

Queensland



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[Hansard]

Legislative Assembly

WEDNESDAY, 7 DECEMBER 1960

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

QUESTIONS

PERSONNEL OF COMMITTEE TO INVESTIGATE NORTH COAST TROPICAL LANDS

Mr. ROW (Hinchinbrook) asked the Minister for Public Lands and Irrigation—

“(1) Has the committee been selected to investigate the North Coast tropical lands? If so, who are the personnel of the committee?”

“(2) What date is the committee expected to be at Ingham and will members be available for interview by interested parties?”

Hon. A. R. FLETCHER (Cunningham) replied—

“(1) The Committee to investigate the North Coast tropical lands has been selected. The Committee is comprised of—W. J. S. Sloan, Director of the Division of Plant Industry, Department of Agriculture and Stock (Chairman and Convenor); A. J. Owens, Officer in Charge, Harvesting and Marketing Branch, Forestry Department; M. A. Johnston, Acting Senior Assessor and Inspector, Department of Public Lands.”

“(2) The Committee was scheduled to arrive in Ingham on Tuesday, December 6, and will remain there until the night of Wednesday December 7. The Committee proposes to gather as much preliminary information on the subject of their inquiries as possible before the advent of the wet season, and accordingly the Chairman and Convenor of the Committee, Mr. W. J. S. Sloan, desires to concentrate on continuous observations in the field, etc. However, the Committee will be prepared to meet interested parties on the evening of Wednesday, December 7, with a view to pursuing fully any definite proposals when the party goes back into the North again after the wet season—April, 1961.”

SURVEY BORING PLANT IN MONTO DISTRICT

Mr. HEWITT (Mackenzie) asked the Minister for Public Lands and Irrigation—

“(1) Who requested the Irrigation and Water Supply Department to send a survey boring plant into the Monto District?”

“(2) In what locality has this boring plant been used since entering the district?”

“(3) How many bore holes have been completed and of these how many have resulted in satisfactory supply being obtained?”

“(4) What is the total cost of survey boring to date in the area?”

“(5) What is the cost of the most expensive bore to date, and what are the full details as to how the total cost was arrived at?”

Hon. A. R. FLETCHER (Cunningham) replied—

“(1) Underground water investigations were undertaken in the Monto District following several requests from the Monto Branch of the Queensland Dairymen's Organisation and Mr. V. E. Jones, M.L.A., in 1957 and 1958, following which a geological investigation was carried out. In view of the dry conditions in the area in 1959, two boring plants were diverted from work in progress in the Bundaberg area to work in the Monto area.”

“(2) (a) One plant has operated in the Three Moon Creek Valley from about 12 miles below to 15 miles above Monto, and in the Monal Creek Valley on a line about 12 miles above Monto. (b) The second plant has operated in the Splinter Creek Valley from about 4 miles to 41 miles above its confluence with the Burnett River.”

“(3) A total of 29 bores have been put down to date, supplies obtained being—Less than 5,000 gallons per hour, 17; 5,000 to 10,000 gallons per hour, 2; 10,000 to 20,000 gallons per hour, 8; Over 20,000 gallons per hour, 2. Generally a supply over 5,000 gallons per hour can be satisfactorily used for irrigation.”

“(4) Total cost of drilling investigations in the Monto area to November 14, 1960, was approximately £6,300 excluding materials left in bores pending decisions by landholders to whom they have been offered for purchase, and excluding any credits from sales to date.”

“(5) The maximum expenditure on any one bore to date, including cost of casing and screens is £766 15s. 8d. for a bore to a depth of 67 feet 6 inches made up as follows:—

	£	s.	d.
Drilling—35½ hours @ £4 10s. 0d. per hour	160	17	6
Developing and testing—77 hours @ £4 10s. 0d. per hour	346	10	0
Materials—		£	s. d.
8-inch Casing	95	4	1
8-inch Casing shoe, clamp, cap	14	6	6
2 lengths 6-inch screen	111	8	0
8-inch x 6-inch lead packer	22	13	0
6-inch bottom screen cap	7	17	0
Freight	251	8	7
	7	19	7
Total	£766	15	8

In this case as a result of the expenditure of £346 10s. on developing, an initial supply of less than 1,000 gallons per hour was increased to 6,000 gallons per hour.”

CONSTRUCTION OF WEIRS AT CANIA AND
MONAL CREEK GORGES

Mr. HEWITT (Mackenzie) asked the Minister for Public Lands and Irrigation—

“(1) In view of the large amount of excellent farming land existing below both Cania and Monal Creek Gorges, have any surveys for a suitable foundation been carried out in these areas with the thought to the possibility of erecting a suitable weir for the storage of water for irrigation purposes?”

“(2) If no thorough investigations have taken place to date, will he give serious consideration to giving this top priority in the near future as it is one area in which a successful irrigation scheme would immediately follow?”

Hon. A. R. FLETCHER (Cunningham) replied—

“(1) (a) Cania Gorge. Preliminary surveys, foundation drillings and investigations have been carried out on the Cania Gorge site. It would appear that cost of storage on this site would be excessive because of—(i) depth of alluvium of 90 feet over rock; (ii) small average yield from a storage. (b) Monal Gorge. No surveys, foundation or other preliminary investigations have been made at this site, but information available does not indicate very favourable storage possibilities.”

“(2) Further investigations of these and other possible sites would be necessary to determine possibilities more definitely. Although it is appreciated that there is a large amount of excellent farming land in this area, investigation of storages could not be given top priority for the following reasons:—(a) Investigation of underground water supplies now in progress is giving some encouraging results, and these prospects should be further examined before undertaking storages for surface supplies, which may not be necessary if underground supplies are found to be sufficient. (b) There are prior demands for storages on streams where—(i) larger areas are already irrigated, and where more severe shortages occur; (ii) there are more economical storage sites known to exist. However, as part of investigation of water conservation requirements in the Upper Burnett catchment, it is proposed to further examine storage possibilities on Three Moon and Monal Creeks as funds and staff permit. The demand for investigation and work is large, and it is not possible to indicate when this section of the investigation will be put in hand.”

UNEMPLOYED STATISTICS

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) asked the Minister for Labour and Industry—

“(1) Do the latest unemployment statistics reflect the ‘pattern of reduced unemployment’ mentioned by him in his

reply to my question of October 26? If so, will he give comparative figures indicating the trend?”

“(2) In view of the fact that the Minister for Labour and National Service reported that 15,881 persons were unemployed in Queensland as at Christmas Eve last year, what expectation has he of a considerable reduction in this figure by the same date this year?”

Hon. K. J. MORRIS (Mt. Coot-tha) replied—

“(1) Most certainly they do, as the following comparative unemployment statistics for males only at October 31, for the years 1957 to 1960, inclusive, indicate:—

October 31	Receiving Unemployment Benefit	Registered for Employment
1957	2,576	6,606
1958	2,181	5,534
1959	2,438	6,073
1960	1,874	5,066

“(2) My answer to the Honourable Member is that he should study the ‘pattern of reduced unemployment’ indicated in the figures I have just quoted.”

INCREASED PREMIUMS, COMPREHENSIVE
MOTOR-VEHICLE INSURANCE POLICIES

Mr. DAVIES (Maryborough), for **Mr. LLOYD** (Kedron), asked the Treasurer and Minister for Housing—

“In view of the fact that the proposed twenty per centum increase in premiums charged on comprehensive motor insurance policies will have an unfair impact on proved accident-free motorists, particularly those purchasing vehicles by way of hire purchase who pay a surcharge and do not receive an accident-free bonus on premiums, and in view of the fact also that certain high powered modern vehicles are far more costly to repair than those of a low horse power, will he instruct the State Government Insurance Office to investigate the possibility of introducing differential premium payments on motor vehicle insurance to eliminate the inequitable system that is at present operating and extending the thirty-three and one-third per centum accident-free bonus by all insurance companies whether or not the vehicle is subject to a hire-purchase agreement?”

Hon. T. A. HILEY (Chatsworth) replied—

“The Insurance Commissioner has been investigating the whole question of the basis of comprehensive motor insurance premiums and I have had several conferences with him on this matter. The more I examine the matter the more I conclude that this is no simple problem that can be simply overcome. For example, it is a proved factor that the claim ratio for vehicles which happen to be the subject

of Hire Purchase Agreements is far greater than is the case for vehicles which are not. To the extent that insurance is merely an instrument for spreading risks equitably over a general class of insurers, and having regard to the language employed by the Honourable Gentleman in his question, I should imagine that he would raise violent objection were the Insurance Commissioner to attempt to charge the ordinary motorist an increased premium because he was asked to contribute to the excessive claim ratio of Hire Purchase motorists. There are other complications and I might mention just a few. Even within a class, the claims ratio is higher between the ages of 18 and 25. It recedes from there until advancing age starts to again send the graph of claims rising. The first might be described as the claims of recklessness; the second reflects the gradual impairing of the faculties of the driver. The second problem can be described as that of the substitute driver. A motorist may have a claim-free record for many years and qualify for the full no-claim rebate. He is lawfully entitled to arrange for the insured vehicle to be driven by a licensed driver who might be described as 'accident happy'. The insurance is attached to the car but the rate of the net premium is related to the record of the owner not to the driver. The third real problem relates to the multiple fleet. It is sufficient to say that this presents quite a difficult field in its expansions and contractions and changes of drivers. I think there is merit in sharply increasing the rates of premium and then dramatically increasing the rates of no-claim bonus. But before such a scheme could be carried into practice, some way has to be found to overcome some of the real problems that arise in the application of the no-claim bonus. With reference to that part of the question that deals with the Hire Purchase section, might I inform the Honourable Gentleman that there are thirteen separate classifications. Increases in premium rates are made in three classifications, reductions are made in five and the remaining five stay unaltered."

CATTLE-FATTENING ON IRRIGATED PASTURE AT BARRATTA, BURDEKIN DISTRICT

Mr. TUCKER (Townsville North) asked the Minister for Public Lands and Irrigation—

"(1) Is he aware that (a) an irrigated pasture experiment is conducted by Mr. John Collinson on 300 acres of land adjacent to the Barratta railway siding, (b) the land is today supporting and fattening one beast on every one and one-half acres and that a few weeks ago Mr. Collinson sold sixty-four bullocks to the Philippines trade at £62 per head, proving that the cattle are of good quality, (c) the land in its virgin state in dry weather would not attract a bid from anyone with a knowledge of land matters and has been described as capable of maintaining about one bandicoot per

three acres under conditions relying on natural rain and (d) that the success of this pasture is indicative of what could be expected from the construction of the Burdekin Dam?"

"(2) In view of the foregoing will he inspect this spectacle of the Dam in miniature at the earliest opportunity?"

Hon. A. R. FLETCHER (Cunningham) replied—

"(1) I am not personally aware of the irrigated pasture experiment conducted by Mr. John Collinson on 300 acres of land adjacent to the Barratta Railway Siding, but am prepared to accept the Honourable Member's statement as being factual. In view of the current interest in cattle fattening in North Queensland, and the investigation being carried out into the use of the heavier soils in the Burdekin River Area by the Department of Agriculture and Stock, the information regarding Mr. Collinson's activities would also be of interest to my colleague the Minister for Agriculture and Forestry, and I will arrange for the information to be conveyed to him."

"(2) I will be quite happy to inspect the area when the opportunity arises."

REVIEW OF SECONDARY EDUCATION IN NORTH QUEENSLAND

Mr. TUCKER (Townsville North) asked the Minister for Education and Migration—

"(1) Is he prepared to accept the suggestion that the Select Committee to review Secondary Education, the school-leaving age and related matters be empowered to travel to North Queensland in order to obtain the views of member schools of the Headmasters' and Headmistresses' Association of North Queensland?"

"(2) Will he not agree that nothing but good could come of a meeting at which head teachers and senior members of staff discussed with the Committee the needs of North Queensland schools, because they have had enough experience in the North to present adequately, as no other body can, the educational needs of North Queensland and help to remove the present feeling that our education system at secondary level is well entrenched behind a 'Brisbane Line'?"

Hon. J. C. A. PIZZEY (Isis) replied—

"(1) The Committee which is enquiring into secondary education has been authorised, since its inception, to undertake any travel which the members consider necessary in the pursuit of their enquiries. As a first step, it was decided to request, by public advertisement, all interested organisations and individuals to make written submissions for consideration by the Committee."

"(2) Advertisements, which invited interested organisations and individuals to make written submissions to the Committee

were inserted in leading Queensland newspapers; these included the 'Daily Bulletin', Townsville and the 'North Queensland Register'. I have been informed that eighty-seven submissions have been received from interested parties, including teachers' organisations in all parts of the State, but that to date, no submission has been received from the Headmasters' and Headmistresses' Association of North Queensland. However, the way is still open for the Association to present a written submission. My Government has been aware of the need to provide educational opportunities for children living outside the metropolitan area. For example:—(a) Seven (7) of the nine (9) new High Schools being opened in 1961 are outside the Brisbane area. (b) When schools re-open in 1961, a total of 27 High Schools will have been established by this Government—18 of them outside the Brisbane area and six of these in the Northern Educational Region; 25 secondary departments will have been attached to country primary schools during the same period and 43 daily road transport services will have been approved for the conveyance of students to the nearest State secondary school. (c) The Townsville University College, the first in the State, is being opened in 1961. I say unhesitatingly that any feeling that the educational needs of North Queensland are not being met is a carryover from the puny efforts of his own party when it occupied the Government benches; and is rapidly being dissipated as the result of this Government's record of achievement, outlined above. In view of this record any reference to the 'Brisbane Line' will be interpreted as petty party political propaganda which will not even deceive his own constituents in Townsville."

"(3) As a matter of fact the Brisbane Line ceased to exist for educational purposes, and for all other purposes, in August, 1957, when this Government was elected to office."

NEW CLASSROOMS, CURRAJONG STATE SCHOOL, TOWNSVILLE

Mr. TUCKER (Townsville North) asked the Minister for Education and Migration—

"Can he intimate when work will begin on the new classrooms at the Currajong State School, Townsville, the plans of which he stated were well advanced some months ago?"

Hon. J. C. A. PIZZEY (Isis) replied—

"The commencing date of work for three additional classrooms at Currajong State School cannot be given at this stage. The provision of this new accommodation is regarded as a matter of some urgency. The plans will be completed in a few days, the extraction of an estimate of cost will then proceed and approval for the necessary expenditure will be sought at an early date."

ALLEGED THEFT OF DOCUMENTS, ORIGIN-AND-DESTINATION SURVEY BY MARKET ANALYSIS (AUSTRALASIA)

Mr. BENNETT (South Brisbane) asked the Minister for Public Works and Local Government—

"(1) Did Mr. Braithwaite, the Principal of Market Analysis, the firm that conducted the Origin-and-destination Survey in Brisbane, complain to the police last week that his survey supervisor for the job broke and entered his office and stole some documents concerning the survey?"

"(2) Was the survey supervisor investigated by the Valley Criminal Investigation Branch and Detective Osborne?"

"(3) What documents are missing?"

"(4) Are the documents an integral part of the Origin-and-destination Survey?"

Hon. L. H. S. ROBERTS (Whitsunday) replied—

"(1 to 4) I am not surprised, taking the Honourable Gentleman's previous performances in this Chamber as a guide, that he does not know by now, that the right to address a question to a Minister, must be related to seeking information concerning matters which come to the knowledge of the Minister concerned, as part of his official responsibilities. The question seeks to obtain information from me on alleged Police investigations into a complaint laid by an employer against his ex-employee. These matters do not come under my administration and I have no official knowledge of them."

FAULTY LIGHTING SYSTEM ON TRAINS

Mr. BURROWS (Port Curtis) asked the Minister for Transport—

"In view of the chronic failure of the lighting system on trains 112A and 21A, particularly Car A.A.S. 1229, will he request the Commissioner for Railways to investigate the possibility of improving the system for the convenience of passengers?"

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

"It is a fact that difficulty was experienced in locating electrical faults in car A.A.S. 1229, in which car recurrent faults developed. However, I understand the trouble has now been located and rectified."

NUMBER OF HOUSES BUILT BY HOUSING COMMISSION IN GLADSTONE

Mr. BURROWS (Port Curtis) asked the Treasurer and Minister for Housing—

"(1) How many Housing Commission houses have been built in Gladstone for rental or sale during the two years ended June 30, 1960?"

"(2) How many houses have been completed or are in course of construction for the current financial year, not including any not finalised on June 30, 1960, but included in Question (1)?"

Hon. T. A. HILEY (Chatsworth) replied—

"(1) 4."

"(2) Completed nil. In course of construction 1."

ADDITIONAL CLASSROOMS, INALA WEST STATE SCHOOL

Mr. SHERRINGTON (Salisbury) asked the Minister for Public Works and Local Government—

"In view of his advice that approval had been granted for the expenditure for additional classrooms at Inala West State School and in view of the urgent necessity for these additions, when will work be commenced?"

Hon. L. H. S. ROBERTS (Whitsunday) replied—

"At the earliest opportunity."

DISALLOWANCE OF QUESTION

MR. SPEAKER'S RULING

Mr. DAVIES (Maryborough): Mr. Speaker, a question of which I gave notice yesterday has not been included on the business sheet. As it related to matters gravely affecting the welfare of the State, matters in which the public of Queensland are greatly interested, I seek information from you as to why it was not included on the business sheet. I do not know whether it was deleted because of the touchiness of the Minister on a matter indicating neglect of the State—

Mr. SPEAKER: Order! I gave a ruling on a previous occasion, that questions shall not contain lengthy newspaper articles and shall not seek expressions of opinion. The hon. member's question contained a lengthy newspaper article and also asked for an expression of opinion. For those reasons it was deleted.

Opposition Members interjected.

Mr. SPEAKER: Order! If hon. members on my left are implying that ministerial influence caused me to delete the question, they are out of order. I disallowed the question of my own volition.

PAPERS

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

Report of the Department of Forestry for the year 1959-1960.

Report of the Commissioner for Railways for the year 1959-1960.

The following papers were laid on the table:—

Order in Council under the Elections Acts, 1915 to 1959.

Order in Council under the Companies Acts, 1931 to 1955.

Order in Council under the Explosives Act of 1952.

Regulation under the Fisheries Acts, 1957 to 1959.

Order in Council under the River Improvement Trust Acts, 1940 to 1959.

STOCK ACTS AMENDMENT BILL

THIRD READING

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

LOCAL GOVERNMENT ACTS AMENDMENT BILL

THIRD READING

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

TRAFFIC ACTS AMENDMENT BILL

THIRD READING

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

MAIN ROADS ACTS AMENDMENT BILL

THIRD READING

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

JUSTICES ACTS AMENDMENT BILL

THIRD READING

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

WORKERS' COMPENSATION ACTS AMENDMENT BILL (No. 2)

SECOND READING

Hon. T. A. HILEY (Chatsworth—Treasurer and Minister for Housing) (11.26 a.m.): I move—

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

The Bill contains four principles that have been fully outlined. Firstly, it contains a principle clarifying the right to a claim for compensation where aggravation or acceleration of an existing heart condition is established as being caused by the work upon which the worker was engaged. Secondly, it contains a principle for a Cardiac Board to determine the medical issues in relation to

heart matters. Thirdly, it contains a principle with a view to encouraging rehabilitation and getting heart sufferers back to work by enabling a lump-sum payment to be made. The fourth principle is a result of the Government's promise towards the close of the last Parliament, and provides for retrospectivity of the amending legislation. The amendment is retrospective for such claims as have not been determined and in respect of which either an application in writing to a clerk of petty sessions requiring such claim to be heard and determined by an industrial magistrate has been lawfully made on or after 1 January, 1959, or, in the second instance, where some evidence in the reference has been heard by the industrial magistrate on or after 1 January, 1959.

The terms of the retrospective amendment do not open the door to claims of an earlier vintage, or to incidents after 1 January, 1959, in respect of which no claim has been made within the prescribed period. If the claim has been made it is retrospective, but if no claim has been made there is no general extension of retrospectivity.

Mr. Hilton: On that point, you are creating a board and it will consider those cases.

Mr. HILEY: They are only new cases.

Mr. Hilton: In the event of a claim made subsequent to 1959—

Mr. HILEY: The board does not deal with those. The board deals only with cases where a claim is lodged after the amending Bill comes into force. The existing panel of cases is dealt with under the ordinary procedure. This Bill applies only to completely new cases. My view on that was that we should do nothing to affect the legal rights of cases that are pending. The Bill will apply only to completely new claims.

Mr. Hilton: In those cases that are in the process of being determined, the board will not have any jurisdiction?

Mr. HILEY: The board will not deal with them. They will be dealt with by an industrial magistrate as at present.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (11.31 a.m.): The Bill, is of course, very important, and I must confess it was fairly adequately covered at the introductory stage when the Treasurer gave a rather comprehensive outline of his reasons for introducing it and some of his general ideas dealing with what is admittedly a very difficult situation.

Naturally when a man suffers a heart attack and is compelled to leave his employment and subsequently dies, his relatives endeavour to establish a claim for compensation. Apart from the submission of medical evidence, invariably the general thinking is that his employment contributed to his heart condition. The Treasurer knows from the many representations made to him from

time to time by members of Parliament and interested bodies that there is a reluctance to accept the decision of the State Government Insurance Office in many of these cases. I want to be fair enough to say that I have found, on the part of the successive occupants of the position of Insurance Commissioner, a genuine desire to help and to pay claims when medical evidence is clear. I have not found any reluctance on their part to measure up to their obligations when the medical evidence is clear, but, because of the complicated circumstances that arise, as outlined by the Treasurer, it is sometimes difficult to establish that the medical facts support the claim.

The very introduction of the Bill indicates that the Treasurer is not quite as happy as he might have been two years ago about the actions of the State Government Insurance Office in dealing with these cases. I recall that on 3 December, 1958, the hon. member for Burdekin, asked the Treasurer the following question:—

"(1) Has he seen the article in last Sunday's issue of 'The Sunday-Mail' in which it was stated that the Full Supreme Court of New South Wales had ruled that if the simple exertion of walking to work causes a man to collapse and die of heart failure his widow is entitled to claim Workers' Compensation?"

"(2) If so, will he kindly inform the House what effect, if any, this decision will have on the attitude of the State Government Insurance Office to claims for compensation in the case of an employee dying from heart failure while at work or when travelling to or from work if the deceased had a pre-existing heart condition?"

The Treasurer replied as follows:—

"(1) Yes."

"(2) The Insurance Commissioner has not had an opportunity to study either the evidence or the judgment in the case referred to and he is therefore not aware of the facts. The law on the subject has long been clear. If a worker suffering from a pre-existing disease by reason of some effort or other unforeseen event aggravates the disease and thus accelerates incapacity or death, such event is an 'injury' within the meaning of The Workers' Compensation Acts and compensation is payable. It is unlikely that the New South Wales decision will affect the position in Queensland. The Insurance Commissioner has admitted many claims for death or incapacity arising out of some incident causing aggravation of a pre-existing heart condition. Such incidents have occurred at the place of employment and on the journey to or from the place of employment. Each case has to be considered on the evidence as to effort or injury and the effect which such effort had on the already diseased coronary system."

That is a fair enough answer, I suppose, but on 24 February last, the hon. member for Ipswich East and I asked the Treasurer another question on the matter and he replied that he did not think there would be any need to alter the policy materially as the Insurance Commissioner would proceed to determine the cases in accordance with the general policy in the past. Apparently either the means the Insurance Commissioner employed to give effect to that policy were rather difficult or the measure of success that attended his efforts has caused the Treasurer to seek to amend the Act.

Mr. Hiley: I explained why it was.

Mr. DUGGAN: I know.

Mr. Hiley: The Trades and Labour Council argued that the benefits available to the worker should not rest on the administrative practice of the office, that they should have that right established under the law. That is the reason.

Mr. DUGGAN: Yes, I appreciate that. The Minister's stating that is an indication that he has gone out of his way to inform us that the existing machinery did not satisfy the great majority of people who were involved in cases of a type that the Commissioner had been obliged to reject. I appreciate, too, that in these cases there has to be some obligation on the claimant to establish his claim; otherwise we would need a complete compensation claim to cover every incapacity, which would be a very costly system. Perhaps some day those who are incapacitated might be adequately covered by some form of national insurance, or something of that sort, but that is outside the realms of this Bill.

The Trades and Labour Council has indicated to the Treasurer, I think, that it would like a complete reversion to the policy that existed prior to the High Court's judgment. The members of the Council do not seem to be completely happy about the establishment of a Cardiac Board. I must confess, in fairness to the Treasurer and myself, that he probably only received a copy of the letter yesterday, when a copy was sent to me. I think at a later stage, when the Treasurer and myself have had more time to look into the matter and there has been time to canvass it, there may be some justification for their request. The Trades and Labour Council seems to be concerned about the fact that the decisions are final. The Treasurer could point out that in the case of silicosis the decisions of the Board are final and that, therefore, they are equally final in this case.

The Bill is a considerable improvement on the existing legislation. It is evidence of the Government's desire to give effect to the expressed views of the Treasurer on the matter from time to time. I am not cavilling greatly at that, because he has indicated that he desires to improve the position, and this

is admitted by all fair-minded people. Perhaps the Treasurer might regard the action as not being final. If there are grounds for grave disquiet and reasonable evidence shows that the Board is not functioning along the lines that we hope it will, he might look at the matter again. I am not suggesting that the Board should squander public money, but it should not take an unduly harsh view. In case the position to which I have referred does arise, perhaps the Treasurer will indicate to the House that he is prepared to review the matter at a subsequent date. I should not like to pin him down to the March session, because it may need a longer time than that to give it a fair trial, but the Treasurer could review it at a later date.

Mr. Hiley: I am quite prepared to do so.

Mr. HANLON (Baroona) (11.38 a.m.): The only point that I should like to raise with the Treasurer relating to the operations of the Cardiac Board is that at the introductory stage he mentioned Dr. Kurt Aaron as one of the doctors with whom he had discussed the difficulties of this matter. I think there is a certain amount of doubt in the minds of the unions about Dr. Kurt Aaron's attitude to heart complaints.

Mr. Hiley: I do not expect that he will be a member of the board.

Mr. HANLON: That is all right, then.

Mr. Hiley: He has been too closely identified with the State Government Insurance Office as a consultant.

Mr. HANLON: That is the point I wanted to raise. He has been called on behalf of the Commissioner in certain cases and he has denied the principle of aggravation of heart conditions.

Mr. Hiley: That is not his present view.

Mr. HANLON: If he has changed his opinion, it is a different matter, but there would still be a certain amount of suspicion about him if he were a member of the board. I am not criticising him as a medical man, because he would know umpteen times more than most of us, with the possible exception of hon. members who are medical men, about many of these cases. However, his opinion is on record. I got in touch with the Treasurer about a year ago in connection with one case in which Dr. Aaron denied outright the principle of aggravation of heart conditions, and I should not like to see him on the board because I believe it could be regarded as giving the Commissioner a leg in against any claimant.

Hon. T. A. HILEY (Chatsworth—Treasurer and Minister for Housing) (11.39 a.m.), in reply: There are only two points made by hon. members opposite to which I wish to reply. I will be prepared to review the operations of the board, although I might say that, as the first cases eligible to be dealt with by the board must arise after this amending Bill is assented to and comes into

operation, I suspect that it would be more like March, 1962, before we would have had sufficient time to form any judgment on the working of the Cardiac Board. I doubt whether the board will have any sittings prior to March, 1961. It takes a while for these cases to originate and go through the pipeline of treatment. One of the matters we have asked members of the Board to direct their minds to, and help us on particularly, is the removal of the fear in the mind of a man who has had a heart attack that he will never again be fit for work. He should be encouraged to engage in the type of work for which he is suitable. From what they have told me it appears that three months is looked upon as the length of time after a heart attack when it is possible to determine whether there is any really extensive heart damage that would indicate to a medical man that the sufferer should not submit himself to any heavy degree of exertion after as much recovery as his condition will allow.

Mr. Duggan: I presume that those with no disability would resume their normal occupation.

Mr. HILEY: It is extraordinary how you can convince self-employed people. Farmers are a typical example. Nobody would suggest that farmers have not to do a lot of heavy work on their farms. The great majority of farmers who suffer heart attacks are back at work after three months doing, in the main, the class of work they were doing previously. But the position is very different in the case of, say, a labourer on wages. He tries to stay on compensation. I pointed out at the introductory stage that that could be the worst thing for him to do. Exercise of the degree that his changed condition of health makes him capable of will keep him healthier than sitting and rusting away in idleness. The real problem confronting us was raised by two or three hon. members opposite when they referred to the social problem of trying to command light work for men whose hearts have been knocked about. This is a matter that has caused me concern, and what hon. members opposite have said has revived my interest in trying to find, with their help, a way to solve this problem.

The second matter raised was whether the Cardiac Board might operate too harshly in favour of the State Government Insurance Office and too much against claimants. Those who have any doubts on the matter should refer to page 31 of the annual report of the State Government Insurance Office, which deals with claims under Section 14B, that is, the mining diseases section. It will be remembered that we established a board to determine the medical issue of whether or not a claimant was suffering from silicosis, pneumoconiosis or any of the other diseases that come under Section 14B. The report states—

“Of the nine claims reopened during the year, seven were admitted to further benefits, and two are still under consideration.”

That is not a bad percentage. It shows what happens when you have a really competent board determining these matters. It is not my idea that the Cardiac Board should be a further obstructing factor to deny the payment of compensation where work causes, aggravates or accelerates an injury. My whole purpose is to have this matter determined with greater certainty and technical competence than has been the case in the past when very often I fear that the issue has been determined by a lay magistrate making the best assessment he could on the evidence presented but, in my judgment, too often the verdict has been influenced by the colour of the advocacy on either side rather than by the medical merit of the case. It is my hope that the setting up of the Cardiac Board will be just as helpful as the one set up under Section 14B has been.

Please do not think that this has been a complete and absolute answer. Two or three members on this side of the House have grizzled to me because some of the cases in which they have been particularly interested still cannot get through. The fact of the matter is that all those who have previously been rejected and who had no hope under the previous provision were allowed to come back and go before the Medical Board and, in fact, of nine claims re-opened during the year seven have been admitted on further evidence. That is not a bad record.

It is my hope that this Cardiac Board will get the cases through quickly and deal with them with greater technical confidence. I am perfectly happy to give this Chamber the complete assurance that, after a reasonable time of testing, we will examine the workings of the board and see just how it has functioned. If there are difficulties that can be straightened out, by all means let us straighten them out. If it has not performed well, let us admit that we have made an honest attempt but that it has not worked out. In that case we will have to terminate it and go back to the devil we know. I do not think anyone in this Chamber will feel that the present machinery has been the ideal answer, and this is at least an attempt to secure a better approach to it.

On the question raised by the hon. member for Baroona touching Dr. Aaron, it is very easy to form a wrong impression concerning these technical matters of aggravation and acceleration. Dr. Aaron has never changed his view that work cannot hurt a healthy heart, and that view is not Dr. Aaron's alone; it is the view of a great number of medical men whom I have consulted on this matter. But Dr. Aaron has always been perfectly clear that once a heart is damaged, work can accelerate or aggravate the damage.

It may be that in the particular case the hon. member referred to me there was no prior evidence of heart damage and that

Dr. Aaron would say—and he would say it today—that exertion would not hurt a healthy heart. Once a heart has been damaged by occlusion or infarct, or by valvular disease or one of those other matters I mentioned, you have an impaired heart muscle—a weakened heart muscle no longer capable of standing the heavy load that exertion creates—and in that case exertion unquestionably will accelerate or aggravate the damage. Medical men agree on that point; Dr. Aaron's view is no different from that of the others.

I stated quite clearly that I did not contemplate appointing Dr. Aaron to the board for the reason that it is essential that not only should the board have technical competence—on that question I have not the faintest doubt about Dr. Aaron—but that it should also be accepted by the trade-union movement and by workers generally as being completely objective in its approach and uncommitted by any earlier connections. For that reason I did not contemplate appointing Dr. Aaron, who has been used so often by the Insurance Commissioner as referee and expert for the office. That, I felt, would destroy what, as I should hope to convince people, is a freely functioning board.

We propose to appoint three members, only one of whom is to be nominated by the Insurance Commissioner. If the Governor in Council were to appoint Dr. Aaron to the board people could say, with some degree of truth, that we were getting one appointment legitimately and another under a second power of appointment—that we were really getting two out of the three. That is not my wish and it was for that reason, and that reason alone, that I do not contemplate appointing Dr. Aaron. However, I want hon. members to understand that I have nothing but respect for Dr. Aaron's professional and technical views on problems associated with heart damage.

I am bound to say that I was impressed beyond measure by the extent of the unanimity I discovered in the whole assessment of this problem and its varied facets by men of the quality of Sir Alexander Murphy, Dr. Ellis Murphy, and Dr. Kurt Aaron and the medical men employed by the State Government Insurance Office.

Motion (Mr. Hiley) agreed to.

COMMITTEE

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

Clauses 1 to 5, both inclusive, as read, agreed to.

Bill reported, without amendment.

THIRD READING

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

COMPANIES BILL

INITIATION IN COMMITTEE

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

Hon. A. W. MUNRO (Toowong—Minister for Justice) (11.53 a.m.): I move—

“That it is desirable that a Bill be introduced to consolidate and amend the law relating to companies.”

In submitting the motion I wish at the outset to explain that this Bill is described in Clause 1 as an Act which will be cited as “The Companies Act of 1961.” The reason for this short title is that it is proposed at the present sittings to carry the Bill only to the stage of its first reading and printing, the intention being that it will be passed through its remaining stages in the early part of 1961.

It is, however, necessary that I should at this stage give the customary explanation of its introduction and, although I desire to be as brief as possible, it is necessary that, in relation to a measure of such importance as this, I should give some reasonable explanation of the happenings leading up to its introduction and of the general nature of the proposed enactment.

So as to avoid any possible misconception it is also necessary for me to mention that I may, on occasions, have need to refer separately to any one of the three Bills relating to the general question of company law.

The first Bill is generally referred to as “The Model Bill” and represents a draft Companies Bill recently prepared under the direction of a Committee of Commonwealth and State Ministers on Company Law. This “Model Bill” could perhaps be described more correctly as a document, seeing that, strictly speaking, it is not a Bill in relation to this Queensland Parliament.

The second Bill is the Bill for the Companies Acts Amendment Act of 1960, which was introduced in the Queensland Parliament on 14 October, 1960, and which, after passing its various stages, was assented to on 28 November, 1960. It is intended that that amending Bill will be proclaimed to come into operation as from Tuesday, 3 January, 1961.

The third Bill is a consolidated measure, which I now seek leave to introduce.

In introducing this Bill for the consolidation and amendment of the law relating to companies, I propose in the first place to give a brief historical outline, secondly to explain the model Bill, thirdly to comment briefly on the changes which have been made in the law by the enactment of the 1960 amendment, and fourthly to explain, to such extent as is practicable in the available time, the more important changes in the law which will be made by the enactment of the 1961 consolidation.

The need for a system of law with reference to trading companies first became evident in the United Kingdom with the expansion that took place in that country, and elsewhere in the development of commerce during the 19th century. As the commerce and industry of the world grew, it became evident that no one individual could provide sufficient capital for the establishment and development of large-scale industry.

As the result of this, we first had the idea of partnership trading ventures based on mutual trust and confidence of the partners, but later it became necessary that there should be some more specific regulation of the rights, duties and responsibilities of the various persons associated with the venture together with some limitation of the liability of some or all of those persons. With the development of the association of a much larger number of persons in trading ventures, the extent of mutual trust and confidence naturally became less and the necessity for the development of the rule of law became greater.

It was in these circumstances that in 1844 the Parliament of the United Kingdom enacted a statute granting incorporation of companies and dealing generally with their registration, regulation and winding-up. Prior to the passing of that Act, the only methods of incorporation were by Royal Charter or by special Act of Parliament, which obviously were not appropriate for application in any large number of cases.

The example of the United Kingdom legislation was followed in Australia, the first Australian Act being passed in New South Wales. This was followed by a somewhat similar Act in Queensland in 1863.

When introducing the Bill for the Companies Acts Amendment Act of 1960, I explained the general nature of a company as distinct from an individual or a partnership, and I then drew attention to what I regard as the dominant characteristic of the company form of trading in that it provides the machinery for a very large number of persons to join together, each contributing relatively small amounts of capital, and for the combined corporate body to command the vast financial resources which are necessary for the development of large-scale industry as we know it in the world today.

At that time I also drew attention to the need for the regulation of the control and direction of the affairs of corporate bodies, the protection of minority interests and of the interests of investors, creditors and other persons having associations or dealings with companies.

Whilst I have emphasised the need for the protection of various interests, I also wish to place on record the view that, in establishing these necessary protections, we must not go to such extremes as to limit the development of trading and industrial organisations which at the present time are giving such

a wonderful service to the community. This is perhaps an application of the old saying that "Hard cases make bad law." In other words, we must be on our guard to avoid making the duties and responsibilities of directors and others associated with the direction and management of companies so onerous as to impede desirable development.

These short introductory remarks indicate in a general way the importance of company law and the need for the further development and expansion of the law on the lines as envisaged in the Bill.

It is also necessary that I outline for the information of hon. members the various stages of the preparatory work that has been carried out prior to the introduction of the Bill. The need for a comprehensive revision of the law has been very apparent in legal, commercial and financial circles for a number of years past, and, as a result, various professional and commercial bodies have combined in providing machinery for the discussion and consideration of various aspects of the company law problem.

For some years past, a committee known as the Queensland Company Legislation Standing Committee has functioned under the chairmanship of Mr. L. W. H. Butts, O.B.E., a solicitor of Brisbane. The constituting bodies of this committee are—

Australian Society of Accountants,
Brisbane Stock Exchange,
Queensland Law Society Incorporated,
The Bar Association of Queensland,
The Brisbane Chamber of Commerce Inc.,
The Chartered Institute of Secretaries,
The Institute of Chartered Accountants in Australia,
The Queensland Chamber of Manufacturers.

The committee and the various representatives of the constituting bodies who took part in the deliberations have done very valuable work in the exhaustive consideration of the problems associated with company law revision.

The report of the committee was submitted to me on 18 February, 1959, and, while the report itself is too long and too technical to be suitable for recapitulation at this stage, I think I can indicate its nature by quoting the following three paragraphs from the introduction to it—

"The recommendations contained in the attached statement have been prepared after full discussion and consideration of the Queensland Company Legislation Standing Committee and its sub-committees. In its discussions and deliberations the Committee has had the benefit of the advice and experience of its members, who have had many years of active association with the operation of the existing Company law, in the various fields of public and private

practice as Barristers and Solicitors of the Supreme Court of Queensland, Stockbrokers, Chartered Accountants and Secretaries, and Managers and Executives of joint Stock Companies and other public bodies and organisations.

"The aim of the Committee in submitting the attached recommendations is to put forward certain suggestions for amendment of the existing legislation which in the experience and judgment of the Committee would provide further protection and service to the community, particularly to those investing savings in public enterprises, would bring the law into conformity with present day economic conditions, and which would provide for Queensland a standard and compass of company law based upon correct principles which could not be surpassed in any country where the formation of corporate bodies is permitted by law.

"In its deliberations the Committee has considered the relative provisions of company law in other States and countries, including the Companies Acts of Great Britain, and has considered also a number of recommendations by various bodies and organisations for the amendment of company law in other States of the Commonwealth of Australia."

Whilst the recommendations of the Queensland Company Legislation Standing Committee have been given full and careful consideration, it has, of course, been necessary for the problem of company law revision to be considered from a number of other angles, too. These include the desirability of attaining a reasonable measure of uniformity in the laws of the various Australian States and the purely legal problems that arise in the actual drafting of a Bill.

It is mainly on these last-mentioned aspects of the problem that action has been taken since February 1959 by participation in a series of Australia-wide conferences on the subject of company law revision.

These conferences generally have been in the nature of conferences of the Justice Ministers of the various States, assisted by departmental officers, and with representation of the Commonwealth through the Commonwealth Solicitor-General.

In relation to these conferences, I may say that there were two distinct objectives, each of which has been substantially achieved. The first objective was that, from an Australia-wide viewpoint, we should achieve the greatest practicable measure of uniformity in the laws of the various States and of the Commonwealth, while the second objective was that we should achieve a code of company law for application in Queensland, completely modern and suitable to the requirements of our own State.

As a general comment, I may say that every State has gained by the interchange of knowledge through the conference discussions.

It has also been necessary to give consideration to the interests of the Crown as the controlling and regulating authority, and in this respect I have been fortunate in having the advice of Mr. W. E. Ryan (Solicitor-General), Mr. J. Shannon (Registrar of Companies), and Mr. J. P. O'Callaghan (Assistant Parliamentary Draftsman), all of whom have assisted me in matters relating to the interstate conferences.

As a result of the conferences of Ministers and officers, we have succeeded in achieving a very gratifying degree of unanimity among the representatives of the Commonwealth and the six States, and this is reflected in the terms of the "Model Bill" to which I have already referred. So that this "Model Bill" can be seen in its proper perspective, both in relation to the Bill that I now propose to introduce and the development of company law in the future, I quote the following memorandum that I forwarded on 7 November, 1960, to the representatives of the trading and professional associations that constituted the Queensland Company Legislation Standing Committee—

"Forwarded herewith is a copy of a draft of a Model Companies Bill which has been prepared following conferences of State and Commonwealth Ministers, who have met from time to time with the objective of attaining the greatest practicable measure of uniformity in Company Law throughout the Australian Commonwealth and Territories. It is particularly to be noted that the Bill is still in the draft stage and has not been finally considered by the Ministers, who are desirous of having available the views and comments of interested organizations affected by the Bill before making final decisions.

"The Model Bill differs from the existing legislation both in matter and in form.

"As to matter, consideration has been given to English legislation and to suggestions for improvement of existing State Acts made by various bodies and persons. Each State has advanced for consideration the substance of proposals submitted to the Government concerned and where acceptable to the Conference these have been included in the draft Bill. In this connection the suggestions put forward in February, 1959, by the Queensland Company Legislation Standing Committee, under the Chairmanship of Mr. L. W. H. Butts, have been particularly valuable.

"As to form, the aim has been to omit unnecessary matter, to re-draft the Bill in modern form, to improve and simplify the law and to effect the greatest practicable measure of uniformity throughout Australia.

"All State Ministers are seeking the views of persons who are in a position to put forward informed comment and are making similar approaches to organizations in their respective States. It is suggested that,

in any case where a State body has a Federal organization, the views of the State body should be submitted to its Federal organization and the Federal organization, after consideration of the views of the various State bodies, should forward the views which the Federal body supports. I might add that New South Wales is circulating the Model Bill among certain Federal organizations as well as to its State bodies."

"I do not wish to hurry unduly your study of the draft but it is vital that Ministers be in a position to consider any important representations at their next meeting. This will necessitate receipt of advice of your views (or the views of the Federal body, as appropriate) prior to 15 January, 1961. It will be of material assistance if a copy or copies of any communications are furnished.

"In relation to the adaptation of the terms of the Model Bill to Queensland circumstances and requirements I bring under your notice the following additional points.

"First it has been found necessary to bring into operation reasonably quickly a limited measure of reform in our Queensland law. This is to be effected by the enactment of 'The Companies Acts Amendment Act of 1960,' which is at present in the final stages of its passage through the Queensland Legislative Assembly. The reasons for the introduction of this amending Bill are outlined in my introductory speech recorded in pages 679 to 683 of Hansard No. 8, of 14 October, 1960. A pamphlet copy of this speech will be forwarded to you in the course of a few days and it is expected that this 1960 amending Bill will be proclaimed to come into operation as from 3 January, 1961.

"Secondly I propose to introduce and have printed during the present Parliamentary Sittings a Queensland Bill for 'The Companies Act of 1961,' which will be based substantially on the terms of the Model Bill forwarded to you herewith. You will then note that the arrangement of Parts and Sections of this proposed Bill is completely uniform with that of the Model Bill and that any variations in the wording are of a minor nature not affecting the desirable uniformity in Australia-wide Company practice. I plan to have copies of this proposed Queensland Bill available for circulation early in December so that its terms and application may be studied before its final enactment, which is planned for March, 1961. The date for operation of the proposed Consolidated Act of 1961 has not been determined, but it will not be earlier than 1 July, 1961, and it may be decided to proclaim it to come into operation as from 1 January, 1962.

"From our Queensland viewpoint it may be said that we have a close general interest in the finalisation of the terms of the Australia-wide Model Bill, but we also have a very particular interest in the precise terms

of our proposed Queensland Bill including, as it does, some slight variations in wording to meet Queensland conditions. Might I suggest therefore that Queensland organisations, as distinct from Federal organisations, might wish to study particularly the Queensland Bill when copies of it become available.

"It is requested that Federal organisations forward any comments or representations with reference to the Model Bill to the Chairman of the Ministers Conference (the Hon. A. G. Rylah, Attorney-General for Victoria) and that bodies in Queensland, that do not have a Federal organisation, forward their comments and recommendations to me.

"I am sure that you will look at both the Model Bill and the Queensland Bill (when it is available) with broad and tolerant understanding of the content, without unduly emphasising (though of course not excluding) your particular interests and having regard to the basic requirements of simplification, clarity and the attainment of the greatest practicable measure of uniformity throughout Australia."

Passing now to a consideration of the 1960 amendment, I have already mentioned that this was assented to on 28 November, 1960, and that it is contemplated that it will be proclaimed to come into operation on Tuesday, 3 January, 1961.

As I have explained in the memorandum, the purpose of this amendment was to bring into operation fairly quickly a number of alterations to the law which were required as a matter of urgency, these being as outlined in my introductory speech of 14 October last.

The subjects and the principles of the 1960 amendment are also covered in the Consolidated Bill which I now propose to introduce, except that there were some transitory provisions required in the 1960 amendment which are not required in the present Bill as it will not come into operation until a later date.

Having thus brought the history of this matter up to the present day, it now only remains for me to give to the Chamber a preliminary outline of the contents of the Bill that I now seek leave to introduce. I use the words "preliminary outline" advisedly because the ramifications of this Bill are so wide and its proportions so extensive that it would be completely impossible in any time reasonably at my disposal to attempt a full explanation of it.

As a general comment with reference to this, I may say that the Bill contains 384 sections and nine schedules comprising in all 386 pages.

It is perhaps a matter more of coincidence than of management that the sections of the Acts that this Bill proposes to repeal were also numbered 1 to 384 inclusive, although the Statute is being revised and altered to such an extent that there is not

any great similarity between the form of the repealed Act and the form of the Act as it ultimately will be enacted in terms of this Bill.

Similarly there are precisely 384 sections in the "Model Bill" to which I have already referred. In this case it is particularly to be noted that the arrangement of our Queensland Bill is completely in conformity with that of the "Model Bill" so that, even in those cases where it has been found necessary to make some adaptations in the wording to meet Queensland requirements, the numbering of our sections will be completely comparable with those of the "Model Bill," and I hope with those of the broadly similar Bills to be introduced in all other States.

So far as I am able to ascertain, the Bill probably will be the most extensive Bill ever introduced into this Parliament. It is for this reason that arrangements have been made for it to be introduced and printed at this stage with the general intention that any serious discussion of it will be deferred until March or April next after members have had adequate time to study it.

To assist in the understanding of the subject matter I have had prepared and circulated a short explanatory note drawing attention to 35 of the more important alterations to the existing law to be made by this consolidating and amending Bill.

So that this explanatory note will be available to members who may not be present in the Chamber at this particular time, I seek the leave of the Committee to incorporate this explanatory note in the "Hansard" record.

The CHAIRMAN: Is it the wish of the Committee that the explanatory note mentioned by the Minister for Justice be taken as read, and inserted in "Hansard"?

Honourable Members: Hear, hear!

Mr. MUNRO: This is the explanatory note:—

"COMPANIES BILL

(QUEENSLAND)

EXPLANATORY NOTE

"The object of this Bill is to consolidate the law relating to companies and to make a large number of amendments with a view to enacting legislation which will achieve the greatest practicable measure of uniformity with enactments to be made by the Commonwealth and other States of the Commonwealth.

"Certain alterations to the Queensland law have already been effected by "The Companies Acts Amendment Act of 1960." The alterations which were made by the 1960 Amendment Act and which are also incorporated in this Bill relate principally to interests other than shares, debentures, &c. (Division 5, Part 1960—3x

IV), take-overs (Clause 37 (2)), invitations to public to deposit money with or to lend money to corporations (Clause 38).

"Other important alterations to the existing law to be made by this Bill which it is contemplated will be enacted in 1961) are:—

(1) A Companies Auditors Board to be constituted by the existing Public Accountants Registration Board will function in relation to matters affecting accounts, audits, inspections and investigations and registration of company auditors and liquidators (Clauses 8, 9).

(2) A proprietary company may be formed by two or more persons but may carry on with one member if all its shares are held by its holding company. Any other company may be formed by five or more persons (Clauses 14, 36).

(3) A company cannot be a member of its holding company (Clause 17).

(4) Certain powers are conferred on all companies and the powers specified in the Third Schedule are available to all companies unless expressly excluded or modified by the Memorandum and Articles (Clause 19).

(5) The laws as to ultra vires acts of companies is to be substantially affected by limiting to certain persons the right to challenge acts of a company as not being within its powers (Clause 20).

(6) A company or a foreign company may not be registered by a name, subject to certain controls in the Crown Law Officer, which in the opinion of the Registrar is undesirable (Clauses 22, 353).

(7) The objects specified in the memorandum may be altered by special resolution subject to appeal to the Court by specified percentages of the members or debenture holders (Clause 28).

(8) The prospectus provisions will require a greater degree of disclosure than was formerly the case (Clause 39, Fifth Schedule).

(9) Restrictive provisions are included in the Bill affecting the retention of over subscriptions and statements as to assets backing in relation to borrowings by a company (Clause 41).

(10) Premiums on shares issued at a premium are to be paid to a "share premium account" and applied only for specified purposes (Clause 60).

(11) The rights of holders of preference shares are to be set out in the memorandum or articles (Clause 66).

(12) Limitations are imposed on the right of a company to grant options over unissued shares (Clauses 68, 162 (7)).

(13) Advertisements in respect of lost share certificates will not be necessary unless the company requires them before issuing a duplicate certificate (Clause 94 (2)).

(14) Transfers of shares by personal representatives are authorised on production of evidence of a grant of probate or administration in any State or Territory of the Commonwealth (Clause 95).

(15) Certifications on transfers of shares or debentures are declared to indicate a prima facie title but not to be a representation that the transferor has a title (Clause 98).

(16) Charges requiring registration are extended to include charges on an aircraft. The application of the provisions re registration of charges to foreign companies are clarified. Foreign companies are required upon registration to register existing charges (Clauses 100, 102, 111).

(17) Public companies are to have at least two directors and proprietary companies at least one director and one director is required to be a natural person residing in the Commonwealth (Clause 114). Every company is required to have a secretary who must be a natural person resident in the State (Clause 132).

(18) Directors must be elected individually unless otherwise agreed upon unanimously by the meeting (Clause 118). Directors may on special notice being given be removed by ordinary resolution (Clause 120). A director of a public company cannot be removed by the other directors (Clause 120 (8)).

(19) An age limit of seventy-two is fixed for directors of public companies but they may be continued in office from year to year by special resolution (Clause 121).

(20) Provisions are included to prevent fraudulent persons from acting as directors (Clause 122).

(21) Limitations are imposed on the right of companies to make loans to directors and tax free remuneration to directors is prohibited (Clauses 125, 128).

(22) Companies are required to keep registers of directors' share holdings (Clause 126).

(23) Provisions in respect of annual general meetings and incidents thereof as to voting, proxies and notices have been recast and statutory requirements have been made in respect of some of these matters which formerly appeared in Table A (Clauses 136, 138-141). Members are to be entitled to have proposed resolutions circulated in certain circumstances (Clause 143).

(24) The provisions for extraordinary resolutions are omitted and, in respect

of existing companies, matters presently requiring an extraordinary resolution may be done by special resolution (Clause 144).

(25) The register of members, where made up in Queensland otherwise than at the registered office, may be kept at the place where it is made up. The register may be made up separately as to past and present members and need not show names of persons who have ceased to be members for more than fifteen years (Clauses 151, 152).

(26) The exemption from filing accounts in respect to proprietary companies is limited to "exempt proprietary companies" as defined (Eighth Schedule, Part II). Certain public companies whose office is within three miles of the office of the Registrar are not obliged to include in the annual return lists of members and details of share transfers (Clause 160).

(27) The balance sheet must have attached a directors' report setting out certain details of the company's activities assets and reserves and of options granted over unissued shares (Clause 162).

(28) Provision is made for specified percentages of members to require particulars of auditors' emoluments (Clause 166).

(29) Special investigations may be undertaken by inspectors appointed by the Governor in Council in respect of companies specified for the purpose. Certain actions and proceedings are suspended during the currency of the investigation and the Crown Law Officer may apply to the Court for the winding up of a company following the receipt of the inspectors' reports (Clauses 172-175).

(30) Inspectors may be appointed to investigate the true ownership and control of a company and the Crown Law Officer may impose restrictions on share transfers and voting rights subject to an appeal to the Court (Clauses 177-179).

(31) A new Part—"Official Management"—has been included to allow a company to be placed under the control of an official manager where the creditors consider that in lieu of being wound up the company may be carried on by a manager with a view to enabling the company to meet its obligations (Part IX—Clauses 198-215).

(32) The provisions for winding up under the supervision of the Court have been removed so that a winding up will be either voluntary or by the Court (Clause 216).

(33) The provisions as to no-liability companies have been recast and the general registration provisions of the Act will apply to them (Clauses 319-333).

(34) The powers of corporations declared by the Government to be investment companies are restricted as to borrowings, investments and underwriting and special provision is made as to their balance sheets (Clauses 334-343).

(35) More detailed requirements are imposed as to the registration of foreign companies and foreign companies are required to open a branch register in the State in specified circumstances (Clauses 344-361).

"A large number of consequential and minor amendments are also included in the Bill."

Hon. members will observe that these 35 proposed alterations in the existing law to which I have referred are mentioned only very briefly in the explanatory note. In these circumstances I will supplement the explanatory note by the following more detailed explanation of some ten of the alterations which I regard as being either of a controversial nature or more than usually important from the viewpoint of the public interest.

(I) Registered Company Auditors

Provision for the registration of company auditors is new to Queensland company legislation. In most of the company legislation of the States of Australia, and also in the Model Companies Bill, provision is made for the appointment of a Companies Auditors Board whose function shall be to report to the Minister on any operation of Part VI of the Bill relating to accounts and audit which they have investigated, either on their own motion or at the request of the Minister, and to effect and control the registration of company auditors and liquidators. However, the Queensland Bill constitutes the Public Accountants Registration Board of Queensland as constituted for the time being under the Public Accountants Registration Acts as the Board to fulfil the purposes and objects of the Companies Auditors Board as constituted in the other States' legislation and in the Model Bill.

Any person who is registered as a public accountant within the meaning of the Public Accountants Registration Acts will be entitled without any application in that behalf to be registered as a company auditor and liquidator.

(II) Powers

A new feature to company legislation in Queensland is the provision in Clause 19 of the proposed Bill which sets out certain special powers of a company such as power to make donations for patriotic or for charitable purposes and power to transact any lawful business in aid of the Commonwealth in the prosecution of any war in which the Commonwealth is engaged. In addition to Clause 19, the Third Schedule of the proposed Bill sets out in detail certain incidental powers of a company.

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This schedule will have the effect of prescribing in detail the general powers usually adopted by a company, thus avoiding the necessity of detailed and lengthy memoranda of association which are at present drafted by companies. The schedule is based on a similar schedule in the New Zealand Act.

(III) Ultra Vires Transactions

Considerable doubt as to whether acts done by a company are within the powers of the company may at times arise. The memorandum of a company defines its objects and a company's objects at present are limited to those expressly mentioned and such as are ancillary to the expressed objects. A contract made by the directors upon a matter not within the ambit of the company's objects is ultra vires the company, and, therefore, beyond the powers of the directors.

A practice has grown up of drafting memoranda of association very widely and at great length so as to enable the company to engage in any form of activity in which it might conceivably at some later date wish to engage and so as to confer on it all ancillary powers which it might conceivably require in connection with such activities. In consequence the doctrine of ultra vires is an illusory protection for the shareholders and yet may be a pitfall for the third parties dealing with the company. The Cohen report published in Great Britain some years ago referred to the doctrine of ultra vires and here is a quote from that report—

"We think that every company, whether incorporated before or after the passing of a new Companies Act, should, notwithstanding anything omitted from its memorandum of association, have as regards third parties the same powers as an individual."

A new clause has been inserted in the Bill to the effect that no act of a company and no conveyance or transfer of property to or by a company shall be invalid by reason only of the fact that the company was without capacity or power to do such act or to make or receive such conveyance or transfer but with the proviso that such lack of capacity or power may be asserted in proceedings against the company by any of its members or by the holders or the trustees for the holders of debentures of the company, secured by floating charge over the company's property or in proceedings by the company against any of its officers or in any petition by the Crown Law Officer to wind up the company.

(IV) Prospectuses

The Bill will provide that a corporation shall not accept or retain subscriptions to a debenture issue in excess of the amount of the issue as disclosed in the prospectus unless the corporation has specified in the prospectus that it expressly reserves the right to accept or retain over-subscriptions and a limit on the amount of over-subscriptions that may

be accepted or retained. Where a corporation specifies in a prospectus relating to a debenture issue that it reserves the right to accept or retain over-subscriptions the corporation shall not make, authorise, or permit any statement or reference as to the asset-backing for the issue to be made or contained in any prospectus relating to the issue, other than a statement or reference to the total assets and the total liabilities of the corporation.

(V) Directors

The proposed Bill will provide exacting qualifications for the directors of companies and will provide that every public company shall have at least two directors and every proprietary company shall have at least one director and that at least one director shall be a naturalised person who ordinarily resides within the Commonwealth. Provision is made also that on a motion for the appointment of two or more persons as directors a simple resolution shall not be made unless a resolution that it shall be so made has first been agreed to by the meeting without any vote being given against it.

A new provision in the proposed Bill is the clause providing for an age limit for directors. This provision is contained in the company legislation of the United Kingdom. Provision is made that the office of a director of a public company, or of a subsidiary of a public company, who attains the age of 72 years shall be vacated at the conclusion of the annual general meeting commencing next after he attains the age of 72 years. Notwithstanding anything in the section providing for the age limit of directors, a person who has attained the age of 72 years may from time to time by special resolution be appointed as a director for a period not exceeding 15 months or may be authorised to continue in office as a director for a further period not exceeding 15 months.

Provision is made in the Bill for power to restrain fraudulent persons from promoting or directing or managing companies. A fraudulent person is a person who has been convicted of an indictable offence in connection with the promotion, formation or management of a company or of an offence involving fraud or dishonesty. A person who has been a director of a company which has been wound up and has paid the creditors less than 10s. in the £1 may also be restrained from acting as a promoter or director or manager. The Bill will provide that a director shall at all times act honestly and use reasonable diligence in the discharge of his office and that an officer of a company shall not make use of any information acquired by virtue of his position as an officer to gain directly or indirectly an improper advantage for himself or to cause detriment to the company.

(VI) Proprietary Companies

The provision for an exempt proprietary company is new to Queensland company legislation. Under the provisions of the

Acts which are to be repealed, all companies including proprietary companies were obliged to file in the office of the Registrar of Companies a balance sheet and profit and loss account at the same time as the filing of the annual return of the company. In the case of proprietary companies, however, the balance sheet and profit and loss account were filed but not available for searching and were at the time of filing enclosed in an envelope which was subsequently sealed and lodged with the file of the relevant company in the companies office. Under this Bill, exempt proprietary companies are not obliged to file in the Companies Registration Office such balance sheets and profit and loss accounts.

For the purposes of this provision an exempt proprietary company means a proprietary company in which none of the shares are held beneficially by another corporation or none of the shares are held upon trusts which provide for the whole or any part of the dividends from such shares to be paid either directly or indirectly to any corporation or for any of the rights attaching to such shares to be exercised for the benefit of or at the direction of any corporation, and any proprietary company which does not come within this definition is in the same position as a public company for the purpose of filing balance sheets and profit and loss accounts.

(VII) Balance Sheets and Accounts

The Bill provides for the keeping by the company of more detailed accounts and the publishing of further and better particulars regarding the affairs of the company. The Ninth Schedule is a special schedule included in the Bill which sets out in detail all the particulars required to be shown in the profit and loss account and the balance-sheet. The directors of a company are required to attach to every balance-sheet a report signed by or on behalf of the directors with respect to the state of the company's affairs and, in particular, whether or not the result of the company's operations in the period has, in the opinion of the directors, been materially affected by items of abnormal character, and shall state the amount, if any, that has been paid or declared or that they recommend should be paid by way of dividend and the amount, if any, that they propose to carry to the reserve fund.

(VIII) Inspections

Provision is made in the Bill for the investigation of the affairs of the company by inspectors at the direction of the Governor in Council on requisition by a specified number of shareholders, and a company may, by a special resolution, appoint one or more inspectors to investigate such affairs. A further provision is made that the provisions relating to investigations may, by proclamation of the Governor in Council, apply in respect of any company specified by the proclamation. On and after the appointment of an inspector in respect of any company, and until the final

report of the inspector has been submitted to the Minister, no action or proceeding shall, without the consent of the Minister, be commenced or proceeded with in any court.

After any such report has been received by the Minister, he may make application to the court for the winding up of the company so investigated.

(IX) Official Management

The provision for official management of the affairs of a company is new to Queensland company law and appears to have originated in South Africa. The effect of these provisions is that a company, when it finds itself in difficulties and unable to pay its debts as and when they become payable, may and shall, if so requested in writing by any creditor of the company who has an unsatisfied judgment against the company of not less than £250, cause a meeting of the creditors to be summoned for the purpose of placing the company under official management and appointing an official manager of the company as provided in this part of the Bill.

The creditors may, by special resolution, appoint an official manager and, during the period of management, the company shall be under the exclusive management of the official manager.

The effect, generally, of the provisions relating to official management of a company are analogous to the deeds of arrangements and deeds of inspectorship under the Bankruptcy Act.

(X) Investment Companies

A feature new to Queensland company legislation is the division in the Bill relating to investment companies wherein an "investment company" is defined as a corporation for the time being declared by proclamation of the Governor in Council to be an investment company. The division restricts borrowing and investments by such companies and also restricts underwriting by such companies, and provision is made also for unloading securities underwritten and not taken up. The division sets out particulars and special requirements as to the articles and prospectus of investment companies and declares that no investment company shall purchase or, after the expiration of three years after it has been declared to be an investment company, hold any shares in or debentures of any other investment company or any corporation registered in any of the States of the Commonwealth or New Zealand that is engaged primarily in the business of investment in marketable securities. Investment companies are prohibited from speculating in raw materials or manufactured goods, and they are required to state under separate headings in every balance-sheet certain matters set out in the Ninth Schedule relating to investment companies, and investment companies shall attach to such balance-sheet certain documents enumerated in the Bill.

Summing up the foregoing, it may be said that the Bill has three basic objectives, these being—

(a) A complete consolidation and re-arrangement of the statute law with a view to attaining the greatest practicable measure of Australia-wide uniformity consistent with any variations considered necessary to meet Queensland conditions.

(b) The incorporation in the consolidated Act of the substance of the new provisions that are in course of being included in the existing law by the terms of the amending Act of 1960.

(c) A modernisation and improvement generally of our Queensland company law in the light of development and experience since enactment of the Companies Act of 1931.

Finally—and I say this mainly for the information of any hon. members who may not have been in the Chamber when I commenced my speech—the intention is that any extensive discussion of the Bill will be deferred until after it has been printed and members have had an opportunity of studying it closely. There will, of course, be the fullest opportunity for discussing the principles of the Bill and the various clauses at the Second-reading and Committee stages, which I expect will be in March of next year. I fully expect that by that time I will be in a position to introduce some further amendments which, in the light of experience, will effect further improvements in the law.

Accordingly, I conclude by leaving with hon. members the thought that the Bill, when printed, will provide them with excellent light holiday reading. To those who contemplate taking it away with them I express the hope that it will not prevent them from having a very happy Christmas and that it will assist them in having a stimulating New Year.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (12.38 p.m.): The Minister claimed that this Bill was the most important introduced into this Assembly since Parliament was established. Probably he is correct in making that claim. He certainly concluded on a very light note by saying that his discourse this morning and the Bill itself might provide some light reading for hon. members during the Christmas vacation. I do not know whether Government members had the responsibility in Caucus of listening to the points contained in the Bill that have been enumerated in the Chamber, but it is rather unfortunate that, when a Bill described by the Minister as perhaps the most important ever brought down in this Chamber is being introduced, for a considerable portion of the time occupied by the Minister's introductory speech there were only three Government members present.

It is not my intention to develop any line of argument on the importance of the Bill. I am in complete agreement with the Minister when he says it is a very important Bill. Of all the Bills introduced into this Assembly,

I think it could rightly be claimed that no other Bill has had so much preliminary consideration and so many people employed in collating information and collecting evidence relating to it in an endeavour to reach a desirable objective of uniformity. That is commendable because, as the Minister pointed out, the ramifications of modern commerce are so wide that they cannot be confined to the geographical boundaries of the States of the Commonwealth of Australia. Consequently, I think it is desirable that action should be taken to achieve uniformity as far as possible.

In these days of rapid communication, with the concentration of control of newspapers and radio stations in fewer and fewer hands, and with the tendency that has been reflected in the recent take-overs of large industrial organisations, we are living in an era where capital is becoming much more influential. Because of this concentration of capital, and the means of dissemination of information being in the hands of fewer and fewer people, it is desirable that effective control should be vested in the various Parliaments. Remarkable as has been the development of commerce in the last century, in the last 20 years in particular we have seen a phenomenal increase in the industrial development of Australia. The injection of a tremendous amount of capital, not only from the United States of America and the United Kingdom, but from South Africa and other parts of the world, indicates a belief by many people that this country has a great future.

In addition to the injection of capital from outside the shores of Australia, we have seen an increasing interest by small investors in becoming shareholders in large companies. Unfortunately many people who dreamed pipe dreams that they would be able to convert quickly a small amount of capital into a much larger amount have been tempted by tantalising advertisements inviting them to invest their savings. High rates of interest have been offered by companies in whom the prudent person would not invest because he realises that high interest rates are offered only because these companies are mainly speculative concerns.

Experience has shown that many snide operators have been able to take advantage of the opportunities afforded them by the confusion and loopholes in the existing Companies Act. They have operated in many instances to the disaster of the small investor.

The Minister has properly pointed out that as management has command of a very vast amount of capital, it must ensure that that capital is employed, firstly, in the development of business, and secondly, that it is used in such a way that the objects of the company are carried out but at the same time the equity of the shareholders is fully protected. I am sure that the Bill will do that

in a very great measure. It is so comprehensive and extensive in character and as there will be full opportunity at the second-reading stage for those of us who wish to bring forward any particular aspects about take-overs, monopolies and things of that kind, that I am certain that all phases of commercial activities can be more adequately dealt with at that stage, without impinging unduly on Mr. Speaker's generosity. For those reasons I do not intend to indicate on behalf of the Opposition our general attitude, other than to say that the Bill brings about a very desirable reform.

On closer analysis there may be some features of the Bill to which we desire to draw attention, and obviously from the Minister's remarks this morning he would be happy to receive our suggestions. As laymen who have not been very directly and closely associated with the management of public companies we may not be able to offer any specific advice that would be helpful in framing amendments to the Bill. After all, it has been carefully prepared and drafted by people who have had that experience—or if they have not had the experience they have been able to command the services of people who have. Consequently, in the main, it can be regarded as a technical Bill. For that reason I do not necessarily expect that there will be a great controversy from this side of the Chamber, nor is there an obligation on us to submit a whole host of amendments. That would defeat the very purpose the Minister sets out to achieve, that is, the accomplishing of some measure of uniformity. It is very fortunate that the Ministers of the various Governments of Australia, both Commonwealth and State, have been able to agree on the desirability of a uniform Companies Bill. No matter where a company is registered, in future it will have to comply with the requirements of the law throughout the Commonwealth. That is a tremendous step forward. I agree with the Minister that there is a need for general uniformity in company law because the main provisions have been operative for so long.

I thank the Minister for his comprehensive review of the provisions of the Bill. We also appreciate that there will be ample time to examine it, and it will not be the Minister's fault if we do not take advantage of that opportunity.

Once again I thank him for the comprehensive way in which he introduced the Bill and I hope that when the House re-assembles in February or March next year this Bill will bring forth much informative discussion. The general purpose of the Bill, I should think, will not be controversial although some of its provisions may be, probably only where they apply brakes to people involved with companies.

The various Justice Ministers of the Commonwealth reached unanimity on this matter irrespective of politics, and we should also try to establish some measure of unanimity

in this Chamber in relation to our company laws. In view of the tremendous development that has taken place in our economy in recent times, that is particularly desirable to protect the public interest and the interests of the small investors particularly I generally approve of the measure.

Motion (Mr. Munro) agreed to.

Resolution reported.

FIRST READING

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

SPECIAL ADJOURNMENT

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

“That the House, at its rising, do adjourn until Tuesday, 21st February, 1961.”

Motion agreed to.

VALEDICTORY

Hon. G. F. R. NICKLIN (Landsborough—Premier) (12.49 p.m.): I move—

“That the House do now adjourn.”

Before the question is put I should like to make a few remarks as this will be the last occasion on which the House will assemble before the Christmas season. We have come to the end of what all hon. members will agree has been a particularly active session. Including the Appropriation Bills, we have dealt with 40 Bills, some of them rather important and some of them very large. We have finished on a very good note. We have received a Christmas present from the Minister for Justice which will certainly provide light reading during the recess.

The debates during this session have been very keen, and hon. members on both sides of the House have entered very fully into the business of the House. They have done so not only in legislative discussions but also in debates on the Address in Reply, the Financial Statement and Estimates. A feature of this part of the session has been the number of questions asked, particularly by Opposition members and to a lesser extent by Government members. The asking and answering of these questions have been marked by quite a deal of thrust and parry which have added to the interest of the session.

Another thing I should like to mention is that this portion of the session has come to a close without any undue pressure on hon. members. We have been able to complete our legislative programme fairly comfortably and we have been able to give adequate consideration to some big Bills which have been left on the table of the House for quite a time so that hon. members could study them fully. That should be our objective at all times. The session has come to a close in good time to enable hon. members to get back to their electorates to fulfil their pre-Christmas engagements.

I take the opportunity of expressing thanks to the Leader of the Opposition for his great co-operation in carrying out the business of the House. Without it we would not have been able to get through the business as smoothly as we have done. I thank him for the help he has given us. I also thank the Leader of the Queensland Labour Party for his co-operation.

I take the opportunity also, Mr. Speaker, of congratulating you on the way in which you have conducted the business of the House during your first period of occupancy of the chair of Parliament. You have carried out your duties very well and you have been very impartial in your decisions. You have made no small contribution towards maintaining the dignity of the House.

My thanks also go to the Chairman of Committees. He has had a very busy session. He has occupied the chair for most of the time taken to dispose of the business. He has conducted proceedings with credit to himself and to the office he holds. The Temporary Chairmen also have played their part well when they have been called upon to take the Chair. I think we all owe some thanks to the Whips. They have contributed in no small way to the smooth working of the House. They have worked together very well; they have helped hon. members considerably.

I also thank the Clerk of Parliament and the officers under his control in the House, the library, refreshment rooms, and all other sections. Those officers help greatly in keeping things moving smoothly for hon. members.

I think all hon. members will join with me in saying thank you to “Hansard.” They have a difficult job and do it very well under the circumstances.

Last, but by no means least, I extend thanks to two other gentlemen who play a very important part in the activities of Parliament—the Parliamentary draftsman, Mr. Seymour, and his assistant, Mr. O’Callaghan. They are always in the background and ready at all times to help hon. members on both sides of the House and to answer any queries they may have about legislation.

I conclude by expressing my very best wishes to all hon. members for a very happy Christmas and a prosperous New Year. I look forward to seeing them all again on 21 February, 1961, when we reassemble.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (12.55 p.m.): I am very happy to link the Opposition and myself with the Premier’s expressions of goodwill. It is true that the session has been a very trying one; it has certainly been a very exhausting one for the Opposition. Following the 1960 elections I indicated that whilst we felt we had some cause for complaint at the means whereby the Government were able to obtain recontrol of the Treasury benches, we were not accepting that decision in a whining way and implied that we fully conceded that the

Premier had the right to introduce a programme in accordance with the concepts of the Liberal-Country Party philosophies.

Our job in Opposition is to try to protect public interest and point out where, in our opinion, legislation can be strengthened. I hope that even our most bitter and partisan critic will not deny that the Opposition have worked very hard during this session.

This Parliament had an injection of a number of new members on both sides of the House, and I think I can say, without being patronising in any way, that it has been a welcome improvement to the debates on both sides. Personally, I am very grateful to the new members who came to the benches of the Opposition for their help during this session, and their work and attitude of mind, and their contributions have raised the debating standard on this side. In some respects their election has lessened my responsibility as I have been able to give an increasing number of members added duties in this Assembly.

We are living in times when great changes are taking place in systems of government throughout the world. We are living in an age in which coloured people particularly, motivated by a spirit of nationalism, have been able to throw off the shackles that have held them down for so long. Many of them have experimented with various forms of government. Some have embraced democratic systems, but because of the inadequacy of the technical facilities available to them, and because they have not grown up in an atmosphere of democracy, those systems have not worked with the same measure of efficiency as is possible in the English-speaking nations of the British Commonwealth. We wish those well who are trying to conform to that standard, and it is my wish for the coloured people generally that their standard of living may be bettered and their aspirations realised. If that can come about I think it may lessen tension generally.

Although there have been acrimonious discussions in this Assembly in the last few months, we should congratulate ourselves that they have taken place without fear of personal assassination, or of having the military moving in and taking over the control of government. At times our tempers have been somewhat frayed and we have been rather frustrated at the attacks that have been made on us. If it is a Government member, he feels that way about the Opposition, and we on this side, in turn, have perhaps felt that we have been unfairly and ungenerously treated. I should hope that all of us, irrespective of party affiliations, will regard it as a great privilege to serve in this Assembly in the work of developing and governing this State. I can simply express the hope that, whatever may be our political views on these various subjects, there is no malice after the speeches are concluded and that we may

depart from this Assembly without in any way compromising our political principles or ideals and be personal friends.

I should like to make a personal plea. I am not in any sense whingeing or complaining, but having had a period in Government as a private member, as a Minister of the Crown, and as Deputy Premier, and having had a period in Opposition as Leader of the Opposition, I think I can see both sides of the picture fairly objectively. I am wondering whether it is possible, at some stage of our political development, to establish a research bureau or secretariat. It need not be extensively or expensively staffed. With the available staff the Leader of the Opposition is able to carry out his routine duties, but quite frankly no Opposition party in any Australian Parliament has quite the facilities to match the Government of the day in sifting and collecting material that would be tremendously helpful for contributions to debates. It would be appreciated. I am not wishing to focus attention on the present Leader of the Opposition. The Premier knows only too well that what I say is true, because he occupied that position for a long period. I think it will be accepted that Ministers command—and very properly so—the services of specialist officers in the public service. They have skilled men to help and advise them. Subject to the Premier's approval, they can choose their own time to introduce legislation, and we, of course, have no prior knowledge of the contents of a Bill or of the arguments likely to be adduced. Very often we have to sit here and listen carefully to what a Minister has to say and then be called upon to make an immediate reply. If the debate is not a prolonged one a second Minister may come on. So I often feel that it would help considerably to raise the standard of debate, not from the point of view of any political gain, but from the point of view of democracy, if we could have better opportunity to engage in a measure of research, on a modest scale, that would perhaps enable matters to be presented with greater clarity than is possible under existing conditions. I make the observation in no sense of whining. It is not a circumstance that obtains only in Queensland; it applies to every Parliament in Australia. I hope that, in a non-political and objective way, some consideration might be given to the matter. There is a tendency sometimes, irrespective of party, for the Government to say, "We are the Government of the day and our will must prevail." The Opposition may say, "We know we are going to be treated in this way so we are going to argue needlessly and provocatively on this matter." On some measures, such as the Companies Bill, we could probably have a more objective approach and be better armed with information on the issues involved.

I should like to join with the Premier in extending my thanks to the various people

who have contributed to the smooth conduct of the session. As a new appointee to your office Mr. Speaker, you have striven very hard to carry out your exacting tasks and, while it would certainly be untruthful of me to say that I have agreed with all your decisions and actions, nevertheless I can say you have approached your task with the real purpose of carrying out your very exacting duties in a fair and impartial way. Certainly I appreciate your ready approachability and desire to co-operate on every possible occasion, and I should like to thank you for the many personal courtesies you have extended to me as a member of the Opposition.

I should like to thank, too, the Chairman of Committees, the Clerk of the Parliament, the Sergeant-at-Arms, the Parliamentary Draftsman, the Parliamentary Librarian, the "Hansard" staff, and all of the other officers of the House.

Last but not least, I wish the Premier well. I do not want to revive sad memories for him, but I know that this has been a very trying and heavy year for him personally because of family bereavements. Added to the heavy and onerous duties of Premier, they take a very demanding toll of his physical and mental energy, and I should like him to know that, apart from our arguments, we have a very real appreciation of the troubles and difficulties he has experienced, and that we wish him well in his personal capacity. I thank him, too, for the courtesy he has extended to me from time to time.

I thank the Ministers generally for their help and I wish all hon. members on both sides of the House a very, very happy Christmas and a prosperous New Year.

I hope the economy of the country will not in any way retrogress before we reconvene and that, as well as being a happy period for hon. members and their families and for the members of the staff and their families, the festive season will be a happy one for the community generally.

Hon. P. J. R. HILTON (Carnarvon) (1.4 p.m.): I should like briefly to associate myself with the sentiments expressed by the Premier and the Leader of the Opposition on this concluding day of the session. It is ending on a very fine note, perhaps partly because it is the first session of the Parliament and not the last and because hon. members are not calculating whether they will be here next year. However, it has been a very strenuous session and I think it is true to say it has been very orderly despite the fact that the legislative programme has been heavy and that many controversial measures have been introduced. Perhaps that might be a tribute to you, Mr. Speaker, in your first term of office. I think you have acquitted yourself very well indeed, but I noticed that, during the last week or two, your voice has tended to become a

little deeper and a little firmer. By and large, I think you have treated all members very courteously, and there is really no need to emphasise that our old friend, Mr. Taylor, the Chairman of Committees, has always excelled in that direction.

One feature of Parliament, if I may express myself briefly on this matter, is that there now seems to be a tendency to debate matters at the introductory stage rather than on the second reading. Perhaps that is a good thing from some points of view, and we find, of course, that the Press generally pay more attention to reporting proceedings of Parliament when a measure is introduced than they do on the second reading. At some time we might consider revising Standing Orders to allow members a greater time to speak at the introductory stage and reduce the time on the second reading, because I think it would lead to a wider debate on general principles.

I express my deep appreciation and thanks to all officers of Parliament, and I heartily join with the Premier and the Leader of the Opposition in wishing every hon. member a very happy Christmas and all good fortune in the New Year.

Mr. SPEAKER: I should like to take this opportunity of thanking hon. members, in particular, and the staff of Parliament House for the ready co-operation I have received since becoming Speaker of this Assembly. I thank the Premier, the Leader of the Opposition and the Leader of the Queensland Labour Party for the very kind words they have said about me. No-one can do a good job without the willing co-operation of those with whom he is working, and I should like to join with other speakers in thanking the Clerk of Parliament, Mr. Dunlop, the Sergeant-at-Arms, the Clerks-Assistants, and all those who work in the lower rooms of Parliament House and attend to the various duties of the Legislative Assembly. The staff is quite a large one. All have given me their wholehearted co-operation, and, by so doing, have given each member of this Assembly their wholehearted co-operation.

I have often thought that my friend the Chairman of Committees was over-exerting himself in the time that he spent in the chair. We have an excellent panel of temporary chairman, and I often said to him, "Why don't you make them work? Why don't you have a rest more often?" His reply was typical of him—"I can take it." To the Temporary Chairmen of Committees and those who have stood by, I also express my thanks.

To the "Hansard" staff, who have been most co-operative, the Librarian and his staff, the telephonists, the typists, the manageress of the refreshment rooms and her staff, and the cleaners, I express my thanks for their excellent co-operation. I desire also to thank the sergeant of police and the police

constables for their help and co-operation throughout the session. Everyone associated with the Legislative Assembly has been co-operative to the last detail.

The Premier and his Ministers have greater call on the services of the Parliamentary Draftsman than I have, but whenever I have wanted information on any particular subject, he has always been ready to give it.

If hon. members think that I have erred at times, I can say only that I have done my best and obeyed the dictates of my conscience. That is all anyone can do.

I join the Premier, the Leader of the Opposition and the Leader of the Queensland

Labour Party in extending to hon. members the season's greetings and all that they would wish themselves. As a token of my appreciation of the co-operation I have received, I have arranged for light refreshments to be provided in the dining room at a later hour today, possibly about 4 o'clock. I know that there are party meetings to be held, but round about 4 p.m. I should be delighted to welcome hon. members. The same invitation is extended to all members of the staff. In conclusion let me say that I cannot express too greatly my appreciation of the co-operation I have received from all hon. members.

Motion (Mr. Nicklin) agreed to.

The House adjourned at 1.12 p.m.