Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

FRIDAY, 11 NOVEMBER 1955

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Mr. SPEAKER (Hon. J. H. Mann, Brisbane) took the chair at 11 a.m.

REMEMBRANCE DAY.

Mr. SPEAKER: Hon. members, as today is Remembrance Day I suggest that we adopt the usual custom of standing in our places for the customary two minutes' silence.

Whereupon hon. members stood in silence for two minutes.

QUESTIONS.

SALE OF HOUSING COMMISSION HOMES.

Mr. MUNRO (Toowong), for **Mr. MORRIS** (Mt. Coot-tha), asked the Secretary for Public Works and Housing—

"Further to my questions of 2 and 9 November and his answers thereto, will he please advise from which housing areas sales of homes have been made, with the relevant figures in each case?"

Hon. P. J. R. HILTON (Carnarvon) replied—

"Brisbane Estates—Stafford 8, Enoggera 5, Wellers Hill 3, Grovely 3, Chermside 4, Carina 4, Seven Hills 2, Salisbury 1, Holland Park 2, Belmont 1, Camp Hill 1, Rocklea 1, Kedron 2, Murarrie 1, Nundah 1, Ashgrove 1; Country—Townsville 2, Rockhampton 2, Cunnamulla 1, Cairns 1, Toowoomba 1, Gladstone 1, Ipswich 1, Bundaberg 1, Stanthorpe 1, Mackay 1, Monto 1."

TILES ON IMPORTED HOUSES, CARINA.

Mr. MUNRO (Toowong), for **Mr. MORRIS** (Mt. Coot-tha), asked the Secretary for Public Works and Housing—

"Further to his answer on 9 November to my question re roofing tiles used on the Carina project, will he please advise approximately what proportion of imported tiles were used; whether any material was used under such tiles as a precaution against leakage, and whether a certificate was issued for such tiles as required by the Roofing Tiles Act?"

Hon. P. J. R. HILTON (Carnarvon) replied—

"Thirty-one per cent. Yes; this is in accord with common practice. Sixty-nine per cent. of these tiles were rejected after local test. As tiles were supplied in bulk, selections were made and certificates issued on satisfactory tests. Only 311 houses of the 1,000 embraced in the contract were roofed with these tiles. The Company was obliged to supply other types of roofing in lieu of the tiles rejected."

CONSTRUCTION OF KOOMBOOLOOMBA DAM.

Mr. H. B. TAYLOR (Clayfield) asked the Premier—

"1. Is he aware that in the Brisbane "Telegraph" of 9 November an article headed 'As I See It,' by V. C. Gair, Premier of Queensland, stated *inter alia,* 'A Liberal member who poses as an authority on irrigation . . . did not know that the entire construction of the Koombooloomba dam is being carried out by private contract?'

"2. (*a*) If it is true that this dam is being constructed by private contract, will he give the House the name of the contractor and the contract price? (*b*) If it is not true, will he see to it that in future only correct information is given under his name to the public through this important medium of propaganda?"

Hon. T. A. FOLEY (Belyando—Secretary for Public Lands and Irrigation), for **Hon. V. C. GAIR** (South Brisbane), replied—

"1. Yes.

"2. (*a*) When dictating the article for the "Telegraph," after expressing my thoughts on the general theme, I directed my stenographer to incorporate the substance of my remarks when replying in Parliament to the Honourable Member's false assertion that 'the greater part of the work (at Tully Falls) was being carried out by engineers of the Co-ordinator-General's Department'. When the finished article was submitted to me I was able to give it but a very hurried check because of the demands of my Cabinet duties, particularly on account of the heavy programme before us that day. Unfortunately, there are two omissions in Hansard. I am reported as saying 'The Koombooloomba Dam is carried out by private contract, is it not?' and again 'All the Dam had been carried out by private contract'. This report should have read, 'All but the Koombooloomba Dam is carried out by private contract, is it not?' and 'All but the Dam had been carried out by private contract'. Consequently, the "Telegraph" article in one small particular is misleading where it states that the entire construction of the Koombooloomba Dam is being carried out by private contract. This, of course, should have read that the whole of the Tully Falls scheme, with the exception of the Koombooloomba Dam, is being carried out by private contract. However, the substance of the article is not affected, rather would the alteration strengthen my assertion that the hon. member was not aware of the position. Hon. members will recall that he had stated that the Co-ordinator-General should estimate the cost of a project and invite tenders from private contractors and, if the contractor's price is lower than the Departmental estimate the work should be given to the private contractor. My remarks were intended to inform him and the House that this is exactly what is being done, and in the Tully Falls scheme the only portion of the work being constructed by the Co-ordinator-General is the Dam itself. Whilst it is true that the Department of the Co-ordinator-General is the constructing authority for the whole of the Tully Falls project, Queensland Contractors Pty. Ltd. are the contractors in their own right, and not sub-contractors as the hon. member suggested, for civil engineering work costing in the vicinity of two million pounds, and I would remind the House that only yesterday Executive approval was obtained for the acceptance of a further tender valued at more than a million pounds for the construction of a transmission line to connect the Tully Falls scheme with the power house at Garbutt to supply the Townsville area with electric power. The contractors in this case, Electric Power Transmission Pty. Ltd., are already completing contracts amounting to over half-a-million pounds for the erection of power transmission lines and other associated works in the Tully scheme. In this connection, the Co-ordinator-General's function is that of Supervising Engineer. It is pointed out

that the same type of supervision is maintained by the Victorian State Authority over such a world-wide construction company as the Utah Construction Company quoted by the hon. member. This is the case with all Government engineering contracts. I repeat that the only portion of the Tully Falls project which is being carried out by day labour is the Koombooloomba Dam.

"(*b*) I can assure the hon. member and others that it is not my practice to make public statements which are untrue. I take punctilious care to avoid misleading this House or the public in any statement I make. However, unlike the hon. member, who has ample leisure and the maximum of time in which to peruse and study such things, the demands upon my time are very great and in the course of my exacting duties there are many diversions. In this case I was not able to spare the time to peruse the Hansard proofs of my remarks in Parliament and thus the slight error which crept in was repeated in the newspaper article. However, as I have already stated, the substance of the article is not affected but that the alteration further spotlights the erroneous impressions formed in the mind of the hon. member, who whilst posing as an authority on irrigation matters, apparently did not take the trouble to inform himself of the true position."

PAPERS.

The following papers were laid on the table, and ordered to be printed:—

Report of the Secretary for Public Instruction for the year 1954.

Report of the Commissioner of Irrigation and Water Supply for the year 1954-1955.

The following paper was laid on the table:—

Regulations under the Apprentices and Minors Acts, 1929 to 1954.

HARBOURS BILL.

INITIATION.

Hon. E. J. WALSH (Bundaberg—Treasurer): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to consolidate and amend certain Acts relating to harbours, and for other purposes."

Motion agreed to.

INITIATION IN COMMITTEE.

(Mr. Graham, Mackay, in the chair.)

Hon. E. J. WALSH (Bundaberg—Treasurer) (11.12 a.m.): I move—

"That it is desirable that a Bill be introduced to consolidate and amend certain Acts relating to harbours, and for other purposes."

Hon. members may feel somewhat perturbed at the size of the Bill but I can assure them that it will not invite much controversial discussion.

As the Bill consolidates measures that have fairly wide ramifications in the development and economy of Queensland, I should like to outline a little history. Thirty-four Acts are affected, 27 of them being repealed completely and seven repealed in part.

Some of the repealed Acts were originally passed before Federation, one, the Wharves Act, as early as 5 August, 1834. It provided, inter alia, that two or more Justices of the Peace could make rules and regulations for the control of every public wharf, quay, pier or jetty within the colony of New South Wales, which, of course, in those days included a portion of Queensland. The maximum fine that could be inflicted on free citizens for breaches of these rules and regulations was £1, but, in the case of convicts, punishment was prescribed. The 1834 Act, which is a link with the early days and which was taken over by the colony of Queensland upon its separation from New South Wales, is now obsolete.

The Harbour Boards Acts were passed in 1892 and, although amended on numerous occasions, the wording and the provisions themselves need to be brought up to date. For example, the Acts speak of coastal lights, which are now controlled by the Commonwealth Government, whilst a definition is given for an inter-colonial trade vessel and mention is made of the collector of Customs.

The Harbour Boards Act of 1892 provided the machinery for the constitution, by special Acts, of harbour boards for those ports which sought self-government or local autonomy. The first three ports to apply for harbour boards were Bundaberg, Rockhampton and Townsville, all of which obtained official autonomy under their respective special Acts in 1895. Mackay followed their lead in 1896 and harbour boards were created at the ports of Cairns, Gladstone and Bowen in 1905, 1913 and 1914, respectively.

In preparing the Bill, consideration has been given to the relevant Acts of other States, and some provisions have been framed on those applying in South Australia and New Zealand. The Local Government Acts of the State have been drawn upon heavily since both harbour boards and local authorities are elected bodies which could be subject to more uniform conditions.

Some clauses in the Bill are re-enacted from the Acts to be repealed, others have been altered in wording, while in others new principles have been adopted. In the past, while the principal Act applied in general to all harbour boards, each board was given other specific powers and authorities under its own special Act. A feature of the Bill is that these special Acts will be incorporated in one Act. Thus, in the future, the same conditions will apply to all harbour boards.

In addition, in view of the proposed installation of facilities for the bulk handling of sugar at certain Queensland ports provision is made in the Bill to cover these operations.

The Bill is comprised of nine parts and incorporates 184 clauses. Including the two schedules it covers 155 pages. In the first part there is, of course, the usual preliminaries as to the title of the Bill and the necessary saving clauses to provide for the continuation of the present harbour boards and to cover action taken under the repealed Acts, and the definitions. Some of the definitions have been expanded and others are new.

I will deal with the different parts in numerical order. Part II—Harbours and harbour boards—covers the following new provisions:—

(*a*) More flexible arrangements for the creation and alteration of harbour boards, their districts and membership.

(*b*) That the Harbours Trust (at present the corporation of the Treasurer), with the prior approval of the Minister, may delegate its powers, etc.

(*c*) That unless otherwise prescribed, expenses of harbour board elections are to be borne by the local authorities concerned.

(*d*) That in instances where such action is considered necessary by the Governor in Council, a harbour board may be dissolved. The dissolution may be either for the purpose of holding fresh elections or for the purpose of abolishing the board and the Corporation of the Treasurer or the Harbours Trust (when constituted) may take over the harbour permanently or until elections are held, as the case may be.

Part III relates to the powers and duties of harbour boards. The provisions relating to contracts will be amended to empower a harbour board to make purchases up to the value of £250 without calling public tenders and to prohibit certain contracts, such as hire-purchase agreements and other contracts where a board would pay by instalments.

The powers of a harbour board to lease land will be extended to allow leases to be granted, subject to certain conditions, over foreshores and land below low water mark.

The disposal of any land by a harbour board will be controlled by the Governor in Council. Vested lands shall not be sold in any circumstances.

Harbour Boards will be empowered to collect charges on sand and gravel taken from their harbours.

The power of a harbour board to deal with vessels will be extended to cover cases in which a vessel may become a menace to navigation.

In Part IV—Foreshores, reclamations, harbour works on tidal lands—new provisions include the establishment of the right of the Crown to all foreshores and land under the water, except where the rights over such land are already lawfully held by other than the Crown. This part will also extend the granting of special leases under the Land Acts of land below high water mark to such land situated within a harbour and will bring all reclamation of land lying below high water mark under the Harbours Act or a Special Act. Reclamation provisions under the Land Acts will be repealed. Machinery will also be provided for the placing of foreshores and contiguous lands under the control of harbour boards and for the issue of licences by boards for the use and occupation of such lands.

A changed provision in regard to tenures over reclaimed land will be that a person reclaiming land may receive either a perpetual lease or a lease for up to 99 years, while provision will also be made for adjustments of freehold titles to incorporate reclaimed land in certain cases. A further variation in this Part will be that the Minister will be empowered to inspect harbour works and order the repair or removal of such works where it is considered necessary.

Part V deals with by-laws. The provisions of this Part are similar to those now existing, but in future the corporation of the Treasurer which is included in the Bill in the definition of "Harbours Trust" will require to pass by-laws instead of regulations as at present.

Part VI refers to finance. This Part includes three divisions dealing with funds and budgets, borrowing, accounts and audit respectively. Generally the provisions are similar to those in the present Acts but the division dealing with borrowing will be amended to bring it broadly into line with the latest borrowing legislation.

The most significant difference between the provisions in the new Harbours Bill and those of the old Acts is that the old Acts prescribe that boards would comply with the procedure included in certain sections, which they named, of the Local Government Acts, especially as regards borrowing procedure. These provisions have now been specifically prescribed. Instead of having to refer to the relevant sections of the Local Government Acts the specific provisions have been inserted in this legislation.

Mr. Hiley: Will they still be entitled to borrow on the open market?

Mr. WALSH: They have the same powers as they had before. There has been a certain tightening up.

An important new feature in the Bill is that provision is made giving the Minister authority to direct the taking of a poll on the question of a loan raising either with or without request. Certain anomalies have been rectified in that they have been brought into line with similar provisions in other Acts. For example, certain information regarding interest, rate, date and place of maturity shall now be prescribed in the debenture. While the interest and rate are also referred to in the Order in Council it was previously specifically required that all such information should be contained therein. Previously the practice was to incorporate it in the Order in Council. The repayment at any time of an outstanding debenture, etc. loan balance has been more clearly defined, and a lender advancing money by way of debentures, etc. is not required to inquire whether the issue of such securities was authorised or inquire into the manner in which the money is applied.

An entirely new section provides that a harbour board may now pay brokerage, subject to the approval of the Treasurer, on loan moneys.

Section 110 prescribes that regulations may be made dealing with all matters relating to the conduct of business connected with the raising and repayment of loans. This was previously covered in the by-laws.

Section 111 (2) (*a*) and (*b*) provides two new provisions comparable with the Local Government Act. These cover the publication by the Treasurer in the Gazette in February and August in each year of a board's total loan indebtedness on account of loans advanced by the Treasurer, and provision for half-yearly loan repayments in the liquidation of loan indebtedness.

Certain provisions now cover the manner, appointment, duties, powers, and remuneration of a receiver, which are more specifically defined than previously. It should be noted that provision is now made for the appointment of a receiver where default has occurred in the payment to bond or stock holders. Previous provisions covered only debenture holders.

The matter of illegal borrowing is covered in Section 113 which prescribes the responsibilities attached to individual members of a board so involved and the penalties that may be imposed thereon. The old Harbour Acts provide that the respective sections of the Local Government Acts would apply.

Part VII refers to Harbour Dues and in general they will be similar to existing provisions.

In Part VIII, Miscellaneous, there is a new provision to allow a reservation or dedication of land to be revoked where the land is required for harbour board purposes and such land to be demised to or vested in a harbour board. Provision has been made for the determination of compensation where such is payable.

Another new provision will prescribe that land made available for the purposes of the Acts may, in certain circumstances, be divested from a harbour board and revested in the Crown. Provision has been made for the determination of compensation where such is payable.

Machinery will be provided for the settlement of disputes with regard to the apportionment of election expenses and other matters.

Part IX, Facilities for loading sugar in bulk, deals with a major section of the Bill covering the provision of facilities for the loading of sugar in bulk at Queensland ports.

Whilst the harbour authorities will be responsible for providing such facilities and raising the necessary funds for them, the sugar industry, per medium of the Sugar Board, will be called upon from the proceeds of sales of raw sugar—

(*a*) To meet the annual interest and redemption payments to redeem the capital cost of such installations;

(*b*) To provide funds for the control, management, operation and maintenance by the Sugar Board of such facilities.

This part of the Bill will make provision for financial and other matters associated with the construction, operation and maintenance of the facilities required for the bulk handling of sugar.

This is the major provision of the Bill; the others are, in the main, re-enactments of provisions in the various Acts.

Mr. Hiley: Will the harbour authorities contribute to the cost?

Mr. WALSH: I shall elaborate that. As I have said, this is the major principle of the Bill, and was responsible for the consolidation of the Harbour Board Acts. There are so many Acts that apply to different harbour boards that a further Act was required to deal with bulk handling. I gave consideration to this matter last year and decided it would be preferable to consolidate all the legislation affecting harbour boards, so that those charged with the administration of harbour boards throughout the State could refer to one Act, rather than to numerous Acts. I have discussed this matter at length with the Chairman of the Sugar Board, the Parliamenary Draftsman, and officers of my department, to determine what part the Sugar Board shall play. It has been stressed at all times that the industry is prepared to take full responsibility for the cost incurred in the installation of these facilities. The general operations of harbour boards will in no way be mixed up with the provision of bulk handling facilities for sugar. A harbour board, of course, still will be the borrowing authority. It will assume all the powers and functions that

are provided by the Act. It will be responsible for the repayment of loan moneys, interest and redemption. The same relationship will continue between the Government and harbour boards in regard to the protection of moneys loaned by debenture holders and others to harbour boards, and the Government guarantee will apply. To facilitate this, the Sugar Board has indicated that it is quite prepared to assume the responsibility of meeting that cost, and the arrangement will be that each year the Sugar Board will provide for the annual amount required to meet the Harbour Board's indebtedness on the loan, interest and redemption, for the construction of these facilities. The arrangements as to the period of loan are matters dealt with from time to time.

Mr. Evans: And the control of these terminal facilities?

Mr. WALSH: I shall deal with that. I do not desire to withhold any information. Of course, there will be different problems confronting harbour boards on this question. After discussion with the Chairman of the Mackay Harbour Board in regard to the present installation at Mackay and its financial responsibilities, the arrangement under the Act provides for the charging of a due of about 9s. 4d. a ton to the Mackay Harbour Board which has to be found annually to enable the Board to meet its commitments. We cannot allow a position to develop where another set of circumstances arises and leaves the Harbour Board with that indebtedness without taking care of it. The Mackay Board is in a favourable financial position due to the arrangements over the years whereby the industry as a whole has paid to the establishment of the port facilities at Mackay. It has been able to build up substantial reserves and has carried out a fairly good plan of development from its revenue fund. I think the Board will have in the vicinity of £450,000 of the estimated amount of £1,250,000 that will have to be found by the Board either through its own revenue or by way of loan advances. Again I think it would be impossible to burden the Mackay Harbour Board with that responsibility without seeing that it was protected and in some way reimbursed for that. If the Mackay Harbour Board had not been in that position with the available revenue at its disposal or arranged for by bank advances the whole of the money would have to be raised by loan. The reasonable thing is to protect its interests in that respect. At all times so far as the control and operation of the terminal is concerned it will be vested in the Sugar Board. That board will have the authority to build up its own organisation within the respective ports, whether they be Mackay, Townsville, Cairns, Bundaberg, Mourilyan and the other ports they might develop. Hon. members will appreciate that with these facilities there will be involved a certain amount of mechanisation requiring technical staff and, rather than have a multiplicity of controls over the terminals it would be better to have one authority to arrange for its technical staff to control them in the various ports along the coast.

I understand also that what the Sugar Board has in mind—and I might say I think it is the way the plan will be developed—to avoid local controversial aspects, is that it would be better if the Board appointed a local organisation to supervise and control a particular terminal point subject to the control of the Sugar Board. This may not be the position but it might be that there would be a miller's representative, a growers' representative, and an independent representative to make up a local advisory board under the Sugar Board to control a particular terminal. I think hon. members can see the wisdom of that. The Sugar Board is finding the finance, the technical staff and is providing for the maintenance and operation of the intricate machinery involved and it is desirable that some central organisation should be set up rather than have the individual harbour boards exercising control.

Mr. Hiley: When you say that the Sugar Board will find the finance, whilst it finds the finance will it recover from the mills in relation to each particular area or from the industry as a whole?

Mr. WALSH: Obviously, it will be recovered from the industry as a whole as it will benefit from any resultant savings in the sugar pool. The agreement in respect of Mackay, of course, covered special circumstances. In the old days sugar was lightered down the Pioneer River and across to Flat Top, but that practice eventually became too cumbersome to be continued. I often wonder what the present cost would be of lightering sugar to Flat Top. While the Mackay Harbour Board derives benefit from the guarantee of 9s. 4d. a ton every year, which is paid by the industry as a whole and not by the local mills, it can be said on the other hand that the industry as a whole also has derived considerable benefit therefrom.

Mr. Evans: Millions of pounds.

Mr. WALSH: As the hon. member for Mirani says, it would amount to millions of pounds, because overseas ships can now come right into the Mackay harbour and load the sugar. I think it will be universally agreed that the construction of port facilities at Mackay has resulted in considerable savings to the industry as a whole.

I understand that the arrangement is that all the savings that will result from the operation of bulk-handling facilities in any port will be credited to the sugar pool. Consequently, they will be distributed among all the growers and all the millers, irrespective of whether they take advantage of the terminal facilities. Bearing that in mind, the obvious thing to do is to levy the industry as a whole to provide bulk-loading facilities.

This part of the Bill should be very satisfactory to the industry as a whole. I paid a good deal of attention to it personally, and it has been the subject of many discussions between officers of the Crown Law Office, the Chairman of the Sugar Board, my own officers, and the Parliamentary Draftsman.

The sugar industry has always been able to provide its own financial requirements. In other words, if from year to year adjustments have to be made in the price of cane or of sugar, they can be made within the industry itself by the various mills, the Sugar Board, the growers, the C.S.R. Company Limited, and so on. The industry has been able to make its own financial arrangements without going onto the public market. Through that organisation, the Sugar Board could probably be of considerable value. I am not saying, of course, that it could be expected to find the finance for the initial capital outlay; that would be a heavy charge on the industry. For example, the initial cost at both Mackay and Lucinda Point will be approximately £1,250,000, whilst the installation of terminal facilities at other ports could possibly be much greater than that. It would be expecting too much to ask the industry to meet charges such as that. Consequently, the harbour boards will raise money for port development in the usual way. No doubt, they will approach the generous Treasurer for a handout. Of course, some harbour boards may be able to finance the work from their own revenues.

I think it is necessary for the work to be proceeded with as quickly as possible because, apart from increasing labour difficulties, the industry is beginning to realise its problems over the supply of bags, quantities, prices, and so on. If it could save the figure that has already been stated, it would mean much. I have no desire to name the figure but other speakers may do so. It could have varied from the time it was calculated, so the mention of a specific figure of expected savings at this stage could mislead unless the statement was qualified in some way.

However, those are the main features of the Bill. If hon. members indicate during the debate that I have not elaborated any point sufficiently, I will deal with it in greater detail.

Mr. HILEY (Coorparoo) (11.41 a.m.): It seems unlikely that the Bill will meet with other than support from hon. members on both sides. From the historical outline that the Minister gave, my wonder is that the consolidation has been so long delayed.

Mr. Walsh: Forty-one years since we had a principal Act introduced.

Mr. HILEY: As a matter of fact, one might have thought that the very impact of Federation, taking away as it did certain matters that had previously been dealt with by the State, would have necessitated the complete clarification and restatement of the law so that citizens might conveniently know their rights, duties and privileges in connection with harbours and rivers. As 27 Acts will be repealed in full and seven others in part, frankly how can members of the public seriously be expected to discharge their obligations with a full knowledge and understanding of the law?

Mr. Walsh: I think you have some appreciation of the Parliamentary Draftsman's task, too.

Mr. HILEY: I have indeed, and, like most other tasks in life, the longer it is left the worse it becomes. However, the consolidating Bill will be hailed as a distinctly forward step.

Incidentally, it is good to see it coming before the House in the proper way. I do not like the practice that was adopted a while ago of consolidating departmentally. Such a consolidation, whilst probably all right and accurate, was not accepted in the courts. It was very convenient for the public but it had not the seal of parliamentary authority. It was merely a consolidation by departmental officers, issued under the authority of the Minister. There is nothing second-rate about this consolidation. It will be a complete measure issued with the full seal of Parliament; it will be accepted, recognised and followed by the courts; it will be admissible in evidence, and it will have all the advantages that departmental consolidations lack. I suggest that all future consolidations be done through Parliament.

I had hoped that, in such a big consolidation as this, thought will have been given to a practice that has been mentioned previously The Bill contains about a hundred pages and includes, as the Treasurer said, 183 clauses. For the convenience of hon. members, who must study it to discharge their responsibilities, whenever a consolidated measure is introduced, it should have a marginal cross-reference against every section, showing the source, so that hon. members may at a glance tell which is a new section and which is a re-enacting section taken from one of the 27 repealed measures or the seven partly-repealed measures and transplanted into the Bill. That would be of great assistance to hon. members who have to wade through all these pages in the discharge of their duty.

Mr. Walsh: That has been done.

Mr. HILEY: Excellent. In the Federal Parliament it is not uncommon to have two faces of printer's type used. Old words are printed in one face type and new words are printed either in italics or some other sharply distinct type face so that when the pages are read the new matter and the old are boldly separated as though printed in black and red. If that practice has not been followed here I suggest that it be passed on for consideration by the Parliamentary Draftsman so that in future with any consolidated measures hon. members can be given that assistance.

Mr. Walsh: I think it would be very helpful myself.

Mr. HILEY: Thank you. I do not propose to examine every provision in the Bill. My colleague, the hon. member for Mirani, will have something to say about it, but I will make a few remarks now instead of on the second reading.

Reference was made to more detailed provision dealing with the powers of reclamation and the use of reclaimed land. I believe that while the immediate economy of things may often make it cheaper to dump spoil from river or harbour into the sea, in the long-range pattern of development of this country it is better not to waste any silt or spoil by dumping it in the depths of the ocean. There is the temptation to dump it when there is plenty of available land instead of reclaiming mangrove swamps or other low areas. Health, mosquito nuisance and things of that description are further reasons for utilising this spoil. The shortage of available land is not something that weighs heavily upon our shoulders now, but at some future stage of development of this nation every acre and every square yard of soil will be important. We have seen what has happened in other countries of the world. In Holland they have reclaimed vast areas of land from the sea. By building dykes, land has been reclaimed that previously was 20 and 30 feet under the North Sea. Not only is it right and proper that we should give the harbour boards the fullest possible facilities for reclaiming land and dealing with that land, but having regard to the future, the use of silt and spoil from harbours and rivers should be laid down as a national necessity. If this is done the time will come when our children will call us blessed because we had the foresight and courage to save what otherwise at the present time is simply wasted in the depths of the ocean.

Anyone who studies the problems of geological structure recognises that the most precious thing we have in this universe is our few inches of top soil. Some of the older and fully settled countries have found—and China is a good example—that they have almost insolvable problems arising from the loss and wastage of top soil. Just as the Secretary for Agriculture and Stock is concerned with soil conservation so that we may retain and preserve the nation's agricultural heritage, I venture to say that in the direction of harbours and rivers we have the same opportunity, and it would be a pity if we allowed the immediate cost of doing these things to cause us to waste what, once it is thrown away, is irrecoverable for all time.

The second matter that I want to say something about is the practice of some of the harbour boards which has had some unfortunate repercussions. From time to time people go to a harbour board to discuss leasehold areas on which they wish to erect certain port installations; it may be some oil tanks here or sheds there. The harbour boards quite willingly discuss leasehold arrangements with people who build improvements alongside ports and harbours and wharves. Most harbour boards insist that the work shall be carried out by the harbour board. They ask the prospective improver to enter into a contract authorising the harbour board to carry out the work. They give him a preliminary estimate but warn him that he will have to pay the cost whatever it is. It is only an estimate. The work will be done on a do-and-charge basis. An estimate on that basis, by its very nature, must be accepted as an approximation of what the cost will be. I have not known of a do-and-charge estimate that hit the nail fairly and squarely on the head when the work was carried out. Sometimes it is under, but very often it is reasonably over. Occasionally there have been instances—Gladstone was one bad case—where the final cost exceeded the estimate not by a tiny percentage but it multiplied it so much that when the work was finally carried out it destroyed the whole economy of the project that had been planned.

Mr. Walsh: What work was that?

Mr. HILEY: The oil terminal in Gladstone, for the Purr Pull organisation. I mention that as one of the difficulties that arises in practice. On the advice given by the harbour board the company considered that it would pay them to establish a terminal there but when they got the bill they knew there was not a sufficient volume of business to make the proposal an economic one.

Mr. Walsh: You could have that on the cost-plus basis, too.

Mr. HILEY: This was the do-and-charge estimate; that is what I say. The cure is not legislative; it is an administrative matter. When harbour boards set out to enter into an arrangement with their respective tenants to carry out certain work it is their duty to see that they command the best advice and that they do not deceive the tenant and induce him to go ahead with something that he thinks will cost £10,000 but for which he finally gets a bill for £30,000. I mention the matter at this stage. It does not affect the Bill, but I thought this was a convenient opportunity to bring it to the attention of the Treasurer and the Committee.

Mr. Walsh: Of course, those are things outside the jurisdiction of the Government.

Mr. HILEY: It has nothing to do with the Government, but it arises under the legislation administered by the harbour boards. Actually this is a complaint against the Harbour Board itself, which was misled by its technical advisers and in turn misled the user.

Mr. Walsh: I think there was some litigation over another contract up there.

Mr. HILEY: I reserve my main comment until I have had an opportunity to peruse the Bill. I content myself at this

stage with expressing the view that hon. members on this side of the Chamber are likely to support the Bill. I shall be interested to hear the comments of the hon. member for Mirani on bulk-loading facilities.

Mr. EVANS (Mirani) (11.56 a.m.): The Treasurer has given a fairly comprehensive outline of the Bill. After listening to his statement, it would appear that it was necessary to introduce this Bill to re-write provisions, repeal other provisions and consolidate other Acts. In the limited time at my disposal, I shall deal with the provision for bulk terminal facilities. The views expressed by the Treasurer are in line with those of the industry. The Treasurer informed hon. members that the responsibility for providing the money to construct the terminal is the responsibility of the Harbour Board. I agree that it should be so. The Mackay Harbour Board is doing a good job.

Mr. Walsh: In the case of Lucinda it will not rest with the Harbour Board.

Mr. EVANS: And that applies to Mourilyan also, unless a harbour board is created. If a terminal is constructed at Mourilyan, a Harbour Board will be needed. They have a fund of £100,000-odd. The Sugar Board has to bear the responsibility of collecting and paying moneys to the harbour boards.

The Treasurer dealt with the present lighterage charge of 9s. 4d. a ton. I think the position should be clarified and put on record to remove the misunderstanding that exists about that lighterage charge. Only a few weeks ago in North Queensland many people asked me, "How did you get this credit of £450,000?" That was the figure they used. I am not sure if it is correct. They also asked, "Why did they get this 9s. 4d. lighterage charge?" If the Mackay Harbour Board had not been progressive and had not listened to advice, the sugar would have still been taken to Flat Top.

When we realise that there is a charge of £3 2s. on every ton of sugar that goes through Mourilyan Harbour, we get a line on the saving. I say definitely that Mourilyan bulk installation is the most important of the remaining harbours. The charge of 9s. 4d. at Mackay is very small compared with that. The Treasurer mentioned the huge saving that would be made. I could not hazard a guess at the figure, but the Mackay area produces a quarter of the sugar crop of Queensland, so that many million pounds are being saved by the industry, and the saving is not confined to Mackay growers only. The benefit is felt by every sugar-grower throughout Queensland. Many people do not take into consideration that the point of delivery is the sugar shed, if the sugar is stacked. There is not much sugar stacked these days, so the point of delivery is at the ship's side, on lorries or railway wagons.

That is our point of delivery. The cost to-day of putting sugar into a ship at Mackay would be between 30s. and 40s. a ton and I say that the saving to be made when the terminal is operating should be at least 30s. a ton. That would be a phenomenal saving and something we have to get. I include the cost of jute and freight. We are exporting more than half of our production of sugar and selling it on the markets of the world. Great Britain is being reasonable to us by paying all freights over 35s. but there is a slow turn-round of ships. To illustrate the point, in 1939 ships were for two-thirds of their time at sea but now they are more than two-thirds of their time in port. That necessitates an increase in freight and as we in the industry have to carry the whole of the financial responsibility of financing and marketing our sugar overseas, we must be cost conscious. We have done certain things to hold our market but I should be out of order in dealing with them now. We are receiving consideration from Great Britain who is buying 300,000 tons of sugar at cost of production in Commonwealth countries unless the formula is altered, and she is giving concessions in freights. The Government have done virtually everything the industry has asked for as far as I can gather from the outline of the Bill given by the Treasurer. People have asked why a start in bulk handling was made first at Mackay. Mackay is an overseas port; it is a deep port, the foundations are good, and a start had to be made somewhere. A quarter of the Queensland production of sugar comes from that area and I think the Sugar Board and the Government were right in allowing a start to be made at Mackay. The Lucinda Point people started off on their own long before we talked of it. The problems at Lucinda Point are real problems but bulk installation at that place is not nearly as far advanced as at Mackay nor are the economics so sound. When the terminals are completed the benefit that the growers and millers in the various districts will reap will be in the lower cost from the point of delivery. All sugar producers are positive that Mackay, with its big production, will be one of the best ports from the economic aspect. With the facility of bulk handling it will be possible to load a 5,000-ton ship in 24 hours and this must mean a quicker turn-round of ships. Pressure must be brought to bear on the ship-owners to reduce freight in conformity with the quicker turn-round of ships. The argument of ship-owners up to date, and it has been a good one, has been based on the slow turn-round of ships. We know that a ship of 5,000 or 6,000 tons capacity costs £500 or £600 a day whilst in port, but when a ship comes into port today and leaves in 24 hours there will be a big saving, but we have to take into account the factor of back loading. There may not be any back loading. The saving in the cost of bags and freight as the

result of bulk-handling facilities will benefit every grower in the industry, irrespective of where the terminal is.

The Treasurer said that the Sugar Board would be given control of the terminals, with which I am in entire agreement. It is essential to employ skilled men in the terminals. You must ensure that the sugar does not go hard, so that it is necessary to have selected, fully-trained men.

The Treasurer said also that the proposed advisory board would be appointed from the growers and the millers, and others.

Mr. Walsh: Not necessarily from the growers and the millers, but it could work out that way.

Mr. EVANS: As most of the mills in the Mackay area are co-operative, I support the principle. However, I think the advisory board should be non profit-making. If it is to act in an advisory capacity only, it should remain subject to the control of the Sugar Board.

Mr. Walsh: That is how it will be.

Mr. EVANS: Although the advisory board should be allowed funds with which to meet its expenses, it should be non profit-making.

Mr. Walsh: It will not be handed out in the form of a lease, or anything like that. The advisory board will be appointed by the Sugar Board, which will be responsible for its costs. Any savings that may be effected will go back to the Sugar Board.

Mr. EVANS: I am in full accord with that arrangement.

Mr. Walsh: The desire is that the savings shall go back into the sugar pool. The advisory board will be purely an administrative body.

Mr. EVANS: It will be subject to the control of the Sugar Board?

Mr. Walsh: Yes.

Mr. EVANS: I am fully in accord with that arrangement.

As a member of the consultative committee that is collaborating with the Sugar Board, I have found the members of the board very co-operative. The chairman is very capable and impartial, and is always anxious to be of assistance. I am very sorry that he is so near his retiring age. I suggest that he be given the same treatment as his predecessor; that is, that his services be extended beyond the usual retiring age. Mr. Donnollan enjoys the benefit of the knowledge of both Mr. Short and the late Hon. W. Forgan Smith. He is doing an excellent job and enjoys the full confidence of the industry.

Mr. Collins: All sections of the industry.

Mr. EVANS: That is so.

Although the other two members of the Sugar Board are Government nominees, I have always found them very co-operative and helpful. Since I have been a member of the consultative committee, every matter that has come before the Sugar Board has been decided unanimously.

I shall reserve further comment until I have seen the Bill.

Hon. E. J. WALSH (Bundaberg—Treasurer) (12.10 a.m.): Further to what the hon. member for Mirani said, there has certainly been a great deal of misunderstanding, not only within the industry but also throughout the State, as to the arrangements made for finance through the Sugar Board for the construction of the Mackay Harbour. I hesitate to hazard a guess at what would have been the cost to the industry today, but I think I should be safe in saying it is between £3 and £4 a ton.

Mr. Evans: Easily that.

Mr. WALSH: I have in mind the way costs generally have increased, particularly in shipping enterprises. If we could have a few more projects in Queensland financed on the same basis as the Mackay Harbour, believe me, the country would be saved considerable loan indebtedness. All that was involved was the transfer of an existing charge of 9s. 4d. over the revenues of the Harbour Board. In other words, the charge has never been increased although sugar production has increased substantially due to mechanisation, better varieties, improved methods of farming, and so on. On a tonnage basis the Mackay district is the most important sugar district in the State.

The hon. member for Coorparoo suggested cross references in consolidated measures. As a matter of fact, Ministers often have alterations set out in their memoranda in larger type to attract the eye.

I should like to pay a tribute to Mr. Skinner, the assistant to Mr. Seymour, because he has worked very hard on the Bill and devoted a great deal of time and thought to it. I have no doubt that, as a result of his extensive consideration of the principles involved, he may even qualify one day as Portmaster for the Port of Brisbane.

I hope hon. members will agree with the principles of the Bill because I think they will go a long way towards making the administration of harbour boards much easier.

Motion (Mr. Walsh) agreed to.

Resolution reported.

FIRST READING.

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

RAILWAYS ACTS AMENDMENT BILL (No. 2).

SECOND READING.

Hon. J. E. DUGGAN (Toowoomba—Minister for Transport) (12.16 p.m.): I move—

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

I am just a little upset this morning and not feeling very bright, therefore I hope I can be excused from elaborating on the Bill to any extent. I indicated the purposes of the Bill last night and since then it has been circulated. Hon. members have had an opportunity to examine its provisions and I think they will agree that I covered all the principles in my introductory remarks. If there is any elaboration desired I shall be very happy to give the required information.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (12.17 p.m.): The Minister for Transport did give us a very full explanation of the Bill which helped us very considerably in our examination of its provisions. They are desirable and necessary. While dealing with an immediate problem in regard to the interpretation of an amendment made earlier this year as to promotions within the department, the Minister has taken the opportunity to tidy up several other matters that required attention. I would say he has done a pretty good job.

Since we last amended the Railways Act a number of things have happened to the railways in Queensland. We have seen the closure of a number of branch lines that were not paying. As a result, it was necessary to amend the Act, particularly in respect of facilities provided by the railway line such as bridges, level crossings, and other things so that they could be used to some good purpose by local authorities for road transport. Whilst making this required amendment the Minister has taken the opportunity to legalise the sale of one of the closed branch lines. I intend to go through the new provisions and set out the reasons for their insertion in the Bill.

The first provision gives exhaustive definitions of the terms "head of the branch", "a head of a branch", and "a branch", which are used extensively throughout the Act. As the Minister pointed out some difficulty has arisen because the term "head of a branch" had been in the Act for years and it was not clear. The new provision will clear the matter up.

The next provision deals with the method of making promotions in the Railway Department. When an amendment of the Acts was introduced last year as a result of union presure on the Minister, it was pointed out that there was some difficulty in regard to the implementation of it. I do not think anybody anticipated the difficulty that cropped up when the Chairman of the Appeal Board placed an interpretation on the provision which was not intended by this legislature. When we look at the clause in the Act and the amending clause I believe that the Chairman might have had some justification for arriving at his decision. The existing clause reads—

> "When any vacancy occurs in any branch of the Service not open for competitive examination, it shall be filled, if possible, by the promotion of the senior employee next in rank, position, or grade to the vacant officer if he is competent to fill the vacancy and applies for the same."

The amended clause will read—

> "When any vacancy occurs in any branch of the Service not open for competitive examination, it shall be filled, if posible, by the promotion of the senior applicant next in rank, position, or grade to the vacant office who is competent to fill the vacancy."

This amendment has been included to satisfy a ruling given by the Chairman of the Railway Appeal Board. The construction placed on the existing section by the Chairman is that it empowers the appointment of the next senior employee if he is competent and applies for the vacancy. The chairman apparently ruled that if the next senior employee is not competent or does not apply, then there is no power for further appointment of other applicants. Whether it is right or wrong is a fine legal point. On a point of pure construction of the section, the Chairman's opinion has merit. However, the Chairman's ruling is not in accordance with the wishes of this legislature and it is right that this very unsatisfactory position should be cleared up. I believe that the amendment will do that.

Another very important provision is in keeping with the development that is taking place in the railway system in regard to electrification. Undoubtedly, when the original Act was framed the matter of the electrification of our suburban railways was never thought of. In days gone by it was never thought that we would have electric traction in railways, but to keep abreast of development and progress in the world in recent years it is hoped that we will have electric traction at some date in the near future.

It was necessary to give the Commissioner certain powers in regard to electrification of railways.

The Bill contains definitions of "electric lines" and "works" as set out in the Electric Light and Power Acts. Those definitions are very comprehensive. The definition in the Electric Light and Power Acts reads—

> "'Electric line' means and includes a wire or wires, conductors, or other means, used for the purpose of conveying, transmitting, transforming, or distributing, electricity, with any casing, coating, covering, tube, pipe, pillar, pole, post, frame, bracket, or insulator enclosing, surrounding, or supporting, the same, or any part

thereof, or any apparatus connected therewith for the purpose of conveying, transmitting, transforming or distributing, electricity.''

The Parliamentary Draftsman is to be complimented on that very complete definition. It appears that nothing has been omitted. He is also to be complimented on the definition of ''works'' which reads—

''''Works' means and includes electric lines, and also any buildings, machinery, engines, meters, lamp, transformers, fittings, apparatus, works, matters, or things of whatever description required to supply electricity or to carry into effect the objects of the electric authority under this Act.''

I do not think the Minister will ever find it necessary to amend those definitions.

The Bill gives the Commissioner power to use, construct and maintain any system of electric traction which he may approve, either in addition to or substitution for any other railway system.

Another important provision requires the Commissioner, before constructing any electric lines or works along, over or under any road, to make inquiries as what other electric lines, gas, water drainage or sewerage pipes or similar works are likely to be interfered with, and to make such arrangements as may be possible with the relevant authority to prevent damage or loss to the electric lines and works of the Commissioner and the other works. That raises the important question of proper co-ordination between authorities installing facilities in the same area and the responsibility for alteration or damage to existing facilities. Lack of co-ordination between authorities is evident every day in towns and cities in Queensland. The gas company may lay a beautiful pipeline down a road or footpath, apparently with the consent and knowledge of other authorities such as the water supply, and electric light authorities, and the P.M.G. Department. A few days after the footpath or road is restored to a condition approximating its original condition, however, another authority commences to dig up the road or footpath to install some other facility. It does not matter how many provisions we write into legislation in regard to the co-ordination of work by various local and public authorities, there does not seem to be any proper co-ordination to obviate the waste we see everywhere in the community today. I hope that the powers we are giving to the Commissioner in this regard will be exercised to secure the fullest possible co-operation and that there will not be the economic waste that we see today on all sides as a result of the lack of co-ordination between various constructing authorities.

When we look at the powers given to the Commissioner we find that it is obligatory on him to make inquiries and to make arrangements, if possible, for the prevention of damage, but no express provision as to compensation is made in cases where the construction works of the Commissioner might cause loss to the authorities concerned, although it is possible that this might be covered in the general provisions of the Bill.

Mr. Walsh interjected.

Mr. NICKLIN: It is not expressly provided for although in the principal Act we have a sub-section dealing with works of this nature which reads—

''The Commissioner shall at once repair any damage occasioned to any sewer, drain, gas or water main or works for supply of electricity during the construction or maintenance of any railway on a road.''

Possibly that covers the point. Under that sub-section the Commissioner is obliged to make arrangements for the prevention of damage etc., so far as may be, but, if despite the arrangements, some damage is occasioned to the works of a road authority by the construction or maintenance works of the Commissioner, then he is obliged to repair the damage. Presumably if, apart from the structural damage caused in any such case, there was further legal damage, such as loss of revenue caused by interruption in gas supply, the authority concerned would have a legal right of action against the Commissioner. In dealing with this important question it was worthwhile raising the lack of co-ordination that we find evident on all sides by various public construction authorities, water, gas, electric light, or the P.M.G. Department. There is no co-ordinated activities to prevent economic waste and damage. There are far too many footpaths torn up unnecessarily because of lack of co-ordination; there are far too many roads damaged as the result of lack of co-ordination.

On the important question of the closing of railway lines, when the Act was first framed it did not envisage the introduction of electric traction nor did it envisage the closing of lines. Although there were provisions in the Act to deal with the construction of lines there was a definite omission in regard to what would happen when a line was closed or part of a line was closed when it was considered to be no longer necessary to meet public convenience or requirements or when it was no longer economical to continue to run it. We have made full provision in this Bill to meet all contingencies in connection with the closing of railway lines. There is no doubt that the Commissioner has all the power to close a line. We are now giving him power to dispose of, dismantle or remove such railway, or any part thereof, and to surrender to the Crown, or otherwise sell or dispose of, appurtenant land.

I should like to discuss the Commissioner's power to dispose of land used for a railway line when the line is closed. The Minister said that in some circumstances the department might consider reopening a line and that it would continue to hold the land. However, where it is improbable that a railway line

will be reopened, the land through which it ran should be disposed of in some way or another. The most sensible method would be to incorporate it in the adjacent properties. It then becomes a question of the tenure to which it should be converted. I suggested it should be converted to the same tenure as the adjacent lands. Although Government policy is opposed to freehold tenure, it would be plain silly to convert to leasehold tenure a narrow strip of land that runs through freehold land. I trust, therefore, that when the Commissioner sells any land occupied by a railway line that has been closed, it will be converted to the same tenure as the adjacent lands. That would be a commonsense approach and would obviate a good deal of subsequent difficulty.

I should like to mention what happened in the case of the Buderim tramway in the Maroochy shire. When that tramline was first mooted, there was much competition among the people of the area as to the place to which it should be built, whether it should be Palmwoods, Woombye or Nambour. All sorts of offers were made by various people to have the tramline built where it best suited them. In passing, I might say that in the long run those who thought they were the lucky winners of the tramline lived to regret it. However, so that they could get the tramline where it suited them, some property owners offered to give the shire council the land required for the line. In the long run, most of the land was given to the council by the people. I have been told that in the case of the Dayboro line, too, most of the land was given to the Government. In the case of the Buderim tramline, the council took no action to alter the deeds of the land that was given to them. In the case of land that was bought, of course, new deeds were issued and the titles altered. When the tramline was eventually closed, there was a good deal of confusion about who owned the land occupied by it and what was to happen to it, and much legal work had to be done. In the case of the Dayboro line, of course, I do not doubt that the department would have made all the necessary alterations to the title deeds, so that there should be no difficulty in that regard.

Another provision deals with the closure of railway lines and what will happen to level crossings, railway construction works and bridges that could be used to advantage by local authorities. The Minister has wisely provided that a relevant local authority, or, in the case of the Mains Roads Commission, the Commissioner, may be given responsibility for the use and maintenance of facilities handed over. Admittedly, railway bridges are not always a first-class structure for conversion to road traffic and structural alterations will be necessary, but that will be far better than being held up at low-lying creek crossings. On the Dayboro line quite a number of bridges could be so used, because many creeks there flood not only in the wet season but also after a heavy thunderstorm. Railway bridges not now required will doubtless be used to advantage by local authorities and in some cases portion of the permanent way may be incorporated into road systems to provide a better road than now exists.

Another fairly comprehensive provision deals with private branch lines that may connect with the existing railway system. The Minister said that he and his department had certain powers but they lacked others and that he had taken the opportunity to tidy up the position. I believe the Bill will solve all those legal problems quickly and satisfactorily. Many new industries call for extensive branch lines and it is essential to eliminate any weaknesses in the Railway Department's control of the construction of those lines. I believe the Bill will do that effectively. The final provision deals with the sale of the line beyond Cordalba to the Isis Central Sugar Mill Co. Ltd. The Bill will give parliamentary approval to an agreement made on 3 October this year between the Commissioner for Railways and that company. The agreement is fully set out in the Schedule to the Bill. The Minister and the Commissioner have done a very wise thing in allowing the Isis Sugar Mill the opportunity to use this railway line which the department saw fit to close down. All the construction work involved in building this section will now be used to advantage by the Isis Central sugar mill. The hon. member for Isis pertinently mentioned last night that the company hopes to, and no doubt will, run this section at a profit.

All in all, the Bill is very necessary and desirable. The provisions are worthwhile additions to the very important railway Act which contains so many responsibilities for the efficient functioning of railways in the State. We on this side of the House do not object to any of the provisions.

Mr. GRAHAM (Mackay) (12.47 p.m.): The Minister is doing the right thing in bringing down legislation to correct anomalies in the existing Act. It is interesting to note that provision is made for the transfer of a section of the Cordalba line to the Isis Central Sugar Mill Co. Ltd. The line proved to be uneconomic.

The Railway Department today is rendering a great service to Queensland. Many improvements have been effected, especially since the present Minister took control. The diesel engines will in due course help the department to solve much of the State's transport problem. Queensland is a growing State and transport problems are increasing. Naturally the Railway Department has to carry the burden. The introduction of diesel engines has helped to obviate delays and with a further increase in their number the public will have no cause to complain about train delays. For many years the people of North Queensland have had to put up with the old type of carriage and the air-conditioned trains have been very well

received. It is pleasing to see how travellers have cared for the air-conditioned carriages. Some people thought that it would be only a matter of time when the air-conditioned carriages would be in a dilapidated condition because of the treatment that would be given to them by passengers. I have travelled to the North on these trains and I have discussed the matter with conductors who told me that it was surprising how careful the travelling public were not to injure the fittings of these carriages. Some of the trains have been running between Brisbane and Cairns for over two years and the carriages are in nearly as good condition now as when they were first put on the road.

Another important improvement is the introduction of a better class of rail motor during the last few years. They have given great service to the people, especially in country places such as Mackay where they run to outlying areas. Recently I saw a statement by the Minister that it was the intention of the department to introduce more diesel rail motors, to run between places like Mackay, Townsville and Cairns.

The amendment of clause 3, dealing with promotions, is important. When the Act was amended recently it was thought that the difficulty would be overcome, but it has been found necessary to amend the Act again. The matter of promotions has caused great dissatisfaction in the department. The method of allowing general managers to make appointments by recommendation was detrimental to the wellbeing of the average railway employee. Many employees have been promoted purely on their qualifications and little if any regard has been paid to length of service. After repeated appeal court decisions the unions were very concerned about the matter. It was necessary to clarify the position regarding seniority. In some sections seniority is the only basis of appointment because of competitive examinations, but in other sections where there are no competitive examinations some basis has to be laid down for promotions. In many cases the Commissioner decided on suitability without reference to seniority, and his decision was upheld by the appeal court. Many railway employees felt that they had been denied their rights when the Commissioner could make appointments on the ground of suitability and disregard seniority. The amendment will clarify the matter. At one time it was left to the general managers to make recommendations. Men stationed in the northern division were denied the right of promotion to positions in the southern division because they could not get the recommendation of the manager of the southern division, and vice versa. That position is overcome by the Bill, and I think the provision will be acceptable to railway employees generally.

Over the years hon. members have heard from various sources a fair amount of criticism of the department. Fair and honest criticism is to be expected. The Railway Department is such a gigantic institution that there must be some faults. Recently in this Chamber I heard the speech of the hon. member for Mirani. He grilled the department on the transport of cane to Farleigh mill. I am not going to deny some of the things he said, but he should have stated all the facts. In the Mackay area 2,000,000 to 3,000,000 tons of cane are transported to the various mills. During the season there is a tremendous increase in the number of trains used solely for transporting cane. Each mill is given an allotment of trucks, and the timetable is arranged to suit mills in the various parts of the district. Farleigh mill receives most of its cane from the north coast line, and a number of trains run from Mackay to as far as Bloomsbury to pick up the cane. The trains have to pick up trucks at various sidings, to ensure a continuous supply of cane. The hon. member for Mirani based his criticism on one train only. He said it had run late on 200 occasions. That might be true, because that train, No. 62 Up, called "The Sweeper", has to pick up at various sidings trucks that have been consigned late or that have been loaded at a late hour. It does run late consistently. It is the last train on the section. He alleged that because of the late running of this train the mill had been inconvenienced in regard to cane supply. That is not true. He should be more honest in his criticism and should tell the whole story of cane supply to that mill. He tried to substantiate his case by stating half-truths. He did not give the reason for the late running of the train. In the railway service trains are called Up trains and Down trains.

Mr. SPEAKER: Order! The hon. member is getting away from the Bill.

Mr. GRAHAM: Surely I am entitled to mention matters affecting the Railway Department.

Mr. SPEAKER: Order! I cannot allow a general debate on the Railway Department.

Mr. GRAHAM: I have been replying to the criticism levelled at the Railway Department by the hon. member for Mirani, and I think I am only doing justice to the railway staff at Mackay. Unavoidable delays must take place and unless people know the reasons for the late running of trains they may misunderstand the position. The hon. member said that all the blame could be attached to the department. I refute his statement. Some of the blame is because of the inefficiency of mill employees. Trains are sometimes delayed waiting for trucks and instances are on record where trains have been held at Farleigh for two hours waiting for empties from the mill. It is most unfair and unjust to criticise and blame the Railway Department without stating the facts. The hon. member ignored the responsibility of his own mill and overlooked the damage done to railway wagons. Every wagon damaged in handling operations at his mill causes considerable expense to the department and

another wagon has to be brought into the traffic. It is on record that in one season over 192 wagons were damaged in the precincts of the mill at Farleigh. They had to be taken off the road and sent for repairs.

Mr. Nicklin: Who damaged them?

Mr. GRAHAM: Mill employees, by careless handling. Examiners examine wagons before they leave for the mill and they were found damaged when they came from the mill.

Mr. Nicklin: In what way?

Mr. GRAHAM: Brakes, brake pins, and doors have been damaged by bad handling. At the commencement of the present crushing season up to 14 October 190 wagons were marked off for the workshops from Farleigh mill. Anybody who criticises the Railway Department on the ground that it is inefficiently run should first of all consider where the delays are occasioned. Despite the views of the hon. member, when the crushing season finishes at Mackay the mill authorities praise the district superintendent and his staff for their co-operation and help in the running of cane trains. It is obvious that on single lines delays are inevitable. A breakdown in a locomotive or a derailment of a wagon can cause delays to a number of trains. It can be said that the cane traffic at Mackay is kept to a pretty tight schedule.

Mr. SPEAKER: Order! I am afraid the hon. member is getting away from the Bill.

Mr. GRAHAM: Remarks made in the House cannot be allowed to go unchallenged otherwise they might cause a wrong impression in the minds of the people. If an irresponsible statement is made it should be refuted. I am only doing the right thing even if my remarks are not connected with the Bill.

I am very happy to know that the Bill takes the right of appeal from a railway employee who fails to lodge an appeal immediately after an appointment is made. Over the years it has been found that unsuccessful applicants for a position who have failed to lodge an appeal when the position was filled, have lodged an appeal subsequent to the hearing of an appeal by another applicant. The Bill will remove that anomaly. Any unsuccessful applicant for a position should be given the right of appeal, but if he does not appeal in the first instance he should not be able to exercise it at a later stage.

The provision will benefit the average railway employee, as it will protect both his seniority and his right of appeal. The present anomaly in the legislation has become particularly pronounced since the appointment of Mr. Hickey as chairman of the Railway Appeal Board. His consistent practice of upholding appointments has caused a good deal of dissension and unrest among railway employees. Although Mr. Hickey may as a rule have had very good grounds for upholding the appointment, on many occasions the appellants have felt that they have been done an injustice. Where competitive examinations are held, seniority is the only basis of promotion. Where they are not, however, suitability is of paramount importance. In some cases I admit that young men have adapted themselves to a job and have become highly proficient, but we must not forget that the older men have gained their experience by length of service, and their seniority should be taken into consideration.

The provisions of the Bill will protect the majority of railway employees and will be generally welcomed by them.

Mr. CHALK (Lockyer) (2.24 p.m.): I do not intend to reply to the matters raised by the hon. member for Mackay, most of which could more properly have been dealt with by him when we were debating the Estimates, or on some other occasion. I assure the hon. member, however, that we on this side of the Chamber could have given an effective reply to most of the points raised by him.

The Leader of the Opposition this morning outlined rather fully the views of the Opposition on the Bill. As I said on the introductory stage, in the main we believe that the provisions being written into the railway regulations are desirable. The Bill contains a number of machinery provisions, the reasons for which were indicated by previous speakers. The hon. member for Mundingburra greatly exaggerated the possibility of certain action being taken by the Commissioner. He went to some length to explain that the Commissioner could load the wording of an advertisement calling applications for a job and he insinuated that the conditions of appointment could be such that the Commissioner could select the person he wanted for the job. I believe it is the right of the Commissioner, when an appointment is to be made, to give consideration to the qualifications necessary for appointment. I do not for a moment believe that he would go to the extent of restricting it to one man, as the hon. member for Mundingburra suggested. After all, the Commissioner for Railways is charged with the responsibility of operating the railways and I should not like to see his right to lay down the qualifications of appointees, taken away from him.

I should like the Minister to explain what will happen about appeals that have been lodged and considered between the passing of the legislation in April this year and the passage of this Bill. What happened in that period will apparently go by the board and what we are now writing into the Act will apply. I know of one case in which, I think, some injustice may be done. I hope the Minister will give us some indication of the number of cases that will be affected by the alteration. Probably in many cases there will be justification for applying the provision, but it seems to me that, whatever interpretation the Chairman of the Railway

Appeal Court gave, it was given in the circumstances applying at the time. The Bill makes the provision retrospective to April, 1955, so it is quite likely that at least one or two people will be affected by the change. If the law applies to court matters, a litigant goes to court on that law and the judge or magistrate at the time interprets it and gives a decision. There is the right of appeal to a higher tribunal but matters are determined on the law as it stands at the time. In this case we are amending the legislation so that the interpretation by the chairman of the Appeal Board will be set aside and the wishes of the Government carried out. It goes back to April, 1955, when the Act was originally introduced. On that point I should like to hear some expression from the Minister because I know of one case where it will probably result in the complete reversal of a decision. I do not think for one moment that it is the intention of the Government to bring this law in to affect anyone in particular, it is not intended to victimise anyone but it is an interesting point to consider whether we should go back and change the regulations as they stood and as they were interpreted then by the chairman of the Appeal Board.

The Minister referred to rail motors and said that eventually he hoped to have electrification of railways in Queensland. Consequently the Bill extends the regulations that now apply to steam and diesel trains, to electric trains. I think that is right.

Mr. Jesson: They tell me that Father Christmas is giving you a train set.

Mr. CHALK: I do not know whether he is or not but he might bring the hon. member a particular type of cart.

Mr. SPEAKER: Order!

Mr. CHALK: The Minister said some of the rail motors today were not modern and so we are doing the right thing in endeavouring to improve the standard and at the same time bringing legislation up to date in readiness for electrification.

The Leader of the Opposition spoke about the rights of the Commissioner in the closing of branch lines and tearing them up in some cases. The hon. member for Murrumba referred to the Dayboro line. I know he wants to have something to say about the bridges left behind and what will arise about the land over which the line runs. In my own electorate the Mulgowie line was closed but the people did not raise any objection to that. As a matter of fact the local authority really favoured the idea because it was felt that there would then be every justification for an application for a bitumen-sealed road into that locality.

The Minister was right when he said that in many cases where lines were closed the roads were good enough to take business away from the railways. I think our attitude should be that if we close a line on which money is being lost the capital thus saved should be used to provide a first-class road to that area. If the roadway or the bridges used by the railways can be utilised for road traffic it is only right that they be handed over to the proper authority. The only point I wish to raise particularly is in relation to retrospectivity to April, 1955. If the Minister can assure me that it will affect very few people then I am quite happy. I have been told it will affect quite a number. Those people who went into those positions in April, 1955, will find that as a result of the alteration they will be deprived of what they believe they are entitled to.

Mr. NICHOLSON (Murrumba) (2.37 p.m.): Many of the amendments are of great interest to local authorities, particularly in areas where a railway line is being closed. Portion of the Ferny Grove-Samford line that is being closed runs through the Pine Shire. I have made representations on behalf of the Pine Shire Council to the department regarding the upkeep of the overhead traffic bridges over deep cuttings. I think there are three or four such bridges in the Pine Shire area and the council is anxious to know what the position will be. I notice that the Bill makes provision to free the Commissioner for Railways of all responsibility in regard to the maintenance of those bridges to be handed over to the local authority in the area. There are many aspects that deserve consideration. Who will be the owner of the bridge? Will the Railway Department still own the bridge and look to the local authority for the upkeep of it, or will there be a forced sale of the bridge to the local authority? If there is to be a forced sale it will place upon the shire council an expenditure that it cannot meet under the present budgetary system without getting an extra loan. If the department retained ownership of the bridges and relied on the council to maintain them, in the event of an accident on a bridge who would be responsible? The local authority may be held responsible in a court of law for such an accident. Those things are causing some concern. No doubt the matter will be further considered at the Committee stages.

The Leader of the Opposition mentioned the conversion of railway bridges to traffic bridges. There is one such bridge on the Dayboro line, and that has been considered by the local authority. The cost of converting that bridge to a traffic bridge would be considerable. According to the engineer's report, it is not easy to convert a railway bridge to a traffic bridge because of the manner of sinking the piles. For a railway bridge they are driven at an angle, whereas for a traffic bridge they are perpendicular. In regard to that bridge is it the intention of the Government to ask the local authority to buy the bridge, or will it be given to the local authority as a gift? The state of roads in the area has a bearing on that matter. If the roads are not trafficable in wet weather,

the granting of an all-weather railway bridge would compensate for the closing of the line. I realise that the rails would be removed from the bridge, but the transoms and stringers if removed would render the bridge useless. Take the bridge at MacKenzie Crossing over Armstrong Creek. The railway bridge is above flood level. The approaches to the traffic bridge were washed away during the last flood, and it would cost some £6,000 to replace them. The total allocation from the Commonwealth road fund was to be used for that purpose. The local authority feel that if the department made a gift of the bridge to it, the £6,000 could be expended in making the road an all-weather road.

I should like some information from the Minister as to what is to be done with the land on which the line is built. I mentioned yesterday that the greater portion of this land had been given to the Railway Department by the people in the area so that a line could be built. I feel as the Leader of the Opposition did that according to this legislation the land will be disposed of as leasehold under the Land Act or as the Governor in Council deems proper under the circumstances. The land was a gift to the Government and in the circumstances it would not hurt the Government to depart from their policy and not sell any of the land. They could make it freehold because 90 per cent. of the land in the area is freehold. If it was made leasehold it would mean that there would be a strip of leasehold running between two sections of freehold. The owners of adjacent land could say that their properties were divided by a strip of leasehold land which could be taken away from them at any time. If, however, the department wishes to retain the land for the reopening of the line leasehold tenure would be more desirable. It appears, the line having once been closed there is little hope of the district's progressing or becoming more closely settled. Once the line is closed there is little chance of its being reopened. I make these remarks to the Minister in the hope that he will answer them.

I am pleased to see the provision in the Bill regarding appeals because this question has been a constant worry to many members of Parliament who have been asked to make representations about them. Where appeals have taken place seniority has been the great bone of contention. Fortunately, in one respect, where perhaps two people applied for a job and there was an appeal on the ground of seniority, and the argument has become too involved, the position was thrown open again and fresh applications called. Instead of there being two applicants for the position there might be perhaps four or five and sometimes neither of the two in the original dispute gets the job. I am pleased to know that under the legislation, if I understand it correctly, no further applicants will be allowed to apply for the position if it is reopened. I think that meets with the general approval of all hon. members and the approval of the majority of the men in the department.

I shall reserve further comment until we reach the Committee stage.

Hon. J. E. DUGGAN (Toowoomba—Minister for Transport) (2.49 p.m.), in reply: I do not think there is a great deal calling for reply and I do not think there is any need for the hon. member for Murrumba to ask for any specific explanations in the Committee stage as his queries can be answered in a general way now. The main point raised by the Leader of the Opposition was the need for co-ordination between the various departments to avoid what has, undoubtedly, been in some instances a rather sorry spectacle, and I am not referring to the Railway Department in particular. I am not now referring to the Railway Department particularly, but to public authorities generally. Too frequently do we see, because of what is apparently an absence of co-ordination, one authority called upon to do something as the result of another authority's action. As far as possible the Railway Department tries to avoid the difficulty. Of course, we still have trouble. Only this morning I told the Chief Engineer that even where we comply strictly with legal requirements regarding access to properties where it is intended, for example, to resume or to carry out surveys, we should extend elementary courtesy to the owner of the land instead of merely standing on our legal rights. As a rule, people object very strongly when they learn of the department's intention to do something without their having first received official advice. Sometimes physical entry to properties is effected without consulting the owners, and I must confess that at times the department's attitude has perhaps been motivated in the first place by a wish to avoid giving any credence to rumours that extensive resumptions are to be made, and secondly, to avoid the huge increases in property values when word gets round that certain things are to be done. Elementary courtesy requires that the department should seek the co-operation of the people concerned before exerting any legal right.

Mr. Hiley: The old maxim says that you catch more flies with honey than with vinegar.

Mr. DUGGAN: Despite all my instructions, we get the occasional case of the overzealous officer who enters a property without taking the owner into his confidence. It is elementary common sense that we should keep on-side with the people concerned.

Mr. Nicklin: Courteous treatment would save a lot of trouble.

Mr. DUGGAN: That is so. As the hon. member for Coorparoo said, you get more results with honey than with vinegar.

The Leader of the Opposition expressed some fear in regard to the payment of compensation. I assure him, however, that we have never wished to avoid our moral as well

as our legal obligations whenever resumptions have been made. At times some people feel that because development takes place in and around a certain area, the Railway Department should remove any of its property that perhaps could be regarded as constituting a traffic hazard. That, however, is rather an unreasonable view to take. Surely no-one would suggest that level crossings should be abolished entirely or that railway lines should be re-routed because of some traffic hazard? It is argued in some quarters that it is the department that has created the traffic hazard. That is not true. The Railway Department preceded the development, and it would be just as logical to say to Allan & Starks or Finney Isles, "Queen Street is now far too narrow for the increased traffic it carries. You should move your building back 20 or 30 feet to provide for modern traffic requirements." Cattle yards or level crossings may impede the flow of traffic. I think this is an appropriate time to point out that I do not think the department should be charged with the duty of facilitating road transport.

Modern transport requirements sometimes call for a much wider roadway than years ago when the Railways Act was introduced. Though I agree that the public interest might very well demand the widening of a roadway, I do not think the charge for it should be debited against my department. It is a matter for Government policy and Treasury consideration and, because it involves heavy expenditure, it may not be acceptable to either. I sometimes think that if we had such a fund as a State Development Fund, whatever its source of revenue might be, we could perhaps apply from it sufficient money to provide for a facility that is obviously necessary in the public interest. I refer particularly to overbridges and so on in city areas where the roadways must be wider than in the country. Eventually the Government will have to face up to the position in some way. In many countries of the world provision is made from a Federal fund, and in some cases from State funds, for the progressive elimination of level crossings. I think that is very necessary but I do not think the Railway Department alone, or in some cases at all, should be expected to defray the cost. The building of the railway preceded the later development so the Railway Department should not be penalised.

In some cases where we had gatekeepers I have authorised, as far as funds permit, the provision of electrically-operated boom gates and the saving in wages can offset the capital cost of the gates. In many cases that is highly remunerative for the department but there is a limit to that course because it can be adopted only where gatekeepers are employed. It cannot be applied to unattended level crossings. I think at some appropriate time the possibility of having funds made available should be examined. It could be done by the department in conjunction with motoring organisations and local authorities. With electrification pending, it seems to me to be foolish to restrict our obligation to 16 ft. when traffic might require 40 ft. and it would not be very much more costly to make the extra provision while the work is being done. Later on, the change would involve heavy expenditure on additional piers and lengths of steel and so on.

Mr. Kerr: Nothing has been done in my electorate in regard to the installation of electrically-operated boom gates.

Mr. DUGGAN: We have done that in the Brisbane area and in one or two country areas. In Rockhampton and Toowoomba the principle is being applied progressively.

Mr. Kerr: It is not being done in my electorate yet.

Mr. DUGGAN: The hon. member for Lockyer spoke of the effect of the retrospective provision dealing with appeals. I cannot see that any hardship will result. I understand the unions approve of the provision for retrospectivity. All that we are doing is clarifying for the chairman of the Railway Appeal Court the legislature's original intention. Everybody who applied for these various positions did so on the same understanding, consequently I cannot see that there is any injustice to anybody. Statements made by various people show very definitely that the railway employees generally not only appreciate but also desire this retrospective provision.

I was hoping to be able to answer the hon. member for Murrumba in respect to overbridges in his area. We have actually arranged with the local authority for one of these overbridges to be taken over. In our deliberations with the Isis Central Sugar Mill the first approach by the local authority naturally was to ascertain the cost of the bridge. It was originally suggested merely to allow for depreciation but I felt that that was rather unfair. That may have been sound from an accountancy point of view, nevertheless if the railway line were not open the bridge was of no value to us at all. It was no good adopting a dog-in-the-manger attitude and the Commissioner agreed that the cost should be based on the actual value of recoverable material that could be transferred. That arrangement has been happily accepted in the two cases so far. It may save several hundreds or even thousands of pounds in some cases. If we find that the piers and so on are in good condition and would be suitable for transfer to another bridge in need of maintenance, we feel that the value of that material recoverable, taking out labour costs, would be a fair value to the local authority.

Mr. Nicholson: Is that the rail or overhead bridge?

Mr. DUGGAN: In the case of the overhead bridge we would not be worried very much. On the Isis line, for instance, in wet weather people could take advantage of the railway bridge. They probably would put a few more sleepers in and use it as an emergency measure.

Mr. Nicholson: That is the idea with the one in the Pine Shire?

Mr. DUGGAN: Yes. We are not striking hard bargains at all with the local authorities; we are merely asking for the actual value of recoverable material. I think that is fair enough.

The information I was seeking has just come to hand and in the case of Dayboro we debited the Pine Shire with £100. On the Thangool line, after removing the rails and transomes, we did not charge them anything. That illustrates that we are not trying to recover the actual cost less depreciation.

Both the Leader of the Opposition and the hon. member for Murrumba expressed some concern about the tenure of land that might be sold. I agree that it would appear to be sensible to transfer the land to the particular title that would operate in the area concerned and there is provision for it in the Act. Where the adjoining property is freehold it will be sold on a freehold basis, and if it is leasehold it will be leased on the appropriate leasehold tenure under the land laws of the State.

Mr. Nicholson: Is it the intention to charge the shires for the overhead bridges.

Mr. DUGGAN: As I mentioned, the only charge would be for recoverable material. We do not want to go further than that. I do not think that anything else has been raised.

Motion (Mr. Duggan) agreed to.

COMMITTEE.

(Mr. Keyatta, Townsville, in the chair.)

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

Bill reported, without amendment.

THIRD READING.

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

HEALTH ACTS AMENDMENT BILL.

INITIATION IN COMMITTEE.

(Mr. Keyatta, Townsville, in the chair.)

Hon. W. M. MOORE (Merthyr—Secretary for Health and Home Affairs) (3.11 p.m.): I move—

"That it is desirable that a Bill be introduced to amend the Health Acts, 1937 to 1949, in certain particulars."

The Bill deals with the use of lead in paint, and the object is to lessen the danger of lead poisoning in children. It will—

(1) Prohibit the manufacture, sale, or use of paint containing white lead;

(2) Prohibit the use of lead paint on the outside of any house or other buildings, any fence or gate, the interior of a house, or on any household furniture.

The Act at present prohibits the use of lead paint on roofs.

The prohibition of the use of any paint containing lead on the outside of a house or other buildings will be subject to the provision that paint containing lead chromate as a colouring agent will be excluded from that prohibition, provided that the soluble lead content of that paint does not exceed 5 per cent. These paints are used for trimmings only. However, the use of lead chromate paint will be prohibited on any veranda, veranda gate, veranda blind or any step, rail or lattice of any house or other building and on any other exterior portion easily accessible to children under 14 years of age. Under the present law the use of lead paint on roofs is not allowed. The only other prohibition on the use of paint containing lead is that no paint containing more than 5 per cent. soluble lead can be used on any veranda, railing, fence or gate, or any such portion of a house and on any other exterior portion easily accessible to children under 14 years of age.

Under the Bill no paint containing white lead can be manufactured, sold or used. That is a total prohibition of white lead in paint. No lead paint can be used on any building, either on the exterior or the interior. No lead paint can be used on furniture. The only exception is that lead chromate paint, used for trimmings, can be used on the exterior, on parts not accessible to children, provided the soluble lead content does not exceed 5 per cent. The history of lead poisoning of children in Queensland is very interesting.

The first reports of lead poisoning in children were made by Dr. Jeffries Turner and Dr. Lockhart Gibson as far back as 1892. As a result of their investigations of children at the Brisbane Children's Hospital they formed the opinion that the intake of lead was responsible for the inflammation of nerves which resulted in paralysis of muscles of the eye, forearm, and the leg.

In 1904, Dr. Gibson published a paper describing the result of his investigations which indicated that veranda railings and other structures painted with lead-containing paint were the sources of lead poisoning in Queensland children.

The Queensland Branch of the British Medical Association made representations for legislation to be introduced limiting the use of lead paint but no action was taken by the Government of the day. The probable

reason was that it was then the accepted belief that there was no pigment that could replace lead in paint. In 1922 the then Labour Government introduced legislation into the House which prohibited the use of paint containing more than 5 per cent. soluble lead on veranda railings, fences, gates, and other parts of buildings easily accessible to children. At the time that legislation was brought before the House a public inquiry was being conducted in Sydney into the hazards of white lead paint. A physician, giving evidence at that inquiry, stated that the ingestion of lead paint by children did not cause poisoning. Queensland doctors who were aware of the high incidence of lead poisoning in this State at that time rebutted that statement and the legislation became law in this State in 1922. As early as 1917 attention was drawn to the fact that the mortality rate of chronic nephritis in Queensland in the younger age groups was five times greater than the mortality from that disease in New South Wales. Lead poisoning was suspected as the cause, and this was confirmed by the work of Dr. Jarvis Nye in 1929. Dr. Nye presented evidence which led him to the conclusion that there was close association between chronic nephritis in Queensland and lead poisoning in childhood.

In 1939 Dr. R. E. Murray, of the Commonwealth Health Department, carried out an investigation in regard to the relation between lead poisoning and chronic nephritis and he also formed the opinion that powdery paint within reach of children's hands could furnish an adequate source of toxic quantities of lead compounds, if ingested by children.

Medical opinion in this State, after careful inquiry and investigation into the problem, was that lead in paint, taken into children's mouths by licking raindrops off veranda rails which had been painted with paint containing a large proportion of soluble lead or by rubbing their hands on lead paint that was powdering, and putting their fingers into their mouths, was the cause of lead poisoning.

The legislation introduced in 1922 was based on that opinion, and it then remained for experience to prove or disprove the opinions of the doctors.

If lead paint were the cause, a considerable reduction in the number of kiddies suffering from lead poisoning and chronic nephritis could be expected when sufficient time had expired, to allow of the effects of the legislation to be felt. Experience has strikingly confirmed the conclusions arrived at by the doctors mentioned, and also the benefit following from the 1922 legislation as the statistics I now quote clearly show.

Of the children born between 1906 and 1915, 13.3 per one hundred thousand died from chronic nephritis between the ages of 10 and 19 in Queensland, compared with 3.5 per one hundred thousand for the rest of Australia.

Of the children born between 1916 and 1925, 15 per one hundred thousand died between the ages of 10 and 19 in Queensland, compared with 2.65 per one hundred thousand in the rest of Australia.

The effect of the restriction of the amount of lead in paint that could be used in places easily accessible to children began to show its effect between 1926 and 1935.

Mr. F. E. Roberts: Has the incidence of lead poisoning resulting from the use of lead toys—toy soldiers and the like—ever been discovered?

Mr. MOORE: The authorities are on that now.

Mr. Nicklin: We have legislation dealing with that matter.

Mr. F. E. Roberts: It is contended in some quarters that that is the chief reason.

Mr. MOORE: The mortality figures for chronic nephritis of children between the ages of 10 and 19 years fell to 8.25 per one hundred thousand in this State, compared with 2.1 per one hundred thousand in the rest of Australia. This trend continued for the children born between 1936 and 1945, when the mortality rate from chronic nephritis in this State fell to 3.75 per one hundred thousand, between the ages of 10 and 19, compared with 1.8 per one hundred thousand in the rest of Australia.

For the year 1953, the mortality rate for the age group mentioned for nephritis in this State, was 2.6 per one hundred thousand, compared with 1.9 per one hundred thousand in the rest of Australia.

For the period 1916 to 1925 the mortality rate in the age group 10 to 19, from nephritis, in this State, was between five and six times that for the rest of Australia, whilst in 1953, the last year for which figures for the whole of Australia are available, the mortality rate in that age group from nephritis in Queensland was only half greater than the rest of Australia. The results obtained by the restriction of the lead content of paint to be used on surfaces easily accessible to children have therefore been startlingly successful.

There are no restrictions on the use of lead paint in the other States, but the fact that the vast majority of homes in Queensland are constructed of wood, compared with conditions in the southern States, where the opposite is the case and the vast majority of homes are of brick construction, leads to much more surfaces of homes being painted in this State. Under those circumstances, we have indeed reason to be pleased that the nephritis death rate in children has been so greatly reduced here, but we have no reason at all for complacency.

It is medically accepted, of course, that not every case of nephritis in children is caused by lead poisoning, but further research indicates that a considerable proportion at least of the number of young people dying

from nephritis swallowed lead paint in their young years, and that that was the cause of their death. We will not be satisfied until we have succeeded in reducing the mortality rate to well below that of the rest of Australia, provided that the other States do not legislate to prevent the use of lead in paint. If that is done, of course—and there are signs that more than one State in the near future will introduce such legislation—the mortality rate in those States also will be reduced.

When the Queensland Institute of Medical Research was set up by the Queensland Government in 1945, the Act constituting it provided, inter alia, that it should carry out research into lead poisoning, problems of diagnosis, and after effects, particularly as they affected the health and well being of the children of this State. Dr. D. A. Henderson, of the Research Institute, has been carrying out research into this problem and has now submitted his findings.

In his report, Dr. Henderson pointed out that no matter how often children were told not to do so, they would continue to lick paint off railings, particularly after rain. They would also scribble on walls, licking their fingers to rub it off, with the result that any powdered lead that got on to their fingers would be swallowed. Previously it was accepted that the only danger from white lead paint was when it crumbled after weathering, and that therefore whilst lead paint on the exterior of a building constituted a hazard to the health of children, lead paint on the interior was not a hazard. However, in his research Dr. Henderson has proved that children have suffered from lead poisoning as the result of eating lead paint that has flaked off a ceiling, and also as the result of scribbling on interior walls and wetting their fingers from their mouths to rub it off, then again licking their fingers.

It is a technical fact that certain colours in paint cannot be obtained without the use of lead chromate. The amount of this colouring agent that must be introduced into the paint varies according to the colour required. To obtain certain bright yellow and orange colours, and bright greens, a very high soluble lead content results, in some cases up to 40 per cent. Lead chromate paints are used as trimmings on buildings, and on furniture.

The Bill will prohibit the use of these paints anywhere except on the exterior of a building. Lead chromate paints are used for trimmings on houses, and to meet the modern fashion of brightly-painted furniture in the home. The use on furniture of paint containing lead is a very real danger to children, and its use for that purpose will be prohibited.

Provided trimmings are not within the reach of children, it is felt that the reduction of the lead content to under 5 per cent. will remove the hazard from the use of chromate paints on the outside of buildings. The amendment therefore allows lead chromate paint of less than 5 per cent. soluble lead to be used on exterior parts of buildings that are beyond the reach of children. Dr. Henderson's research has shown that children can, and do, become affected by lead poisoning from the use of paint containing lead on the interior of houses. For that reason, the use of lead paint on the interior of buildings will be prohibited.

Up to quite recent times, the belief has been firmly held that an effective paint that would give good coverage and stand up to wear and exposure, could not be obtained without the use of white lead. In a State such as ours, where the majority of homes are of wooden construction, and with our climatic effect on wooden buildings if they are not adequately protected by a good paint, it would be quite impossible to ban the use of white lead if there was not a reasonably effective substitute.

It can be accepted that when the 1922 Act was framed, and the maximum lead content of 5 per cent. was fixed for paint readily accessible to children, two factors were taken into consideration: first, the greatly reduced toxic effect of paint with the maximum of 5 per cent. lead content; and second, the minimum amount of lead required to make a serviceable paint. It has been well established now that white lead is the villain of the piece in the lead poisoning of children.

The reduction of the lead content of paint easily accessible to children has had a spectacular effect in reducing the number of lead-poisoning cases but has not totally eliminated them. Another factor, of course, is that it is a practical impossibility to test the paint on every house in the State. There has been no prohibition on the use of white-lead paint, no matter what its soluble lead content, except on those portions of buildings easily accessible to children. Therefore, paints of a high white-lead content have been on sale and procurable. Through ignorance or otherwise, paint containing more than 5 per cent. lead could be, and, it must be accepted, has been, applied to portions of homes and other buildings readily accessible to children. The ideal, therefore, would be the total prohibition of the manufacture, sale and use of paint containing white lead.

Mr. Hiley: When you say white lead, I take it there is no sanction against red lead?

Mr. MOORE: No.

Mr. Hiley: It is the hydrated oxide that is the worry?

Mr. MOORE: Yes. It is with very great pleasure that I am able to say today that the utmost co-operation has been given to the Government and the department in the fight to eliminate white lead, and it has come not only from the medical men but also from others interested in the manufacture and use of paint. The paint manufacturers in the State, encouraged by our legislation and by the knowledge that the Government and the department have been most anxious to remove

the hazard to the health and life of children, have for years now been very actively engaged in research and experimentation to develop a paint not containing white lead that would be as least as good as white-lead paint.

The Department of Public Works has also played a very great part. For many years now, the department has not used paint containing lead on any Government building. It has gone further and engaged in active experiment to establish the relative values of lead paint and zinc paint. In its experiments, walls of buildings have been painted in alternate strips of lead paint and zinc paint. In this way the two paints have been on exactly the same surface and exposed to the same weathering and wearing. Frequent inspections of the trial strips have been made and the condition of the two types of paint carefully recorded. This has gone on for about 10 years and in every case the zinc paint has proved better than the lead.

Following the receipt of Dr. Henderson's report I have had conferences with the paint manufacturers and they have assured me that their techniques in the manufacture of zinc paints have now progressed so far that they can confidently trust the reputation of their firms to zinc paint. Medical opinion is, then, that lead paint is a danger. Experiments by the Department of Public Works have shown that lead-free zinc paint is at least the equal of lead paint, and the paint manufacturers agree and are prepared to stake the reputations of their products and their firms on lead-free paint. To my mind, this is a perfect example of co-operation in the field of preventive medicine.

Our goal is now in sight. With the passing of the Bill to prevent the manufacture, sale and use of paint containing white lead, we can confidently look forward to the day when there will not be any white lead on any house in the State. That is, of course, a long-range view. It is recognised that it would be completely unjust, and would impose undue hardship on home-owners, if they were expected to remove from their homes paint that has been applied with due regard to the existing law. It is also recognised that paint containing white lead has been manufactured and will be in course of manufacture up to the time the Bill becomes law. The prohibition of the sale and use of that paint would impose financial hardship. It is therefore proposed to include in the Bill a provision that the section of the Act dealing with the removal of paint will not apply to buildings painted in compliance with the law operating at the time they were painted. A provision will be included, too, making it quite legal to dispose of, and use, paints manufactured before the Bill comes into force. Their use will be subject to the existing provisions of the Act. I think all hon. members will agree that this is equitable and just. Apart from the justice of the matter, there is also the practical side. It has been agreed by all parties concerned that there are colours in paint that still cannot be manufactured without the use of lead chromates. From the information given to me in many conferences with manufacturers it appears that they are working towards the day when they will probably be able to eliminate lead chromates but to date they are not able to produce workable articles without the use of a certain amount of them.

To arbitrarily lay down on a certain date that a great amount of paint manufactured in compliance with the law up to the day before that date should not be used would cause great dislocation in the industry and trade. There would be a great shortage of paint for a considerable period, causing chaos and unemployment.

As I mentioned previously, there are certain colours that cannot be manufactured without the use of lead chromates. A further provision deals with those paints which are used as trimmings. They will be allowed to be manufactured, sold and used on the outside of buildings, but with the restriction that they must not contain more than 5 per cent. soluble lead. They cannot be used anywhere easily accessible to children.

The saving provisions regarding paint manufactured or used before the date of coming into force of the amendment will not apply to household furniture. The fashion of bright colours on household furniture has brought about a new hazard to children. The high soluble lead content required to produce some of these colours—particularly bright yellows, greens and oranges—is a positive menace to their health. The new provision therefore will provide, not only the prohibition of the use of lead paint on such furniture, but also for the Director-General of Health to order the removal of paint from any furniture, even if painted before the amendment, if it is found to contain lead in excess of 5 per cent. I feel sure that hon. members will agree that this provision, which has been framed after consultation with medical experts, chemists, analysts, paint manufacturers, the Painters' Union and the Department of Public Works—a very large user of paint—is a major step forward and that the reservations I have mentioned are equitable and just. We aim to achieve this without hardship to anyone.

I have stressed the advantages from the point of view of health of our children but there is another advantage, and I refer to painters engaged on painting buildings. It is recognised that there is some danger to tradesmen using lead paint, but it is also recognised that whilst it is impossible to educate young children to the danger of lead and the precautions to be taken, such is not the case with adults. Whilst there is still some danger to them it is only reasonable to assume that adults should take more reasonable measures to protect their health.

The provision will mean that in the near future painters will not be asked to use lead paint on buildings, and in the course of time the hazard involved in the scraping down of

buildings painted with lead paint will disappear. I am not unaware that there is another side to the picture and that is the use of red lead and lead-containing paints in industry. We went deeply into this and we have come to the conclusion that at the moment the technical advances in the industry are not sufficient to guarantee that all industrial uses can be met by lead-free paint. This matter is still under review.

Paint manufacturers, having successfully completed their efforts to develop a lead-free paint for buildings, are now actively engaged in experimental research with the object of manufacturing paint without the use of lead that will meet the demands of industrial users. So far various colours demanded cannot be manufactured in a lead-free paint. Were we to prohibit the use of lead-containing paint industrially much work that is now done in Queensland would go to other States. For example, the painting of motor-car bodies and agricultural machinery. However, I can confidently predict that lead-free paints will be used industrially, not only in the foreseeable future but possibly, if not probably, within a period of 12 months. I have endeavoured to give the history of the danger of white lead in paint. I have given the Committee some idea of the amount of research and the findings over the years. I have foreshadowed the effect of the implementation of the amendment. I confidently place the matter before the Committee for consideration.

Dr. NOBLE (Yeronga) (3.36 p.m.): This must be the first Bill totally prohibiting the use of lead paint in certain instances to be brought down in any Parliament in the British Commonwealth of Nations. I think every hon. member on this side of the Chamber, in view of the implications of lead poisoning and the serious results that can be brought about by the ingestion of lead by children from houses, will agree that it is very necessary legislation. The Minister went into the matter very fully so that we have a good understanding of what the Government intend to do in this regard. I was interested to hear the Minister refer to Dr. Turner and Dr. Lockhart Gibson and their research work in 1904 and later on this subject, and also to the work of Dr. Jarvis Nye who published a book entitled "Chronic Nephritis and Lead Poisoning" which received a good deal of Press notice throughout the medical world. The Government in 1922, as the Minister said, brought down legislation prohibiting the use of more than 5 per cent. of lead in paint. It is not only in this country that it has been a problem; all over the world there has been cognisance of lead in paint. In 1920 a conference took place at Geneva where representatives of the different countries met and discussed the matter. At that conference a suggestion was made that there should be a limit of 5 per cent. of lead in paint that may come in contact with children. No doubt the Government in those days were influenced by the findings of that conference that was attended by representatives from this country too. The fact is, as pointed out by Dr. Jarvis Nye and others, that children were ingesting lead from veranda railings and fences, getting the water on their hands and putting it in their mouths, so bringing on lead poisoning and chronic nephritis. That is borne out by the fact that the incidence of lead poisoning has decreased considerably since the introduction of that legislation. I did not know that the mortality figure was quite so high —15 per 100,000—in the age group 1916 to 1925 and now we have got it down to 2.6, which is very high commendation for the legislation introduced in Queensland. As the Minister said, in Queensland where we have many more wooden houses there is a greater possibility of children ingesting lead because of the paint used on them. For that reason the legislation was more necessary here than in the southern States. The same legislation should be passed in other States. No-one should be open to the risk of lead poisoning, when that risk can be removed by legislation such as this.

The hon. member for Coorparoo who has a knowledge of the the position has assured me that zinc oxide is equally as good and durable as lead and withstands pollution by outside chemicals equally as well as lead. It may be a little dearer than lead, but the extra price to paint a house is a small price to pay to protect the lives of children and other people in the State.

When it is realised that the ingestion of only two milligrams a day over a period can bring on lead poisoning, it can be seen that only a minute quantity has to be ingested to cause lead poisoning. It is absorbed through the food, through the hands, through the alimentary canal, and can also be absorbed, I believe, through the skin. It can be absorbed in respiration. The amount of lead absorbed depends on the solubility of the lead compound used and the size of the lead molecules. As a matter of fact, white lead which was largely used in the past was in fact the most soluble of all lead compounds used in paints. For that reason no doubt white lead was responsible for the high incidence of chronic nephritis in Queensland. Lead sulphate is another lead compound which is far less soluble than lead. Lead oxide or red lead is completely insoluble, and although it will be used in industry I do not think there will be much risk of lead poisoning as a result of its use.

Mr. Moore: Children will not come in contact with it.

Dr. NOBLE: That is so. It is interesting to note that in regard to absorption of lead, painters run a far greater risk than miners in lead mines. Lead sulphide, the ore found in lead mines, is far less soluble and less dangerous than lead used in paints. The incidence among painters is greater than among men who work in lead mines. In

those circumstances it has always seemed strange to me that a lead bonus should be paid.

Mr. Smith: Employees do not receive the lead bonus because they work in lead mines.

Dr. NOBLE: I stand corrected.

Mr. Smith: The lead bonus paid to Mt. Isa Mines employees has no reference to the hazards of the working conditions. It is a prosperity bonus.

Dr. NOBLE: That is very interesting. The danger is not as great in lead mines.

Mr. Smith: Even the Brisbane staff of Mt. Isa Mines Ltd. get a lead bonus.

Dr. NOBLE: It was easier to control the absorption of lead in factories than in the domestic field prior to the introduction of legislation restricting the use of lead in paints.

Mr. F. E. Roberts: The hon. member may be interested to know that in spite of the lead bonus Mt. Isa Mines Ltd. paid a 25 per cent. dividend.

Dr. NOBLE: With proper exhaust ventilation, impervious and smooth floors, proper handling of dust within the factory, the use of overalls and special working clothes, proper washing facilities, hot water for washing, rest rooms and regular medical examination the hazard of lead poisoning among factory workers was controlled.

In the domestic field a thousand and one inspectors would be required to police the Act and educate painters in measures to be taken to avoid lead poisoning. If painters took more care of their personal hygiene, wore special clothes, and kept their nails properly cut the incidence of lead poisoning among painters would be reduced greatly. The dust created by dry rubbing of painted surfaces is a greater hazard than the lead content of paint they are using.

I agree with the Minister that this is good legislation and I think we in this State can look forward to the elimination of lead poisoning amongst the people where such lead poisoning has been caused by ingestion of lead through paint. I agree with the necessity for legislation and I commend the Minister on bringing it down.

Dr. DITTMER (Mt. Gravatt) (3.45 p.m.): I had intended to reserve my comments on this Bill until the second reading. I commend the Minister and the Government on introducing this progressive legislation and I congratulate the hon. member for Yeronga on his speech. I think it was the best speech he has made in this House. He did not depart from the fact except in one instance and perhaps he cannot be blamed for that because he did not know the position. The payment of a lead bonus at Mt. Isa is dependent upon the price of lead and it may go up or down in price even in the midst of a depression. That is the basis for the payment of the lead bonus; it is on the price of lead.

Speaking to the Bill and other legislation associated with the elimination of lead poisoning, Queensland, as the hon. member for Yeronga said, leads the Empire. Only two countries in the world have completly prohibited the use of lead as a pigment in paint. France did it before the last world war and I understand that Soviet Russia has introduced a prohibition since hostilities ceased. It has been suggested that we cannot eliminate red lead in relation to industry but American research suggests that there is a definite possibility of eliminating it. It can be eliminated if we are prepared to sand blast metal which makes it an expensive progress. In the foreseeable future red lead may be eliminated as a pigment in paint.

Dealing with the history of lead poisoning and investigations into the matter, Queensland has every reason to be proud of the medical practitioners who have done research work in relation to the incidence of lead poisoning particularly in children. The Minister mentioned the names of Dr. Jefferis Turner, Dr. Lockhart Gibson and Dr. Jarvis Nye but omitted to mention Dr. James Duhig, for his work in regard to the use of lead in industry, not necessarily in regard to paint. He gave some legislative advice to the Labour Government in power on the elimination of lead poisoning at Mt. Isa. This advice is unexcelled throughout the world. The use of lead pigments in paint is gradually disappearing, and in the metallurgical field the use of iron oxide, ferrous compounds, zinc chromate and aluminium paint has taken the place of lead and they in turn are disappearing before the use of synthetic paints which in turn are disappearing before the use of plastic paints.

It is interesting, when thinking in terms of suffering occasioned by lead poisoning, to know that in the scaling down of the Queensland Club building in the neighbourhood of this House five men have suffered a degree of lead poisoning. If they had not been taken off that work and placed on other work, they would have had to go on compensation. Incidentally, it would have been a good thing if that building had been resumed as a lodge for country members of Parliament.

It is remarkable how quickly a person can become affected by lead poisoning. It can result in anaemia, lead colic, and chronic nephritis. It does not contribute to hypertension, high blood pressure or nephritis in adults, although it can give rise to brain degeneration and deterioration.

The hon. member for Yeronga has referred to the various means by which it is possible to contract lead poisoning, such as swallowing, inhalation of lead fumes and lead dust, and absorption through the skin. Inhalation

has the most deleterious results, and swallowing is the most common cause in the case of children.

It has been suggested that children contract lead poisoning because of rain-water washing over the paint. However, in this climate paint is subjected to great variations in temperatures and when long periods are allowed to lapse between one application and another, there is a considerable amount of breaking up. Then, with rain-water periodically washing the paint, there is a great measure of ingestion by children.

I rose mainly to pay a tribute to Drs. Jefferis Turner, Lockhart Gibson, Jarvis Nye, and James Duhig, who have made more research into lead poisoning than any other doctors in the world.

Mr. Smith: Dr. Shiel was a very prominent man in his day.

Dr. DITTMER: There have been many prominent doctors in their day. There are at present a couple of them in this Assembly.

Of the four doctors I have mentioned, I pay a special tribute to Dr. James Duhig for his research into the incidence of lead poisoning at Mt. Isa.

I congratulate the Minister and the Government on the introduction of the measure, and I reserve further comment until the second reading.

Motion (Mr. Moore) agreed to.

Resolution reported.

FIRST READING.

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

The House adjourned at 3.58 p.m.