I have no criticism to offer. I support the Bill entirely and the comment I made will not weaken the Bill in any way at all. It would not obviate the necessity of waiting 21 days where there has been opposition to the decree; it would apply only where there has been no defence, and in those circumstances no harm could be done. As it stands at the moment, parties have to wait 21 days after an order absolute has been made, even though there is no defence.

Mr. Collins: Could not circumstances arise afterwards that were not known at the time of the action, to make it desirable to annul the decree?

Mr. WANSTALL: That is an entirely different matter. If any circumstances are known to the Attorney-General he will intervene. If he does not know them, and the decree is made absolute, he has no power to intervene unless he can prove that such a grave fraud has been perpetrated on the court that it can be said that the decree has been obtained by fraud.

Mr. Power: The Attorney-General would have the right of appeal within 21 days?

Mr. WANSTALL: That is so. I would remind the Minister that in the case of retrospective validation, that is, under the clause in relation to marriages celebrated before this Bill is passed, it speaks of the period before the expiration of the time limit for appealing against the decree absolute. There is, remaining over from the jurisdiction that existed in pre-Federation days, the right of appeal from a decision of a sole judge in the Supreme Court of Queensland to the Privy Council. I have some doubt whether that does not apply in matrimonial jurisdiction and the time limit for appealing to the Privy Council is six months, not 21 days. There may be some doubt therefore on the last clause of the Bill, which speaks of the expiration of the time limit, fixing the time at 21 days. However, that is a small point and I do not propose to elaborate it now. So far as the major principles of the Bill are concerned I am entirely in accord with them. I have made my suggestions to the Minister, which I think he would do well to consider very carefully.

Mr. RUSSELL (Dalby) (4.10 p.m.): We are in accord with the provisions of this amending Bill. They clarify the law and provide that a divorcee may marry 21 days after an order absolute.

Heretofore it was six months. Personally, I think we might have done better to follow the English law, which does not provide for any 21 days after the decree absolute. There, if there is no appeal between the time of granting of the decree nisi and the pronouncement of judgment absolute, a man may marry thereafter.

Prior to 1875 there was no decree nisi. A decree nisi is really the period of notice required and it seems to me that it should be in order for people to marry after judgment absolute is pronounced.

Every time these laws come up for discussion one is reminded of the great need for unification in our marriage laws. The present great differences between the laws of the various States are undesirable. In Queensland people can be divorced on the grounds of insanity. That is not so in New South Wales, although I understand they have made one or two attempts to alter the law there.

I am not expressing any opinion as to what should be the law, but I say emphatically that as between the States there should be no differences.

Again, in Queensland a woman may get a divorce on the ground of her husband's adultery. That is not so in Victoria. In that State adultery must be committed in the conjugal home or several times outside it. Here again I am not prepared to say what the law should be, but it is very desirable that we should have uniformity in all these things.

The Commonwealth has power to do this under Section 51 of the Constitution and we should urge the Federal Government to take that action. At present there is no Australian domicile for the purposes of marriage, but in 1945 the Commonwealth made residence for 12 months in any one State the basis for jurisdiction in State courts and the courts then applied the laws pertaining to the particular State. I feel that we should approach the Federal authorities to bring about the unification of marriage laws or, if that is not possible, then we should endeavour to get a greater degree of uniformity between the States.

Hon. W. POWER (Baroona—Acting Attorney-General) (4.14 p.m.), in reply: The Bill seems to meet with the approval of hon. members in general.

Although there is some merit in what the hon. member for Toowong had to say, I think it is better to proceed in the way proposed here. I have been greatly concerned at the comments of members of the judiciary in connection with certain undefended divorce cases. There is always a suspicion in the minds of certain people that collusion and connivance exist between the parties when no defence is filed, although I think one of the facts it is necessary to plead is that there is no collusion or connivance between the petitioner and any other party.

The Attorney-General's Department and the Government take a serious view of the breaking up of homes by divorce. Numbers of religious organisations take the same view and they are to be commended for the work they do in attempting to heal any breach that may have occurred between man and wife, because of the transgression of either. I believe that we should at all times be careful when dealing with undefended cases. I agree with the hon. member for Toowong that there may be cases involving pregnancy when it would be wise to abridge the time but, weighing the whole matter I think 21 days is a reasonable period, because during that time information may be submitted to the Crown that justifies the Attorney-General in intervening. If you shorten the period you are reducing the period of the right of appeal. I thank the hon. member for his suggestions but I think the procedure we propose to adopt will be in the best interests of the people concerned.

The hon. member for Dalby referred to the variations in the causes for divorce as between the other States and Queensland. There is a difficulty there and I agree with the hon. member that there should be uniformity. I agree with him on this occasion, although I did not agree with him yesterday.

Mr. Wanstall: You buried the hatchet.

Mr. POWER: I did not bury the hatchet—I do not carry a hatchet.

I believe uniformity in divorce law would be a good thing. I hope Queensland will never adopt the law in Victoria where, as the hon member for Dalby pointed out, a person must have committed adultery on more than one occasion before the other party can sue for a divorce. I think that if a person cannot be honest and loyal to the other party to the marriage and commits adultery, that person will commit it again. We should not give any consideration to adopting the law of Victoria.

Mr. Wanstall: He did not advocate it.

Mr. POWER: I appreciate that. I do not believe that divorce should be made easy. I am sure no hon. member would agree to that. Like all hon. members, I do not like to see homes broken up as a result of domestic troubles.

I might say that the procedure adopted when a petition for divorce is submitted is for the Attorney-General's Department to be notified. That department in turn notifies the police who make extensive inquiries as to the mode of living of the parties. As a result of such investigations the question of adultery of the petitioning party has arisen on more than one occasion. This sound practice of investigation by the police was instituted many years ago. As a result the petitioner has sometimes disclosed that he has been guilty of adultery and it has been necessary for him to ask the presiding judge to exercise his discretion. As I said, we are not desirous of making divorce easy. The department co-operates with the police.

I believe the procedure we propose to adopt is in the best interests of the people. Quite a number of people have approached me on this matter and are anxious to have this Bill put through because they are doubtful whether they are married or not. The hon. member for Toowong has given an opinion, opinions have been obtained from New South Wales, and opinions have been given by the Crown law officers in this State.

We get one opinion from one source, another opinion from another, and a different one from somewhere else. It is undesirable to have conflicting opinions, and so a specific Bill is the best means of clarifying the position.

Motion (Mr. Power) agreed to.

COMMITTEE.

(Mr. Devries, Gregory, in the chair.)

Clause 1—Short Title and Construction—

Hon. W. POWER (Baroona—Acting Attorney-General) (4.21 p.m.): I move the following amendment:—

"On page 1, line 8, omit the figure—
'1945'
and insert in lieu thereof the figure—
'1946.'"

The object of the amendment is to correct a typographical error. The year should be 1946.

Amendment (Mr. Power) agreed to.

Clause 1, as amended, agreed to.

Clauses 2 to 6, both inclusive, as read, agreed to.

Bill reported with an amendment.

The House adjourned at 4.25 p.m.