Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 9 DECEMBER 1959

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Mr. SPEAKER (Hon. A. R. Fletcher, Cunningham) took the chair at 11 a.m.

QUESTIONS

OFFICIAL TELEPHONE-TAPPING

Mr. HANLON (Ithaca) asked the Premier—

"(1) Is he aware that the Prime Minister, Mr. Menzies, has not yet carried out a promise made two and one-half years ago to institute safeguards to protect the public from abuse of the dangerous rights allowed by official telephone-tapping?"

"(2) In view of the threat to the rights of citizens of this State in the lack of any guaranteed safeguards against abuses of this official telephone-tapping, will he on behalf of Queenslanders urge the Prime Minister to make an immediate statement on the present position in this matter?"

Hon. G. F. R. NICKLIN (Landsborough) replied—

"(1) No."

"(2) If the Honourable Member has any evidence of telephone tapping in Queensland and he advises me thereof, I will be pleased to take up the matter with the Right Honourable the Prime Minister."

LAND PURCHASED BY ALIENS OUTSIDE AUSTRALIA

Mr. LLOYD (Kedron) asked the Minister for Justice—

"As it is very apparent that there is considerable public resentment at the recent purchases of land in this State by aliens living outside Australia and realising the difficulty in supervising any restrictions placed on these purchases, is it possible for the Government to consider imposing a residential qualification of twelve months on individual alien purchasers of land in Queensland?"

Hon. A. W. MUNRO (Toowong) replied—

"It would be possible for the Government to consider imposing residential qualifications on aliens wishing to purchase land in Queensland, but whether it would be wise to introduce the type of legislation which would be necessary to impose such restrictions is another matter. If this question is viewed in its proper perspective it will be seen that it is only a small part of a very much wider problem. The question cannot be considered adequately unless it is viewed as part of the general problem of Australian development, finance, foreign investment and migration. It must also be considered against the economic background that land ownership may be closely associated with development, and against the legal background that land may be owned not only directly but also indirectly either by trusteeship or through the instrumentality of a corporate body. As regards the legal background it may be mentioned that the tendency within all countries which are members of the family of Nations has been to treat aliens more and more on the same footing as citizens so far as the ownership of property is concerned. In England, aliens were, in 1870, given the right to own real estate in addition to the right to own personal estate. This policy has developed and in practically all the civilised countries of the world today aliens are given the right to own land in the same manner as citizens are given the right to own land. The policy of the Government in this matter, therefore, may be described as being in general conformity with the accepted principles of that body of rules known as the comity of Nations. It will thus be seen that it would be necessary to consider carefully many possible indirect effects of such a proposal before the Government of any State or of the Commonwealth would be justified in implementing it."

REFRIGERATORS AT GAYNDAH AND BIGGENDEN RAILWAY CENTRES

Mr. DAVIES (Maryborough) asked the Minister for Transport—

"Will he have the necessary authority issued immediately by his Department to enable work to proceed on the installation of refrigerators at Gayndah and Biggenden railway centres as it is claimed that the refrigerators arrived at these centres several weeks ago?"

Hon. G. W. W. CHALK (Lockyer) replied—

"Arrangements are being made for these refrigerators to be placed in operation immediately."

EXEMPTION OF YEPPOON FROM ROAD TRANSPORT FEES

Mr. V. E. JONES (Callide), without notice, asked the Minister for Transport—

"What action is being taken following on my representations to include Yeppoon in the area exempted from road transport fees for the carting of goods between Rockhampton and that centre?"

Hon. G. W. W. CHALK (Lockyer) replied—

"Following on the very comprehensive representations of the hon. member for Callide I am now having the matter examined with a view to issuing an Order in Council which will define the exempted area as any point within the boundaries of the City of Rockhampton and any point within a two-mile radius of the Post Office at Yeppoon."

INDEMNIFICATION OF INTERSTATE HAULIERS

Hon. V. C. GAIR (South Brisbane), without notice, asked the Minister for Transport—

"In view of the recent decision of the High Court which has shown methods used by many interstate hauliers to have been illegal, will the Minister give earnest consideration to the passing of an Act of Indemnity on the grounds that—

1. The legal position of the haulier has been the subject of considerable doubt;

2. That the Crown by not enforcing the law (as it now appears) has shown that its legal advisers were themselves in doubt as to the true legal position of the haulier;

3. That the haulier has been encouraged by the inaction of the Crown to commit what must now be taken to be illegal acts:

4. That the enforcement of the law as it now appears would be vindictive on the part of the administration and ruinous to many hauliers?"

Hon. G. W. W. CHALK (Lockyer) replied—

"1. There has never been any doubt in my mind—and I am sure that such has been borne out by my public statements—of the damage that has been done to the State's economy by the operations of 'border hopper' operators who have sprung up without Government sanction or encouragement."

"2. The legal position in the minds of our legal advisers has not been doubtful as the Honourable Member would endeavour to lead this House to believe. This is borne out by the fact that the Crown has some 230 complaints under the 'State Transport Facilities Acts' laid in the Courts which have been adjourned awaiting the decision in the Harris Case. There have also been some 120 adjournments of complaints under the 'Roads Contribution to Maintenance Acts' awaiting the decision of the Boardman case. Both of these test cases have now been decided in favour of the Queensland Government by the Full Court of the High Court of Australia."

"3. Whilst I appreciate the position in which some hauliers now find themselves, I cannot, at this stage, place myself in the position of introducing an Act to indemnify past deeds of illegal operators which, in fact would mean the granting of a free pardon to them—particularly when I consider the cases of those persons who, without the resources of the haulier combines, have pleaded guilty to charges of 'border hopping' and in several instances have ceased such operations; also, the circumstances of many local carriers who have acted loyally to the Government and within the 'State Transport Facilities Acts' plus many railway employees whose livelihood has been severely jeopardised by these illegal operators."

"4. However, as is the policy of the Government in all matters, I am prepared to fully examine any representations that may be made to me by any interested parties to ensure that justice is done not only in respect of past deeds but in respect of future operations."

SUBSIDIES PAID TO LOCAL AUTHORITIES

Hon. P. J. R. HILTON (Carnarvon): I desire to ask the Treasurer and Minister for Housing whether he has an answer to the following question, which I addressed to him on 19 November—

"Will he supply the House with a statement showing the rates of subsidy now applicable to local authority undertakings and indicate any alterations made in such rates since the present Government took office?"

Hon. A. W. MUNRO (Toowong—Minister for Justice), for **Hon. T. A. HILEY** (Coorparoo), replied—

"A statement showing subsidies to Local Bodies (excluding Regional Electricity Boards) under the State's Approved Subsidy Scheme is set out hereunder. The following alterations to the subsidy scheme have been made since the present Government took office:—

'Subsidies on harbour works, recreational facilities, jetties for the tourist trade and sale-yards, other than those in progress were discontinued after July 1, 1958. However, approved jetty projects may be financed from the Commonwealth Aid Marine Works Fund as funds become available. As from the same date, the following rates of subsidy were varied except in those cases where funds had already been granted for portion of the cost of a project—

Mosquito eradication works reduced from 50 per cent. to the relevant general works rate. Kerbing and channelling from 25 per cent. to the relevant general works rate. Erosion prevention and soil erosion works from 33⅓ per cent. to 25 per cent. provided that a higher rate may be considered where State interests are involved. However, the rate may now be increased to 50 per cent. for road inverts where the State is not called upon to pay subsidy on a scheme as a whole. Aerodrome works from 50 per cent. to the relevant general works rate. In regard to aerodrome works, where the Commonwealth Government now provides a subsidy of 50 per cent. of the gross cost, the State contributes 20 per cent. Swimming baths attract a flat rate of 25 per cent. where there are no existing facilities or where existing facilities in the area concerned are inadequate for teaching swimming. Previously the rate was 25 per cent. in a defined area (average distance from the coast approximately 100 miles) and 33⅓ per cent beyond.

'Water supply works (other than new schemes or major augmentations) qualify for 33⅓ per cent. subsidy where the annual charge per private residence exceeds £12 after allowing for such subsidy and for 20 per cent. if the annual charge is below £12. New water supply schemes or major augmentations of existing schemes to provide additional supply at the source or from a new source are eligible for subsidy beyond the normal maximum of 33⅓ per cent. and up to a maximum of 50 per cent. provided that, after allowing for such subsidy, the average charge per tenement per annum exceeds £12. A major augmentation scheme before July, 1958, was limited to 33⅓ per cent. but, if the cost per tenement warrants, may now be eligible for 50 per cent. New schemes whether in the country or not may be eligible for the higher subsidy on a similar basis of cost per private residence. The subsidy rate for general works which previously varied from a minimum of 15 per cent. to a maximum of 33⅓ per cent., depending on the rate in the £ of Local Authority general fund and loan fund (excluding undertakings) taxation, was from July 1, 1959 altered to a flat rate of 20 per cent. with respect to new works or where funds had not received Executive Approval at that date. Works in progress are being completed at the old rates of subsidy. As regards

electricity reticulation works (whether rural or otherwise) carried out by existing undertakings in western areas, a subsidy rate not greater than 33⅓ per cent. has been approved to apply to such works. Despite the remarks concerning subsidies for flood damage as shown in the attached schedule tabled, the State and Commonwealth Governments in respect of capital reconstruction work on damage caused by flood and cyclone in 1958 and 1959 will each be making available to the Local Authorities involved a subsidy of 33⅓ per cent. on approved works. As regards flood damage reconstruction works in general, subsidy is now payable on that portion of the work not previously subsidised and not on the extra cost to provide an improved standard as was previously the case. A new scheme of Regional Electricity Board subsidies to operate for a period of 5 years from July 1, 1958, provides that, for the first 3 years, the existing rate of 33⅓ per cent. of interest and redemption charges on capital works will apply to loans raised prior to that date and that a rate from 5 per cent. to 33⅓ per cent. (adjusted according to the average cost of electricity per unit sold in each region) be paid on new loans. After July 1, 1961, subsidy at the sliding rates is to apply on all loans raised by the Boards and a decision is to be made after December 31, 1962, as to what subsidy is to apply to such works after June 30, 1963. The total amount of subsidies paid during each of the past two financial years has exceeded payments in this connection in respect of any previous years during which time the Honourable Member was a member of the Government.

SUBSIDIES TO LOCAL BODIES UNDER THE STATE'S APPROVED SUBSIDY SCHEME

SUMMARY OF RATES APPLICABLE TO VARIOUS PROJECTS

(Excluding Regional Board Electricity Works)

Class	Minimum Subsidy	Maximum Subsidy	Remarks
Electrification—			
(*a*) New Authorities District Schemes	75% of estimated annual deficit	33⅓%	
(*b*) Rural Electrification and extensions into Rural Areas	ditto ..	33⅓%	Special consideration to a minimum rate, irrespective of economic position
(*c*) Coal Mining Areas	ditto ..	50%	Coal Board's contribution 16⅔%
(*d*) Interconnection of Power Schemes	33⅓% ..	33⅓% ..	Considered when need arises
(*e*) Supply to Industrial Undertakings	50%—200 or more consumers 60%—100 and less than 200 consumers 65%—Less than 100 consumers		
(*f*) Establishment of small Electric Authorities in Isolated Areas			
(*g*) Existing Western Electric Authorities—			
(i.) Improvements, plant purchases, &c.	Special Subsidies up to a maximum of 50%		
(ii.) Reticulation works	Special Subsidies up to a maximum of 33⅓%		
Water Conservation and Irrigation—			
(*a*) Headworks	50%	100%	Increased to a maximum by 75% of estimated annual deficit
(*b*) Local Weirs and Reticulation ..	25%	50%	
Water Supply—			
(*a*) Extensions and improvements, &c., to existing schemes (excluding major augmentation schemes mentioned below)	20%	33⅓%	Maximum subsidy 33⅓% applies if, after allowing for such subsidy, the annual charge for water per private residence exceeds £12. If charge is below £12, 20% subsidy applies
(*b*) Major augmentation of existing schemes to provide additional supply at the source or from a new source	Special subsidies beyond the normal maximum of 33⅓% and up to a maximum of 50%		Maximum subsidy of 50% applies, if after allowing for such subsidy, the annual charge for water per private residence exceeds £12. Coal Board contribution equal to the difference between 33⅓% and 50% may be made towards cost of new Water Supply Schemes for Coal Mining Centres
(*c*) New Water Supply Schemes ..	ditto		
Sewerage	20%	50%	Increased to maximum by 75% of estimated annual deficit
General Works (Road, bridge, street drainage and reclamation works, &c.)	Flat rate of 20%		
Grammar School Buildings and Recreational Facilities	Flat rate of 40%		

SUBSIDIES TO LOCAL BODIES—*continued.*

Class	Minimum Subsidy	Maximum Subsidy	Remarks
Public Conveniences	Flat rate of 33⅓%		
Swimming Baths	Flat rate of 25%	.. ..	Applicable only to approved projects where there are no existing facilities or where existing facilities in the area concerned are inadequate for teaching swimming. Subsidy limited, according to size of pool, as follows:—50-metre pool—Estimated Cost £60,000; 33⅓-metre pool—Estimated Cost £45,000; 25-metre pool—Estimated Cost £30,000
Erosion Prevention (including soil erosion prevention projects)	Flat rate of 25%	.. ..	Increase considered where State interests are involved

NOTE.—Where road inverts are constructed by a Local Authority as part of an approved soil conservation scheme 50% subsidy will apply in those cases where the scheme as a whole has not been subsidised by the State.

Community Facilities	General Works Rate (20%) ..	Subsidy applies only to the portion of a project which relates to the community facilities
C.W.A. Students' Hostels	Flat rate of 50% on capital expenditure on buildings and equipment	Provided hostels will be maintained by C.W.A. or by a Local Authority if C.W.A. is not willing
Cottages for Old-age and Invalid Pensioners	Flat rate of 50% on cost of construction	Purchase of land not eligible
Hostels for Waiting Mothers at approved C.W.A. Centres	Flat rate of 50%	
Library Facilities	Flat rate of 50%	Provided by State Library Board and limited at present to £4,000 annually for each library
Town Planning Schemes	General Works Rate (20%) payable upon submission of completed plan for approval	
Aerodromes	General Works Rate (20%)	

NOTE.—This subsidy, when applied to aerodromes licensed by Civil Aviation Department, is subject to Commonwealth Subsidy of 50% being applied to the gross cost of the work.

Beach and Camping Facilities for Tourist Purposes	Flat rate of 33⅓%	
Flood Mitigation Works	Flat rate of 33⅓%	Increased subsidy may be approved where circumstances warrant
Preparation of Flood Contour Maps ..	Flat rate of 50%	
Flood Damage (Repairs to roads and bridges (maintenance))	Not eligible for subsidy	
Reconstruction of roads and bridges, involving new work or improvements	Subsidy at General Works rate confined to that portion of the work which has not previously attracted subsidy—extra cost to provide improved standard, will attract subsidy	

NOTE.—The above subsidies apply to approved capital works financed from Loan or Revenue funds.

July 27, 1959."

PAPERS

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

Report of the Co-ordinator-General of Public Works for the year 1958-1959.

Report of the Department of Forestry for the year 1958-1959.

Report of the Health and Medical Services of the State of Queensland for the year 1958-1959.

Report upon the Operations of the Sub-Departments of Native Affairs, "Eventide" (Sandgate), "Eventide" (Charters Towers), "Eventide" (Rockhampton), Institution for Inebriates (Marburg), and Queensland Industrial Institution for the Blind (South Brisbane).

Report of the State Electricity Commission of Queensland for the year 1958-1959.

Report of the Department of Harbours and Marine for the year 1958-1959.

The following papers were laid on the table:—

Order in Council under the Public Service Acts, 1922 to 1958.

Order in Council under the Explosives Act of 1952.

Order in Council under the Racing and Betting Acts, 1954 to 1957.

Order in Council under the Stamp Acts, 1894 to 1959.

Regulations under the Fisheries Act of 1957.

CITY OF BRISBANE MARKET BILL

INITIATION

Hon. O. O. MADSEN (Warwick—Minister for Agricultural and Stock): I move—

"That the House will, at its next sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to establish a public market in the area of the City of Brisbane."

Motion agreed to.

ELECTIONS ACTS AMENDMENT BILL

THIRD READING

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

LOCAL GOVERNMENT ACTS AMENDMENT BILL

THIRD READING

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

CITY OF BRISBANE ACTS AND ANOTHER ACT AMENDMENT BILL

THIRD READING

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

MOTOR SPIRITS DISTRIBUTION ACT OF 1957 REPEAL BILL

THIRD READING

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

TRAFFIC ACTS AND ANOTHER ACT AMENDMENT BILL

THIRD READING

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

POLICE ACTS AMENDMENT BILL

THIRD READING

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

RAILWAYS ACTS AMENDMENT BILL

THIRD READING

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

HEALTH ACTS AMENDMENT BILL

THIRD READING

Bill, on motion of Dr. Noble, read a third time.

SUGAR EXPERIMENT STATIONS ACTS AMENDMENT BILL

THIRD READING

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

DAIRY CATTLE IMPROVEMENT ACT REPEAL BILL

THIRD READING

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

OFFICIALS IN PARLIAMENT ACTS AMENDMENT BILL

THIRD READING

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

RIVER IMPROVEMENT TRUST ACTS AMENDMENT BILL (No. 2)

THIRD READING

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

IRRIGATION AREAS (LAND SETTLEMENT) ACTS AMENDMENT BILL

THIRD READING

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

RABBIT ACTS AMENDMENT BILL

THIRD READING

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

LAND ACTS AND OTHER ACTS AMENDMENT BILL (No. 2)

THIRD READING

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

WORKERS' COMPENSATION ACTS AMENDMENT BILL (No. 2)

THIRD READING

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

CONSTITUTION (DECLARATION OF RIGHTS) BILL

INITIATION IN COMMITTEE

(The Chairman of Committees, Mr. Taylor, Clayfield, in the chair)

Hon. G. F. R. NICKLIN (Landsborough—Premier) (11.30 a.m.): I move—

"That it is desirable that a Bill be introduced to amend the Constitution of Queensland by making further provision in respect of the constitution, powers, and procedure of the Legislature, and to provide for certain other matters associated therewith, and thereby to secure the blessings of liberty to our people and our posterity."

The Bill is a very important measure, entailing as it does a major alteration to the Constitution. It has created very great interest not only in Queensland but also in other States and there has been a considerable demand for copies of it on its introduction.

It is not often that fundamental changes are made in the Constitution, but two are worth mentioning because they have in some way an association with the Bill. The first was in 1922 when the Upper House was abolished, and the second was in 1934 when there was written into the Constitution provisions that the Legislative Council or any other similar body could not be re-established without first submittting the matter to a referendum and that the life of Parliament could not be extended beyond the present three-year period.

In view of the importance of the Bill, of its very involved nature and of its effects, the Government consider that every opportunity should be given not only to hon. members, but also to everybody else interested to examine it very fully before it becomes law, so, after it is introduced and printed, we propose to let it lie on the table until Parliament resumes towards the end of February.

I am sure all hon. members will realise that it has not been easy to draft. It has entailed tremendous work, research and investigation into its implications and effects. At the outset I pay tribute to the Parliamentary Draftsman, Mr. Seymour, and his assistant, Mr. O'Callaghan, for the tremendous amount of work they have put into it, and to Mr. Ryan, the Solicitor-General, and Crown Law officers who have been of great help in drawing it up. Furthermore, in view of the constitutional matters involved, the Government decided to retain the services of Dr. Louat, one of Australia's eminent constitutional counsel, to examine the Bill. So we have put a great deal of work into it and obtained the best legal advice possible before introducing it. All hon. members will agree that that was a very wise procedure because one cannot loosely approach the subject of making a major alteration to the Constitution.

In their policy speech for the 1957 general election the present Country-Liberal Party Government promised—

"We will embody in the Constitution provisions which follow those laid down in the Declaration of Human Rights of the General Assembly of the United Nations, and we will enact that such provisions can only be repealed or altered by the sanction of a majority of the people determined at a referendum.

"The provisions will be designed to—

(a) Protect our democratic political institutions;

(b) Protect the basic democratic political rights of the people;

(c) Secure the freedom of the individual and the protection of his property from unjust acquisition;

(d) Maintain a completely independent judiciary."

That promise was based upon the concept that we already possess the freedoms postulated in paragraphs (a), (b), (c) and (d) of our policy speech. It follows that our promise is to protect and maintain, as distinct from to bestow, the essential freedoms of our democratic way of life. I emphasise the essential freedoms of our democratic way of life which I submit were very adequately covered in those four sub-paragraphs included in the portion of our policy speech that I quoted.

We on this side of the Chamber firmly believe that the maintenance of these freedoms is the best and surest means of maintaining for us and our posterity the human rights declared by the General Assembly of the United Nations.

We consider that the best and surest means of ensuring for all times these freedoms is to safeguard our present Parliamentary system of government based upon a representative legislature freely elected upon a liberal franchise and by secret ballot.

This Legislative Assembly is indeed a constitutional "Pandora's box" from which will flow all the blessings or all the evils to result in the future to the ever more numerous citizens of our ever-growing and ever-developing State.

I and my Government have no fears for the future while this Assembly truly represents the people.

Equally we have no desire and no intention in this Bill of dictating to future generations of electors who is to represent them in this Assembly. That is their right and the keystone of their liberty as it is of ours.

All we desire to do, and all we do in this Bill, is to secure that right for us and our posterity.

About 30 years ago, New South Wales passed legislation having for its object the prevention as far as possible of the abolition of its Upper House called "the Legislative Council."

In 1934 Queensland followed with legislation having exactly the reverse objective, that is the prevention of the restoration or creation of its Legislative Council, which it had abolished in 1922, or any similar second Chamber.

One extraordinary feature was common to the actions of both States. It was that while the one was not going to suffer the loss of its Upper House if it could do anything to prevent the event, and the other bent all its energies to preventing the creation of a second Chamber, both were equally indifferent to the possible fate of the institutions which were the very essence of their political freedoms. I refer, of course, to the respective Legislative Assemblies of these two States. As long as they are accepted in their present form, as long as State Governments are enabled to function as they are at present, our democratic political institutions and the rights of our people are preserved. Of course, it will be said that it cannot happen here, that no-one would interfere with, restrict or abolish the Legislative Assembly. Those were the famous last words of a number of other democratic countries. But what has happened to them? We want to ensure that it does not happen here unless the people of the State desire that it should.

Both the New South Wales and Queensland enactments to which I refer were based upon a most ingenious legal device originating from section 5 of the Colonial Laws Validity Act, an Imperial statute passed in 1865.

Section 5 reads—

> "Every colonial legislature shall have, and be deemed at all times to have had, full power within its jurisdiction to establish courts of judicature, and to abolish and reconstitute the same, and to alter the constitution thereof, and to make provision for the administration of justice therein; and every representative legislature shall, in respect to the colony under its jurisdiction, have, and be deemed at all times to have had, full power to make laws respecting the constitution, powers, and procedure of such legislature; provided that such laws shall have been passed in such manner and form as may from time to time be required by any Act of Parliament, letters patent, Order in Council, or colonial law for the time being in force in the said colony."

I suggest to hon. members that they study very closely the full import of that section.

For the New South Wales and Queensland legislation which I have mentioned and for the Bill which I am seeking leave to introduce, the proviso to Section 5 is of vital importance. It is the basis of the legislation, in that it permits one Parliament to prohibit succeeding Parliaments from interfering with a particular piece of legislation except by a Bill which is passed in a particular manner and form, and, I add and emphasise, a manner and form different from that in which Parliament ordinarily exercises its legislative functions.

The particular and unusual manner and form resorted to in the earlier New South Wales and Queensland laws respecting Upper Houses, and adopted in the Bill on which I am now addressing you, is the State-wide referendum of electors.

Before proceeding to outline other features of the Bill, I wish to emphasise that the Government parties believe that successive Legislative Assemblies should always reflect the voice of the people by whom they are elected.

We consider that a vital general principle of our system of democracy requires that no Parliament should inflict its views on its successors.

For that reason we provide in this Bill that Section 5 of the Colonial Laws Validity Act cannot be used in the future to fetter this Assembly by imposing upon it an unusual form and manner for the enactment, amendment or repeal of any particular legislation.

At this stage I ask those who propose to oppose the Bill not to delude themselves that its provision against the future use of Section 5 provides ammunition for their opposition. I do, however, ask them to think upon this. To date, as in this Bill, the resort under Section 5 has been to the electorate on a State-wide basis.

That can be regarded as objectionable only on the basis that those who made the laws concerned knew the difficulties associated with obtaining an affirmative referendum vote. The difficulties result from the infinite possibilities of confusing a referendum with not only irrelevant but also a-relevant issues. But irrespective of these difficulties, we firmly believe that there are fundamentals of our constitutional liberties which are so vital that they should not be touched except with the concurrence of the people.

The system of referendums is not new. It has been used by the Commonwealth Government and it is widely used in other countries. It is used very frequently in that very democratic country—Switzerland.

I have sufficient confidence in the intelligence of the electors of this State that if they are confronted with the question of voting on a referendum dealing with matters affecting their liberty or the democratic liberties of the people of this State they will give not only an intelligent vote, but a correct vote.

Except as regards these fundamentals, however, we are in the Bill prohibiting the future use of the "manner and form" device provided by Section 5 of the Colonial Laws Validity Act because, in our opinion, this section is capable of being gravely abused.

We have experienced in recent years—not too far back—tremendous pressure applied to a Government to submit itself to outside influences responsible in no way either to this Assembly or to the electors of Queensland.

Had the Government concerned been so willing, it is considered that not only could it have subverted itself to the outside influences concerned, but it could have used Section 5 to give those influences a dictatorial control over the whole or any part of the legislative programme of succeeding Parliaments, irrespective of the will of the electors.

It is a frightening and an intolerable possibility, against which this Bill guards. The major part of this Bill is devoted to safeguarding our present Parliamentary system of Government based upon a representative legislature freely elected by secret ballot upon a wide, liberal adult franchise. That is the citadel of our freedoms, and we on this side of the Chamber are firmly convinced that while it is secure all other freedoms are maintained.

Presently our constitution empowers the Sovereign, by and with the advice and consent of this Assembly, to make laws for the peace, welfare and good government of the State in all cases whatsoever. Under the present constitution we have a unicameral legislature, representative of the people, and elected by them upon a liberal adult franchise. Membership of the legislature is based upon the distribution of the State into electorates, each returning one member. The electoral franchise is based upon citizenship and residential qualifications. The method of election is by secret ballot at which an elector is permitted to have one vote only. To ensure the responsibility of the executive to the legislature the latter is required to meet at least once in every period of twelve months. I emphasise that the Bill preserves these fundamental features of our democratic system of government. Under the Bill this Assembly must always be constituted exclusively by the elected representatives of the people. The present system of parliamentary representation by electoral districts, with one member and no more for each district, is confirmed.

The Bill imposes only two conditions upon future electorate distributions. These are—

Firstly, there must be at least 75 electorates; and

Secondly, the distribution must be on the basis of a quota of electors. The quota is determined by dividing the total number of electors according to the annual enrolments preceding the distribution by the total number of electorates. A marginal allowance of one-third above or below the quota will be allowable. Candidature for election to the legislature is based upon the requirements of the present law.

This means that anybody who at any future time fulfils the requirements of the law as in force today, cannot be deprived of the right to contest an election for this Assembly for which he is duly nominated.

The Bill, however, allows Parliament to remove all present grounds of disqualification from sitting or voting in this Assembly, save two, without the approval of the electors. The two which can only be removed with the approval of the electors are bankruptcy and membership of the Federal Parliament. An unreasonable nomination requirement is prohibited by providing for a maximum number of ten nominators, each being an elector of the State.

Every parliamentary election must be held as at present on a Saturday, enrolment and voting is to be compulsory, voting is to be by secret ballot, and each elector is to have only one vote.

Another very important provision of the Bill creates a minimal electoral franchise. It is the franchise conferred by the provisions of the Elections Acts as amended during this Session.

This means that only the electors, by Statewide referendum, can take away the franchise from persons who are not under twenty-one years of age, who are or are deemed to be British subjects, and who have lived in the Commonwealth for a continuous period of 6 months, and in the electorate for which enrolment is claimed for 3 months, and who are not subject to the disqualifications presently imposed by the Elections Acts. It is emphasised that the Bill is concerned with a minimal franchise qualification. Parliament is left free, without resort to a referendum, to extend the franchise by, for example, reducing the age qualification, or removing any of the present disqualifications. But only the electors of the whole State can interfere in any way with the right to the franchise of those who have the minimal franchise qualification stipulated in the Bill. The minimal franchise is, I repeat, that laid down by the Elections Acts as amended during this session.

Other provisions of the Bill prevent indirect interference with the franchise or, indeed with Parliament itself, by such devices as laws taking away, dispensing with, or prejudicially affecting the right to claim and maintain enrolment, with recourse to a court to enforce this right, or the provisions of the present law for ensuring or enabling the due, timely, fair, and impartial conduct of elections.

The Bill also has safeguards against the franchise right being indirectly assailed. Subject, however, to observing its basic requirements, the Bill does not interfere with the power of Parliament to alter the present electoral law. Under this provision, hon. members will see that we have protected the rights of the electors, guaranteeing that there will always be fair and impartial elections in Queensland, and that Parliament, as we know

it, cannot be interfered with except at the wish of the people consulted by means of referendum. I submit that we very adequately protect our democratic Parliamentary institution and the democratic rights of the people of this State.

To secure the independence of the judiciary the Bill provides that Supreme Court judges shall be appointed by the Governor in Council and shall, subject to retirement at age 70 years, hold office during good behaviour. They cannot be removed from office except upon an address from this Assembly to the Governor in Council praying for removal on the ground of proved misbehaviour or incapacity. Parliament is to fix their remuneration, and it is not to be diminished during continuance in office.

There are other important provisions in the Bill to safeguard the liberty of the subject and to prohibit the making of any law depriving any person under arrest or detention of the rights to be informed promptly of the reason for his arrest or detention, to obtain legal assistance without delay, and to test the validity of his arrest or detention by way of habeous corpus.

Mr. Power: Will you tell them at the C. I. Branch that they cannot take a man unless he is under arrest?

Mr. NICKLIN: The Bill preserves the liberty of the subject.

Mr. Power: Will it make it clear?

Mr. NICKLIN: A man's rights will be preserved for all times by the passage of this Bill.

Another important provision of the Bill is that laws relating to the compulsory acquisition of property must provide for its acquisition on just terms.

This provision does not extend to the products of primary industry. It has been found essential to exempt primary products in the interest of the State's producers so as to ensure that the organised marketing schemes for primary products which have been so successfully developed over a long period of years will not be prejudiced.

Mr. Jesson: What about the Sugar Acquisition Act?

Mr. NICKLIN: That is what I have been talking about.

The method adopted by the Bill to implement the safeguards to our freedoms which I have outlined is the State-wide referendum. Bills which infringe any of these safeguards cannot become law by receiving the Royal Assent unless approved by majority vote at a State-wide referendum of all electors. Nor, once the Bill becomes law, can any of its provisions be repealed or altered in any way unless the Bill for the repeal or alteration is approved by the electors at a State-wide referendum.

Such a referendum must be held on a Saturday, voting is to be compulsory, and by secret ballot, and an elector is to have only one vote.

I have outlined fully the principal features of this Bill. It is a measure of vital importance to the people of Queensland and their posterity.

Summarised, it establishes for all time, so far as it is within the power of law to establish for all time—

Firstly, the supremacy of the electorate, that is of the citizen to choose from time to time and at all times, the Government he desires for the time being.

While the rule of law prevails in this State he cannot deprive himself or his posterity of that right except by the vote of himself and a majority of all of his fellow citizens.

Secondly, the institution of Parliament as we now know it, that is a Sovereign representative body responsible to the citizens it represents.

In doing this it leaves a particular Parliament free to fetter itself as it deems fit. For that it will have to account to the electors.

But definitely this Bill prohibits Parliament from fettering its successors.

Thirdly, the right of the citizen to personal freedom and to the quiet enjoyment of his property.

Fourthly, the independence of the Judiciary.

We gave the electors those four promises. In the Bill we fulfil them, and I commend it accordingly.

In conclusion I point out that the Bill will in no way prejudice any steps which may be taken to establish a new State or States within Queensland.

For the purposes of the Bill the State of Queensland is defined to mean Queensland within its limits for the time being, irrespective of how its limits may be altered in the future.

Mr. DUGGAN (North Toowoomba—Leader of the Opposition) (12.1 p.m.): I suppose the older members of the Parliament cannot recall a single occasion when we have been obliged to listen to such political claptrap as we have this morning.

A.L.P. Members: Hear, hear!

Mr. DUGGAN: I am astonished to think——

Mr. Herbert: Is this the speech you were going to make tonight?

The CHAIRMAN: Order!

Mr. DUGGAN: I think we could quite seriously ignore the interjection, but, as the hon. member has introduced into the debate the subject of something that might happen somewhere else tonight, it is probably rather

significant that the Leader of the Opposition in the Federal Parliament was invited to come along and respond to a toast but not the Leader of the Opposition in this Parliament. Let him think that one over.

Every person in Australia, certainly every member of the Australian Labour Party, believes just as firmly and just as sincerely in the Four Freedoms as any hon. member sitting in any other part of any House of Parliament in the Commonwealth. We take second place to none in our allegiance to the Crown, in our fidelity and love for our country and in our desire to preserve the democratic way of life.

What evidence has been produced this morning to justify the introduction of this tremendous measure by the Premier? Every move that has been made in any democratic country for a major alteration to the Constitution has, as the Premier said, been the result of careful study and examination. Just what have this Government done? In France and in America and in Australia, whenever amendments to the Constitution have been involved, invariably such alterations have been preceded by the nomination of people from all shades of political opinion to express opinions as to how those freedoms and liberties might be preserved.

A.L.P. Members: Hear, hear!

Mr. DUGGAN: Currently in Australia there is a proposal to amend the Commonwealth Constitution, and several leading members of the Australian Labour Party are on the committee. In Queensland not only has there been no recognition of this side of the House, but indeed there has been a veil of silence, a wall put up by the Premier against our desire to obtain some general information about the lines on which they intended to proceed. You will remember that when I asked for some information about Dr. Louat I was as much as told to mind my own business, despite the fact that we are the official Opposition representing a considerable body of taxpayers and electors in the State who are entitled to know about what these meddlesome Matties who want to introduce major alterations to the Constitution are doing. Here we have a man prating about the liberties of the subject and the need to observe the will of the people, yet the Government are in power on a minority vote—a vote of not 50 per cent. of the electors but less than 45 per cent.

Mr. Dewar: So are you.

Mr. DUGGAN: We are not a Government.

Honourable Members interjected.

The CHAIRMAN: Order!

Mr. A. J. Smith: Yackety, yackety yack!

The CHAIRMAN: Order! The hon. member for Carpentaria will please obey my call to order. I ask hon. members to allow the Leader of the Opposition to make his speech in silence.

Mr. Dewar: Will you tell us whether you are opposed to the Bill or not?

The CHAIRMAN: Order! The hon. member for Chermside is immediately disregarding my request.

Mr. Dewar: I just asked a question, Mr. Taylor.

Mr. DUGGAN: These are the people who are talking about liberty and freedom. I think I might with advantage at this stage refer to a statement made by Arthur James Balfour in the House of Commons on 24 June, 1907. He said—

> "I do not wish to see the institutions of this country in any particular stereotyped and perpetuated for all time, made absolutely petrified and immovable, as, for instance, the institutions of the American Commonwealth are, or almost, are under the peculiar regulations of their Constitution. But while I do not wish to imitate the immovable conservation of the Republican institutions of America, I think we should be perfectly insane—setting aside not only the lessons of our own history, but of every other history—if we do not so arrange our Constitution that when the people decide upon a change, it shall be after the most mature consideration, after the thing has been weighed and looked at from all sides, and after it has been considered in isolation from all those perturbing considerations which operate at the moment.
>
> "It is folly to call that anti-democratic; on the contrary, it is democracy properly understood. It is government of the people, by the people, and for the people. Not by the people for the people living under one Parliament, be it of seven or five years' duration, but by the people for the people for generations."

Yet here are a Government seeking to amend the Constitution extensively after they have been returned on a minority vote and after they have had the colossal impertinence to try to protect their tenure in office by making a redistribution which I say is manifestly unfair to a great body of people in the State. They seek by altering the boundaries to impose on future Parliaments a limitation on the number of electorates.

Mr. Nicklin: No.

Mr. DUGGAN: He said not fewer than 75; he is also laying down certain quotas. The same thing happened in South Australia. Every election for the last three there has been an absolute majority for Labour but they cannot get the reins of Government. They are doing exactly the same thing here.

Mr. Gilmore: It has proved very fortunate for South Australia.

Mr. DUGGAN: It will prove very disastrous for Queensland in due course. What I have quoted draws attention strongly to

the need for a dispassionate, calm approach to the subject and the need to invite all shades of opinion. We find none of that in this case. If you search the world today, with the exception of Great Britain herself, there would not be a nation where there is more evidence of freedom, justice or liberty than in Australia. I have in front of me a SEATO document. The members of SEATO wish to preserve democracy but the great majority of them are dictatorships. Pakistan is a dictatorship, Thailand is a dictatorship, in the Philippines graft, corruption and shooting is going on. Yet the Premier talks about all these things in an attempt to preserve liberty and democracy. Look around the world. Look what happened in Great Britain following the violation of Belgium neutrality. The German Vice-Chancellor said—

> "Just for a word, neutrality, just for a scrap of paper, Great Britain is going to make war on a kindred nation which desired nothing but to be friends with her."

If you read the speeches of all the democracies there is all this pious affirmation of preserving liberty and justice. Let me quote from a book that deals amongst other things with the Soviet Constitution. It is rather significant that these rights are to be defined in written words. You do not find it in the British Parliament or in the Commonwealth Parliament but we are doing it here because of these bush lawyers. The only one of them who has a promising reputation has been denied endorsement by the Liberal Party. The major amendment to the Constitution has been prepared by bush lawyers.

Mr. P. R. SMITH: I rise to a point of order. If the Leader of the Opposition is referring to me as a bush lawyer, the remark is most offensive to me and I ask for it to be withdrawn.

The CHAIRMAN: Order! The hon. member has not referred to any hon. member in the Assembly.

Mr. DUGGAN: It is rather significant that the Constitution of the Soviet Republic contains on paper all the safeguards so highly cherished by freedom-loving people everywhere. Stalin described it as "The most democratic Constitution ever written." Julian Towster, Associate Professor of Political Science, University of California, says in his book, "Political Power in the U.S.S.R."—

> "Many of the basic ideas of the British Magna Charta (1215), the American Declaration of Independence (1776), and Bill of Rights (1789), and the French Declaration of Rights of Man and Citizen (1789, 1791), are to be found in the Bill of Rights of the Soviet Constitution."

He goes on to say—

> "The value and dignity of the human personality, the idea of fundamental human rights and freedoms . . . have been given much attention in Soviet political theory, despite the fact that the latter asserts that the social order, rather than the concepts of 'natural rights' and 'inalienable rights', is the source of individual rights in Soviet society."

He says further—

> "The political rights inscribed in the Soviet Constitution cover such habitual rights of the democratic politics as 'freedom of assembly', including mass meetings, street processions, and demonstrations, the right to unite in public organisations, universal suffrage and the right to be elected to public office."

This commentator goes on to cite a long list of rights accorded by the Soviet Constitution, but then makes this very vital observation on the wide gulf between theory and practice—

> "The Soviet Bill of Rights contains, thus, an impressive number of provisions to protect human freedoms and welfare. In practice, however, some of its rights, particularly in the field of civil liberties, have been honoured more in the breach than in the observance, or have been hamstrung with restrictive interpretations.
>
> "The ease with which life and liberty have been extinguished on a number of occasions in the U.S.S.R. has served in the past to negate the viability of the personal inviolabilities. The correctional labor camps, even if—in the absence of authentic figures—the number of their inmates has been exaggerated abroad, are a blot on the record of constitutionalism in the U.S.S.R."

Despite the provisions of the Soviet Bill of Rights, freedom movements directed to gaining the very things ostensibly conferred by the Bill of Rights itself have been suppressed in blood and destruction in satellite countries of the Soviet bloc.

Again, the United States Bill of Rights, which some commentators hold was used as a model by the framers of the Soviet Bill of Rights, has not prevented the ruthless suppression of movements in the United States directed to securing freedoms established by both the Declaration of Independence and the Bill of Rights.

The United States Bill of Rights did not prevent the atrocities of slavery in the Southern States; and in recent times the discriminatory treatment of negro children in education at Little Rock, Arkansas; and despite the equalitarianism and fine sentiments of the Bill of Rights white juries to-day will not convict whites unquestionably guilty of crimes against negroes.

We know that in South Africa where they talked about the Bill of Rights there is a tremendous discrimination against a large section of the African population. Go where you will, and you will find these pious platitudes being uttered by ambitious politicians who want to inflame public opinion. And where those declarations are made you will

find the usurpation of democratic power and the substitution of power politics. This could well happen in this State. The Premier made reference to the fear of direction from outside, obviously referring to the three weeks' annual leave. If it were not for that matter, the hon. gentleman would not have been the Leader of the Government today. Instead of trying to raise that as a buttress to support his case, he ought to erect a statue to those involved in that matter because it was only because of that fluke circumstance that the hon. gentleman was able to get back into power. The purpose of the Bill is to try and recharge the political atmosphere for the 1960 elections with a similar type of atmosphere that prevailed in the 1957 elections. These people will parade around and talk about the threat of Communism. During the Toowoomba election people said, "If you return Duggan you will have them sticking people up against a brick wall and shooting them." Little children came to our campaign rooms and talked on these lines. That was the type of propaganda despite the fact that my own brother laid down his life as a member of the R.A.A.F., and despite the fact that I took my place in a fighting unit to preserve democracy. Despite those things, these foul accusations were made, and they often succeeded.

Government Members interjected.

Mr. DUGGAN: I am not opposed to liberty, but I object very much to the instrumentality of Parliament being used for this purpose. The Premier is using these snide means, these unfair means to deal with situations that are non-existent. Tell me where there is evidence of a corrupt judiciary. There is talk about preserving the independence of the judiciary. There is not any evidence of a corrupt judiciary. Let the Premier give an instance of the unjust acquisition of private property. Let the Premier give one instance of the taking away from the people the right to exercise universal suffrage. Tell me where the freedom of the individual has been destroyed. They talk of freedom of expression, but within 200 yards of this building the Government will not give freedom to people to express their opinion. Yet the people can get that freedom in Hyde Park, London, where, Sunday after Sunday you can find anarchists attacking the British Throne and the Government and British procedure. But that Government are wise because it has gone on for 2,000 years without the need for these declarations to be embodied in a Constitution. This evening the Premier will talk about the great development in this State and he will pay tribute to our pioneers and to the part that Parliament has played, yet he introduces in this Parliament a Bill and in justification for it claims that there is a possibility of a corrupt judiciary, and the suppression of liberty and the suppression of parliamentary democracy. It does not matter what fantastic ideas some people may have, it is the people who have the last say. We have a system of Government whereby the people have a fair chance, a free chance to elect the Government of their choice, and there is no need for this sort of action.

I have here a cutting from the Sydney "Bulletin" of 27 August, 1958. No-one could say that the Sydney "Bulletin" has ever been a friend of the Australian Labour Party. I suppose it would be the most reactionary right-wing paper in the British Commonwealth. This is what it had to say about the proposal of the Government—

> "About the most hare-brained scheme which has come out of Liberal planning is the new craze for passing Bills of Rights . . .
>
> "Two State Liberal-Country parties seem to be bent on introducing these measures; the first of them the Government of Mr. Nicklin in Queensland, which claims for its inspiration the Charter of the United Nations."

I remind hon. members that Russia is a member of the United Nations, as are other countries in which undemocratic policies are pursued.

It goes on to say—

> "Australia happens to be a Federated Commonwealth, and it is impossible for a State Government to legislate separately on freedom. It can only deal with part of freedom and rights, because many of the essential rights come within the dominion of the Commonwealth."

The article states further—

> "No doubt under the new Bills there will be a Department of Rights in each State which embraces the new fashion, suitably staffed with Minister, secretaries, inspectors of personal liberty and several other new kinds of licensed snooper.
>
> "And their operations should provide the High Court counsel with almost as sound a living as Section 92, when the application of the Commonwealth Constitution to the matter has been fully proved . . ."

It also states—

> "While there is room for legislation in New South Wales to guard against the resumption of property by the Crown without payment of a just price, Nicklin and Morton might well leave busybodying round civil liberty to the common law, to tradition, and to public opinion, which provides the best safeguard of all."

They hold themselves out as heroic champions of democracy, but let us consider what happened at the Liberal convention in New South Wales, when they conferred on this matter. This passage is taken from the Sydney "Morning Herald" of 27 October, 1958—

> "Some members of the State Parliamentary Liberal Party are angered and embarrassed by decisions of the State Liberal Party Convention in Sydney last week.

"They claim that the Convention should not have been held during the Federal election campaign and that many decisions were 'against public opinion.'

"Senior members of the Party made it clear last night that the Parliamentary Party would not be bound by decisions of the Convention.

"They said it was certain that the Party would not drop its promise of a Bill of Rights from its policy, although the Convention voted against it.

"Another member said last night that the convention had lost touch with the public.

" 'Some of the decisions were made when only 30 people were in the hall to vote on them,' a member said.

" 'Usually, there are only a couple of hundred present on any day. Whether a motion was passed would depend largely on what time it was put for a vote'."

So I say that everyone worth his salt in this country is a believer and a defender of civil rights and civil liberty. The greatest disturbance of the cause of Parliamentary democracy is provided by those who mouth the political claptrap mouthed by the Premier this morning for the purpose of arousing public opinion.

I do not care what happened at the last election and whether good men were defeated or good men returned as Parliamentary representatives. In Australia with 10,000,000 and 1,500,000,000 people to the north a disservice to democracy is done by those who try to divide the people instead of getting them to work together as a united people. They import into election campaigns a Macarthy-ism tendency. They make accusations and allegations of all sorts and are not in that way doing good service to democracy. If a man is not carrying out his duties adequately and efficiently as a Parliamentary representative, by all means reject him, but do so on charges that can be made that his policy or his Party's policies are defective and not in the best interests of the country. We have only to consider the experience in South Africa and France, where a decline in Parliamentary democracy has resulted virtually in a total dictatorship, in Pakistan where the Parliamentary democracy was swept aside and a military dictatorship substituted, in Egypt where there is a dictatorship in place of the Parliamentary democracy that existed not so long ago.

Parliamentary democracy exists in very few countries today—the United States, Great Britain, Australia and a few others which could be counted on the fingers of one hand. Those countries have preserved our form of Parliamentary democracy. I say to the Premier, and I say it very deliberately and premeditatedly, that this is nothing else but a cold, calculated, premeditated act to prepare the ground for a successful election campaign in which members of the Government will introduce such suggestions as a lack of loyalty on the part of some of our citizens, and that sort of thing is to be very greatly deplored. There has been no unjust acquisition of property. The Premier has not given one instance of it. He has not given any evidence to justify protection of any of the elements which he said are so important. He referred to the abolition of the Upper House. I challenge him now to have a referendum to restore it. He is not game to do it. In New South Wales the Liberal Party supported the Labour Party on the abolition of the Upper House. That is the current policy in New South Wales. The Country Party voted against it. I have been wrong in my predictions on many occasions, as I suppose I may be in future, but I will not be very wrong in the one I make now. I will not be wrong when I say that it will not be very long before hon. members opposite will be politically condemned. The Government have been in power for just on three years and there are already Country Party members running round and telling other people quite openly that "You cannot trust these Liberals; there is a knife in each hand." As a matter of fact, only last night a member told me——

Mr. Knox: Who was it?

Mr. DUGGAN: As a matter of fact, the person would have much better standing politically than the hon. member for Nundah. There is much talk about the rights of the citizens, the acquisition of property, and so on, but what is there in the Bill about anything to correct the unemployment position? There are countless hundreds of unemployed in this State despite the fact that one of the things on which the Government were elected was that they would create more jobs than there were people to fill them. There are numbers of men with wives and families who are only too anxious and willing to work who are obliged to trudge miles and miles seeking it. In the city of Rockhampton there are 981 men out of work. Men come along to me and their local members seeking work. Petitions are being sent round the streets of Rockhampton asking that the State Government make available £250,000 for the relief of unemployment in Central Queensland.

(Time expired.)

Hon. V. C. GAIR (South Brisbane) (12.26 p.m.): For nearly three years we have been reading a good deal about this Bill of Rights. Parliamentarians in this State, in common with interested sections of the people have waited with great interest to see just what the Government had in mind, what they were going to do with this Bill, one that has received so much publicity and about which so much has been spoken. I felt this morning that my anticipations and

expectations in this connection had been fulfilled, as I did not expect very much. The Bill contains a lot of pious resolutions without any material or sound protection for the rights of Parliament or the individual over and above those that exist at the present time. I had hoped to hear reasons for this Bill. It is questionable whether there is need for such a Bill of Rights in this State or in any State of the Commonwealth where the people, I believe, enjoy a greater measure of freedom and liberty than those in any other country of the world. I had hoped that the Bill would be more substantial and more definite. It is very desirable, I agree, that our Parliament should have all the protection against any group or section of the people whose aims might be to destroy our parliamentary democratic system of government. I cannot see that the introduction of this measure is going to protect this Parliament if sufficient of our people decide to carry out a revolution in this country. If they so decided what value would the Bill of Rights have in protecting our parliamentary system against any such onslaught?

Furthermore, I question whether there is anything in this Bill which does not already exist in many of the enactments on the Statute Book of this State. I listened attentively to the Premier when he spoke of the judiciary, and I do not remember him enunciating any new principle in regard to the judiciary. Members of the judiciary are appointed by the Executive Council and hold office until they reach 70 years, their salary is determined by Parliament, and a member of it can only be removed from office by a substantive motion of Parliament. That is the existing position. The conditions of appointment to the judiciary have never been altered or interfered with and it is not contemplated by the present Government, nor was it ever contemplated by previous Governments. They have always had the highest respect and regard for the judiciary. We as a Government always protected the courts, whether civil courts, industrial courts, or indeed any constitutional authority; but I cannot say that that protective attitude has always been displayed by some members of the Government when in Opposition. They held the Commissioner of Prices up to ridicule—a constitutional authority the equal in every way of a member of the Industrial Court or a member of the judiciary—because he had failed to give a price increase to some combine or monopoly. Is he to be given, with the limited powers left to him today, the same protection as he has enjoyed hitherto?

Then we come to the preservation of Parliament itself. No law that we introduce will protect us if enough people take matters into their own hands and carry out a bloody revolution in this country, as has been done in other countries. I say that without any fear of being charged with McCarthyism or any other "ism." What has happened in other places can happen here. If they are given enough rope and enough encouragement, it will take place in Australia in spite of the pious belief of certain people who are consorting with and encouraging a section of our people who have no more respect for democracy than a snap of the fingers, who have no more regard for our parliamentary system of government than they had for the democracies in the countries they have destroyed.

A threat was made to our parliamentary system of government in 1957. That is indisputable and undeniable. The elected representatives of the people, the Government elected by the people in 1956 with an overwhelming majority, were directed by an outside body to introduce legislation and, because the elected representatives in government said that the time was not propitious for its introduction, the Premier of the day was expelled from the party, and members of his party, 22 in all, walked across the floor of the House voted with members of Country-Liberal Parties and destroyed the democratically elected Government of the people.

Mr. Nicklin: At the direction of outsiders.

Mr. GAIR: Yes. It will be argued, of course, that I and my Government had a right to carry out the decision of a party conference. I have just as good an understanding of the party system of government as anyone in this Chamber and I recognise the decisions of a party; but I have never surrendered the right of a Government to determine what and when legislation should be introduced any more than Mr. Gaitskell or anybody else in the British Labour Party has given away that right. Anyway, in the rule book of the Australian Labour Party today one can find innumerable items that have been carried and reaffirmed at convention after convention but have never been given effect to.

I am reminded by the debate this morning that, as long as I can remember, the platform of the Australian Labour Party has contained a provision for the abolition of the Senate but when they had power as a Government and majorities in both the Senate and in the House of Representatives they did not attempt to abolish the Senate but increased the numerical strength of the Senate. I understand that the A.L.P. leader elect in the Federal Parliament, Mr. Calwell, was the architect of the legislation that increased the strength of both Houses, including the Senate. He was not expelled for disobeying the platform of the A.L.P., as I was because I and my Government did not think the time was ripe for the reform desired. I do not want to labour that subject this morning. While we are dealing with the rights of the individual I hope that we can give some thought to the freedom of the individual under the heading of industrial unionism, and, indeed, to other phases of our industrial

and political life. Recently I read the judgment of the High Court in the Hurseys' case. The Court held that a union executive had the right to determine a levy on union members to be paid to a political party, not only for election funds, but for any purpose, and that a union member was obliged, irrespective of his political beliefs, to contribute or be deemed unfinancial. That is a very definite interference with the right of the individual. I submit that in the first place under the present industrial laws in all States of the Commonwealth a person is obliged to become a member of an industrial union to obtain a job so that he can maintain himself and those dependent upon him. Yet irrespective of a worker's political beliefs a union executive can say, "We will strike a levy for this or that," and the worker has no right to contract himself out of the levy, but is forced to pay it or be deemed to be an unfinancial member of the union and consequently can be denied work in the industry he follows.

A Government Member: That practice has gone on for years.

Mr. GAIR: It has gone on. In some cases unions that have been communistically dominated have been blatent enough to decide and publish their decisions that half the collection would go to the A.L.P. and the other half to the Communist Party.

A Government Member: That would be a shocking thing.

Mr. GAIR: It has happened. The decision of an executive of a union is sufficient to commit them in that way. On the other hand, many primary producers today are contributing to the political funds of political parties under duress, under pressure, under schemes and systems that could not be accepted as being entirely voluntary. The cane-grower is giving authority to the mill to contribute a percentage of his income to the funds of a political party.

Mr. Knox: That is his own wish.

Mr. GAIR: Somebody says that it is at his own wish. I want to be fair. I do not think that in all cases the primary producer is subscribing or contributing in this way because he wants to or because he likes to, but because he is influenced by the fact that he is in an industry and unless he contributes to the Country Party or some other party he will be disadvantaged or discriminated against just as the worker pays a levy reluctantly, not because he is interested in the political party, but because he is required to and does so or he would be ostracised and discriminated against on the job.

Mr. Hanlon: He does not reject the benefits he gets.

Mr. GAIR: That does not entitle the union to force upon him the payment of a levy that is going to be devoted to the funds of a political party in which he is not interested and indeed he may be a violent opponent of it. But still he is required to subscribe to the party's funds. The hon. member for Ithaca says that he does not complain about the benefits he receives. What does he pay his union fees for? For a union secretary to acquire a big flash car to run around the district as some union secretaries often do? Or does he pay his fee so that that union, if it is doing its job, will fight for his benefit and the benefit of all other union members?

Mr. Davies: Why didn't you make these protests several years ago?

Mr. GAIR: I have always objected to any individual being compelled to do something contrary to his conscience, spirit and principles. I have made my objection at more places than one. I would find it very difficult, if the position changed so much that we were compelled by any law to contribute to a political party in which we were not interested. I would have a natural reaction and everybody is entitled to have a reaction. That is the legal position today and it should be remedied. I think it could be remedied, if not under a Bill of Rights, under specific legislation. It should not be allowed to continue.

An A.L.P. Member interjected.

Mr. GAIR: I know it is. I have been reliably informed that one particular union has collected levies under the guise that they were for a specific charity, but they were not devoted to the purpose for which they were collected, but were used for Communist propaganda.

An A.L.P. Member: Were they given to the Q.L.P.?

Mr. GAIR: The Q.L.P. does not get its fund from any Communist organisation. Only a fool would believe that.

Mr. Graham: Where does it get them from?

Mr. GAIR: It does not get them from the oil companies either. Hon. members on my right are as conscious as I am of the reaction of the workers in regard to compulsory subscriptions for this and that. They have no way of contracting themselves out of it. They have to pay, or else they are ostracised, intimidated and discriminated against. This takes place in 1959 in a democracy such as we are supposed to have. The Bill of Rights does not attempt to deal with such a case. Even at this stage, if anything can be done to remove this injustice the Premier and his Cabinet should give some consideration to it in the interim.

Mr. Foley: It does not give the right to work.

Mr. GAIR: The hon. member for Belyando says that it does not give the right to work. That has been described as the

inalienable right of man. You can give that right under the Bill of Rights but a man still cannot get a job until he gets his union ticket. I have no objection provided the union does not presuppose that every member subscribes to some leftist policy or some extreme industrial outlook. There are men in industrial unions who belong to all political parties.

Government Members: Hear, hear!

Mr. GAIR: They have the right to belong to the political party of their choice. It is not for some union secretary to say what political party a person should be in or how he should vote or for whom he should work, or how much he should subscribe to the political funds of one party. I have a distinct and definite objection to that form of conscription. Perhaps something might be done in that connection, if not under this legislation then under some appropriate legislation. The Hursey case is an example of what can happen. We all know the history of the Hursey case and I do not want to take up time in reciting the details. A man and his son refused to pay a 10s. levy that was struck by the Waterside Workers' Union in Tasmania. They refused to pay and we know what these men were subjected to. Only stout-hearted men could have withstood the pressure that was put upon them. No Government came to their aid. Nobody took advantage of any powers that may have been in the Stevedoring Act to give these men the protection they were entitled to. They were forced out.

Mr. Clark: They got a very good collection.

Mr. GAIR: Many people have got more, with less justification. They were entitled to the collection, which showed the sympathy of the people for men who were prepared to put up a stout fight to preserve a fundamental right of an individual in a democratic country. If any hon. member of the official Opposition can argue that those men were not right, all I can say is that he has departed a long way from my understanding of true Labour principles.

Hon. W. POWER (Baroona) (12.48 p.m.): This is the most amazing piece of legislation ever introduced into the Queensland Parliament. The Premier, when introducing the Bill, said among other things that it was for the purpose of preserving our democratic institutions. To my way of thinking, the Government are bent on destroying them. They were elected because of a division in the Labour movement, as the people of Queensland realise. The Government are in power because of that division. They have not a mandate from the people, as they received fewer votes than the combined Opposition. Although elected on a minority vote, they have the temerity to tie the hands of future Governments on the introduction of legislation.

I am prepared at all times to uphold the democratic rights of the people and a democratic form of Government. I shall not deal with past history and the direction given to the previous Government, apart from saying that I refused to accept that direction because in my view my responsibility was to the people who had elected me. If the same set of circumstances arose tomorrow, I would still refuse to accept a direction from an outside body, and I make no apology for taking that stand. I should like to see the breach healed, because, after the introduction of this legislation by the Government, I do not know what we can expect in future if they are allowed to remain on the Treasury benches.

The Premier in the introduction of the Bill referred to the attempt to abolish the Upper House in New South Wales and to the action of a Labour Government in 1922 in abolishing the Upper House in Queensland. I remind the Premier that the action taken in 1922 was endorsed by the people at each succeeding election until 1957 and, but for the division in the Labour Party at that time, a Labour Government would still be in control of the affairs of this State.

Mr. Ramsden: The people would not be as happy as they are now.

Mr. POWER: I will not waste time on stupid interjections by those who have little or no knowledge of democracy or the meaning of the word. The Premier has said many conferences have been held on the subject, and that a prominent Q.C., Dr Louat, was brought into the discussion by the Government. It is the responsibility of any Government to obtain the best opinion on any subject, but I cannot agree that a Government should have the right to bind another Government, as the present Government are binding future Governments.

We recently had a redistribution of electorates which was considered by Parliament. A given number was set for the members of this Assembly. The Government now have the temerity to say that no future Government shall have the right to vary the number of members of Parliament without reference to the people.

Mr. Nicklin: Nothing of the sort.

Mr. Hanlon: Not below 75.

Mr. POWER: The number cannot be less than 75. Even in that way the Government are tying the hands of future Governments as to the number of representatives who may be elected.

Mr. Tooth: The minimum number.

Mr. POWER: Even if it is a minimum number, what right have they to tie the hands of future Governments, particularly as they were elected on a minority vote? They are preventing future Governments from repealing certain legislation. Their action is entirely wrong and I cannot under any circumstances agree with it.

The Premier went on to refer to a free judiciary. Can anyone tell me of any interference with the judiciary in Queensland? The only interference to my knowledge occurred when the Minister for Justice amended the law applicable to the termination of the services of a judge. Supreme Court judges were always responsible to Parliament. The same should apply to the District Court judges. Amending legislation was brought down by the Government dealing with these judges, but they are members of the judiciary despite the fact that it has been stated that they are members of a lower court. As I said, it was previously the right of Parliament to terminate the services of members of the judiciary. I want to know where there has been any interference by the previous Government with the judiciary.

I agree with the view stated by the Leader of the Opposition about the proposed amendment of the Constitution of Queensland. I remind hon. members that the Commonwealth Government sought the views of the Government led by the hon. member for South Brisbane. There was an all-party conference to discuss matters affecting the Commonwealth Constitution, so that all sections of the community would have the opportunity of expressing their views. On this proposed amendment of the Queensland Constitution there should have been an all-party conference.

If we examine the Bill from every angle it is nothing else than an attempt to protect the Government. The Government have not a mandate from the people; they are a minority Government tying the hands of future Governments. It is a monstrous piece of legislation and I am entirely opposed to it.

Mr. HANLON (Ithaca) (12.57 p.m.): Many fine and noble sentiments were expressed by the Premier in relation to this Bill, to which I do not think hon. members will take exception. When we examine the remarks of the Premier we find that the Bill is more or less just a lot of window dressing for the next State election. It is verging on Christmas-time and the big stores such as Allan & Starks and McWhirters have started to do up their windows for the Christmas rush. The Government are doing the same for the election to be held in four or five months' time. They are starting to do their windows for the election and, as the Leader of the Opposition pointed out, they should be ashamed of their actions prostituting liberty and democracy as a selling power to win the coming election. They are doing this in the hope that they can stir up a lot of the old arguments and false innuendoes that were traded around and directed particularly against members of the Australian Labour Party in recent years.

It is a remarkable thing, as my Leader pointed out, that the idea of a Bill of Rights was completely rejected as being impracticable and useless by the Liberal Party Convention of New South Wales not so long ago. That party decided they would not support the idea if elected as the Government of New South Wales—and they were not—of bringing down a Bill of rights similar to that suggested by the Premier this morning. The Premier expressed his feelings on the necessity for respect for Parliament and the maintenance of Parliament as an institution but it is a pity that he did not see fit to call a convention of people representative not only of all parties in the Chamber but of other sections of the community to consider the Bill. The Federal Parliament appointed a committee to consider alterations to the Australian Constitution, and I am sure that most hon. members and the people outside would say it was wrong that an all-party conference was not called to consider this Bill.

When the Federal Government decided to appoint a committee to study suggested changes in the Commonwealth Constitution they saw fit to call on representatives from all parties in the Federal House.

Mr. Power: We did it in Queensland, too.

Mr. HANLON: It has been done and it is the right course; but the Premier, though he expressed such fine and noble sentiments this morning about the value of Parliament, seems not to give the Opposition the right to exist. The Menzies Government disappointed many people by not calling to the Constitutional Committee representatives from the States, but at least they had representatives from all parties in the Federal Parliament, and the Premier was very lax in not calling a committee together before introducing the Bill. It is over two years since he announced in the 1957 election campaign that he regarded the matter as urgent, but in that time he has not seen fit to seek the co-operation of members of the A.L.P. and others interested in constitutional reform.

As my leader pointed out, though many fine sentiments have been expressed, there is a danger in trying to set down on paper what are ordinarily regarded as fundamental rights. It is very difficult to incorporate in a written form the basic rights that the people of Australia and of the United Kingdom have always respected. Anything that is left out immediately becomes an argument for constitutional lawyers or others as to its validity.

Mr. Morris: You know that the Premier is having the Bill printed and left on the table so that hon. members can study it from every angle for several weeks.

Mr. HANLON: I appreciate that. Certainly the people will have an opportunity to study it over the Christmas break, but it would have been much more democratic and useful if the measure had been introduced

earlier so that it could have been given more attention even on its introduction and so that the debate could have been taken at a more leisurely pace.

Whether advice is taken from Dr. Louat or any other high constitutional authority, one cannot guarantee to set down on paper the rights that have been gradually built up more on tradition than on anything else over hundreds of years, over a thousand years, in the United Kingdom.

The Leader of the Opposition said, too, that parts of the Bill sound very good, but of how much value are they when it comes down to the hard facts of preserving democratic rights? In the Soviet Union and other countries, which we would not regard as democratic as we regard Queensland and the Commonwealth, safeguards have been laid down against intrusions into the democratic rights of the individual, but we know they are not worth anything as solid protection to the citizens of those countries.

If the Bill of Rights is to be effective in some of the respects mentioned by the Premier, let us incorporate in it some other very fundamental rights that are important to the people of the State. The right to work is one. The right to own a home is another. Then there is the right to have a home if you cannot afford to buy one—the right of a man, his wife and family to have accommodation. Those matters could easily be writen into the Bill, but they would not mean anything. You cannot build homes or make jobs available or preserve liberties by writing provisions on a scrap of paper, printing them and passing them through a legislative assembly. They are fundamental rights. The democratic rights the Premier has described in particular in connection with the Bill cannot be preserved any more by this type of measure than the right to work or the right to own a home, which so many people do not enjoy under this Government in Queensland today. I was somewhat amazed to hear the Premier refer to the dangers associated with the unfair acquisition of land. No doubt he was referring by innuendo to the policy of the Australian Labour Party in this regard. The most outstanding example of unfair acquisition of land and dictatorial administration has been given in the last few years by the Menzies Government, the political colleagues of members of the Country-Liberal coalition Government in Queensland. I have not the full details of the case—I shall get them during the recess and present them to the House at the second reading stage—but there is a woman who owned land in Queensland and the Northern Territory that was resumed by the Commonwealth Government three or four years ago because it contained deposits of uranium or some other mineral. Over the three to four-year period the Commonwealth Government have completely ignored her claims for compensation. They have refused to acknowledge her existence. The matter has been raised by members of the Australian Labour Party in the Federal Parliament on several occasions, but without avail. The latest information I have to hand is that this woman still has received no satisfactory compensation settlement.

Mr. Ewan: What about your Government's acquisition of the Wandoan lands for soldier settlement purposes?

Mr. HANLON: I do not know about that. As far as I know the people who had land resumed for soldier settlement purposes were paid compensation.

A Government Member: On 1942 values.

Mr. HANLON: It is much better to receive compensation on 1942 values than none at all. It is all very well for hon. members opposite to complain about the Wandoan settlement merely because the land-owners were compensated at 1942 values.

Mr. Duggan: It was land made available to men who had defended their country.

Mr. HANLON: Yes. It is a long time ago. It is all very well for hon. members opposite to talk about 1942 values today. The resumptions were made more than 10 years ago. 1942 seems a long time ago now, but it was not so long back when the land was acquired. The land was acquired for soldier settlers, men who had been fighting to preserve their country. When they came back surely to goodness they were entitled to a piece of land.

I challenged the sincerity of the Premier earlier today when I asked him a question about the tapping of telephones. It has not been denied by the Commonwealth Government that the practice of tapping telephones goes on all over Australia. When I asked the Premier if he would make representations on behalf of the people of Queensland to the Prime Minister because repeated questions in the Federal Parliament have had little effect, I thought as a responsible member of the Country Party and Premier of Queensland he might be able to make stronger representations.

Mr. Nicklin: If you can give me any evidence that it is going on I shall be very happy to do so.

Mr. HANLON: If the Premier is so interested in protecting the rights of Queenslanders by introducing legislation that he alleges will have this effect, let him do something about the intrusion into rights, no matter where the intrusion may come from—the Communist Party, the Liberal Party, or anyone else. He says that if I give him evidence he will be happy to do something about it, but the very objectionable feature about telephone tapping is that people do not realise that their telephones are being tapped. For that reason it is very difficult to place concrete evidence before the Premier. Hon. members have only to look at Federal "Hansard" to see that the Prime Minister has

admitted that telephone tapping does go on. We realise that occasionally for security purposes there may be a need to tap telephones, but the Prime Minister has not satisfied the Federal Opposition or indeed many of his own colleagues in Canberra that there are adequate safeguards. I bring this matter up to show how the Premier is not sincere in his approach when he talks about the preservation of rights. He is interested in bringing a Bill of this nature down only as a means of window dressing for the election campaign and to give hon. members opposite an opportunity to tell people about the alleged dangers of the policy of the Australian Labour Party. When it comes to his doing something practical to provide safeguards he wriggles out from under.

Reference has been made to the right of political parties to inform their members of what they think should be the policy carried out by the Parliamentary section of the Party. Some members on the Opposition cross benches said that members of Parliament had been dictated to by the controlling body of the A.L.P. in regard to the matter of three weeks' leave. That matter has been talked over and the background of it has been made clear. I will not spend much time on it today nor during the coming election campaign. But I do say this: any direction given by the Queensland Central Executive to people as far as three weeks' leave was concerned was not given to them as members of Parliament. No political party can force a Member of Parliament as to what he should do. All that was said to members of the A.L.P. was that if they wanted to remain members of the A.L.P. they would support the issue of three weeks' leave. It is not possible to tell a member of a political party whether a Liberal Party or Labour Party that unless he supports this he will not be a member of Parliament any longer. The only people who can say whether he will continue to be a member are the people who elected him. The Q.C.E. did say to members of the A.L.P. that if they wanted to continue as members of the A.L.P. they would carry out the plank of the party. What has the Liberal Party done to the hon. member for Kurilpa. It decided that he would not be a member of the Liberal Party team.

Government Members: No.

Mr. HANLON: If hon. members opposite would give me time to complete my sentences I might be able to get something through the vacuum at the top of their heads. As far as the political party is concerned, Mr. Connolly is not going to be a Liberal candidate for the next State election, but that does not prevent him from deciding to stand as a candidate. He accepted the decision of the Liberal Party, but if he wanted to resign from the Liberal Party and contest the seat the people of Kurilpa would decide whether he would remain their member or not.

Members on the cross Opposition benches and others left the A.L.P. because they would not support the introduction of three weeks' annual leave. The people decided their future and 11 out of 24 were returned to this Parliament. After the next election very few will remain. Gradually the people will displace them. When the hon. member for South Brisbane says that the Q.C.E. of the Australian Labour Party were dictating to members of Parliament he is talking a lot of claptrap. If the people wanted to retain the Q.L.P. they would not be sitting on the cross benches today. They had the opportunity to secure a majority of seats in this Parliament the same as any other party. The Members of the A.L.P. who formed the Q.L.P. went to the poll in 1957 and were defeated; only 11 were returned in a House of 75 members, which indicates that they did not get much support from the people. The Australian Labour Party did not secure sufficient votes to get a majority, but I believe we will in the future. The principle at issue is that any direction given was given to individuals as members of the A.L.P.—not as members of Parliament.

Mr. Hart: Given to the Premier.

Mr. HANLON: It was not given to him as Premier any more than to any other member of Parliament. They were merely told, "If you want to remain a member of the Australian Labour Party you will carry out the policy of the party. If you do not you can stand as a member of some other party." It will be interesting to see whether there is a Liberal candidate in South Brisbane and Mundingburra. Talking about direction, it is only a couple of weeks ago when we had the spectacle of members of the Liberal Party being directed to leave the joint meeting of the Country Party and the Liberal Party and to go to the headquarters of the Liberal Party at Wickham Terrace, where they were told what they were to do. Surely the parliamentary section of the Liberal Party is important enough that it should not be compelled to withdraw from a Caucus meeting of the Government parties to troop up to Wickham Terrace to be directed by the executive of the Liberal Party outside Parliament. Hon. members on the Government side talk with their tongues in their cheeks when they speak of direction by outside parties. It is not so many years ago that the Country Party member for Maranoa, Mr. Russell, was virtually expelled from his party.

Mr. Heading: You made a mistake on that one before.

Mr. HANLON: He beat the gun by a split second, by resigning, because he violently disagreed with the policy of the Country Party and particularly Sir Arthur Fadden on the devaluation of the Australian pound. Examples of that type of thing could be given for all parties.

Finally, the Premier referred to the maintenance of an independent judiciary. The Government in their two years of office have already moved to restrict to a certain extent the independence of District Court judges. When the legislation to establish district courts was introduced a year or so ago we found that District Court judges were not solely responsible to Parliament, like judges of the Supreme Court. The Premier can get up and say that he finds it necessary to protect the independence of the judiciary, but he did not find it necessary to protect the independence of judges of the District Court when Opposition members suggested that they should be on the same footing as judges of the Supreme Court. He refused to accept the suggestions put forward from this side of the Chamber for that purpose.

On going through the arguments of the Premier, I find there is very little in his case that is more than pure election advertising, and very few Government members have taken the opportunity to support him. The Q.C. from Mt. Gravatt is scribbling away. We may be able to drag him to his feet, but the other Government members seem to be very reluctant to support the Premier's case for the introduction of the Bill which the Premier described as a major proposal affecting our Constitution. On a measure of this magnitude, as the Premier described it, I should have thought that he would have the support of Liberal and Country Party members but so far we have not seen any Government member who was anxious to get the call.

I doubt whether we will hear from many of them, because they realise as we do that this proposal which was included in their policy speech two years ago was left in abeyance and has been trotted out now only for election propaganda. I do not think the Bill will create a great deal of interest. The people are not going to say, "By jove, Frank Nicklin's looking after our rights. He has introduced a Bill of Rights!" When they look at it they will realise that there is very little in it of interest to them.

The Premier has seen fit to include in the Bill a provision limiting action by a future Government except by approval of the people given at a referendum. It is a wonder the Government which obtained only a 43 per cent. of the votes did not see fit to hold a referendum on the Bill, which restricts the number of electorates to a minimum of 75. The Premier said that the creation of new States would not affect the maintenance of Parliament at a strength of 75 electorates.

Mr. Nicklin: It will not apply.

Mr. HANLON: Does the Premier mean that if the Central and Northern portions of the State are separated into new States that the legislation will not apply to what is left of Queensland?

Mr. Nicklin: The minimum number of electorates.

Mr. HANLON: The minimum number of electorates will apply only to the State of Queensland as it is today?

Mr. Nicklin: As at present.

Mr. HANLON: I am pleased to have that assurance, because I think it would be rather ridiculous to have that number of electorates in a State of considerably smaller size.

Mr. BURROWS (Port Curtis) (2.37 p.m.): We have had only repetition and recapitulation of the humbug and hypocrisy which has been characteristic of anti-Labour Parties ever since the formation of a Labour Party. All this talk about a Bill of Rights is sickening. Those who are harping and preaching about rights are practising as many wrongs on the people as could be imagined. We have almost reached the point when the public's tolerance will be exhausted.

In talking about a Bill of Rights, let us consider the happenings during the last few weeks. The hon. member for Gregory drew a block of land for which there were 1,100 applicants, and for other blocks of land as many as 1,800 and 2,000 applicants have participated in the ballots.

Mr. Ewan: How many were in for the block you drew?

Mr. BURROWS: One, and another one.

I do not begrudge the hon. member for Gregory his good fortune, but what of the 1,099 disappointed applicants, all of whom were Australian citizens and all of whom are thoroughly screened. There were 1,100 applicants in the ballot, but there would be ten times as many keen to participate in the ballot who did not do so because they knew they would be screened out of it.

Mr. Ewan: That is supposition.

Mr. BURROWS: It is not supposition at all. Certain conditions were imposed. Any man over 55 could not participate in the ballot. Applicants have to satisfy the authorities as to their physical and financial capacity as well as experience to work a block of land.

Mr. Ewan: No such thing.

Mr. BURROWS: Nobody knows it better than the hon. member who handles the truth so carelessly. Nobody knows it better than the Minister for Public Lands and Irrigation. Those men have no opportunity of holding a block of land in this country. The same Government have passed legislation, as I pointed out the other day, which will allow Khrushchev and his agents to buy unlimited areas of land in the State on a freehold basis. What is more, they will not be required to live here. Let hon. members opposite get up and talk about this Bill of Rights; they should not sit like cowards. They have not the intestinal courage to defend the measure because they know it is indefensible. The

Premier knows that this Bill is only hypocrisy. What about the rights of the Australian-born citizen to hold land? Why should our land be made available in big areas to the big money-lords?

Mr. Roberts interjected.

Mr. BURROWS: I am sorry for the hon. member. I expect from the more intelligent members of the Government something better than what the Premier has "dished" out here today. The Bill has been brought in at the eleventh hour in the dying months of this Government's reign. They harped about it for three years. If there is so much advantage to be gained by it, why was it not introduced on the first day they become the Government? Why have the people been denied these rights for the past three years?

Mr. Hodges: Because we had so much to clean up.

Mr. BURROWS: And your Government made such a mess of the cleaning up that you made it messier. This is all pious talk and, although we have not seen the Bill I should be surprised if there is anything in it that is not a reiteration of what we already enjoy. I should not be surprised if it did not take away something from us. Is any protection being given to public servants against their transfer within the next six months if they decide to become Labour candidates at the forthcoming elections? Hon. members of the Government cannot laugh that one off. In 1932 two prominent members of the Public Service, Messrs. Baker and Copley, were transferred to Cunnamulla and Charleville respectively.

A Government Member: Who did that?

Mr. BURROWS: The Moore Government, the political ancestors the hon. member so worships.

The CHAIRMAN: Order! I ask the hon. member to address the chair.

Mr. BURROWS: I would have a more intelligent audience if I did. I should like the Premier to answer my question.

I hope that we of the A.L.P. are big enough to forgive the hon. member for South Brisbane. We were always taught to speak well of the dead, and if the Q.L.P. is not dead, it is a dying body. I sincerely hope I can respect that teaching of my parents. Let me tell the hon. member for South Brisbane that 19 A.L.P. members of this Parliament, not 22—and I emphasise that—exercised their democratic rights by voting in a certain way in this House.

Mr. Gair: They voted for the glory of the Country-Liberal Party and the defeat of the Labour Government, something they will never live down.

Mr. BURROWS: If the hon. member will restrain himself for a while I will elaborate on the matter. Those 19 hon. members exercised their democratic rights. Could we make any pretentions to democracy if I could not walk across the Chamber and vote with the Government or walk across and vote on my own, not necessarily for the Government, or stay here and vote with the Opposition just as I chose? Nobody was dictated to. Hon. members, including me, went to a convention and nobody voted any more solidly than I against the proposition that allegedly brought about the resignation of certain members of the Labour Party and the expulsion of the then Premier; but a majority decided that, and if a majority decision is not to be accepted, democracy is being sacrificed; it is only humbug to talk about democracy if we cannot accept a majority decision. That incident bears no relation to the Bill.

The hon. member spoke of the possibilities of a bloody revolution. Talk like that may be all right on the soap box down on the domain and rabble who talk like that can influence some people, but we are in this Chamber because we get the most votes on polling day. Whether we belong to the Liberal Party or the Labour Party or the Country Party or Independent Party or any other party or if we belong to no party at all, we are elected under a democratic system. It is no good indulging in histrionics and soap-box oratory and talking about a bloody revolution.

The worst revolutions of all are bloodless. I honestly believe the Australian people suffered much more in the bloodless revolution of 1929 to 1932 than they did from both world wars. Hon. members should not rush in with wild statements. I can understand the hon. member for South Brisbane and I forgive him. I understand his feelings of frustration when he attacks union officials and the union movement. I am not ashamed to admit, and God forbid that I shall ever be, that if it were not for the trade union movement I would not be in this Assembly today and my children and I and thousands of other families throughout the State would not be enjoying the high standard of living they enjoy today. Moreover, it will be through the trade unions and the Labour movement that that standard will be raised to further heights. I sincerely hope I will never live to see the day when I will scorn the base degrees by which I rose to where I stand.

If a trade union official is supplied with a motor-car by the elected members of his union, what has that to do with the hon. member for South Brisbane? Did not the taxpayers supply him with a motor-car and a driver for a number of years? That was one of the "perks" of his office and I cannot see any difference between the "perks" of a trade union official and the "perks" of a Minister of the Crown.

The hon. member said a trade union should be stopped from contributing to political funds. Let me tell the hon. member for South Brisbane that at the last elections

I contributed to the Q.L.P. funds. I did that—and I do not want the money back—as a member of the Clerks' Union. After the election the fees went up to £4 a year, but I am proud to pay the £4 a year because I received a benefit from being a member of that union at a time I needed it when I was pushing a pen for a living. I received the benefit and protection of the union when I wanted it. I would be an ungrateful animal if I did not continue to pay my membership fee even though a small amount of it goes to Q.L.P. funds.

Mr. Gair: That is not true.

Mr. BURROWS: Probably the funds will be used to support a candidate to oppose me, but these things happen. We have to be big enough to realise that it does not matter a great deal. Apparently the majority of the members of the Clerks' Union are satisfied with it although as a member of the union I would vote against it. However, if the majority are prepared to accept that decision I am not going to lodge any complaint. For 30 years I have not been under any legal obligation to pay any fee to the Clerks' Union but I consider I have a high moral obligation to continue my membership because when I was a clerk as a result of their efforts I received improved remuneration.

If the Bill contains a provision that promises to make only one person happier and none unhappier than they are at present, I am prepared to support it. But knowing the background of the Government and the long delay in the introduction of the Bill, particularly with an election in the offing, I think that it is just so much window-dressing and a repetition of a lot of cant, humbug and hypocrisy.

Mr. HART (Mt. Gravatt) (2.55 p.m.): We have heard three members of the A.L.P. and two members of the Q.L.P. speaking on this very important measure. We have heard the Leader of the Opposition tear his passion to tatters and scream hon. members out of the Chamber but he did not tell us whether he supported the Bill or not. He screamed and yelled but he did not say whether he supported the Bill. He is having two bob each way as usual.

The hon. gentleman has been told by the Premier what is in the Bill, but with all his screaming he did not tell us whether he supports it, nor have his supporters. The hon. member for Port Curtis has told us that he contributed to the Q.L.P. funds. The hon. member for South Brisbane interjected that he was a member of the party for 72 hours so he probably did contribute to the funds.

Mr. BURROWS: I rise to a point of order. I understood the hon. member for Mt. Gravatt to say I was a member of the Q.L.P. for 72 hours. I have repeatedly denied that, and the hon. member knows it. I ask for the withdrawal of the remark and that the hon. member refrain from repeating it.

The CHAIRMAN: Order! I did not hear the hon. member for Mt. Gravatt say that the hon. member for Port Curtis was a member of the Q.L.P. for 72 hours. If he did make that statement it is apparently offensive to the hon. member for Port Curtis and I ask him to withdraw it.

Mr. HART: What I said was that the hon. member for South Brisbane interjected that the hon. member for Port Curtis was a member of the Q.L.P. for 72 hours. What I said was if that was true that is why the hon. member paid money to the Q.L.P.

Mr. BURROWS: I rise to a point of order. I point out that as a member of the union which supported the Q.L.P. I indirectly supported the Q.L.P.

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

Mr. HART: Very well. The principal reason for the introduction of such a Bill is found in the attitude of the hon. member who leads the Australian Labour Party in this House. We were told by the hon. member for South Brisbane that in 1957 there was a serious threat to Parliamentary Government in Queensland. The reason why it was serious was because the hon. gentleman who leads the A.L.P. stated openly that he was prepared to accept outside dictation —wisely or unwisely.

A.L.P. Members interjected.

Mr. HART: The hon. gentleman said that he would do what he was told. That indicates the necessity for this Bill. Let us not think that Parliamentary Government cannot be destroyed. We have developed this system of government after years of struggle on the part of our ancestors. Before we acquired this system civil war raged in England for many years, and King Charles had his head cut off. Then the struggle continued between the Crown and Parliament, and ended with the first Bill of Rights; and there has been a constant struggle since to extend the franchise. Twice in our lifetime we have had to defend this country against aggression. We have had to struggle not only against outside dictation but against inside dictation. The history of societies shows that a society is never static: it grows and develops all the time. We have to struggle to keep what we have won for the next generation. The happenings in 1957 indicate our liberties can be threatened and destroyed.

A.L.P. Members interjected.

Mr. HART: An hon. member is sitting on the cross Opposition benches because he, the honourable member for South Brisbane, was strong enough to stand up to that dictation. We know that he opposes dictation of all kinds.

A.L.P. Members interjected.

The CHAIRMAN: Order! I had occasion this morning to ask hon. members to refrain from persistent interruptions. I should be obliged if hon. members on my left would cease interrupting persistently and allow the hon. member for Mt. Gravatt to continue his speech.

Mr. HART: The Leader of the Opposition waved his arms all over the place and said that the Russian Constitution has many guarantees of constitutional liberty but they have no constitutional liberty in Russia. Of course that is true. No constitution in itself can preserve the liberties of the people. The people must be vigilant to see that their constitutional liberties are not transgressed. You can write all the fine things you like into the Constitution as was pointed out by the Leader of the Opposition, but that is not sufficient. On the other hand, you can have a democratic people and a democratic Constitution, but it can be gradually whittled away day by day. Bills such as this are designed to prevent that from happening.

This Bill will prevent the acquisition of property on unjust terms. The Labour Party has attempted to do that, despite the denial of the Leader of the Opposition. He admitted he knew about it afterwards. The Labour Party within the last few years attempted to acquire property from people on unjust terms. Under the Bill that will not be possible. The High Court declared that New South Wales legislation similar to the Queensland legislation was invalid. In Queensland the Government took land from people in the Taroom district on unjust terms. In 1945, 1946 or 1947 they took it on 1942 values, after inflation had operated. Their action was most unjust, yet under the Queensland Constitution the Government could not be prevented from taking it.

The Leader of the Opposition got up and challenged anyone to give him one example of unjust acquisition of land. Later by his interjection he showed that he was aware of the injustices perpetrated in the Taroom district. I say therefore that the hon. gentleman knew all about it, and equally he knows that this legislation is necessary. He has, to date, been careful not to say whether he agrees with it or not.

Mr. Dewar: He will vote for it. He is sitting on the fence.

Mr. HART: He is having two bob each way. He has not declared himself.

The hon. member for Baroona spoke at great length. (Laughter.) I mean the hon. member for Ithaca.

Mr. Power: That is objectional to me. I want it withdrawn.

The CHAIRMAN: Order!

Mr. HART: I withdraw my remark about association between the hon. members for Ithaca and Baroona.

I was going to say that he dealt with district courts and accused the Government of destroying the judicial independence of district courts. But what the hon. member overlooked was that the terms on which judges of the district courts can presently be removed are the self-same terms on which they could be removed when district courts operated previously.

The District Courts Act is based on the English County Courts Act of 1846. After 1846 district court judges in England have been removable, I think, by the Lord Chancellor, not by the resolution of both Houses of Parliament. All we have provided in the District Courts Act are the terms on which they have always been removable.

Mr. Hanlon: You will agree they are not as independent as Supreme Court Judges?

Mr. HART: They are just as independent as district court judges when district courts operated previously and before the courts were destroyed, and just as independent as similar judges in England are at present.

The Bill enables the people to express their will. The fundamental rights covered by the Bill cannot be destroyed without the assent of the people.

As Dicey points out, there are two types of Constitution, a rigid Constitution which cannot be altered, except in a certain manner, and a flexible Constitution. The Constitution of Great Britain is a supreme example of a flexible Constitution. There is nothing fixed that Parliament cannot alter. In France there have been about 30 Constitutions, all of them inflexible and all of them that have been altered—all of them destroyed. My point is that if a Constitution is too rigid it will go down, but Queensland's Constitution combines the benefits of both the flexible and rigid Constitutions. The Commonwealth Constitution is rigid, as is the Constitution of the United States of America, but they are not completely rigid in that they cannot be altered.

The Bill merely says that certain fundamental rights cannot be altered without the consent of the people. What could be more democratic? It gives the final word to the people. I do not see any need for the howling we have heard from the Opposition. Possibly they are thinking of the way in which they took away the Upper House in 1922. The Labour Government of the day disregarded the will of the people. They had a referendum on the abolition of the

Upper House in 1919, or perhaps before that time. Although the people voted against it, nevertheless the Government of the day removed the Upper House. My point is that under the Bill they will not be able to act in future in that arbitrary fashion. The will of the people will be heard before they can take similar action.

Mr. DUFFICY (Warrego) (3.9 p.m.): We have listened to a most remarkable speech——

Government Members: Hear, hear!

Mr. DUFFICY: Remarkable, particularly as it emanated from a Queen's Counsel who, after all, we would regard as having average intelligence—or we hope would have average intelligence. After listening to the hon. member I think that after all perhaps a Bill of Rights might be necessary in this State to safeguard the people if some Government committed the cardinal blunder of elevating him to the judiciary. He said that the Leader of the Opposition did not indicate his attitude to the Bill. Surely, as a legal man, he would not expect any intelligent person to make up his mind in connection with any Bill until he had the opportunity of studying it! The hon. member apparently thinks that we on this side should make up our minds, and indicate our decisions in the absence of evidence. That would be completely ridiculous. I think it was George Bernard Shaw who said——

Mr. Knox interjected.

Mr. DUFFICY: The hon. member would not get into his party; he was far too intelligent. George Bernard Shaw said that the poor and the rich man had an equal right to sleep under a bridge on a wet night but it was a right exercised only by the poor man. That is pretty true. They both have the equal right of sleeping under a bridge on a wet night, but only the poor man would exercise it. I have not heard any hon. member opposite say which person had the right to happiness and to economic security. All people willing to work have the right to be engaged in useful employment. I wonder if there is any mention of employment in this Bill of Rights! If there is, I for one am prepared to support that section of it. We can get into all sorts of constitutional arguments. There is a tendency on the part of the Government and the Q.L.P. to engage members of the A.L.P. in dogfights over this question. I am not going to tumble into that. I will not engage in a dogfight because I do not think it gets down to fundamentals. When we speak about a Bill of Rights I am concerned chiefly about the people we on this side represent, not the people represented by hon. members opposite. I am concerned about the underprivileged section of the community, their rights to a decent living, their rights to economic security, and their rights to happiness. When we speak about rights, let us consider those aspects and do not let us talk too much about all the things that might happen to the judiciary or might happen under constitutional headings because, after all, I think our freedoms in the past have been fairly well safeguarded. The rights of a substantial section of the community have not been safeguarded to any great extent and, in my opinion, have not been considered sufficiently. If the Premier and his Government want my support they will get it only if they safeguard those things I mentioned—the rights of every person to a decent living in the community, their rights to economic security, and their rights to live their lives in happiness.

Mr. DONALD (Bremer) (3.14 p.m.): The hon. member for Chermside saw fit to make some remark as I rose to speak. I do not know what it was, but if he thinks he can harass me or prevent me from exercising my democratic right to speak in this Chamber he is making a mistake. If it is the intention behind this Bill of Rights, and he would speak with the authority of his party——

The CHAIRMAN: Order! I do not know to what the hon. member is referring, but I suggest he proceed with his speech.

Mr. DONALD: I take exception to the silly nonsense displayed by some who are supposed to be responsible members of this Chamber.

In introducing the Bill the Premier without any doubt tried to wax very indignant and make it appear as if someone or something was threatening the rights of the people of the State and that he was going to protect them by the Bill. He did not explain any of the dangers besetting the people or likely to beset them.

As my Leader said, a written constitution does not guarantee the people any freedom or protection against revolutionary action. All the written constitutions in the world have not prevented the people of nations from rising in revolt and getting rid of their masters when economic conditions demanded it, when it became necessary for them to get rid of their oppressors. No piece of legislation will stand the test of time or ultimately stop the forces of progress and prevent the workers from coming into their legitimate rights.

The hon. member for Mt. Gravatt said that the Constitution of Great Britain was flexible and not written. That is perfectly true. It is for that reason that we of the British Empire are the freest people in the world and have been for centuries, and that we have been able to make such economic, social and cultural progress. The Commonwealth Constitution, based largely on the United States Constitution is not so flexible because it is written and that is why progress has not been as great in Australia as it might have been. Moreover, it is because it is

written that it has proved such a profitable source of income to the legal fraternity of Australia.

What is the freedom that we have lost? What is the protection that the Premier sought to impress on the minds of hon. members and the people outside that this Bill will be able to provide? The Premier was silent on these questions. I agree with the hon. member for Ithaca that the Bill is merely window-dressing for the next State elections. As the hon. member for Ithaca said, that is the main reason for the Bill. It is true that it was in the Government's policy speech. The people of Queensland have been waiting for them to redeem their promise in this direction as in every other direction. It is being introduced at a time when hon. members will not be allowed to give it the consideration they ought to give it before the Parliament rises.

Mr. Nicklin: Why not?

Mr. DONALD: The Premier knows as well as I do. But what have we lost? I am prepared to admit that we have lost protection. We have lost the protection that gave the people of this country some assurance that they would not be exploited beyond reason. The Premier introduces this legislation to preserve the rights of the people but by curtailing the activities of the Fair Rents Court, if not in effect abolishing it, his Government have taken important protection from the people. Is it not a fact that people now find it almost impossible to pay their rent because the protection of that court has gone? Is it not true also that protection that was afforded the people by the operation of price control has been taken from them until it is almost impossible for a basic-wage earner to keep his family in the way he would like to? It is impossible for a working-class man to house, feed and educate his children as he would like to do and in equality with those in other strata of society. We have lost that protection; but the Bill of Rights is not going to restore it and, as the hon. member for Port Curtis said, it is all humbug, cant and hypocrisy in its worst form.

If the Government are so concerned with the liberty of the subject and the protection of the people that they must bring in the Bill, let them put into operation first the Universal Declaration of Human Rights in the United Nations Charter. That can be introduced without specific legislation. Who was responsible for the United Nations' Declaration of Human Rights. Did not the members of the Labour Party play a very important part in framing it? Did not Dr. Evatt, as Australia's representative on the United Nations, guide those who were responsible for its preparation? Yet hon. members opposite would have the people believe that the Australian Labour Party are not fit to govern them in spite of their proud record in every State of the Commonwealth, in the Commonwealth sphere and in the Mother Parliament. If there was one thing I gleaned from the Premier's speech it was a nostalgic regret that they had lost the upper House in Queensland and that they would like to find some way to restore that House of privilege on the same franchise as when it was wisely abolished in 1922. But in advocating that—and they do it cunningly—they forget that the anti-Labour Government in New Zealand saw fit to give the Dominion of New Zealand good government by getting rid of the Upper House. No-one can truthfully say that any of the dreadful things that members of the political parties that now constitute the Government of Queensland claimed would follow the abolition of the Upper House have happened. The Parliament of Queensland is much more democratic than it was when we had the Legislative Council and it is much more democratic than the Government in any of the Australian States.

The Premier said that the Bill will mean one man one vote. But who won the privilege of one man one vote in Queensland or anywhere else? Was it the Liberal Party or their forebears? Was it the Country Party or their forebears? Of course not. The members of the Australian Labour Party, by their agitation and determination won the adult franchise. How are members of the Upper House elected in the other States and the Commonwealth? Can they boast of a democratic franchise like we can in Queensland? Who are the Government in Queensland responsible to? The people and the people only. They have not to depend on the mercy of members of the Upper House. They go to the people with a policy speech. If they fail to give effect to their policy speech they have no excuse. They cannot say, "If it were not for the fact that we have a hostile Upper House we would have given you what we promised in our policy speech. We would have dearly loved to have put our programme into operation but the members of the Upper House were very hostile and we just couldn't get the legislation through." That can happen with every Government in Australia, but it cannot happen in Queensland. That we are democratically governed is to the credit of the A.L.P.

The hon. member for Mt. Gravatt said that the Legislative Council in Queensland was abolished undemocratically. If he says that he either says it not knowing how that House was abolished or he is prepared to try to gain some political capital out of telling half-truths. It is true that the referendum to abolish the Upper House was turned down by the people. It is equally true that the Labour Party was courageous enough at the next election to say, "If we are returned to office we are going to abolish the Upper House." What Labour promises Labour fulfils and having obtained a mandate from the electors the Upper House was abolished in

accordance with our policy speech. It was abolished under the Constitution and under the governing body of the State. Members of the Upper House voted themselves out of existence. If that was a democratic form of government how could that action be termed undemocratic?

When outlining the proposed Bill the Premier said that property rights would be protected, that no property would be resumed without adequate compensation being paid. Neither he nor any hon. member of the Government can answer the challenge of the Leader of the Opposition to give one instance where that principle has not applied. There is another way to look at it. The Premier was very anxious to protect the interests of property owners, that their property was not to be taken away unless they got the price they wanted for it. What about the commodity the working people have to sell, the commodity that they must sell in order to live, to buy a home, to clothe themselves and their families, to feed and educate them? There is nothing in the Bill to guarantee men and women who are anxious to work that they will find gainful employment. They only want to live as decent human beings. Whether there is a Bill of Rights or not, whether there is a Constitution or not, whether it is flexible or inflexible, every man, woman and child in the world has the right to live and the right to live under decent conditions. All the constitutions that may be written will not guarantee or provide that right while we tolerate the present social system. Let us introduce legislation which will guarantee equality of opportunity. I think you will admit, Mr. Taylor, that no-one who is prepared to work should be denied the right to work. I do not make a plea for those who want to be idle. There is no place for a man or woman who has no urge to work or who is too indifferent to their duty to society to do useful work. At the same time there is no excuse for not making useful work available for all the men and women in the community. There is no reason why the child of the humblest person should not have equal opportunity to enjoy the best things of life. It is said that we have free education and hospitalisation. Perhaps the Government take credit for that. What we have is the result of the agitation and struggle by trade unions and the Australian Labour Party. Without that struggle it would be a sorry world for the people of the working class. We must keep our organisation intact and functioning smoothly in a democratic manner. I did not hear any word from the Premier that he was going to give protection to the democratic trade unions in the Bill of Rights. There was not a word suggesting protection for the unions or unionists, but there was a carefully phrased principle for the protection of property owners. A great deal has been said that could have been left unsaid. I do not see any justification for the introduction of the Bill. Some hon. members said—it may have been the hon. member for Mt. Gravatt—that we are threatened in Australia. Every country is threatened by invasion at some time or other, be it by ideology or armed forces. Every day in the year we may meet and pass resolutions, but these resolutions and Bills on human rights will not prevent the country from being invaded by an armed force or a foreign ideology. The best weapon to combat an armed force or ideology invasion is a happy and contented people. You cannot have a happy and contented people unless everybody is in work and education is available. to every child. Until we can organise a society in which there will be work for all and to which everybody will be able to make his contribution we will always have the threat of some ism or other. If we want to strengthen our economy and remain a solid bloc we can do so by organising our people. The most effective way to do that is to see that everyone is in useful employment happy in their work, and enjoying a high standard of living. It is admitted by everyone that we can produce more than we want. We have had gluts this season and there were droughts in some parts. What did we do with the surplus production? Was it sent to feed the teeming millions to the north of Australia? No, we ploughed it back. Pineapples and sugar cane were left in the field. The people have not benefited by the gluts. The retail price for sugar and pineapples has not been cheaper. We did not give the commodities we over-produced to people outside.

A Government Member interjected.

Mr. DONALD: It is suggested that charity begins at home. There are many hungry mouths in Queensland, and it is a crying shame that this Bill will not improve their position nor protect us against invasion from abroad.

Mr. Hiley: Do you suggest because people are unhappy at home there is a greater risk of invasion?

Mr. DONALD: If we have a discontented and hungry population there is a grave danger that we can be invaded by a foreign ideology.

Mr. Hiley: That is what I thought was your point. Would that explain why Germany invaded Russia?

Mr. DONALD: From a military point of view, it is well known that Germany invaded Russia in order to destroy one of the best allies the British Empire had at that time before she turned her attention to Great Britain. In doing so they made a fatal mistake, as they were engaged in war on two fronts, and any authority would admit that to do so is suicidal, but Hitler and his fascist friends were confident they could destroy Communist Russia. They thought that all they had to do was to walk into Russia and neutralise the Russian Army, Air Force and Navy, and then switch their attack against the British Empire. They thought it would be easy, but

they failed, and they failed through the heroic resistance of the people of the Soviet Republic of Russia. Mr. and Mrs. Churchill paid tribute to the Russian people for the help given to the British Empire. I know these statements have nothing to do with the Bill, but I make them in reply to the question by the Treasurer.

If we are a contented people and have all the shelter, the clothing, and the food we need, and all the leisure we require, and we use that leisure to the best of our ability, we will be a strong nation and will be able to resist military and ideological invasion.

The Premier when introducing the Bill said the courts would be free, that the salary of judges would not be reduced during their term of office, and that they would be retained until they reached the age of 70 years. Why the distinction between the people generally and members of the judiciary? Judges are given a guarantee of employment until they reach 70 years. I am not arguing against that. If there is a depression they will not be asked to make a financial sacrifice, but will retain the salary they have been getting during the period of inflation. I am sure the people generally would like a guarantee on similar lines. It cannot be denied that there is plenty of work, useful work, to keep everyone in employment. It is a sin to have anyone out of work. We know what has happened over the building of the Mt. Isa railway, and the difficulty in getting finance for that project. Let me say as I have said before that we did finance and build a railway across the continent of Australia, without going overseas for finance or engineers. The Mt. Isa project is child's play compared with the construction of such a railway.

A very significant provision of the Bill states that the number of members of this Assembly at no time shall be fewer than 75. The provision is somewhat puzzling to me, coming as it does shortly after a redistribution of electorates under which the Government saw fit to increase membership of Parliament to 78, reducing the country representation by one and increasing metropolitan representation by four. If membership of 75 is not sufficient now, I am at a loss to understand what is in the mind of the Government when they include a provision that at no time will membership of this assembly be fewer than 75. Surely they are not anticipating a drop in population! I should think there will be an increase in population, and if we get the progress we desire and must have we certainly will need more population. I do not know why the provision has been included in the Bill, unless it has some significance that has not been explained by the Premier. The Bill provides for Parliaments of three years. I do not take exception to that provision, but why does it fix a quota for electors? We have carried on for 100 years without any fixed quotas. If I heard the Premier correctly the quota is arrived at by dividing the number of electors by the number of electorates. This may, or may not, result in one man—one vote—one value. In a State of vast area such as Queensland with its sparse population, I do not know how the system will work.

If my assumption is correct, I am surprised that a Country Party Premier has been willing to surrender to the City of Brisbane sufficient seats virtually to guarantee Brisbane control of Parliament. That is what will happen if the number of electors is to be divided by the number of electorates. It must follow that the provision will strengthen the voting power of the City of Brisbane in Parliament.

I can remember the late Ned Hanlon at the time of the 1950 redistribution saying, "There will be 24 seats in Brisbane and representation from the metropolis will remain at that figure, as I do not want to see in the State of Queensland the position that has developed in the Commonwealth, where the highly populated States of Victoria and New South Wales are influencing the decisions and policy of the Commonwealth Government." We should resist that tendency to the utmost. I should like to remind the Premier that he was a very active and vigorous opponent of the zoning system.

(Time expired.)

Mr. DAVIES (Maryborough) (3.39 p.m): Over the years the Chamber has noted the Premier's ability to make a first-class fighting speech but today we heard him deliver one of the weakest speeches I have ever heard him make in this Chamber; and one of the shortest, too. When he was in Opposition he found no difficulty in speaking for an hour or three-quarters of an hour, but today he spent not more than 25 minutes——

Mr. Nicklin: Longer than that.

Mr. DAVIES: It was, at all events, a short speech in which to place before us the contents of what he claims to be a momentuous Bill. Very seldom have we found the changes contemplated in this measure presented in such a short time. In a comparatively short time he was able to place before us, in a general way, the contents of this important Bill, and I felt that he was considerably embarrassed. Having mentioned that it was the Government's intention to introduce such a Bill it took him a very long time to prepare it. Apparently the objectives that the Government had in mind had fallen by the wayside. He selected a wonderful time to present the Bill, just before an election, so that there would be weeks of free advertising and members of his party could indulge in a campaign of hate against the Australian Labour Party by screaming their fears about Communism. The Government will be taking the opportunity of indulging in much propaganda before the election. Only one hon. member from the Government side spoke on the Bill, and he was a Liberal

member. It is quite evident from the lack of support given to the speech of the Premier that there has been Liberal pressure to force the Bill upon the Country Party. One knows about the freedom spoken of by members of the Government Party and the freedom of the individual which is supposed to be the foundation of this Bill. Much has been spoken of it over the years. We saw an instance of it just recently with regard to preferential voting. Members in this Chamber claimed, rightly or wrongly, wisely or unwisely, that they stood for preferential voting.

Mr. Windsor interjected.

Mr. DAVIES: The hon. member for Ford——

The CHAIRMAN: Order! I draw the hon. member's attention to the fact that there is no electorate by that name.

Mr. DAVIES: I was going to speak of the imagination of the hon. member for Fortitude Valley. He and others voted for a Bill contrary to what they believed. Therefore, it ill-behoves them to point a finger at anybody else.

The hon. member for Bremer spoke about one man one vote, and we must remember that some of the great reforms introduced into the British Parliament were as a result of pressure. If they were not actually introduced by Labour they were introduced as a result of pressure by unions and the people themselves. The electoral reforms in Great Britain were the result of a revolution; the House of Lords had to give way.

The Premier spoke of individual freedoms and mentioned the Universal Declaration of Human Rights but perhaps he intends to use it as a cloak for his failure to mention the problem of unemployment. Article 23 states—

"(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

"(2) Everyone, without any discrimination, has the right to equal pay for equal work.

"(3) Everyone who works has the right to just and favourable remuneration insuring for himself and has family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

"(4) Everyone has the right to form and to join trade unions for the protection of his interests."

One would have thought that the Government would take the opportunity at this time, having evidently run short of other legislation of importance, of letting hon. members discuss ways and means of carrying out the terms of the clause that the Premier says is included in the Bill. The Leader of the Opposition said that over 900 are unemployed in Rockhampton, and throughout the length and breadth of the State many thousands of men are out of work. What is the good of bringing in a Bill of Rights that speaks of achieving full employment—work for all who want it? The United Nations Declaration of Human Rights says everyone has the right to work. The Government use the same old excuse that the State is short of money. Every Minister who has introduced a Bill this session has said what the Government could do if they had the money. While they were in Opposition they told the Government of the day the fault lay in their wrong approach to the Federal Government, that the money was there for the asking if they put the case properly. Would it not have been much better to take up the time of the Assemby with a non-party debate giving all hon. members an opportunity to discuss Commonwealth-State relationships and the States' right to fair treatment from the Commonwealth Government so that they might not lose their sovereign rights as they appear to be losing them today? At the Premiers' Conference it was said that Federation was shaken and that there were signs of its breaking up. I have quoted that in the Chamber this session. Is not that a tremendous problem to face up to?

Mr. Hart interjected.

Mr. DAVIES: The hon. member might at least have had sufficient courage to protest against the failure of the Commonwealth Government to act decently towards the States. If Government members had enough decency and courage to rise in their places and protest they might influence public opinion, and their Press would assist them, and it would possibly react on the Commonwealth Government. The hon. member no doubt could persuade Federal members of his party in Queensland to do something in the matter. We might have hoped that time would be devoted to a non-party debate along those lines because those problems confront us now. They are serious problems that affect men and women who cannot help themselves, those who want work but cannot find it. On the hustings the Deputy Premier said that if the present Government were elected Queensland would become a happy State with more people in work but we are drifting further and further away from that happy State, yet the time of hon. members is being taken up with this Bill. No attempt has been made by the Premier to quote instances of weaknesses he was endeavouring to cure in the judicial system, no instances of failure to compensate adequately for the resumption of property or of interference with the right of franchise. Mentioning the franchise reminds me of the hypocrisy of the Government in introducing a Bill of this kind. The Commonwealth is bound to the United Nations Declaration of Human Rights, Article 21 of which says that everyone has the right to take part in the government of his country

directly or through freely chosen representatives. Yet this same Government have deliberately taken away, by their insistence upon the three months' residential qualification, the right of thousands of nomadic workers in the State to exercise the franchise at the next election. How can they claim they are guided by the principles they enunciated? This is the Government who increased the number of electorates in the State from 75 to 78 by adding four seats to the capital city representation and taking away one from the country so that country areas now have only 50 instead of 51. Country Party members supported the Liberals in their successful efforts to introduce that change in representation.

Linked up with unemployment is automation. Mechanical harvesting and bulk-loading facilities must tend speedily to increase the number of unemployed if prompt measures are not taken by the Government of the day. Ample time should have been given to a non-party discussion on this matter, but, no, the Government choose to introduce this Bill. The Premier has given merely a vague indication of its contents. He has given us no examples of malpractices or corruption in any form of administration.

Mr. Dewar: Are you against the Bill?

Mr. DAVIES: After we have perused the Bill we will say definitely whether we are in favour of it or not.

Mr. Dewar: Right now you are sitting on the fence?

Mr. DAVIES: We are doing what any responsible member of a responsible party would do. We are waiting to see the Bill. We can see grave dangers. We can see a desperate effort being made by the Government to retain themselves in office. As we all know, a Cabinet Minister said recently, "It has taken us 30 years to get here and we must stay here at all costs."

The Government are endeavouring to define just what freedoms are. It has always been found that when efforts are made to define freedom that freedom is restricted—certain restrictions are placed on the freedom of the individual.

The general assembly of the United Nations Organisation resolved on 14 December, 1946—

> "Freedom of information is a fundamental human right, and the touchstone of all the freedoms to which the United Nations is consecrated."

A century ago every endeavour was made to make postal charges so reasonable as to encourage the distribution of literature in the form of pamphlets and magazines. But now endeavours are being made by the same parties as those represented in the Queensland Government to restrict the distribution of literature. The Commonwealth Government are clamping down on all people by restricting their opportunity to gain a further education from magazines, pamphlets and "Hansard." I thought some protection might be included in the Bill against the Federal Government's attitude towards postage because it cuts right across this decision of the general assembly of the United Nations Organisation in 1946. The Leader of the Opposition pointed out that Stalin described it as the most democratic constitution ever written. It contained the majority of the basic ideas of the Magna Charta, the America Declaration of Independence, the Bill of Rights and the French Declaration of the Rights of Men and Citizens. The Premier has mentioned the tremendous amount of work incurred by the draughtsman in putting the Bill into shape. If there are dangers in it we will find the liberty of the people restricted and their rights curtailed. This has been brought down by a Government which represent a minority of the people of the State. One would think that the Government would have hesitated to introduce such a Bill. The Premier said that it is a Bill of great importance, therefore one would think that he would have hesitated and then after the next election if he had won the confidence of the majority of the people there would be some justification to bring it in. The Bill is to provide for a referendum of the people before certain changes can be made. Why not have a referendum, particularly as they are a minority Government? There should be no fears about that. If the Government believe that they have the confidence of the people and that this is in the best interests of the people surely they will welcome the opportunity to give sanction to the Bill. I suggest to the Premier that he give reasons why he would not be willing to withdraw the Bill and place it before the people by way of a referendum.

Mr. Nicklin: When you see the Bill you will see that there is no need for a referendum.

Mr. DAVIES: The Premier has stated that it is a very momentous Bill altering the Constitution, and one that is only brought before Parliament on rare occasions. Surely the people of the State should have the right to say whether the amendment should be made or not. When we are the Government we will let hon. members know what we contemplate.

A Government Member: What is your attitude towards the Bill?

Mr. DAVIES: We have not seen the Bill. We will wait until we see it. We regret the fact that unemployment, automation, the relationship between the States and the Commonwealth—all these matters are not included in the Bill. Time could have been much better taken up discussing these problems rather than discussing this Bill which contains amendments which, in the hands of

the Government, might create danger in the years that lie ahead for the people of the State.

Hon. G. F. R. NICKLIN (Landsborough—Premier) (3.59 p.m.), in reply: I have been listening to hon. members of the Opposition for a number of hours trying to ascertain whether they are against the Bill or whether they are for it. I have never heard such a lot of mixed opinions in regard to any piece of legislation as those expressed by members of the official Opposition. The Leader of the Opposition made a verbal gallop to all points of the compass—even over to Soviet Russia, and when, at the end of his speech, he was asked whether he was against it or for it he said, "I will wait until I see the Bill."

The first words the hon. gentleman used and continued to use during his contribution was that the Bill was a lot of claptrap. I ask the hon. gentleman whether the protection of our democratic political rights, whether the protection of the basic rights of the people and the securing of the freedom of the individual, the protection of his property from unjust acquisition and the maintenance of a free judiciary are merely claptrap. That may appeal to the Leader of the Opposition, but it does not appeal to hon. members on this side of the Chamber. The Bill merely preserves those democratic rights of the people.

An A.L.P. Member: Of the Liberal Party.

Mr. NICKLIN: Not only the Liberal Party, but also the Labour Party, and any party that subscribes to democratic principles. Some Opposition members have complained that not enough has been written into the Bill, while others have explained that too much has been written into it. Only one hon. member on the Opposition benches approached the Bill in a responsible manner. I refer to the leader of the Queensland Labour Party. He emphasised the need to protect the rights of Parliament, and there is no man in this Chamber with a better right to express that viewpoint, as he suffered very largely through standing up for the rights of Parliament, for the rights of elected representatives of the people, against pressure from people outside Parliament.

While I do not agree politically with many of the views of the hon. member for South Brisbane, I commend his stand to protect the rights of Parliament, and the Bill will prevent occurrences such as the one that was resisted by the hon. member for South Brisbane. If he had not resisted those demands from outside or had acceded to those demands, he could have negatived absolutely under the present Queensland Constitution the rights of democratically-elected representatives, and surely no responsible member of this Assembly would want that to happen.

Mr. Davies: The people have the right to change from one party to another.

Mr. NICKLIN: The Bill does not prevent it. It ensures that it will always be possible. We want to preserve that right. We want to ensure that the people of this State will at all times have the right to elect the people they desire, and that Parliament when elected can carry out the wishes of the people.

Mr. Duggan: When didn't they have that right?

Mr. NICKLIN: They have always had that right. Hon. members have complained that this Government is not a Government elected by the people.

Mr. Duggan: That is right.

Mr. NICKLIN: The Leader of the Opposition says, "That is right."

Mr. Duggan: By a minority, I said.

Mr. NICKLIN: We were elected by the people. They expressed their will. That is what we want to preserve. We want to ensure democratically-conducted elections so that the people will always be in control of their representatives and so that their representatives will always be responsible to the people who elect them.

Mr. Gair: You must admit you got there with their aid.

Mr. NICKLIN: They contributed to it. I am not going to deny that.

Mr. Duggan: You were going to have a coalition with them.

Mr. Gair: That is not true.

Mr. Power: That is not true. You put them there.

The TEMPORARY CHAIRMAN (Mr. Dewar): Order!

Mr. A. J. Smith: The rats sold out.

The TEMPORARY CHAIRMAN: Order! The Premier has the floor.

Mr. NICKLIN: We on this side of the Chamber are not frightened of the will of the people. We are prepared to accept the will of the people and to carry out the will of the people at all times. That is why we want to ensure that the will of the people of this State will always prevail in the election of this Assembly. If that right is preserved for all time for the people, the fundamental freedoms that are so dear to us will be protected.

A suggestion was made that we should have appointed a convention, a committee, or something of that nature before we amended the Constitution. The people who made those suggestions did not think of appointing any convention before they abolished the Upper House, as was pointed out by the hon. member for Mt. Gravatt. They abolished the Upper House against the will of the people expressed at a referendum, but they did not think of that at all.

They did not appoint a convention when they passed through this House legislation preventing the re-establishment of the Upper House for all time, unless a referendum was held. They did not appoint a convention when they passed through this House a Bill preventing the extension of the life of Parliament beyond three years, but they suggest we do it. This Bill is far too important to be made a law in this State without adequate time being given to everyone to study it. I do not only refer to hon. members of this Chamber but everybody who is interested in the Constitution of Queensland. Every citizen has the right to express his opinion as to whether he is in agreement with the provisions of this legislation. He will be given that opportunity. The Bill will be available for each and every person to study and make suggestions to the Government and, if any worthwhile suggestions are made to improve the legislation and further its purpose, we will be only too happy to give consideration to them. We want to make certain that we will protect the basic freedoms which we on this side want for all time. The only way by which those basic freedoms can be taken away from the people is by the people themselves. In view of that we are leaving the Bill before the people for their consideration. All will be given an opportunity of looking at it and making suggestions. We will then write into the Constitution of this State worthwhile and useful amendments.

Motion (Mr. Nicklin) agreed to.

Resolution reported.

FIRST READING

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

LIMITATION BILL

INITIATION IN COMMITTEE

(The Chairman of Committees, Mr. Taylor, Clayfield, in the chair.)

Hon. A. W. MUNRO (Toowong—Minister for Justice) (4.15 p.m.): I move—

> "That it is desirable that a Bill be introduced to consolidate with amendments certain enactments relating to the limitation of actions and arbitrations, and for other purposes."

This Bill, which is of a purely legal character, will be of considerable importance when it is enacted. It involves amendments to the existing law and in addition consolidates the general statutes in relation to limitation of actions. Its objective is to do this in a sensible way with due regard to the rights of all persons prospectively interested and holding the scales of justice evenly between the parties.

At the present time this field of law is something of a wilderness and the aim of the Bill is to bring some order out of chaos. It is in the interests of the State that there should be some reasonable and consistent limitations of the periods within which people may bring actions. That has always been recognised as a sound principle of jurisprudence. It does not do to allow people to go on nursing grievances indefinitely without asserting their rights.

The Romans recognised the principle of a title by possession and a great lawyer, Lord St. Leonards, has remarked that in all well-regulated countries the quieting of possession is held to be an important point of policy.

The general law relating to limitation of actions is at present contained in—

(a) Sections 6 to 28 of the Statute of Frauds and Limitations, 1867, which relate to actions on contract and in tort, that is, actions for civil wrongs, actions on a specialty, that is actions on a document under seal, actions for moneys charged upon land such as mortgages and legacies and interests in estates;

(b) Sections 1 to 31 of the Distress Replevin and Ejectment Act, 1867, which relate to actions for the recovery of land and the extinction of title at the end of the limitation period; and

(c) Section 52 of the Trustees and Executors Acts, 1897 to 1924, which deal with the application of the Statute of Limitations to claims on trustees.

The Bill proposes to repeal those provisions.

When Queensland was first made a British colony, the Imperial Statutes dealing with the Limitation of Actions, namely, the Limitation Act of 1623 and the Statute of Frauds Amendment Act of 1828, automatically came into force.

These Acts were replaced in Queensland in 1867 by the Statute of Frauds and Limitations and the Distress Replevin and Ejectment Acts, which were substantially taken from the Imperial Statutes entitled the Real Property Limitations Act of 1833 and the Mercantile Law Amendment Act of 1836.

The Real Property Limitation Act of 1833, from which the provisions of the Distress Replevin and Ejectment Act were taken, was amended in England by the Real Property Act of 1874 which, among other things, reduced the limitation period for bringing actions to recover lands from twenty years to twelve years, but this amendment was never enacted in Queensland.

It will therefore be seen that over a long period of years our legislation in this respect has not been modernised.

Much of the language in the repealed Acts is archaic, extremely technical and difficult to understand and apply.

The confused state of the law in this respect was recognised in England and a Law Reform Committee, presided over by the Master of the Rolls, Lord Wright which was appointed in 1934, examined the matter carefully over a period of five years and following their report "The Limitation Act of 1939" was passed by the Imperial Parliament.

The Bill substantially follows the Imperial Act, which has also been followed in Victoria in the Limitation of Actions Act of 1958 of that State and substantially followed by New Zealand in the Limitations Act of 1950. There have been certain adaptions to meet Queensland conditions and in that respect I should like to express my gratitude to the committee that worked in Queensland for quite some time considering the various problems involved. It comprised the Solicitor-General, Mr. W. E. Ryan, as chairman, Mr. F. T. Cross, of Counsel, Mr. R. J. Thomson, Registrar of Titles, Mr. N. Nixon, Assistant Crown Solicitor, and Mr. J. O'Duffy, Master ot Titles. This Committee made a very exhaustive examination of the problem extending over several months. Hon. members will gather from what I have already said that the proposed measure is both complex and comprehensive, and not one which should be rushed hurriedly through Parliament.

In these circumstances I propose to introduce the Bill and have it printed during the present sittings and then to allow its further consideration to stand over until the House resumes next year. This procedure will serve the double purpose of allowing hon. members ample time to study the Bill and giving other persons outside of Parliament the opportunity of familiarising themselves with the proposed terms of the law and, if so desired, of making representations or suggestions thereon before it is finally enacted.

For that reason I do not propose at this stage to go into the details of the Bill at any great length. I am, however, arranging to have an explanatory memorandum prepared and copies will be circulated as soon as it is available.

I shall now mention briefly some of the principal provisions of the Bill.

The first important point to be noted is that it is proposed that this new law will not come into operation until 1 May, 1961. This follows the United Kingdom precedent of providing ample time so that persons whose interests may be affected will be enabled to protect their rights.

The Bill fixes as the limitation period for actions on contract which include actions for debt, and also actions in tort—that is actions in respect of civil wrongs—at six years.

Under the present law the periods of limitation in respect of actions in tort vary. For instance, actions in respect of oral defamation may be brought within two years, whereas actions for written defamation may be brought within six years. The limitation period in respect of actions for trespass upon the person, for instance, assault, is four years whereas the limitation period in respect of trespass upon land is six years.

The Bill embodies in this respect the recommendation of Lord Wright's Committee and the aim of the common period of limitation is to make for simplicity and uniformity.

Mr. Power: Will that apply in all cases?

Mr. MUNRO: In the cases I have specified.

However, where a special Act fixes a special period of limitation in respect of actions to which that Act relates, that special limitation period is not affected by the Bill. For example, the Law Reform (Limitation of Actions) Act 1956 fixes three years as the limitation period in respect of actions arising out of fatal accidents and actions for injury to the person. This period is preserved.

The period of limitation for bringing an action on a specialty, that is an action on a document under seal, is reduced from 20 years to 12 years.

The period of limitation for bringing actions to recover moneys charged on land, legacies and other interests in estates is likewise reduced from 20 years to 12 years.

The period within which an action for the recovery of land can be brought has been reduced from 20 years to 12 years.

Presently, there is no limitation period applying to an action to recover money charged on mortgaged personal property such as chattels whereas there is a period of limitation in respect of the recovery of money charged on land. This seems difficult to understand but it indicates the anomalous condition of our present law. The Bill fixes the same period for the recovery of money charged on chattels as it does for the recovery of money charged on land.

The Bill is divided into Parts. Part II applies to the limitation period in respect of different classes of actions, whereas Part III relates to the extension of period arising out of disabilty, acknowledgement, part payment, fraud and mistake.

The provisions of Part III of the Bill are particularly aimed at clarifying a great number of difficult legal points and to make the Statute easy of application in the Courts.

The disability of absence overseas has been abolished. The disability of coverture, that is, status of being a married woman, is abolished to bring the law into line with the provisions of the Married Women's Property Acts, 1890.

The Bill briefly reduces in the case of an action for the recovery of land the extension of time allowed for cessation of disability from ten years to six years with a maximum of thirty years in the case of successive disabilities in lieu of the maximum period of forty years allowed under the present law. Successive disabilities occur for instance in the case where a minor becomes mentally sick.

In actions other than an action for the recovery of possesion of land, the present rule is that time does not begin to run until the disability has ceased. The Bill proposes that the time shall be six years from the cessation of disability or death of the disabled person notwithstanding that the ordinary time has expired.

It will be seen from this short survey I have made that there is a great deal of confusion and lack of uniformity in the provisions relating to limitation of actions.

We are now living in different times to those in which the present Statutes were enacted.

There has been a great development in the law which has revealed anomalies which need removing.

I repeat, gentlemen, that this is a measure of great complexity. It is not light or easy reading and there are a great number of detailed points which will be dealt with in the explanatory note.

I feel, however, that the Bill is a highly sensible one. The corresponding United Kingdom measure was characterised as such in the Debates of the Imperial Parliament and I think that this Bill is one which will be greatly in the public interest.

In well regulated countries it is very necessary that lands with defective titles should not remain in that condition for any great length of time.

The effect of a defective title to land is to impair greatly the use of that land. People will not improve lands or develop them to the extent they would otherwise do if they were sure of their titles.

Very often defective titles arise out of the carelessness of the person who first obtained possession of the land in failing to perfect the title and the continued failure of that person and his successors to have the title perfected until such time as all evidence is lost.

It is much to be preferred that a defective title should be cured by lapse of time than that title should remain defective for all time.

The Real Property Act Amendment Act of 1952 was aimed at remedying the position of many lands which had defective titles but it is felt that the present long periods of limitation in respect of actions for the recovery of land including the maximum period of forty years in the case of a person under successive disabilities should be reduced to accord with the periods which have had the force of law in England since 1874.

I commend this Bill to the House as one which when finally enacted will be for the good of the State.

Mr. DUGGAN (North Toowoomba—Leader of the Opposition) (4.33 p.m.): At this stage I see no reason to dissent from the Minister's statement that it is not a political measure. It is obviously a very technical Bill. The Minister has kindly agreed to have printed explanatory information so that members will have the opportunity of realising the full implications of the Bill. It seems that much has been borrowed from the British Bill. The British Parliament has kept the consolidation of the various Act up to date. I think it is a desirable measure. As it is intended to leave the matter in abeyance for two or three months during which time the explanatory information will be circularised I do not think any good purpose would be served in attempting to deal with the various points that have been raised.

Hon. W. POWER (Baroona) (4.34 p.m.): I gathered from the remarks of the Minister that the purpose of the Bill is to modernise this law. The Minister will find that he has similar problems in relation to other Acts. The Bill will be just as hard to understand as the law dealing with tortfeasors. The Bill can only be dealt with after it has been considered. The Minister would find many other laws that need modernising from time to time. I shall defer any further comments until I have had an opportunity of reading the Bill.

Motion (Mr. Munro) agreed to.

Resolution reported.

FIRST READING

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

CANALS ACT AMENDMENT BILL

SECOND READING

Hon. T. A. HILEY (Coorparoo—Treasurer and Minister for Housing) (4.37 p.m.): I move—

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

Both principles of the Bill were fully outlined at the introductory stage. I have nothing to add.

Motion (Mr. Hiley) agreed to.

COMMITTEE

(The Chairman of Committees, Mr. Taylor, Clayfield, in the chair.)

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

Bill reported, without amendment.

THIRD READING

Bill, on motion of Mr. Hiley, by leave, read a third time.

SPECIAL ADJOURNMENT

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

"That the House, at its rising, do adjourn until Tuesday, 23 February, 1960."

Motion agreed to.

VALEDICTORY

Hon. G. F. R. NICKLIN (Landsborough —Premier) (4.39 p.m.): I move—

"That the House do now adjourn."

I take this opportunity of thanking all hon. members for their co-operation in enabling the Government to get through what has been a particularly heavy session. This heavy legislative session was interrupted by two breaks, one on the occasion of the visit of Her Royal Highness, Princess Alexandra of Kent, and the second by the visit of the Commonwealth Parliamentary Association They were pleasant breaks in the session and I am sure hon. members did not begrudge them.

I say thanks to the Leader of the Opposition for his co-operation in carrying out the business of the House; I also extend thanks to the Leader of the Q.L.P. Those hon. gents. have co-operated with the Government in conducting the affairs of the House. It is a feature of good Parliamentary government that we should have that co-operation to facilitate the business of the Chamber. We can say what we like about one another during the course of the debates but it is necessary to have co-operation in the conduct of the House otherwise matters would become chaotic.

The Whips of the respective parties have contributed in no small way to the smooth working of the business and to them the thanks to all hon. members are extended. Hon. members are appreciative of the way in which they carry out their duties. To you Mr. Speaker, to the Chairman of Committees and the temporary Chairmen of Committees, also go our personal thanks for the dignity and the impartial way in which you and they have conducted the affairs of this Parliament. At all times it has been conducted with dignity and decorum.

To the Clerk of the Parliament and his officers, to all messengers, to the library staff and the refreshment rooms staff and in fact all others in this building who are here to help hon. members we convey our thanks for the manner in which they have carried out ther respective duties, very often under trying circumstances, particularly when the House is sitting long hours. At all times they have been willing to do their best to help in our work. To any I may have omitted we convey our thanks.

Finally, I say Merry Chrismas to all hon. members, hoping that they enjoy the break with their families, and I look forward to seeing them all again early in the New Year when we finally wind up the session.

Mr. DUGGAN (North Toowoomba—Leader of the Opposition) (4.42 p.m.): I join with the Premier in felicitations to you, Mr. Speaker, the officers of Parliament, the members of the "Hansard" staff and anybody else who has in any way contributed to the smooth working of the operations of Parliament. As hon. members opposite have to leave to keep their appointments—although this does not apply to me—I do not want to keep them very long. I reciprocate the remarks made by the Premier regarding the work of Parliament. It has been a very strenuous session, in fact the most strenuous I have known. Many Bills have been passed; there has been contentious and machinery legislation in the last three or four days and it has been a rather trying time for members of the House. I think the Premier will concede, because of his previous experience as Leader of the Opposition that a heavy responsibility falls on the Opposition. I extend my thanks to my Parliamentary colleagues for help given to me during the session. I extend my good wishes to officers of the House and the various people whom the Premier specified. I agree with his expressions of appreciation for their good work during the year.

I reciprocate his seasonal good wishes and express the hope that Mrs. Nicklin's health will continue to improve and that she will be able to take further part in public life. I take the opportunity of asking you, Mr. Speaker, as the chief officer of Parliament, to accept our best wishes on your firm and dignified control of the House and the courtesies you have extended to hon. members. I trust that your good wife's health has improved and that Christmas 1959 will be a happy one for you, your wife, and members of the family.

Last but not least let me thank Mr. Taylor, the Chairman of Committees, for his very great help in the conduct of the business of the Assembly. Even if we disagree with some of his rulings, we find difficulty at times in pushing our objections very far because we know he is always actuated by the very best considerations and, if we sometimes think he is wrong, though he need not necessarily acknowledge that he is, we readily concede that his mistakes are of the head and not of the heart. I wish him a very happy Christmas and thank him again for his courtesies.

Hon. V. C. GAIR (South Brisbane) (4.46 p.m.): I do not intend to delay the adjournment of the House because I know hon. members have other commitments and desire to get away as early as possible. However, on behalf of the other members of the Q.L.P. and myself I extend to all the compliments

of the season. I thank you, Mr. Speaker, the Chairman of Committees, the members of the staff and all who have contributed to the successful working of Parliament for their contributions.

Parliament, as has been pointed out today in no uncertain way, is one of the most important pillars of democracy, and it should at all times function with the highest possible degree of efficiency. That can only take place while all who have a responsibility in Parliament—you, Mr. Speaker, the Chairman of Committees, the messengers and hon. members themselves—discharge their respective responsibilities conscientiously and well. I wish you all the compliments of the season.

Mr. SPEAKER: Hon. members, before putting the question of the adjournment, may I briefly acknowledge the good wishes extended to the Chairman of Committees, the members of the staff, and to me. We are fortunate in having very responsible and helpful officers, both in Mr. Dunlop and his colleagues, and in the messengers within the Chamber, all of whom render a far more important service than many people realise.

I thank the Premier for his many courtesies and for the great deal of help he has given, and I thank you, Mr. Duggan, and you, Mr. Gair.

If the Chairman of Committees and I have been able to maintain a reasonable standard of decorum and conduct, it has been only because of that very considerable help from hon. members who even in the heat of debate, have a sufficient sense of responsibility to be of great help to us. Without that, we could not have achieved anything.

I wish you all personally a very happy Christmas.

Motion (Mr. Nicklin) agreed to.

The House adjourned at 4.50 p.m.