Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 29 NOVEMBER 1966

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

AUDITOR-GENERAL'S REPORT

BRISBANE CITY COUNCIL ACCOUNTS

Mr. SPEAKER announced the receipt from the Auditor-General of his report on the books and accounts of the Brisbane City Council for the year 1965-66.

Ordered to be printed.

QUESTIONS

DREDGED SPOIL FROM TOWNSVILLE HARBOUR FOR RECLAMATION WORK

Mr. Walsh for **Mr. Aikens,** pursuant to notice, asked The Treasurer,—

Have further inquiries been made as to the possibility of utilising the spoil dredged from Townsville Harbour for reclamation purposes, as is done in nearly every other port in the world and, if so, when will the spoliation of the Townsville and Magnetic Island beaches by the dumping of this spoil from barges be discontinued?

Answer:—

"Excellent sand fill close to potential harbour industrial sites provides the best reclamation material in Townsville Harbour. This fill can be built on almost immediately after pumping whereas dredged silt takes many years to consolidate. The Townsville Harbour Board's dredge is not suitable for this type of reclamation work nor are her pumps powerful enough to effectively pump dredged silt over long distances to reclamation. Having said that, I trust the Honourable Member will not conclude that I accept that dredged silt should be dumped in such a way as to despoil bathing beaches. Ways and means of effectively tracing the movement of silt after pumping are being investigated by the Department of Harbours and Marine with a view to seeing what economic means are available to the Townsville Harbour Board to dispose of dredged spoil in such a way as to occasion no harm."

RE-ROUTING OF BRUCE HIGHWAY TO BY-PASS AYR

Mr. Walsh for **Mr. Coburn,** pursuant to notice, asked The Minister for Mines,—

Has his Department plans for re-routing the Bruce Highway so that it will by-pass the town of Ayr? If so, will he give details of the proposed route that the re-located highway will follow?

Answer:—

"The Main Roads Department has no plans for re-routing the Bruce Highway so that it will by-pass Ayr, so consequently no consideration has been given to any detailed route the re-located highway would follow. The Department is carrying out an Origin and Destination Survey at present to determine whether there would be any justification for initiating preliminary investigation for a future by-pass."

PAPERS

The following papers were laid on the table:—

Proclamation under the Forestry Acts, 1959 to 1964.

Orders in Council under—

The Stock Routes and Rural Lands Protection Acts, 1944 to 1965.

The Water Acts, 1926 to 1964.

The Forestry Acts, 1959 to 1964.

MINISTERIAL STATEMENT

COMPENSATION FOR PROPERTY RESUMPTIONS, GLADSTONE-MOURA RAILWAY CONSTRUCTION

Hon. W. E. KNOX (Nundah—Minister for Transport) (11.5 a.m.), by leave: I refer to the grievance brought to the notice of this Chamber on 29 September by the hon. member for Port Curtis in regard to the resumption of properties for the construction of the Moura to Gladstone Short Line Railway.

Between April, 1965, and February, 1966, 157 notices of resumption were served on individual and company property-owners. Claims covering 115 notices of resumption have been received, and of these settlement has been reached in respect of 18. Claims covering 31 notices of resumption have been lodged in the Land Court by the property-owners. In the instances of four landholders, namely, Messrs. M. Hanson, J. Burrows, C. S. Liddle, and A. C. Cuff, involving eight notices of resumption, offers were made but settlement has not been reached. It is pertinent to point out that in the great majority of cases property-owners have delayed submission of claims for periods of 11 months to just under 12 months. The receipt of large numbers of claims within a very short period of time has created a large volume of work and, although every endeavour is being made to expedite the handling of the claims, some time will necessarily elapse before offers of settlement can be made. Some of the difficulties will be appreciated when I point out that in a number of claims the amounts sought are exorbitant.

Reference was made by the hon. member to a statement attributed to me which appeared in "The Rockhampton Morning Bulletin". The assurance I gave at that time, which was in keeping with the promise of my predecessor that claims would be settled as quickly as possible, was that officers of the Valuer-General's Department would be making an assessment of the total effect of the construction of the line on the value of the various properties, although claims for compensation for particular properties might not have been received.

The hon. member will recall my making a similar statement on the occasion of the deputation of landholders which he introduced to me on 13 January, 1966, and my subsequent confirmation of this point in a letter to him dated 2 February, reading in part as follows:—

> "As you know, it is the Valuer-General's Department which acts on behalf of the Railway Department in assessing the amount of compensation upon receipt of a claim. In an endeavour to expedite matters, officers of that Department have already begun an assessment of the total effect of the construction of the rail line on the various properties and to interview the land owners notwithstanding the fact that a great majority of owners have not lodged claims. Certain other action has been taken to make prompt assessments of compensation as claims are received."

In the same letter, in a earnest endeavour to be of assistance to the landholders involved, I also set out a number of headings under which claims might be made.

As a result of the action taken in many instances, considerable information was available to the Valuer-General on which to prepare a valuation when claims were received. Under normal circumstances, an appraisal of the property being resumed is not commenced until a claim is lodged.

Unfortunately, any good purpose the carrying out of preliminary valuation of properties might have served has been nullified by claimants taking full advantage of the 12-month period which they have for lodging a claim.

CROWN LEASES EXTENSION BILL

INITIATION

Hon A. R. FLETCHER (Cunningham—Minister for Lands): I move—

> "That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to extend the terms of certain leases under the Land Acts, 1962 to 1965, as a measure of drought relief."

Motion agreed to.

DOOR TO DOOR (SALES) BILL

INITIATION

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

> "That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to make provision with respect to certain credit purchases and other agreements and for incidental and other purposes."

Motion agreed to.

RACING AND BETTING ACTS AMENDMENT BILL

INITIATION

Hon. G. W. W. CHALK (Lockyer—Treasurer): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to amend the Racing and Betting Acts, 1954 to 1965, in certain particulars."

Motion agreed to.

MEDICAL ACTS AND OTHER ACTS (ADMINISTRATION) BILL

INITIATION

Hon. S. D. TOOTH (Ashgrove—Minister for Health): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to provide for the finance of the administration of the Medical Acts, 1939 to 1963, the Dental Acts, 1902 to 1961, the Pharmacy Acts, 1917 to 1959, the Optometrists Acts, 1917 to 1959, the Nurses Act of 1964 and the Physiotherapists Acts, 1964 to 1965, and for other purposes."

Motion agreed to.

GAS ACT AMENDMENT BILL

INITIATION

Hon. R. E. CAMM (Whitsunday—Minister for Mines and Main Roads): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to amend the Gas Act of 1965 in certain particulars."

Motion agreed to.

INITIATION IN COMMITTEE

(The Chairman of Committees, Mr. Hooper, Greenslopes, in the chair)

Hon. R. E. CAMM (Whitsunday—Minister for Mines and Main Roads) (11.14 a.m.): I move—

"That a Bill be introduced to amend the Gas Act of 1965 in certain particulars."

Since the Gas Act of 1965 came into operation it has been found that certain modifications are desirable, and minor amendments are considered necessary. The Bill is a short one, and I propose to analyse its provisions fully at the introductory stage.

A new definition, namely, "metal working," is inserted. Section 2 of the principal Act provides that, unless expressly prescribed, the Act does not apply to gas supplied for and used in metal working. Metal working, it was considered, meant flame cutting, etc.; but some companies interpret it, for their own purposes, to mean gas used for heating as long as some metal is involved—for example, baking enamel on refrigerators, stoves, etc. The proposed amendment clearly sets out what is regarded as "metal working" for the purposes of section 2 (a) of the Act.

Mr. Houston: That is for cutting?

Mr. CAMM: That is right.

There is an amendment to section 6. It was always the intention to appoint selected officers of liquid petroleum gas distributing companies to be examiners for the purposes of ensuring safety in the siting, installation and repairs of L.P. cylinders and fittings. They are to have limited authority and their actions are to be subject to an appeal to the Chief Gas Examiner. It was considered there was ample power under the Act to do this, but the Solicitor-General considered that this power should be more precisely defined. The proposed amendment does this.

An amendment to section 45 is also proposed. The principal Act restricts the dividend payable in a financial year on preference shares to 6 per cent. However, one company issued many years ago a certain number of cumulative preference shares. They are 6 per cent. shares but in some years the dividend paid might be below this. The Act, as at present written, prevents the company from paying more than 6 per cent. in any one year, consequently the shareholders can never be paid the percentage dividend which may be short paid. At the time the Act was originally drafted, the existence of these shares was not known to my department, nor was it raised by the company. The proposed amendment will allow these shareholders to retain the privileges they previously enjoyed.

Mr. Houston: Are there many involved?

Mr. CAMM: No, there are not many shares. As far as is known, no other gas company has similar shares.

An amendment to Schedule IV is proposed. At present anybody can install or repair L.P. gas installations and fittings. This is considered undesirable from the point of safety. It was always the intention to provide some system of licensing for these workmen and it was considered that the present Act gave this power. However, legal opinion is that this power should be more clearly defined in the Act, and this has been done.

A schedule is inserted in this Bill which changes amounts previously in £ s. d. to decimal currency. It is considered desirable that, if at all possible, where an Act is being amended, the monetary references be amended by omitting the words indicative of the superseded currency and inserting the words indicative of decimal currency.

The Bill is submitted for consideration by members.

Mr. HOUSTON (Bulimba—Leader of the Opposition) (11.18 a.m.): It appears from what the Minister has said that this Bill

is mainly designed to overcome interpretations that have been placed on various clauses of the Act by people who have been operating under it. I take it from what has been said that there is no intention in any way of altering what it was originally intended to do, so that, as we supported the Act when it was introduced, I cannot see any reason for opposing it at this stage.

It is gratifying to know that the Minister has taken the necessary action to leave no doubt in the minds either of the general public or of those who use this gas or operate under the Act that all necessary action shall be taken to ensure the safety of the public, with particular reference to those who make these installations and repair them. Apart from the interpretation I think that is the crux of the Bill, and we will go along with any measure that is designed to ensure public safety.

Hon. R. E. CAMM (Whitsunday—Minister for Mines and Main Roads) (11.20 a.m.), in reply: The Leader of the Opposition is quite correct: there will be no alteration whatsoever in the aims of the Act. The Bill merely tidies up some provisions of the Act so that its correct interpretation will be made clearer to the various companies who operate under it.

Motion (Mr. Camm) agreed to.

Resolution reported.

FIRST READING

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

HEALTH ACTS AMENDMENT BILL

INITIATION IN COMMITTEE

(The Chairman of Committees, Mr. Hooper, Greenslopes, in the chair)

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (11.22 a.m.): I move—

> "That a Bill be introduced to amend the Health Acts, 1937 to 1964, in certain particulars."

This Bill deals with a subject that has been causing considerable concern in recent times, namely, the misuse of certain drugs—drugs which could lead to a measure of addiction but which, more dangerously still, could lead through their use to the introduction of the person who is using them to more dangerous drugs in the narcotic group.

It is readily agreed that most medicines that are beneficial when taken in the correct dosage may have the opposite effect when taken incorrectly. Prior to the last war, the chief drugs that caused concern in this regard were those commonly known as narcotics, such as morphia, heroin and cocaine. Continued use of these drugs often leads to addiction, which consists of an overpowering desire for their continued use when there are no longer symptoms of the particular disease requiring their use. Cessation of the use of such a drug in an addict leads to physical or mental distress, and ultimately to moral and physical degradation.

Since the war there have been many advances in the drug-manufacturing field, as there have been in many other fields. As a result, many new drugs have been discovered and produced. Unfortunately, misuse of these new drugs can have the same disastrous effects as occurred in years gone by with the incorrect use of drugs in the narcotic group. One group of drugs causing particular concern these days are those known as stimulants to the nervous system. An example of this group is the amphetamine or benzedrine-type drug—a valuable type of drug when taken in correct dosage. It produces a lessening of fatigue and increases mental activity. Large doses, however, are followed by fatigue, mental depression, disorientation and hallucinations. The problem of misuse of such drugs is growing and is becoming world-wide.

More than a decade ago, the World Health Organisation Expert Committee on dependence-producing drugs became concerned with the risk to public health of substances other than those commonly referred to as narcotics. Drugs to which the committee paid particular attention were the ones I have mentioned, namely amphetamines, barbiturates and tranquillisers generally. The expert committee of the W.H.O. and other international bodies have repeatedly stressed through the years the seriousness of this problem and have focused attention on ways of meeting it. Sir Derek Dunlop, F.R.S., chairman of the British Ministry of Health's Safety of Drugs Committee, who was recently in Australia, stated in a broadcast in the Guest of Honour series of the A.B.C.—

> Potent drugs are being used far too much nowdays for non-specific and often trivial reasons, especially drugs acting on the central nervous system; tranquillisers, barbiturates, pep pills and so forth . . . . Ill-health due to drugs has become a new dimension in disease . . . . Nevertheless, the danger of modern drugs can be greatly minimised by suitable precautions."

Two groups of persons among whom it is reported that misuse of drugs is occurring are teenagers—teenage students in particular—and a specific group that is of immediate and direct concern to us, namely, truck-drivers—the drivers of large semi-trailers carrying goods for great distances from one point of the continent to another. Overseas reports state in relation to teenagers that a certain group of teenagers take these substances in the form of "pep-pills" or "purple hearts" for excitement. Reports from England indicate that young people have stolen these drugs from pharmacies and sold them to other youths. The issues of the English Pharmaceutical Journal published last year show that the ages of young people involved are as low as 15 years, and both sexes are involved.

On occasions, young people have committed serious crimes whilst under the influence of these stimulant drugs. It is possible that true addiction does not occur in most cases, but such persons are potential addicts and that is the real danger. As these drugs lose their effect the danger is that people who are using them may graduate to the taking of narcotics, such as heroin, cocaine, marihuana, and so on, with the disastrous results that usually follow, namely, moral degradation, physical degradation and, of course, spiritual degradation.

Mr. Walsh: And mental degradation.

Mr. TOOTH: Yes, and mental degradation.

Inquiries from the police in Queensland would indicate that fortunately the practice is not widespread here, but there is, of course, a potential danger; there is a potential danger throughout the entire world. Early steps are necessary to obviate this danger, or, if not to completely obviate it, at least to contain it.

Turning to the second group to whom I have made reference, namely truck-drivers, it seems to be generally conceded that there are some—let us hope they are few in number—who take stimulant drugs to continue driving for long hours, and it is considered that this practice has a bearing on the increasing toll of the road. Mention has already been made that amphetamine and similar drugs temporarily increase alertness and efficiency, but later, fatigue, depression and a general feeling of disorientation follow the initial stimulation. Symptoms such as headache, agitation, irritability and impaired concentration can be induced by larger doses and thus produce a condition of unfitness to drive anything, particularly of course these huge vehicles which travel across the continent.

These drugs, when taken with other drugs or alcohol, may also affect driving ability. Such an effect can occur when a truck-driver who is being treated for any one of certain conditions, and unbeknown to his medical adviser under whose care he may be for quite and innocuous condition, by itself, and for which he is receiving quite an innocuous form of medication, by itself, takes these pep pills in addition, with quite disastrous results.

Hon. members may recall the evidence in a case heard recently by a Brisbane magistrate. It revealed that amphetamine powder was obtained illegally and made into tablets, and was being peddled, in a hotel bar, to drivers of big transport trucks. Those hon. members who can recall the case will remember that after having made stern remarks and passing quite severe strictures upon the persons involved, the magistrate imposed a fine of $80. I am sure many hon. members, in common with myself, were slightly puzzled about this fine in view of what the magistrate had said. Immediately I got to my office the next day I took the trouble to investigate the background of the Act. I found that the maximum penalty that the magistrate could have imposed was a fine of $100. My initial reaction, namely, that the magistrate's action did not accord with his words, was explained. The Act provided the magistrate with powers of such a limited range that he probably felt that the difference between $100 and $80 was of no great moment. The plain fact of the matter was that the magistrate did not have tne necessary power.

Mr. Walsh: Some people are still making a big profit out of it, and the fine is only tantamount to a licence fee for them to carry on.

Mr. TOOTH: Quite so, even if the maximum fine permitted under the Act is imposed.

Mr. Sherrington: Have you any idea how long it is since this Act has been reviewed?

Mr. TOOTH: This part of the Act has not been reviewed for quite a long time because the necessity did not arise. The drugs in the schedule under which this particular penalty was imposed were not commonly in use in the days when the quantum of the fine was fixed. When the amount of the fine was determined, it was quite a substantial sum. However, the passage of time, changes in the value of money, the availability of drugs, and the new uses to which they are being put, make the necessity for the amendment clear to members of the Committee.

For the purpose of control, it is a worldwide custom to divide drugs into schedules according to their potency and uses. In Queensland, there are eight schedules. This division, recommended by the National Health and Medical Research Council, is becoming uniform as more and more States adopt it. Queensland was the first to adopt the recommended schedules in their entirety. They are—

Schedule 1—Highly toxic poisons.

Schedule 2—Lesser toxic poisons and tolerances from other schedules.

Schedule 3—"Over the counter" lines. These are items that can be sold with relative safety, provided people use normal precautions. They are to be used strictly as directed, and kept out of the reach of children.

Schedule 4—Restricted drugs.

Schedule 5—Household poisons.

Schedule 6—Agricultural, horticultural, and pastoral poisons, and poisons for pesticidal purposes.

Schedule 7—Cyanides, and allied groups.

Schedule 8—Dangerous drugs.

Schedule 8 contains drugs in the general classification of dangerous drugs, including narcotics to which reference was made earlier.

The two schedules pertinent here are Schedule 4 and Schedule 8. Schedule 4 drugs are usually referred to as restricted drugs

and are available only on a doctor's prescription. Schedule 8 drugs contain narcotics such as morphia and heroin and are termed dangerous drugs. In addition to their availability only on a doctor's prescription, there are further measures for their control in regard to storage, and recording and cancellation of the prescriptions on which they are obtained.

Amphetamine and similar substances are restricted drugs—that is, legally available to the public on a doctor's prescription only. It is right that they remain available in this way, but it is necessary to take steps to control their unauthorised possession and sale.

Action to impose this control is taken now under the Poisons Regulations, the maximum penalty being $100.

The amendment of the principal Act will enable a restricted drug at present in Schedule 4 that is being misused to be declared a dangerous drug for the purpose of section 130 of the Act. Illegal sale and unauthorised possession of drugs so declared will then incur the same penalties as at present apply in regard to dangerous drugs in Schedule 8.

Mr. Houston: What are they?

Mr. TOOTH: The penalties will be outlined in the Bill to be printed at the conclusion of this stage.

Mr. Houston: Have you any idea what they are?

Mr. TOOTH: I can give some of the penalties proposed. A person who contravenes any provision of subsection (1) of this section, or attempts so to do, shall be liable on conviction for a first such offence to a penalty of not less than $200 or more than $800, or to imprisonment, with or without hard labour, for six months, or to both such penalty and imprisonment. On conviction for a second or subsequent offence, a person shall be liable to a penalty of not less than $400 nor more than $2,000, or to imprisonment, with or without hard labour, for two years, or to both such penalty and imprisonment.

Members of the Committee will see that the Government believes that the matter is of sufficient importance to warrant the imposition of fairly severe penalties for persistent breaches of this section of the Act. That is the purpose of the proposed Bill, and I commend its introduction to the Committee.

Mr. HOUSTON (Bulimba—Leader of the Opposition) (11.41 a.m.): If the Bill contains exactly what the Minister has suggested, I am sure the Opposition will be very happy to support its introduction and consider it from the point of view of doing all it can to ensure that the habit of taking drugs as a stimulant so that more work or effort can be obtained is curtailed.

I think it is true to say that the human body is the greatest of all machines. Nature lays down that it will work effectively and well provided it is not overtaxed in any way. Of course, incidents occur at times that interfere with the normal functioning of the human body. It is known, too, that occasionally various parts of the body decide to "gallop", as it were, and that corrective action is then required. As the Minister said, medical science has progressed over the years, and today if any part of the human body is not functioning correctly, the modern medical practitioner is able to restore the body, either through medicine or surgery, or both, to its normal functioning. But when steps are taken to speed up the functioning of a particular part of the body, medical science and practical experience tell us that other parts suffer. If something of that sort happens, members of this Assembly must do all in their power to ensure that the cause of the suffering that occurs eventually is stamped out.

The Minister mentioned two types of people who are being affected by the so-called "pep" drugs and "pep" pills. First, he mentioned students, and there has been plenty of evidence over the years showing that, unfortunately, some young people who believe that, if they are to study longer or be able to carry on various other activities and still study, it is necessary for them to stay awake for longer periods than, in my opinion, the body is designed to take. They do take various pills, and they have taken them. I do not suggest that this applies to the great majority, but I think the Minister will agree that reports indicate that some students have done this.

Apart from the fact that it interferes with their normal bodily functions, I believe it causes damage that perhaps may not become apparent till later in life. Even though a student has studied for longer hours under the stimulus of drugs and passed examinations successfully, it seems to me that it would follow naturally that he would not be so keen to take similar drugs to enable him to carry out his ordinary work. In other words, although he might have achieved brilliant results as a student, his work as an employee, in whatever field or profession he chooses to enter, may not be up to the standard of his examination results. In time, a person who finds that he has become dull may decide to again take drugs to satisfy the ego he has built up over a period.

I feel that the taking of drugs by the younger generation not only affects their health now but also has an accumulative effect in that when they cease to take them their results fall off and this causes them again to become addicted to this type of stimulant.

The other type mentioned by the Minister was the transport driver. In this instance, the taking of drugs not only affects the driver but presents a possible danger to other people. This is something that we, as a Parliament, have to combat. I agree with the

Minister that drastic action must be taken to stop the use of these stimulants, in whatever form they may be.

However, as with everything else of this nature, the real criminal is not the person who takes the drugs. There may be in the mind of the transport driver a feeling that he must take such stimulants for economic reasons. In some cases it may be that he must work long hours to retain his job or to carry out some contract he has made either as an owner-driver or as the employee of a transport firm, so that his feeling of need for the stimulant cannot be classed as criminal. To me, the criminal is the person who supplies the stimulant. He is motivated purely and simply by a desire to make money out of the other person's need.

I trust that the penalties provided in the Bill will be applied with great severity to those who manufacture these stimulants for sale to transport drivers, teenagers, or anybody else. Manufacturers should be brought under the legislation as well as the suppliers, whether they operate in hotels or in the streets, or are recognised chemists trading normally.

I think the Minister mentioned a case in which a supplier to a transport driver was fined $80. In this case there was no doubt that the person concerned—he sold the pills to a detective—was not motivated by any desire to assist transport drivers but simply wanted to make an enormous profit out of what he thought was the need of a transport driver. I feel that these are the guilty people in this business. Without them there would not be any necessity for this type of legislation, and we must consider whether this legislation will provide a complete answer to the problem.

When this Bill is passed, I think the Minister should pursuade his Cabinet colleagues in certain other portfolios to take action to ensure that transport drivers can earn a reasonable living by working the normal working hours laid down in awards. The taking of these drugs is dictated largely by the fact that they are required to work long hours to make a living. The Opposition has no brief for the greedy person who works long hours for the sole purpose of getting a return for his labours out of all proportion to that laid down for normal hours in the particular calling, but I think we should take legislative action to ensure that the honest employee who is prepared to work his full hours according to the award, or who is prepared to work a reasonable amount of overtime, is not forced by the employer to work outside of those hours in order either to earn an excessive amount for himself or to allow the employer to make an excessive profit. I hope this legislation is successful. We have to watch that the greedy transport operator does not continue to endeavour to get the same results from his employees by coming up with some new gimmick equally dangerous, or even more dangerous, to the welfare of the public.

If an industry cannot stand on its own feet and operate efficiently with normal profits, without forcing those who work in it to break laws and take stimulants that interfere with their normal health and the welfare of others, we must take appropriate action.

In the main, the road transport operator is operating in competition with the State railway system. Although we are great believers in the advancement of the State's railways, I do not think anyone would urge that one or other form of transport should be closed down. The railway system certainly should not be allowed to be adversely affected by the action of some transport companies in demanding that their employees virtually cut costs for them by working long hours under conditions that are likely to jeopardise their health.

At this stage, without having seen the Bill, we accept the Minister's introduction of it and the reasons for it. We look forward to seeing its provisions and trust that it will cover not only transport drivers, teenagers and others who might be tempted to use these stimulants but also those who illegally supply them.

Mr. SHERRINGTON (Salisbury) (11.52 a.m.): Every citizen will welcome the measure before the Committee in the hope that through this legislation there will be a means of curbing the tendency to resort to stimulants, whether it be by a transport driver, a student or a venturesome youngster who, in the American expression, takes drugs for "kicks". I do not think there is anything more distressing than to read that young people in the community are indulging in this type of recreation. It certainly is necessary to take the strongest possible action to make it unprofitable for people to peddle these drugs.

The Leader of the Opposition mentioned transport operators. This is a problem that has exercised the minds of officials of the Transport Workers' Union for a considerable time. Various factors in the transport industry make it necessary for operators, particularly interstate operators, to travel long distances at a time. Many of the owner-drivers have had to pay rather severe penalties for road transport tax breaches, and so on. Because of their large capital investment it is necessary that they operate their trucks as much as possible and obtain as much loading as possible. When the driver is the employee of a company, very often economic circumstances make it necessary for him to obtain as great a reward as possible for his labours. Whatever the circumstances, this all adds up to the eventual fatigue of the driver. Unfortunately, when the operator approaches this condition, it is all too easy for him to attempt to go a few extra miles and thus make a few extra dollars by turning to the use of some drug that will permit him to carry on, despite the weariness from which he is suffering. From this relatively simple

start—although it may not be the complete addiction that we tend to associate with drugs —there comes a time in his life when he has recourse to these drugs, merely through habit.

I often feel that the same comments apply to other than the dangerous drugs; I refer to headache powders, and so on. In this respect, I am disturbed by the continuing upsurge in advertising. Television programmes are completely riddled with advertisements stressing the need for headache powders or pills. We see a salesgirl or an office worker with a look of agony on her face, and almost instantly, following the use of some of these proprietary lines—many of which cost only a few cents—she seems to undergo a magical cure which enables her to continue with her work. I am disturbed at this practice. It is akin to psychological warfare, urging people to take advantage of the supposed benefits to be derived from headache powders. It is wrong that we have not taken action to curb this sort of advertising. There is no doubt that television creates quite an impression on some people, and we should look closely at the advertising of these stimulants, as they might be called, so that we may combat the ever-increasing tendency for the population to become a nation of pill-swallowers.

Those comments bring me to a matter raised by the Minister during his introductory speech in reply to an interjection, when he said that the Act had not been reviewed for some time. I am not trying to score politically on this count; very often an Act that is designed to take care of the circumstances existing at the time becomes redundant within a short time because of great advances made in the field, in particular, on this occasion, the field of medicine.

The Minister referred to the upsurge in the use of barbiturates and so on in a relatively short time. In the light of his remarks, it would be a good idea to have a continuing review of the Act. I know that in many departments it is all too easy for some of these matters to be overlooked, but there is a need for a continual review of drugs.

In introducing the legislation the Minister told us he was disturbed by what appeared to be the leniency of the presiding magistrate in the case he detailed. However, on examination he found that the magistrate had imposed the penalty in accordance with the provisions of the Act. He said that he felt this needed review, and certainly it does.

One of the problems confronting the transport industry—and this is the view held by trade union officials—is that very often it is impossible to curtail the actions of the people who peddle these pills, inasmuch as they have no tie-up with the industry. I do not know whether it is widespread, but the union has told me that that has been one of the problems over the years. The lightness of the penalty has resulted in these people considering it to be a licence to continue their operations. If the Bill achieves the desirable result of curtailing the activities of these people, everybody in the transport industry will welcome it, as we in the Opposition do.

I shall leave any further comments until the second reading of the Bill.

Mr. HANSON (Port Curtis) (12 noon): I wish to add a few remarks to those already passed on this measure. Like the Leader of the Opposition, I think it is a move in the right direction. Anything that acts as a preventive against the wide-scale use of these dangerous drugs merits the support of hon. members on this side of the Chamber. Nothing touches the sympathetic chord of the humanitarian more than the sight of a confirmed drug addict.

Like many other measures of a similar nature, this Bill proposes to increase the penalties for the misuse of certain drugs, and to bring them more into line with the huge pay-off and the huge amounts of money involved in this traffic. As the hon. member for Bundaberg said, it will probably be regarded by pedlars simply as an increase in the licence fees they have to meet. That attitude is very much to be regretted.

For some time I have thought that we in this country—I am speaking of the States collectively and not of Queensland individually—have not provided sufficient safeguards in this respect because we have broad, open spaces. We should do something in line with the admirable safeguards provided to ensure air safety in this country. We should have more safeguards for the control of these drugs. More cases are heard by the courts these days than in the past because, as the Minister said, many more dangerous drugs are coming onto the market, and as the occasion arises, it is time, as the boxer says, to put up our guard. There should be no limit on the amount appropriated from government sources to provide more safeguards in this State to control the large increase in the use of certain drugs.

I am pleased that the department is coming into line with the comments passed and the standards laid down by the World Health Organisation. I have spoken in this Chamber several times about ship quarantine requirements, particularly on the necessity to guard against the introduction of exotic diseases, mainly from eastern countries. We are not doing enough in this country to ensure that drugs, and dangerous drugs at that, are not introduced by ship. Through this channel any amount of dangerous drugs could be entering Australia. If they are not for actual use in this country, then Australia is being used by some narcotics ring as a springboard or some sort of distribution centre.

I believe that more vigilance should be exercised at many of our ports than is the case at present. At many ports one can walk along the wharves at any time, and no thorough search is made of seamen leaving ships. With its limited personnel, and the

quite obviously limited amount available for investigation work, the Customs Department does a very good job, but it is completely insufficient when one considers Australia's growing trade with eastern countries and what this increasing contact with the East could mean at our ports. I suggest that when he is deliberating with his Federal counterpart the Minister could well make the point that the degree of vigilance exercised towards overseas shipping is not what could be regarded as the ultimate. I think that would be recognised by all.

The Leader of the Opposition and the hon. member for Salisbury referred to the use of "pep" pills by truck-drivers. The hon. member for Salisbury mentioned the concern felt over this matter by the Transport Workers' Union. It is very much to be regretted that it seems to be difficult to form these drivers into a very good and strong trade union, or branch of the Transport Workers' Union. Many of them are not staunch unionists, and some transport operators are taking advantage of that and asking them to work long hours and perform tasks that are well-nigh impossible, or certainly close to the limits of physical endurance.

This is not a good state of affairs, because if drivers are taking drugs they are a definite menace on the roads. I think that, as a means of keeping the roads safe, transport operators should be forced by the Government to see that their drivers periodically receive rigid medical examinations. Surely in this scientific age there is some means of measuring addiction to barbiturates, tranquillisers, or whatever drugs are being used as "pep" pills. Transport companies should be responsible for ensuring that their drivers are not addicted to drugs before allowing them to drive their vehicles on the public roads. I have heard it said that such drugs are completely harmless and can be consumed without fear of physical or mental upset. To me, that is a lot of rot, and I have certain medical opinion which I could quote to support me.

It is also the responsibility of the Government to see that students are made increasingly aware of what can happen to those who become addicted to some of the new drugs now coming on the world market. In years gone by, when very few drugs of this type were available, medical practitioners had to treat some people for drug addiction. But private medical practitioners throughout the country, many of whom graduated a number of years ago, would have great difficulty in prescribing correctly for people who are addicted to modern drugs.

I believe firmly, also, that the Department of Health should undertake a campaign, particularly during Health Education Week, which is well worth while, to impress upon members of the public that the surest way to keep away from drugs is to have plenty of good, plain food. I think the advantages of that should be recognised universally.

I have no further comments to offer at this stage. It seems to me that the proposed Bill is a step in the right direction, and I hope that its provisions will have many beneficial effects in correcting addiction to dangerous drugs.

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (12.12 p.m.), in reply: It appears that there is virtual unanimity in the Committee on the wisdom of introducing the Bill, and that makes my task very easy.

The Leader of the Opposition made a number of very helpful comments, and I think I should refer specifically to one or two of them. I was interested in his suggestion that in some cases the use of "pep" pills by truck-drivers could be attributed to the pressures applied by their employers. Both the hon. member for Salisbury and the hon. member for Port Curtis made a similar suggestion, and the secretary of the Transport Workers Union has been reported in the Press as having made comments to that effect. It is possible that the suggestions they have made may be true; but I say to the Committee that I know that a substantial number of employers are very happy at the prospect of the introduction of the proposed Bill.

Mr. Houston: I am not disputing that.

Mr. TOOTH: Undoubtedly there is a measure of blame on all branches of the industry for the misuse of the drugs. It is not inconceivable that some drivers have specific reasons for moving their vehicles a little more rapidly over the routes they are covering than is laid down by a time-table. Some of those reasons of a personal nature might be quite valid; others might not be quite so valid. It is very difficult to make any general assessment of the reasons for this; the problem is fairly complex. It is an industrial problem, and my province is to place before the Committee not remedies of an industrial nature but provisions that will ensure that drugs of this type are no longer available with the comparative ease with which they can be obtained at present. As one hon. member opposite said, the minor penalties now provided amount almost to a licence for the use of such drugs; but the penalties mentioned in my introductory remarks, which will be before the Committee when the Bill is printed, will make it quite clear to all and sundry that the Government's intention, and the Legislature's intention, when the matter is finally determined, is that there shall not be any light-hearted treatment of the problem.

Then, of course, it will rest with members of the judiciary and the law-enforcement agencies as to the extent to which the added powers given to them are used. I, and, of course, the Government, trust that both of those bodies will take quite definite steps to see that this relatively dangerous situation is contained.

There was a reference by the hon. member for Salisbury to over-medication generally in this day and age. Of course, this is perfectly true and, indeed, it was the theme of the talk given by Sir Derek Dunlop to which I referred earlier, when he said, "Potent drugs are being used far too much nowadays for non-specific and often trivial reasons." I think Sir Derek was directing his remarks to the medical profession itself, but that is outside the ambit of our consideration at the moment. Undoubtedly it does apply when a quite nefarious use of these drugs takes place, and it is to curb this that we submit this Bill to the Committee for approval.

Motion (Mr. Tooth) agreed to.

Resolution reported.

FIRST READING

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

MARKETABLE SECURITIES BILL

INITIATION IN COMMITTEE

(Mr. Campbell, Aspley, in the chair)

Hon. P. R. DELAMOTHE (Bowen—Minister for Justice) (12.19 p.m.): I move—

"That a Bill be introduced relating to instruments of transfer of marketable securities and for incidental and other purposes."

This Bill is fairly technical and is complementary to the Stamp Duties and Another Act Amendment Bill recently introduced by the Treasurer so far as the provisions of the latter Bill relate to stamp duty on transfers of marketable securities through share brokers.

As was pointed out by the Treasurer, the legislation results from proposals adopted by the representatives of the various State Governments throughout the Commonwealth in relation to blocking loopholes which allow Stamp duties to be evaded and from representations made by the Associated Stock Exchanges requesting the introduction of the simplified form of share transfer procedure adopted in the United Kingdom some years ago. The Bill introduced by the Treasurer dealt with the stamp duties side of the problem. This Bill deals exclusively with the transfer of marketable securities.

The views of the Associated Stock Exchanges, the Australian Bankers' Association, the Australian Finance Conference and the various legal bodies were given due consideration.

The financial implications of the proposed legislation have been explained at length by the Treasurer. The present system of levying stamp duty on transfers of marketable securities is related to the State in which the particular security is registered. The new system will provide for stamp duty to be levied on sales and purchases of marketable securities or rights in respect of marketable securities through stockbrokers in the State where the sale or purchase is made. Apart from revenue implications, which is the concern of the Treasurer still, it is hoped that the simplified form of share transfer procedure for which the Bill provides will greatly speed up the handling of share transactions.

The common form of transfer in use has imposed procedures on investors, companies and sharebrokers which are lengthy and cumbersome. The form of transfer and the practices of all parties associated with it arose from an era which was much more leisurely and when the numbers of share transactions were much smaller than today. The originators of the system did not envisage the colossal growth of the joint stock company and the consequent turnovers of the modern Stock Exchange. Further complications are added by the introduction of stamp duty on instruments of tranfer which differs from State to State and also by the necessity for interstate company registers.

The new system of transfer of securities and rights relating to securities is designed to achieve a substantial reduction in delay by the following means—

1. Less handling of documents for any one transaction;

2. Reduction of the time required to deal with documents for all parties involved in a transaction; and

3. The elimination of practices now considered unnecessary.

The new system of transfer of marketable securities was introduced in the United Kingdom in 1963. The English legislation was introduced with full Treasury approval, and has proved acceptable to the Stock Exchange and industry. The English legislation, which relates to fully paid marketable securities, was passed following the Report of the Committee on Transfer of Securities by the Stock Exchange, London, issued in December 1960.

The basic features of the simplified system of transfer are the dispensing with signatures of transferees and the facilitation of dealings where a parcel of shares is sold in smaller parcels to various parties.

The new transfer procedure is restricted to sales and purchases by brokers made in the ordinary course of business of the broker for a consideration not less than the unencumbered market value. Any transaction outside that strictly limited field will still follow the present system.

The new system is restricted to marketable securities and rights in respect of marketable securities of a company that is a company incorporated in Queensland under the provisions of the Companies Acts, 1960 to 1964, or pursuant to any corresponding previous enactment, and of prescribed corporations. These corporations will be described by name from time to time. As experience is gained in the use of the new procedure, the simplified transfer procedure may be extended to

other corporations by prescribing such to be corporations for the purposes of the legislation.

The Bill deals with four different situations—

1. Transfers of fully paid marketable securities;

2. Transfers of marketable securities with an uncalled liability; that is, partly payable securities;

3. Renunciation and transfer of rights in respect of marketable securities where the whole of the money to be subscribed for the marketable security to which the right relates is payable in full on application being made therefor; and

4. The renunciation and transfer of rights in respect of marketable securities where the whole of the moneys to be subscribed for the marketable securities to which the rights relate is not payable in full on application being made therefor.

Within each of these four types of transfer there is a further subdivision to cover the following cases—

1. Where the whole of a parcel of marketable securities or rights sold is sold to one purchaser;

2. Where the parcel of marketable securities or rights is sold in smaller parcels to various purchasers.

Where a parcel is sold to several parties a combination of two forms is used. A security transfer form and a broker's transfer form are used.

Previously, where a large parcel of shares was sold in smaller parcels to several parties, each transaction had to be the subject of completely separate documentation. Under the new system, the transferor (that is, the owner selling them) will sign only one document, that is, a security transfer form, and that one single form will be the basis of, or support for, the broker's transfer forms in respect of each of the individual purchasers.

As has been stated above, one of the features of the legislation is the abolition of the necessity for a transferee's signature. The attestation of the signatures of transferors and transferees is also abolished, likewise the necessity for the insertion of the occupation of the transferor or transferee.

Special provision has to be made in the case of transfers of marketable securities with an uncalled liability, and in the case of a renunciation and transfer of rights in respect of marketable securities where the whole of the moneys to be subscribed for the marketable securities to which the rights relate is not payable in full on application.

In such case it is necessary to retain or create a contractual relationship and agreement by the transferees to accept the securities on the same terms and conditions as the transferor held them or, in the case of rights, upon the terms and conditions on which the marketable securities to which the rights relate were issued for subscription and, accordingly, in such cases, the usual transfer documents must have endorsed thereon or attached thereto a duly completed instrument in the form prescribed in the schedule to the Bill by which the transferee gives the necessary undertakings to safeguard the company whose securities are in question.

Section 95 of the Companies Acts, 1961 to 1964, provides that, notwithstanding anything in its articles, a company shall not register a transfer of shares or debentures unless a proper instrument of transfer has been delivered to the company, but the subsection does not prejudice any power to register as a shareholder or debenture-holder any person to whom the right to any shares in or debentures of the company has been transmitted by operation of law.

The Bill accordingly provides that the forms prescribed in the schedule to the Bill, when duly completed according to the circumstances, are proper instruments for the purposes of section 95 of the Companies Acts, and for the purposes of any other Act and any memorandum, articles, trust deed, or other instrument governing or relating to the transfer of the marketable securities in question.

As mentioned previously, the necessity for the transferee's signature is abolished and the prescribed instrument is deemed to have been duly executed by the transferee if the instrument states the full name and address of the transferee and bears a stamp purporting to be that of the transferee's broker.

Where there is an uncalled liability the necessary contractual nexus is created by requiring the transferee to complete an appropriate form prescribed in the schedule, which must be endorsed on or accompany the forms required in the case of fully paid securities. In the cases where there is no such uncalled liability, the Bill, by appropriate provisions, creates a contractual nexus between the transferee and the company whose marketable securities are in question.

Although a security transfer form requires the signature of the transferor, it is not a proper instrument until it bears the transferor's broker's stamp. Upon the application of that stamp the transferor's broker is deemed to have certified the matters set out in the certificate of the transferor's broker set out in the prescribed instrument, that is, the validity of documents and the payment of stamp duty.

By the application of the transferor's broker's stamp, the transferor's broker is deemed to have warranted that the transferor is the registered holder of or is entitled to be registered as the holder of the marketable security or the right in respect of the marketable security in question.

By virtue of the transferor's broker's warranty, he indemnifies the company which has issued or proposes to issue the marketable security that is the subject of the prescribed

instrument, the transferee and the transferee's broker against any loss or damage arising from any forged or unauthorised signature of the transferor appearing in the instrument.

Where a prescribed instrument that bears a stamp purporting to be the transferor's or transferee's broker's stamp is lodged with a company for the purpose of registering a transfer of a marketable security or the allotment of any marketable security to a person in whose favour any right to the marketable security has been renounced or transferred, the company and any officer of the company, in the absence of knowledge to the contrary, is entitled to assume without inquiry that the stamp is the stamp of the transferee's broker or transferor's broker, as the case may be, and where the stamp purports to be that of the transferor's broker to have the benefit of the broker's indemnity referred to previously.

The Bill will save the right of a company to refuse to acknowledge or register a person as the holder of any marketable security on any ground other than the form in which such security purports to be transferred to him.

The Bill specifically provides that transfers under the new procedure are without prejudice and in addition to any other form of transfer of marketable security or form of renunciation and transfer of rights in respect of marketable securities or mode of execution of such instruments that is otherwise permitted by law.

Transfers of marketable securities, other than in the normal course of a broker's business for full unencumbered market value, will still be required to follow procedures presently in use and to be stamped as formerly provided.

An authorised nominee corporation will be permitted to transfer fully paid marketable securities without the necessity of obtaining the transferee's signature. Such an instrument of transfer shall be deemed to have been duly executed by the transferee named therein if the instrument states the full name and address of the transferee and bears a stamp purporting to be that of the authorised nominee corporation against the name of the transferee.

In the United Kingdom, special arrangements are made between brokers and nominee companies for the processing of such transfers. This arrangement will facilitate transactions where a nominee corporation is the purchaser. However, no special provision is made for the stamping of instruments of transfer by nominee corporations under the new system. Such documents will require to be stamped in due course in the Stamp Duties Office in accordance with the presently existing procedure. Where, as will be most usually the case, such a transfer is to beneficial owners of the shares, the duty payable thereon will be nominal.

Apart from revenue implications included in the Treasurer's Bill, the importance of which needs no emphasis, and having regard to experience obtained from the use of the system in the United States of America and the United Kingdom, the simplified procedure laid down in the Bill will greatly facilitate transfers of marketable securities and the renunciation and transfer of rights in respect of marketable securities.

I commend this highly technical Bill to the Committee.

Mr. HANLON (Baroona) (12.37 p.m.): As the Minister has pointed out, the Bill is virtually a brother-in-law, on the machinery side, of the Stamp Acts and Another Act Amendment Bill recently introduced by the Treasurer and now awaiting its second reading. The Bill now before the Committee is, however, from the Opposition's point of view, quite distinct from the previous one. As Opposition members indicated during the introductory stage of the Stamps Act and Another Act Amendment Bill, we did not, on the Minister's explanation, take great umbrage at what he proposed in an endeavour to close loopholes of which people were taking advantage by interstate trading and the use of a Canberra register. Although we approved of such corrective measures, we were obliged to oppose the introduction of that Bill because overriding the other provisions contained in it was the imposition of stamp duty on motor-vehicle sales and workers' compensation premiums, with which we were not prepared to be associated.

The Bill now before the Committee is a very technical Bill relating to the less controversial element of the Stamp Acts and Another Act Amendment Bill. The Opposition is ever-ready at all times to assist in closing loopholes of which people take advantage quite rightly, to the extent that what they do is legal, in an endeavour to escape the payment of duty not only to this State but to other States as well. The Bill is the result of a series of conferences to sort out and deal with problems of interest to all States, with some assistance, although perhaps not as much as required, from the Commonwealth Government in the matter of Canberra registers.

I also think it is desirable, as the Minister is endeavouring to do in the Bill, to simplify procedures as much as possible. Bearing in mind the experiences in recent years with some joint stock companies, the difficulty is to ensure that simplification does not open avenues for the clever people who are always ready to exploit them.

I think the Minister will agree that, although one does not agree with their tactics or that they show any integrity or morality, one has to acknowledge that they endeavour to match as best they can the skill and wit of the Government's advisers and draftsmen in trying to prevent them from doing certain things. The parliamentary draftsmen have a very difficult job, and they are often criticised for the involved wording they have used, particularly when

it is found that the barriers they have created have been invaded. It should be remembered that Governments have a limited staff of draftsmen and skilled legal advisers who endeavour to raise the barriers that the Government requires. On the other hand, there are untold numbers of people outside the Government service who are endeavouring to find ways through the barriers. If all the people who are now endeavouring to get round the provisions of the Act could be brought into the service of the Government and the Government's advisers and draftsmen could be placed outside to reverse the odds, I do not think the Government would have much to worry about in the field of revenue. But the odds are very much against the parliamentary draftsmen in what they do, and although we may be critical at times of some aspects of their drafting—the Opposition reserves the right to be critical if it thinks criticism is warranted—we acknowledge, particularly in the cases with which the Minister is dealing here, that they have a very unenviable task in trying to draw up legislation in a way that will serve the public interest and also protect the revenue.

The Bill is very technical in many ways, and I do not propose to go into the technicalities of it either at this stage or when I have had a chance of seeing a printed copy of it. Any simplification that can be made is desirable, and the Minister has said that certain restrictions are provided for in the proposed Bill. They are to apply to sales and purchases outside market values, approvals of people who will come within the ambit of the Bill, and things of that nature. Apparently the Government and the draftsmen are satisfied that its provisions will not allow people who are buying and selling shares or who are operating in the general field of company law and investment to take advantage of open gates in the field of investment, and that they will not allow rogues to score off innocent people or, perhaps, off people who may be careless rather than innocent.

I agree that signatures are not worth a great deal in preventing malpractices; but they do give a starting point when malpractices occur. The Minister said it was proposed to dispense with signatures of transferees. As hon. members know, the fact that a cheque requires endorsement does not prevent a person other than the payee from endorsing it; nor does the fact that a signature is required prevent a person from putting someone else's name on a delivery docket when goods are received. Although it is important that there should be safeguards when securities are transferred, apparently the Minister is satisfied that certain signatures can be dispensed with. As I said, signatures are worth very little, and if the Minister is so satisfied, the proposed change may have much to commend it other than the loss of deterrent to a person who places an incorrect signature on a document or endeavours to forge someone else's signature and is thereby in danger of having action taken against him if his attempt is discovered.

I think I will confine my remarks at this stage to those matters because, as the Minister said, this is a technical Bill. Without any reflection on the Minister, I do not think even he would have dared to depart from his prepared submission from which he outlined these matters to the Committee. Whilst listening to him the matters appeared to be somewhat unintelligible, but we are appreciative of the fact that he goes to the trouble of outlining these matters even though they cannot immediately be taken in. They become a valuable reference in the second-reading stage, and later after the legislation is passed. People who are interested in the matter can then examine the grounds on which the legislation was introduced. The fact that we cannot absorb immediately what the Minister says does not mean that we do not appreciate what he is putting forward, because it can be studied and examined as the legislation proceeds or in later years.

That, I think, is one of the greatest values of "Hansard", apart from the fact that we as members often use it to try to show that "A" said something different from what he said the year before, and, of course, "B" immediately tells "A" that he did the same thing. Apart altogether from that, "Hansard" often enables us to understand the basis on which amendments to legislation were originated in Committee by the Government of the day.

With those comments, I leave the matter to the second reading.

Mr. W. D. HEWITT (Chatsworth) (12.47 p.m.): I want to make very brief comment on this particular measure. I am pleased that it is introduced in terms of consistency. I have taken the trouble to look up the Act introduced in the Victorian Parliament earlier this year and on comparing it with the explanation that the Minister has given us, it seems that it is completely in line. I have always thought that there should be consistency in commercial practices in all States of the Commonwealth, and this measure is another step in that direction.

The hon. member for Baroona quite rightly mentioned the possibility of people exploiting certain situations. I point out to the hon. member, and to the Committee generally, that this measure is implemented largely as a result of representations made by the Associated Stock Exchanges and that, in fact, it is the stockbrokers who will assume greater responsibility under the sections of this Act when it becomes law. Their record for many years, particularly during the history of crashes that we have seen recently, has been impeccable. They stand out these days with a very fine record, and if stockbrokers are prepared to accept this additional responsibility in respect to the negotiating of these documents, I feel we can be assured that it is quite safe.

I was slightly fascinated by one aspect of the Bill in that it is no longer necessary for a transferee to sign the document.

However, once a transfer has been effected, the transferee might decide to sell so, in the course of time, he becomes the transferor. Therefore, whilst the law does not insist upon the company getting the signature of the transferee, the company itself, at some time in the future, would have to get a specimen signature to cover the situation when the transferee becomes the transferor. Apparently that is a matter that can be covered by commercial practice and it is not necessary to cover it by legislative procedure.

I repeat, I am pleased to see that here again we have consistency in measures introduced in the various States, and I commend the Bill for the support of members of the Committee.

Mr. BENNETT (South Brisbane) (12.49 p.m.): I share the views of other speakers who have commented on the desirability of consistency. We are often told that the various State Attorneys-General meet together from time to time in order to bring about consistency in the various laws and that they make recommendations to all State Governments. To some extent, of course, they have been successful in achieving that purpose. Very often their most successful field has been the one in which the interests of the Governments themselves have been at stake.

I cannot help thinking that on this occasion one of the fundamental reasons for the introduction of the Bill is that Government revenue is under consideration. The action taken to co-relate this field to the Stamp Act and make it consisent with the various Acts in the other States is designed largely or fundamentally to swell Government revenue. Although I suppose it is necessary to have consistency in that field, I am hoping that these meetings of Attorneys-General will do something about protecting to a greater extent the interests of shareholders and investors.

Comparatively recently we spent a lot of time introducing through the agency of this Parliament a brand-new Companies Act to provide consistency with the Companies Acts in the various other States. Unfortunately, interstate shareholders in the various companies do not get very much protection from the new machinery. I pointed out at the time—no doubt with the passage of this Bill dealing with marketable securities the situation will not alter—that when an interstate company crashes or gets into difficulties the Registrar of Companies in this State is almost powerless to assist Queensland shareholders.

I speak on behalf of those small investors who have only a limited amount to invest and have invested it in one company; in effect, they have all their eggs in one basket. I am not greatly concerned about the stockbrokers or the professional investors who are prepared to gamble on the stock market. They take the good with the bad and, unless their luck is out completely, they expect that in the main they will come out financially successful. However, my heart grieves for the small investor who, after having worked hard in a humble occupation all his life, invests his money in a company as the result of a shrewd advertising campaign only to find subsequently that the so-called marketable securities that he bought with his life savings have become worthless to him because he is powerless to follow them if he has invested in a company in another State. I refer, for instance, to a proprietary company that has fallen on bad times or, for that matter, not necessarily fallen on to bad times because many spurious agents have come here from the South and floated questionable companies.

This has happened so much that it must surely become a source of great concern to those who are interested in protecting the money of these investors. The southern agents come to Queensland and float a company for a venture that cannot possibly be successful, but because of their skilled advertising campaigns, and because of the technique of the fellows who sell the shares in the company, the unskilled investor—the one I am worried about—very often is enticed to invest his money in it. If it is a proprietary company it does not have to register its Articles of Association in Queensland at all; it does not have to register its Articles of Association with the Registrars of Companies in other States. If the investor is not getting dividends and he thinks his securities are in jeopardy, he cannot check with the Registrar in his State. He is told that he can easily check on his rights by perusing the Articles of Association at the registered head office of the company, say, in Victoria or New South Wales.

The humble investor whose money is obviously gone and who wants to satisfy himself as to the company's stability, has either to spend more money by paying professional and legal men to make a search of the Companies Office in the State where the company is registered, or alternatively, go there himself. That system is not entirely satisfactory.

At a stage like this, when there is a deliberate bid for consistency, the law should be amended in such a way that the Registrar of Companies, by a tie-up under the Acts, should have equal authority in the various States to protect the people he is supposed to protect. At the moment the Registrar of Companies in Queensland certainly has a fair amount of power and influence over companies that operate solely and entirely in Queensland, but he is virtually powerless to protect investment by Queenslanders in companies outside the State. This is important and the various State Ministers should try to make their Acts completely consistent. Surely by way of machinery procedures a desirable system could be introduced whereby the Registrar of Companies in Queensland could demand all the essential material for Queensland investors who want to invest in other States.

The hon. member for Baroona referred to malpractices. There is provision in the Companies Act, and other Acts dealing with marketable securities, to cover malpractices. But when it is all boiled down, the only instrumentality that can look into these affairs at the moment is the C.I. Branch. Its members are the only ones in any way equipped to make the necessary inquiries into malpractices in companies, but they are also charged with the general investigation of all types of crime in Queensland. Some of them are very skilled, but they are not always skilled in the highly technical field of marketable securities. Such an investigation and the prevention of malpractices should be carried out by men specifically trained for it. The average police officer from the C.I. Branch does not, cannot and could not follow the share market. He is not in a position to study activities in the financial field of company law whereas, of course, the Registrar of Companies is. However, the Registrar has his hands tied in that his staff is so limited. Even if he suspects malpractice by certain companies he has not the necessary men, or the facilities, to carry out adequate investigations. I do not suggest that this situation is peculiar to Queensland; in fact, I know that it applies elsewhere in Australia.

When people have been fleeced of millions of dollars that they have invested, Governments in the various States have been galvanised into action and have appointed professional experts—sometimes a barrister—to make specific inquiries into the nefarious practices of the companies concerned. That is all very well, but more often than not—in fact nearly always—the investigation comes to naught and the people lose their money when their marketable securities become valueless. Their only redress is to send some dishonest company director to gaol or, alternatively, take the small amount of money left available to them.

[*Sitting suspended from 1 to 2.15 p.m.*]

Mr. BENNETT: We are improving our reciprocity in interstate revenue dealings. I presume from the Bill that we will follow the United Kingdom system and endeavour, wherever possible, to get revenue on interstate and overseas dealings in marketable securities at the time of execution so that there can be a completion of the transaction at the time, thus avoiding the necessity of stamping at all.

For the reasons I mentioned before the luncheon recess, I am sure that we have not the facilities to police the relevant legislation to ensure that we are getting the just and proper amount of duty on these documents, nor are we in a position to examine the transaction further to see that there is in fact no malpractice. The only effective weapon for policing these documents is what is known as ad valorem, which means that the documents cannot be used unless they are stamped. But of course many documents that are executed—in fact, the majority of them—never have to be used in court because the parties to them do not become involved in litigation. Therefore the people concerned do not necessarily have to meet their stamp-duty obligations on those documents. If the time arises that it is necessary to produce those documents in court, they can be produced provided an undertaking is given by the legal representatives that the stamp duty will be paid. Therefore, that effective weapon applies only to a limited category of documents, and even then it is not a very efficient weapon because the Act can be complied with at the last minute.

The provisions of the Stamp Act are being avoided in many cases by those who are most able to pay. I refer in particular to the big chain stores operating in Queensland. This practice has been adopted to a greater extent since Queensland firms were taken over by southern interests. No doubt those firms pay legal men high fees to discover ways and means of avoiding their obligations under the particular legislation. I refer in particular to Waltons Ltd. and other firms that avoid their obligations under the Stamp Act relative to what are known as "add on" agreements or documents. Those documents continue on and on indefinitely, and at the best only one amount of stamp duty is paid on them. The documents are there in perpetuity to be used by these stores in the marketing of their merchandise. Only the initial amount of duty is paid on the security.

I could refer, of course, to the documents that various hawkers get their customers to sign as they travel throughout the length and breadth of the State. It is also necessary to watch the interstate hawkers who, like commission agents on the Gold Coast, come here mainly with the intention of fleecing Queenslanders. The authorities have not the facilities to police the documents signed by the hawkers' customers, or the conduct of the hawkers. From what I have seen in recent years, there are so many hawkers with convictions that it seems to have reached the stage where a conviction is necessary before one can obtain a hawker's licence in this State.

The TEMPORARY CHAIRMAN (Mr. Hodges): Order!

Mr. BENNETT: That was merely a passing observation, Mr. Hodges. My point is that very often the hawkers think little of their obligations to the State by way of ad valorem duty, let alone their responsibilities to the people with whom they are dealing. In this field the Minister could well adopt my submission and arm a State instrumentality within the Public Service with the necessary staff and facilities to police this branch of economic activity, because it is the one in which there are at present the most malpractices. It is a field in which we do not seem to be able to provide safeguards for innocent people who are prepared to believe that all who call at their doors are honest.

Such a policing authority could be set up in the office of the Registrar of Companies, or some more appropriate section. (Actually I do not know if there is a more suitable place than the office of the Registrar of Companies.) The establishment of such a body within the framework of the Public Service would safeguard members of the public who sign security documents too readily, and would also recover its own cost by ensuring the collection of duty that would otherwise be avoided by questionable practices.

I feel also that Queensland Trustees Ltd., The Union-Fidelity Trustee Co. Ltd., and the unit trust organisations could also be given a little raking-over by a State authority in connection with their registers and trust documents so that they also would be forced to abide by the legislation governing the payment of duty. At the same time, their dealings in securities could be closely examined.

I was very interested to hear the Minister say that in the case of all, or at least some, marketable security documents, the transferee will not be required to sign them in order to have transfers effected. I suppose that may be desirable to some extent. I expect that an opportunity will be given to examine more closely the effect of this change in relation to charging the transferee with any obligations he may have under the marketable security.

It is perfectly obvious to the Minister and to other hon. members that the easiest means of forcing a person to carry out what one alleges is his contractual obligations to produce a document that he has signed. It is very difficult for him to deny—in effect, the law says he cannot—the truth of the factual statements contained in the document if he signed it voluntarily and if, of course, he had the opportunity of reading it. But if he has not signed a document that creates certain obligations to the State and to others, it might well be that it will be difficult to force him to comply with the agreement.

Ad valorem duty is chargeable not on the transaction but on the document itself, and over the years the courts, including the Supreme Court, the High Court, and the Privy Council, have been engaged on many occasions in deciding whether an earlier oral transaction has merely been recorded in a document or whether the document itself creates the particular conveyance. That is a question of fact. The authority in Queensland who is called upon to decide that difficult question—on many ocasions it is a very difficult question—is the Commissioner of Stamp Duties. Legal precedents indicate that on many occasions over a long period of years he has had much difficulty in deciding the complicated question of fact—it is not really a question of law; it is a question of fact—whether a document is merely recording a prior oral agreement, which is not subject to stamp duty, or whether the document itself is the agreement that creates the conveyance. As I said, the stamp duty is chargeable not on the transaction but on the document itself, which makes the whole question rather complicated.

That confirms my original submission that this particular field of revenue production is well worthy of better policing. Staff should be appointed whose time is completely devoted to that policing, not only in the interests of the State, which would receive extra revenue to compensate it for the salaries involved, but in the interests of the comfort and protection of the people of Queensland, who so readily rush into the signing of security documents and find later, much to their sorrow, that they have saddled themselves with an obligation that they cannot meet and have entered into contractual obligations that they do not want.

Although Queensland continues to improve and correlate its legislation with legislation in other States, it will continue to lose the force and effectiveness of that legislation unless and until there is an adequate police force—I use that term in a general sense—to enforce the terms of the legislation that is being made efficient.

Hon. P. R. DELAMOTHE (Bowen—Minister for Justice) (2.29 p.m.), in reply: I thank hon. members opposite for their contributions to the debate, although much of what they said was irrelevant. When the Bill is printed, the hon. member for South Brisbane will see that it is strictly limited to a particular subject—the peddling of transfers and marketable securities. I thank the hon. member for his Cook's Tour. Perhaps when he reads the Bill he will make up for it with a very short speech on the second reading.

Motion (Dr. Delamothe) agreed to.

Resolution reported.

FIRST READING

Bill presented and, on motion of Dr. Delamothe, read a first time.

CITY OF BRISBANE ACTS AMENDMENT BILL

INITIATION IN COMMITTEE

(Mr. Hodges, Gympie, in the chair)

Hon. H. RICHTER (Somerset—Minister for Local Government and Conservation) (2.32 p.m.): I move—

> "That a Bill be introduced to amend the City of Brisbane Acts, 1924 to 1960, in certain particulars."

This Bill is a short measure and I will proceed to give hon. members a resumé of its provisions.

The first amendment contained in the Bill springs from a request by the Brisbane City Council that the council be authorised to fix by resolution the rate of interest payable on arrears of rates. At present, the Acts provide that the rate of interest so payable is

to be determined by the council by ordinance but the rate cannot exceed 5 per centum per annum.

Under the Local Government Acts, local authorities are empowered to determine by resolution the rate of interest payable on arrears of rates up to a maximum of 6 per centum per annum. We feel that the Brisbane City Council should be placed in the same position as local authorities outside Brisbane in this matter and provision to that effect is made in the Bill.

The next amendment contained in the Bill is in relation to section 55 of the principal Acts which requires the council, every five years, to prepare and print a book containing the provisions of the Acts as then in force and all subsisting proclamations, Orders in Council and ordinances made under the Acts. The section requires the book to be certified as correct by the Lord Mayor and the Town Clerk or other authorised officer, and it provides for copies of the book to be available for purchase by interested persons. To my knowledge, no book has been prepared and printed in accordance with the requirements of this section.

Mr. Bennett: Never!

Mr. RICHTER: Not to my knowledge.

In a recent judgment, the Full Court of the Supreme Court of Queensland upheld the decision of a stipendiary magistrate to reject a prosecution launched by the Brisbane City Council for an alleged breach of an ordinance of the council relating to the licensing of advertising devices. The decision of the magistrate turned on the fact that there was no proof that the particular ordinance was in force at the relevant time. The situation arose from the failure of the council to comply with the requirement of section 55 of the City of Brisbane Act that it prepare and print the book to which I have already referred.

Prior to the decision mentioned, the Council relied for the proof of its ordinances on ordinance 67 made in 1949, which provided that "a copy of any printed paper purporting to be or to contain any Ordinance made under the City of Brisbane Acts for the time being in force and purporting to be printed by the Government Printer shall be prima facie evidence of the due making and existence thereof and of all preliminary steps necessary to give full force and effect to the same and of the contents thereof." The aforementioned prosecution was launched by the council in 1962, and the effect of the judgment is that, since section 55 has not been complied with by the council, it could not rely on ordinance 67 for the proof of the relevant ordinance for there was no proof that the particular ordinance was in force.

Since the aforementioned decision, it has been the practice of the council, when launching a prosecution for a breach of its ordinances, to subpoena an officer of the Department of Local Government for the purpose of his giving evidence to prove the existence of ordinance 67. The officer gives evidence that, according to the records of the department, that ordinance is still in existence. As hon. members can imagine, this practice is very inconvenient to the department, and it is felt that steps should be taken to enable its discontinuance.

In order to do this, the Bill repeals the present section 55 and inserts two new sections in its stead. The first section requires the council, on a date to be fixed by the Governor in Council by Order in Council, and once at least in every period of five years thereafter, to publish, in such form and manner as the council determines, a reprint of—

(a) The City of Brisbane Acts and all amendments thereto for the time being in force;

(b) all ordinances made by the council for the time being in force;

(c) such proclamations, Orders in Council, rules and directions made under the City of Brisbane Acts as the Governor in Council determines from time to time by Order in Council;

(d) such other Acts or specified parts thereof and such proclamations, Orders in Council, rules and directions made thereunder as the Governor in Council determines from time to time by Order in Council.

The Bill provides that every volume of the reprint must contain a certificate by the Lord Mayor that it correctly sets forth the material contained therein. This is in keeping with the certificate given by the Minister for Justice and Attorney-General in the new series of State statutes at present in preparation. The Bill further provides that any interested person will be able to obtain a copy of the reprint upon payment of the amount fixed by the council by resolution.

Subordinate legislation relating to the affairs of the Brisbane City Council is voluminous, and I am sure hon. members will agree that it is most desirable that such legislation which is of general public interest should be available to members of the public.

Mr. Bennett: It is a pity something is not done to get the book published.

Mr. RICHTER: That is what we are trying to do at the present time. The intention, therefore, is that the Governor in Council will direct the council to publish in the book those Acts and instruments made thereunder which he considers are of general public interest. The Bill requires the council to make the first publication of the book on such date as the Governor in Council fixes—I think this will have to be done within a reasonable time, but we cannot expect that it be done tomorrow—and thereafter the book will be published once in every period of five years.

The second section inserted in lieu of the existing section 55 declares that chapter 67 of the council's ordinances shall be deemed to be in force until the date fixed by the Governor in Council for the first publication of the book. Hon. members will recollect that this is the ordinance which the council relied upon, prior to the judgment of the Full Court, to prove its other ordinances.

This declaratory provision of the Bill will enable the discontinuance of the present practice whereby the council, when prosecuting a breach of its ordinances, subpoenas an officer of the Department of Local Government to prove the continuance in force of chapter 67. This chapter, along with other council ordinances, will, of course, be included in the reprint to be published by the council on the date fixed by the Governor in Council and once at least in every period of five years thereafter. The publication of the reprint in compliance with these requirements will avoid any further difficulties in connection with the proof of the council's ordinances.

The Bill contains the following further provisions—

(a) it requires all proclamations, orders in council, rules, and directions made or given under the principal Acts to be published in the Gazette, to be judicially noticed and to be tabled in Parliament; and

(b) it amends all references to old currency in the principal Acts to decimal currency.

I commend the Bill to the Committee.

Mr. NEWTON (Belmont) (2.42 p.m.): This measure will possibly clarify many of the problems that have arisen in past months concerning the Brisbane City Council. What the Minister has said relative to what has to be prepared, and what has not been prepared, could be directly responsible for the establishment of the present commission of inquiry into matters affecting a number of persons residing in the metropolitan area. If the decisions could have been purchased in book form—it would cover quite a number of important matters—as to what can be done by the Brisbane City Council, probably the problems that gave rise to the appointment of the commission of inquiry to investigate certain ordinances and actions by officers of the Brisbane City Council would not have occurred. I say that because in relation to appeals made to the Local Government Court established by the Minister (whether upheld or dismissed) the appellants are now being called before the commission of inquiry. It has now been sitting for weeks and is costing the ratepayers of Brisbane a considerable sum of money. All this may have been unnecessary if this action had been taken previously. It is also interesting to note that certain officers in the Brisbane City Council have various measures available to them, but they have not been made known. Ordinance officers, when called upon to give evidence, have found that a particular ordinance is no longer in force. That proves the necessity for what the Minister is trying to do on this occasion, namely, tidy up a number of matters which in my opinion should have been covered many years ago, not only by the present Government but possibly back in the days when we were in office. As the Minister has said, the situation has existed for some time.

Mr. Richter: It goes back to 1949.

Mr. NEWTON: That answers the question. The measure seems to be a reasonable one. The Opposition will look at the Bill when it is printed.

Members of the Opposition agree wholeheartedly that the book referred to should be published regularly for purchase by ratepayers and other persons interested in the functions of the Brisbane City Council. It is regretted that this Bill was not introduced earlier in the session, because what the Bill requires will take a considerable time to compile and print.

Mr. Richter: Provision is made for that.

Mr. NEWTON: That has been provided for probably because the Minister realises that in consolidating an Act a good deal of checking and other groundwork must be done to ensure that everything is in order. It must be realised that the Brisbane City Council is going into recess, as we are, and that it will need ample time to carry out the provisions of the Bill. The proposed book must be reviewed every five years. That it a step in the right direction to ensure that this problem will not arise again.

The correctness of the contents of the book must be certified to by the Lord Mayor, irrespective of who he is at the time, so that the public are not misled.

Ordinances and certain other matters will now have to be tabled in Parliament. That is a wise move. It will give this Assembly an opportunity to debate any matters which may not be in the interests of the people of Brisbane or of the Brisbane City Council.

It seems that this Bill is long overdue. I do not intend to make this matter political, especially as the proposed action has not been taken since 1949. During that time there has been a change of Government and there have also been changes in council administration. At this stage we will not commit ourselves to the action we propose to take at the second-reading stage. It is a very important matter which has been introduced in the interests of the people of Brisbane and of the Brisbane City Council.

Mr. PORTER (Toowong) (2.50 p.m.): These are very important amendments to what is without doubt a very important Act. The Minister is to be commended for bringing them down. The City of Brisbane Act has a great deal of application not only to those living in this city but to all the people of the State. It is a

recognised tenet that laws should be such that you can read them as you run, as it were. So far as the various ordinances of the Brisbane City Council are concerned, both known and unknown, one would have to be a miler like Herb Elliott to be able to read them on the run, and the publication of this booklet will undoubtedly go a long way towards providing protection for the people. It is the kind of protection that I should like to see more of in connection with this Act.

In this regard, I should like to make a plea for protection of the City of Brisbane against suffocation. The suffocation that I refer to is the deliberate choking to death of the city by the quite systematic removal of its existing open spaces. I think everybody knows our problem in terms of growth. The recent census revealed that Brisbane, with a population of over 700,000, showed a rise of 23·8 per cent. on the previous census figure.

Mr. Bennett: This has nothing to do with the Bill.

Mr. PORTER: Nevertheless it touches on the City of Brisbane Act, and the matter that I raise is one that comes under the Minister's administration of that Act. I make the point that Brisbane is growing at a rapid rate. As I have mentioned before, it is likely that before the second census from now is taken the population of Brisbane will be over the 1,000,000 mark.

If ever a city needed a crash programme for much more breathing space, it is Brisbane. In fact, we are doing precisely the reverse. Not only are we not getting more open spaces at this point of time, but we are in fact getting rid of those that we already have. I understand that currently the Minister has before him applications from the Brisbane City Council for the rezoning of no fewer than 11 areas that are held in various suburbs as existing and proposed open spaces. There are 5 acres at Rocklea and 11 acres at Darra to go to industry. There is almost an acre at St. Lucia acquired in 1946 for park purposes and now to be sold for residential lots. There is an area of 1¼ acres at Coorparoo to become residential land; 3 acres at Virginia to be sold for residential purposes; 10 acres at Sandgate to become residential land; and 6½ acres at White's Hill and 5 acres at Camp Hill to become residential land. There are 49 acres at Sankey Mountain Estate to become partly a school site and partly available for residential purposes, and 7½ acres at Camp Hill, at Salonika Estate, to become residential land.

This process of alienating open space is only part of the rather cynical process of choking Brisbane to death, because many other areas, whilst not being disposed of, will be used by the council for purposes other than the ones for which they are shown to be used at present. In the list that I have given are more than 100 acres spread over the suburbs of Brisbane presently held for open spaces but soon to be blotted out if the Minister accedes to the council's request. I presume that properly he would be expected to do that.

I know figures can be quoted showing that there is ample parkland and breathing space for all the people in Brisbane. Figures, however, can be misleading because open space has to be available where the people are. It is not much use telling me in Toowong that there is a wonderful park 3 miles way; I have to get there in order to gain any advantage from it. With modern, crowded living, I think that citizens are entitled to have nearby some space, however small, where they can walk in peace and quiet and enjoy a little tranquillity. On the basis of the present proposal, I am afraid that this is never likely to apply in Brisbane.

Private recreation facilities bite into these areas, too. I wonder how much is left of Sir John Chandler Park now that a private golf club has so much of it. It is true that this is a desirable use of land, but the fact remains that most of the land will not be available for the great mass of people.

I wonder, too, to what extent the implementation of the Wilbur Smith Plan will reduce Mowbray Park, Victoria Park, Anzac Park at Toowong, the Association Playground at Paddington—it is marked down for spoiling—the Ekibin Reserve, Fairfield's O'Grady and Robinson Parks, Grinstead Park at Enoggera, and quite substantial reserves at Colmslie, Norman Park, Kalinga, Geebung, and Camp Hill. It is understood that these are going. What steps are being taken to replace them? None at all!

Now, as I pointed out, not only are those that will be lost not being replaced but, in addition, the few spaces that are available are being sold. It is amazing that hon. members opposite work themselves up into a frenzy over laissez faire, as they call it, in terms of the economy but do not seem to give a hoot about laissez faire when it is applied to human liberties. If ever something was needed in this regard, it is needed now in a city that is growing at such a rapid rate.

In Toowong itself, a very old suburb that is becoming very densely populated because of the pressure of the university and is changing from an old-fashioned suburb to a highly complicated living area in which there are many flats, there is little open ground. There is one piece attached to what is called Heroes Park that provides a prospect of this, and one would think that anyone looking ahead would make something out of it. But the council is going to put a works depot on part of it, an area that should be playing fields, parks, gardens and walks, with perhaps a tan riding track around its perimeter, to make it not only a pleasant area for the people living in Toowong but a tourist attraction for those who

visit Brisbane. It will be spoilt by the erection of a council works depot—something that will be noisy, dirty, and floodlit at night.

So, commendable as the proposed Bill is, I trust that, if not on this occasion, then on some future occasion when the Minister is compelled to amend the City of Brisbane Act he will take steps to ensure that areas that have been set aside for the use of the citizens of today and the citizens of tomorrow cannot be alienated merely because the council and the Lord Mayor want money and are prepared to get it at virtually any cost, certainly at a very high cost to the people of Brisbane. I should like to see the Government accept its responsibility and make the council do what humanity and necessity clearly dictate should be done.

Mr. BENNETT (South Brisbane) (2.58 p.m.): I listened with a reasonable amount of interest to the hon. member for Toowong, but I do not know what his contribution had to do with the Bill. In answer to the hon. member for Mt. Coot-tha, who said that I have not read the Bill, I merely say that hon. members on this side of the Chamber are prepared to accept the Minister's guarantee that the Bill contains the principles that he says it contains. Therefore, I do not need to read it.

I dismiss the contribution of the hon. member for Toowong by saying that the Government proposed, firstly, that the Wilbur Smith Report should be obtained and, secondly, that it should be adopted—in fact, it insisted by certain in terrorem tactics that the council should follow it—and it is responsible to some extent for the difficulties that the Wilbur Smith Report has precipitated. If, because of the adoption of that report, the council has to build highways and roadways that will go through parks and eliminate parks, obviously the A.L.P. council administration will, and must, make provision for suitable alternative park and recreational areas. I have no doubt that it will do so. I should like the hon. member for Toowong to undertake and guarantee that the Government will pull its weight when that becomes necessary. A Government that insists on everyone else doing certain things should also shoulder its own responsibilities.

We are so short of public parks because we had C.M.O. administration in the council for 18 years. Brisbane's early development in the post-war era was delayed and handicapped by an administration that did not look to Brisbane's future. I could very easily name many areas at West End that were previously beautiful parks but were given over by the Chandler C.M.O. administration to heavy industry. On one such area football was frequently played and large congregations of spectators gathered to enjoy the sport, but it was handed over by the Chandler C.M.O. administration to heavy industrial development and can never be replaced.

Mr. Chinchen: Do you feel that this justifies the action of the Brisbane City Council in handing over park areas for building blocks?

Mr. BENNETT: I am pointing out what the Government's obligations are. Hon. members opposite have certain obligations, and they should insist that their Government provide these parks and recreational areas by way of acquisition so that they can be placed in the hands and under the control of the Brisbane City Council by way of special trust documents that insist that Brisbane gets adequate park development of which it was denuded by the earlier C.M.O. administration, and which this Government is further taking away by forcing the Brisbane City Council to adopt the Wilbur Smith Report

Mr. Chinchen: The more land we give the council, the more it will sell.

Mr. BENNETT: One of the best park superintendents we ever had is now parks superintendent in either Sydney or Canberra. I refer to Mr. Oakman. He told the Chandler administration that West End-South Brisbane area was sadly lacking in park and recreational areas, but the Chandler administration subsequently sold beautiful areas to private industry, or at least allowed these beautiful park areas to be taken by private industry for heavy industrial development. Let us not forget who is really responsible for this type of administration in the city.

Mr. Low: Chandler was a good man.

Mr. BENNETT: I have never said otherwise.

According to the Minister, there are two principles in this Bill. The first is the rate of interest that it is right and proper for the Brisbane City Council to charge on arrears of rates. It is proposed that it should be equal to that applicable to other local authorities throughout Queensland. However, I do not think that the council should be encouraged to be harsh in the imposition of rates of interest on people who unfortunately are in arrears with their rates. No person likes to be in arrears with his rates. As a matter of fact, most like to pay promptly and thus enjoy the discount for prompt payment. Those who are not in the position to pay promptly, I should say, definitely cannot afford to pay, so let us hope that they will not be fleeced too much in the imposition of interest rates.

Mr. Richter: There would be power in the city council to fix the interest rate.

Mr. BENNETT: It will be the council of the City of Brisbane that will decide the rate of interest it should impose.

Mrs. Jordan: This will be the maximum.

Mr. BENNETT: I realise that. It is within the council's discretion to levy, as allowed under the legislation, up to 6 per cent.

The other principle in the Bill provides that the Brisbane City Council must produce this book, as it is called. It is not a booklet, as referred to by the hon. member for Toowong. It is not a tourist guide or something to read for relaxation in the library; it will contain all the ordinances of the Brisbane City Council. It will not give instructions where one can buy land for industrial purposes or at what price, or where one should go to see the tourist spots of this city. It will not be a booklet in that sense but a book in the legal sense of the term, containing all ordinances as amended to date. The Minister pointed out that that obligation has been with the Brisbane City Council since 1949. I think it has been an obligation of the Brisbane City Council since at least 1930, because section 55 was amended in 1930. It contained a provision then that—

> "The Council shall once at least in every period of five years cause to be prepared and printed in a book the provisions of this Act and every schedule thereof for the time being in force, and all subsisting Proclamations and Orders in Council under this Act and all subsisting Ordinances."

That provision has been in the Act since at least 1930—in other words, for 36 years. Over the whole of that time no administration has been prepared to face up to its obligation to prepare that book. This has been a serious handicap to aldermen of the Brisbane City Council over those years, to legal men who have had to consider the ordinances over those years, and to courts that have had to consider the ordinances. I do not doubt that the Full Court that decided that the Brisbane City Council had not proved its ordinances in a recent prosecution was sick and tired of the position whereby the Brisbane City Council—I do not refer to any particular administration—for a period of 30 years had failed and refused to carry out the requirements under section 55 of the City of Brisbane Act.

Because successive councils have not met that obligation the ordinances are now in a chaotic and confused condition. There is not one practising lawyer in Queensland who has a complete and up-to-date copy of the ordinances of the Brisbane City Council. It is just impossible to get one. I should be very much surprised if there is a complete copy of the ordinances of the Brisbane City Council in the City Solicitor's office. If there were, it would be a very simple procedure for the Brisbane City Council to comply with section 55 of the City of Brisbane Act and have the book published for the benefit and advantage of everyone. The fact that the council has not printed it is an indication that even in the City Solicitor's office there is not a complete copy of the ordinances of the Brisbane City Council. Any legal man will tell you that it is impossible to get one. Any legal man will tell you that if he tries to buy separately certain ordinances dealing with a particular problem engaging his attention, on many occasions he cannot buy them anywhere. This is a sad and sorry state of affairs.

Mr. Houghton: How do you get on? Do you have to go back and check over the whole 30 years?

Mr. BENNETT: To be sure you are right, yes, and even then you cannot be certain you are right. It is a big and involved task.

During the last Groom C.M.O. administration the then City Solicitor, Mr. G. L. Byth, was forced to retire because of the age limit placed on the City Solicitor. The Groom C.M.O. administration resolved in council that the retiring City Solicitor should be appointed in a special and contractual capacity to comply with section 55 of the City of Brisbane Act by bringing the ordinances up to date and putting them in book form, and thus resolve everyone's difficulties. Mr. Byth, of course, was the father of the present judge of the Local Government Court. He had the capacity to carry out this work, but what did the Groom C.M.O. administration do? Instead of allowing him to do the work for which he had been retained on the then existing salary for the City Solicitor for a period of at least an extra three years—the hon. member for Sandgate says he thinks it was for three years—what did the then council do? During that time he could have, and should have, easily prepared this book. However instead of doing that the Groom administration used him as another solicitor in the City Solicitor's office, doing ordinary work in that office.

In effect, the Groom administration was not complying with the ordinance which provided that Mr. Byth should be retired; he was supposed to be there only in his contractual special capacity to prepare the book containing the ordinances. The Groom administration used him in this way and, when his contract expired, lo and behold we still had no book of ordinances.

We are in a state of confusion. It is difficult now for both prosecuting and defence counsel to properly understand the ordinances. Quite frankly, I heard the judgment of the court that has been referred to by the Minister with a certain amount of satisfaction. Obviously, it is high time that the ordinances of the Brisbane City Council were put into proper form.

As people say (and truthfully so) the Brisbane City Council is big business. In its revenue activities it is as big as, or bigger than, the Tasmanian Government, and it is almost as big as the South Australian Government. Its legislation should be just as efficiently presented as the legislation of any State Parliament, for it is bigger than one or two of our State Parliaments.

I realise that this is a rather Herculean task. The hon. member for Belmont suggested that the council should not be asked to complete it before Christmas, particularly in view of the recess. If any legal expert

or body of men charged with carrying it out gets it done in six months it will be working very rapidly. As the hon. member for Toowong said, it will be going like a gazelle.

Mr. Campbell: Would that be unusual for legal members?

Mr. BENNETT: They would not be laying eggs all the time, or cackling.

In any case, it will take at least six months. If the job is completed within six months it will have been carried out in a very efficient, expeditious and speedy manner.

Mr. Newton interjected.

Mr. BENNETT: As the hon. member for Belmont said, they will be working day and night to do that. I believe it will take approximately 12 months to do the work, even if it is done expeditiously and efficiently.

Once the ordinances are in proper book form and indexed, the task of revising them after the five-year period will be much easier because the annotators will only have to go back over the previous five years and bring the book up to date. Of course, the City Solicitor's office will continue to keep the records up to date, and at the expiration of the first five-year period the amendments can be written in immediately.

I am pleased to see that a time limit is to be imposed in this matter. It will be subject to agreement, conciliation and discussion between the Brisbane City Council and the Department of Local Government. No doubt those two bodies will amicably iron out a suitable date by which the task should be completed. It is well that at long last, after at least 36 years, a time limit has been set. This is the type of task that many administrators have baulked at over the years. It is the type of job that will never be done unless a specific time limit is set. When it is completed, we will have the comforting knowledge that it will be relatively simple to keep the task up to date. When the book is completed it will be an asset to the Brisbane City Council and the aldermen, and it will assist practising legal men in this State.

The Act already provides that the public may purchase a copy of the ordinances, but it would be idle and useless for them to do so at the moment because even if a copy is available it would be in such a confused state that no layman could follow it. To carry out efficiently the duties of local government the ordinances must be correlated in a tidy fashion and indexed. I presume the Minister expects that not only will the ordinances be published but that they will also be suitably indexed so that inquiries can be dealt with expeditiously.

Hon. H. RICHTER (Somerset—Minister for Local Government and Conservation) (3.16 p.m.), in reply: There is very little to which I need reply. The Bill has received the support of the Committee. The hon. member for Belmont agreed to its general principles. There was a good deal of crossfire about town planning, the Wilbur Smith Report, the commission of inquiry, and so on, which, as the hon. member for South Brisbane has pointed out, had nothing to do with the Bill.

The measure contains two points: firstly, the fixing by legislation of the rate of interest payable on arrears of rates, and secondly, the proof of the ordinances.

I point out to the hon. member for South Brisbane that ordinance No. 67 was made in 1949, whereas section 55, to which he referred, was made in 1924 and amended in 1930.

Motion (Mr. Richter) agreed to.

Resolution reported.

FIRST READING

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

DOOR TO DOOR (SALES) BILL

INITIATION IN COMMITTEE

(Mr. Campbell, Aspley, in the chair)

Hon. P. R. DELAMOTHE (Bowen—Minister for Justice) (3.19 p.m.): I move—

"That a Bill be introduced to make provision with respect to certain credit purchases and other agreements and for incidental and other purposes."

Many hon. members would be familiar with the ever-increasing flood of complaints with respect to the practices of over-zealous salesmen. There has been a remarkable increase in the activities of what might be termed "specialty salesmen". These salesmen use carefully formulated techniques and approaches which appear to have been carefully worked out by psychologists, even to the actual words used. The sales campaign followed by these salesmen is planned with almost military precision.

The gimmicks employed by way of approach are of infinite variety, and among those used are those giving the impression that the salesmen are from the Department of Education, or have the approval of that department. Another variant of this approach is the concern for the education of the child.

Once one of these salesmen gains a footing in a household, there goes on what might be termed psychological warfare. Take, for example, the selling of educational books. In such cases the emotions are worked on to such an extent that the householder becomes convinced that he or she would be failing in his or her obligation to the children by depriving them of a proper opportunity in the world if the salesman's demands were not acceded to and purchases made of the articles being offered.

What I have said is not merely what I have been told. I have here a very interesting document. I do not propose to table it, but it is available for anyone who wishes to look at it. It is a collection of notes on a course provided for salesmen in this field. The whole method of conducting an interview with a client is outlined, from the first approach to the close, in meticulous detail. Inflections, tone of speech, pauses, sales patter, introductory gimmicks, when and where to allow clients to look at samples and for how long, and appeals to the various human emotions, are all set out. For anyone who has not first-hand experience of these methods, the document is very illuminating.

I am not for a moment contending that all salesmen practise these objectionable methods. There are well-established businesses that conduct door-to-door selling and do not pressurise householders into making unwanted purchases, whilst the goods that they supply are of good standard and represent fair value. It would, however, amount to self-delusion to maintain that there are none of the other type of salesmen.

Indeed, since the announcement of the Government's intention to bring forward legislation of this type for the consideration of Parliament, I have received advice from several operators in this field expressing agreement with the proposed legislation. In fact, they wholeheartedly support it.

The problem with which we are confronted in Queensland is not confined to this State. As a matter of fact, it appears to be world wide. It was extensively investigated in England some years ago by the Moloney Committee on Consumer Protection. The report of that committee was presented in July, 1962, as Command Paper 1781. I am sure it is available for any who wish to read it. It is a very interesting document.

The States of Victoria, South Australia and Western Australia have legislated in this field in one form or another, and I understand that New South Wales and Tasmania are also contemplating legislation in the near future. The United Kingdom has legislated to implement the recommendations of the Moloney Committee, and it is understood that New Zealand and the United States of America have also been impelled to legislate in this field. This is, therefore, not merely an outbreak of an undesirable practice in Queensland. It is world-wide problem and has been brought under control on a world-wide basis.

Whilst in the field of retail selling in the usual business premises there may be instances of over-zealous salesmen persuading people to enter into transactions that are beyond their means, it is considered that it is away from usual business premises that the real abuses appear to have developed.

Over recent years there has been a remarkable revival of door-to-door selling. Once a salesman gets a foot in the door, he develops a kind of psychological advantage. Once that happens, the householder may find himself or herself subject to considerable pressures, and, in these days, trained pressures, from which he or she may find it difficult to escape.

In quite a few cases that have come to my personal knowledge and in which an unwanted transaction has been entered into, there is not even the saving grace that the merchandise the subject matter of the transaction is commensurate in value with the consideration to be paid for it. Some time ago it came to my notice that a set of books, which not many years before had cost $100, was being offered by door-to-door selling for almost $200 more. The selling staff was highly organised. For every so many salesmen there was a supervisor, for every so many supervisors there was a manager, for every so many managers there was a general manager, and on each sale the whole of this heirarchy reaped a commission, amounting in all to just over $100.

Of course, some people may urge—I am sure some will—that principles such as sanctity of contract and caveat emptor in the field of contract must be preserved. Granted, these are worthwhile principles, and, as I have said before, there are responsible salesmen operating in this field who fulfil a real need; but it is the ruthless exploitation by some that causes the concern. The woman of the household, particularly if she is a migrant, appears to be the target for this ruthless exploitation, and, while the principles of contract are generally acceptable to all, it is considered that Parliament must be ready to restrain any unprincipled and undesirable practices. There are people who must be protected against themselves, as well as over-zealous salesmen who must be restrained.

An aspect of credit transactions that is causing some considerable concern is what might be called the unwelcome features attaching to the repossession of goods that are the subject matter of hire-purchase agreements or conditional-sale agreements. From reports, it would appear that some owners are using very questionable tactics in the repossession of goods the subject of these credit agreements.

Repossession under a hire-purchase agreement is regulated to a considerable extent by the provisions of the Hire-purchase Act. It is provided therein that an owner shall not exercise any power of taking possession of goods comprised in a hire-purchase agreement which arises out of any breach of the agreement related to the payment of instalments until he has served certain notices on the hirer. There is machinery in the Hire-purchase Act for an owner to obtain from a court an order for the recovery of the goods the subject of the agreement, and it is an offence for a hirer not to comply with a court order in this respect.

Section 33 of the Hire-purchase Act renders certain provisions in an agreement or document void and makes it an offence for

such provisions to be contained in a hire-purchase agreement or other document. The provisions in question are those that would authorise the owner of the goods to enter the premises of the hirer for the purpose of taking possession of the goods or would constitute the owner the hirer's agent for that purpose or would amount to a contracting out of the rights conferred upon a hirer by the Act.

The learned authors of Else-Mitchell and Parsons Hire Purchase Law 1961, which refers to the New South Wales Hire Purchase Act of 1960, expressed the opinion that, since the Act now gives the hirer an interest in the goods, it seems doubtful whether the common-law right of an owner to retake possession is still exerciseable. In the result, they submit that the entry for the purpose of taking possession, otherwise than at the hirer's request, is a trespass for which damages might be claimed, and it may also constitute an offence under the Inclosed Lands Protection Acts, 1901 to 1939.

Section 274 of the Criminal Code provides certain angles on this, as also does the Inclosed Lands Act of 1854, section 1, the Vagrants, Gaming, and other Offences Acts, 1931 to 1964, and also sections 275 and 276 of the Criminal Code. It is felt therefore, that the provisions of the law are adequate to protect people against the wrongful use of force in repossessing goods, provided that hirers under hire-purchase agreements and conditional buyers are aware of their rights and do not give the owner or conditional seller or his agents an open authority to enter their premises for the purposes of taking possession of goods the subject of an agreement, whether justified or not.

Accordingly, it has been decided to introduce legislation to place some controls upon door-to-door selling. The whole of the field will not be covered by the proposed legislation. The legislation will be restricted to what might be termed "credit transactions", that is, transactions in which the whole of the purchase price, rent or other consideration is not paid in cash or by cheque at or before the time at which the agreement is made. The agreements which will be covered by the legislation are credit purchase agreements and service agreements.

The credit purchase agreements in question are agreements for the bailment or sale of goods with certain exclusions, namely, any hiring agreement which is not a hire-purchase agreement or a hiring agreement under which the hirer is entitled ultimately to retain possession of the goods, any agreement under which the bailee or purchaser is a body corporate, and any agreement under which the prospective bailee or purchaser is a person whose trade or business is the business of buying or selling goods of the same description as the goods to which the agreement relates. The services agreements covered are agreements for the provision, performance or making available of certain specified services.

Credit purchase agreements covered are those agreements which relate only to certain specified goods. From the experience of other places where similar legislation has been introduced, unless a certain elasticity is introduced salesmen will switch from the goods which are controlled into another field or into another place which is not controlled, and accordingly, in the definition of goods and services provision is made for the legislation to cover other articles if the need ever so arises.

Mr. Sherrington: That means that you can declare an article?

Dr. DELAMOTHE: Yes, and goods and services, on past experience in other States. These matters have been discussed by the Standing Committee of Attorneys-General and we have been able to get a very fair picture of the fields in which operations are taking place. To start with, the particular goods and services which have been the subject of abuses are the ones included in the Bill, with power in the Bill to add extra ones and also to exempt ones that are already in. There is also power in the Bill to put a minimum price on prescribed articles below which the Bill does not apply.

Mr. Sherrington: Why would you want to exempt any goods once they are in?

Dr. DELAMOTHE: We may find that the abuse disappears, and that over a period of years something that was being hawked from door to door is no longer being sold by door-to-door salesmen. I do not expect that this power would be used very frequently, but it is there, if necessary.

To start with, the prescribed goods are—

(a) any book, engraving, lithograph, pictures, or other like matter, whether illustrated or not;

(b) saucepans and other kitchen-ware;

(c) jewellery of any kind;

(d) watches of any kind;

(e) household appliances and lighting fittings;

(f) knitting machines and machines adapted or held out by any person as being adapted for making articles out of wire or other prescribed material.

Hon. members will be glad to hear that last one. It took us a long time to find a way to deal with that abuse.

(g) any articles or class of articles prescribed to be goods for the purposes of this Act.

Mr. Sherrington: There is no mention of the trousseau.

Dr. DELAMOTHE: Not at the present time.

Mr. Sherrington: This is a great problem.

Dr. DELAMOTHE: This is one I had a look at. It is a small problem at the moment, but if it tends to grow these goods will also be prescribed.

In addition to goods which are prescribed, certain services which are subject to door-to-door sales agreements have also been prescribed. They are—

(a) fitness services, including physical culture, physical fitness, body-building and weight-reducing courses or services;

(b) personal beauty services, including hair-waving, facial treatment, massage and manicuring;

(c) tuition, coaching or instruction in any course of study whether for an educational, business, trade or other purpose whatsoever;

(d) tuition, coaching or instruction in any form of art, including painting, music, drawing, sketching, verse speaking, and dancing;

(e) tuition, coaching or instruction in any form of sporting or recreational activity;

(f) television repair services; and

(g) any services or class of services prescribed to be services for the purposes of this Act.

It is surprising that we have not run into this services problem so much in Queensland; in Tasmania and Victoria particularly it is very rife.

The scheme of the Act is that an agreement to which the Act applies shall be unenforceable by the vendor unless the agreement or offer is in writing, a copy of the agreement or offer is given to the prospective purchaser or bailee at the time at which the agreement offer is given to the prospective purchaser or bailee, and a statement in the form of the schedule to the Act duly completed by the vendor is given to the prospective bailee or purchaser at that time. The agreements to which the Act applies are agreements which are made at any place other than appropriate trade premises.

Appropriate trade premises are defined as being the premises at which the vendor or a dealer normally carries on business, or at which goods of the kind or class to which the agreement relates are normally offered or exposed for sale in the course of a business carried on at those premises.

In other States the legislation merely covered such agreements made at the home. The result was that these people then operated in the streets, at places of business, at the university, and so on. This is a blanket cover that will void any place other than the normal business premises.

A prospective bailee or purchaser may terminate an agreement to which the Act applies by giving personally to the person named as vendor in the statement which is required to be given to the prospective bailee or purchaser a notice set out in that statement within seven days of the date on which the agreement was made, or by properly addressing, prepaying and posting a letter containing the notice to the address shown in that statement within seven days of the date upon which the agreement was made.

Mr. Sherrington: Did you mention whether it had to be registered?

Dr. DELAMOTHE: It would be preferable to register it, but I have not stipulated it.

Mr. Tucker: That is the way it can be terminated by letter?

Dr. DELAMOTHE: Yes. A person can go to the business premises within seven days and say, "I do not want to go on with it; I want to cancel it," or he can post a letter within seven days.

The Bill provides that it will be an offence for a vendor or a dealer or an agent of the vendor or dealer, to solicit persons not to exercise the right of termination conferred by the Bill. Likewise, a vendor will be prohibited from delivering the goods the subject matter of the agreement until after the expiration of the period allowed for termination.

Where an agreement is terminated, the agreement shall be deemed to have been rescinded by mutual consent and the vendor is required forthwith to repay all moneys paid under or with respect to the agreement and redeliver any goods or other property given by the prospective bailee or purchaser pursuant to the agreement. That is where something has been traded in. If the vendor fails to comply with these requirements, he will be guilty of an offence.

The Bill provides that if a person expressly requests a vendor to attend at his home, or at a place other than the appropriate trade premises, to negotiate a transaction which results in an agreement, that agreement will not be subject to termination under the provisions of the Bill. In other words, if the householder makes the first approach he does not come under the Bill. It will be an offence for any person to solicit such a request.

Along the lines of similar provisions of the hire-purchase legislation, certain provisions, terms and conditions in an agreement to which the Act applies or in any offer to enter into or make or relating to the entering into or making of such an agreement or in any other document to which the prospective purchaser or bailee under such an agreement is a party, are void if they come within certain categories.

All these categories are designed to prevent a person from contracting himself out of the provisions of the proposed legislation. Not only will such provisions, terms, conditions or covenants be void, but where an agreement contains such a provision, term, condition or covenant, the vendor under the agreement will be guilty of an offence.

It is felt that the provisions of the Bill will deal with this pressing problem, and I commend it to the Committee.

Mr. TUCKER (Townsville North) (3.44 p.m.): The Opposition is in complete agreement with the legislation as outlined by the Minister. It covers door-to-door sales and certain hire-purchase agreements to which the Minister referred. I will outline other measures that I think could be implemented to improve the legislation, but should first mention that they are only my personal ideas. It is a great pity that the legislation was not introduced long ago. For many years we have been receiving complaints from people all over the State about the practices of door-to-door salesmen. Many of these practices are indeed wrong. These salesmen have placed many families in the position of not being able to afford payment of the amounts the housewife has committed herself to pay. Mr. Hiley, the former Treasurer, was reported in "The Courier-Mail" of 20 August, 1965, as saying that the Government intended to take action in the near future to wipe out this social evil of door-to-door salesmen, yet it has taken the Government over a year to introduce this Bill. It is rather belated, but we welcome it and applaud it. "Sunday Truth" was one of the first publications to expose this racket—back in 1963—and the hon. member for Salisbury has made some very good contributions in the Chamber on the subject. It is good to see that the Government has now acted.

Although I admit there are some exceptions, in the great majority of cases these salesmen should not be termed "over zealous" as the Minister said; they are, in my opinion, slick salesmen who have no regard for other people. They use every angle to make a sale and it has even been claimed that their sales patter is drafted by psychologists. Whether that is so or not, it is evident that their only objectives are more sales and more commission. They should be ashamed of their tactics.

On many occasions it must be obvious to these salesmen on entering a home that the family cannot afford the things they are being asked to buy, but these salesmen go right ahead and get these people to commit themselves to pay far more than they can afford. Until this legislation was introduced nothing could be done to stop them. I have seen many pitiful examples of what can happen, and the Minister said that representations have been made to him on a number of occasions.

The Minister for Education has been forced to give repeated warnings that salesmen have no right to represent that books and encyclopedias are necessary for the schooling of children, and in fact have the blessing of the Education Department. It is easy for a salesman to go into a home and say to the wife and mother—it is usually the wife who sees these people—that if she considers the welfare and education of her children she should buy the encyclopedias, school books, atlases, and other geographical publications he is selling. They say, "These books will certainly be a wonderful thing for your child." That is a point on which everyone is vulnerable, and I can readily understand how many salesmen have gained access to homes and virtually mesmerised prospective buyers by a prepared spiel on the need to further the education of children.

In many cases the encyclopedias cost hundreds and hundreds of dollars. What the cost will be is not always stated when salesmen make the initial approach. They usually say that it will cost a small amount each week, which is represented to the housewife as little indeed to pay for a good education for her children. Under this pressure, the wife finds herself with no answers at all. Her husband is not there to support her and, before she knows what has happened, she has placed her signature on a document which apparently calls for only a small amount each week but really commits her, when examined closer, to spending many hundreds of dollars. Of course, she is unable to pay over a period of years and finds herself in difficulties.

I shall deal in a moment with some of the tactics used by these salesmen when they gain access to a home. I know that they have been told not only the approach to use but the answers to questions that may be put to them. I have pointed out to people with children for whom they have purchased the books that the children would have to read night and day for the rest of their lives to absorb what was supposed to be of assistance to them in their education.

These salesmen use many different approaches. I have here a cutting from "The Sunday Mail" of 21 November 1965. Under the heading, "Salesmen learn to win at door-knock. Manual: Use prayer for force", this appears—

> "Door-knock salesman are being instructed to use prayer, acting methods and 'magnetic compelling force' to high-pressure unwilling householders into deals that cost them hundreds of pounds."

Although there is a lot more in the article, I do not propose to read it. It indicates the methods used by these people, which have been devised not by them only but by the whole organisation behind them to ensure that sales will be made ultimately to the people.

Not so long ago my wife was approached by telephone by a young woman who claimed that as I was an M.L.A. my wife was obviously influential in the community. The prestige angle was the approach used. Apparently she asked if she could come out and interview my wife that afternoon. I do not suppose it occurred to the young woman that she might also meet the husband. She came out, and in a very slick fashion proceeded to say that if this encyclopedia was placed in our home it would be a great advertising "lurk" for the company, and for that reason it was prepared to put it in the home for nothing except a small amount

payable each week to bring it up to date. We were also to be given a cabinet to place it in.

It was at that stage that I entered the interview and asked some pertinent questions about the encyclopedia. I knew that this approach had been used, because other people living in my street had told me about it. It had been used by this young woman over the whole of the suburb and, in fact, over the whole of Townsville. She asked some unfortunate people merely to sign the agreement at the bottom to say that they would be prepared to install this for advertising purposes; but when they finally read the whole of the print, they found they were committed for about $500. In fact, they were buying the encyclopedia, and the talk of paying a small amount a week to keep it up to date was only a way of selling it and having it placed in the home.

That method of trying to get an article into the home seems to be based upon prestige. I suppose every woman is susceptible to a certain amount of flattery, and every man likes to think he is popular in the community and has many friends. It may be a reasonable argument in some respects, but I think it is a very low and cunning method of selling encyclopaedias. When I asked the young woman certain pertinent questions, she rose and said she was not wasting her time and walked out in a huff. It was obvious that if she had found someone a little more gullible, she would have been prepared to sell the encyclopedia straight away.

Another gimmick that is used widely—it has been used in North Queensland—is for a young man to gain access to one's home by claiming that he is doing an advertising survey. As you know, Mr. Campbell, many university students are quite legitimately employed during the Christmas vacation in conducting surveys for advertising firms. Many of us have encountered young people who earn a certain amount of money by carrying out such surveys; so when one hears this approach for the first time, one is polite and co-operates, and the young fellow concerned gains one's attention. Then he says, "What do you think is the best medium of advertising? Is it best done through the newspaper? Would it be better over television?" Having gained the answers to those questions, he says, "Do you mind if I sit down a moment and collate this information? I can see you take a very strong interest in advertising". One is lost; the young fellow is in and the spiel begins. If one listens and watches very carefully, it is obvious that the young man knows his spiel by heart. Apparently he has been taken somewhere and taught it until he knows the whole of it by heart, and he goes forward step by step. It is very difficult to ask him to leave, because one is not quite sure where he is heading and it is possible he is still doing the survey. However, it suddenly becomes obvious that the young man is not making a survey but is about to try to sell another set of books or another encyclopedia.

That is the way in which salesmen gain access to the house. Having caught one's attention, they begin to apply all sorts of pressures. I notice that in these lecture notes it is stated that in some instances the salesmen should take their brochures out and spread them round the living room "like a circus", I think was the expression used, to overwhelm the prospective buyer, create an atmosphere, and hold his attention.

Then there is the young man who claims that he is working his way through university. He immediately gains the attention of anyone who feels rather soft-hearted towards a person who is working very hard to put himself through university. He says that if he sells this article or these articles to you he will gain so many points. If it is a book it might be worth only two points; if it is an encyclopedia it might be worth 20 points. Anyway, he brings out a points chart and shows you just how it works. He claims that if, in fact, he is able to get 500 points in the course of the next few weeks, the company that employs him is going to send him overseas for one year's tuition at a university. It sounds quite feasible to those listeners who have not gone into these matters. It is quite understandable that his story is credible to them. I can tell the Committee that such things go on because these young people have come to my home. I realised very quickly just what they were doing but for my own edification I sat down and listened and I ultimately discovered how they try to push one into buying something.

Mr. Smith: They could not trick you.

Mr. TUCKER: The hon. member who interjects is at all times facetious, but I am trying to speak in a responsible manner. These are the angles they use. The general public is wide open to this sort of thing and it will be all to the good if this legislation can stop it. In each instance encyclopedias were involved.

Another angle was used by a woman who came to the back door selling expensive Bibles. Here again she followed the manual advocating the use of prayer. She came into the house and said, "This is a very expensive Bible but nobody should be without a Bible in the home". "The children should be on their mother's knee," and so on. When she was asked the price of the Bible, she said, "It is not very expensive, really," When I pressed her for a definite answer, I found that the price was something like £45 for a book that appeared to me to be very similar to those sold by the Bible Society at cost for something like £5.

On this occasion, when she was knocked back, she used language which was completely unbecoming to anyone selling an article such as that. Those are some of the angles that are used on the general public. My colleagues would know of others but I am

instancing a few to show they are designed to catch people in a web, to mesmerise them into buying these articles. They buy in haste and repent at leisure.

The Minister said that he is allowing a cooling-off period of seven days. I think that is a very good provision. Many people who have been caught by these door-to-door salesmen have told me that, if they had had an opportunity during a cooling-off period to talk the matter over with their husbands or their neighbours, they certainly would not have gone on with the purchase of the articles. I think this cooling-off period is a very good idea, but speaking personally I would agree with the former Treasurer that it could well be 10 days. The Minister has set a period of seven days in which the person can retract, if he wants to do so.

In an article in "Sunday Truth" of 22 August, 1965, the previous Treasurer is reported as follows:—

> "Mr. Hiley replied: 'You need a cooling off period longer than seven days.
>
> " 'This is where the authorities in Victoria struck trouble.
>
> " 'These firms arranged their contracts so that the cooling off period terminated on a Saturday afternoon when the office was closed. They neglected to provide any address on the document until after the cooling off period had expired, which meant that people who wanted to retract could not find out where to go to retract.'
>
> "Mr. Hiley said that this sort of practice illustrated the calculated dishonesty and shrewdness that no community could afford to tolerate."

I hope that the Minister has taken note of all those angles. I know that he has said that a letter can be sent within a certain period of time, but quite obviously if the sales are made so that the seven-day cooling-off period expires some time on a Saturday or a Sunday the period would be reduced to five or six days. The person concerned might find that an office was closed on Friday afternoon, and if he had to wait until Monday it might be too late for him to retract. These are all angles that should be looked at very closely.

The hon. member for Baroona pointed out earlier that there are in the community very shrewd people who are continually endeavouring to find ways around legislation we pass in this Parliament. It therefore behoves us to look at every facet of the matter when we are trying to close all loopholes.

A few days ago I instanced the protection given to the primary producer under the Hire-purchase Act of 1959. I think it is section 30 of that Act that allows the primary producer a period of 12 months' grace if he runs into difficulty because of drought. Under those circumstances he can apply for protection for 12 months, by which time probably seasons will have improved and he will be able to make his payments for, say, farm machinery that he had purchased under a hire-purchase agreement. That was a very good section brought in by the Government to help the primary producer. I am not arguing against the section at all, but I cite it to show how some people will circumvent the law. Some hire-purchase firms immediately found a way around that section. They did not tell their clients that they were not subject to the Hire-purchase Act of 1959 because they had purchased under the Sale of Goods Act, which deals generally with the sale of chattels and allows, in many instances, the reclaiming of goods at a moment's notice.

(Time expired.)

Mr. SMITH (Windsor) (4.9 p.m.): I think we all knew, without the illustrations given by the hon. member for Townsville North, that many door-to-door salsmen were applying unfair tactics in their dealings, but I do not think we can label the whole covey of door-to-door salesmen with this perhaps unfortunate appellation that is applied to them. Amongst them all there must be some who are reputable and who have articles of value to sell. I am quite sure that the psychology of selling is not the sole preserve of these people. I am certain that insurance salesmen and other representatives of world-wide organisations attend selling schools at which the psychology of selling is an important subject. These men then go out and apply this knowledge in the legitimate selling of the wares of their employers. I do not think we should criticise that, because that is business.

I am sure that every one of us who can remember back will recall that the proverb caveat emptor—the age-old axiom of let the buyer beware—was exemplified in song and in prose. The same rule should apply today to a large extent. Obviously we have to protect people from themselves, but this does not apply only to door-to-door selling; it reaches into such a lot of our commerce.

I am not opposing the introduction of this measure, but there are one or two aspects of it that require consideration from the point of view of salesmen. After all, there are times when goods are traded in and there are times when goods are left with would-be purchasers. I simply point out that a trade-in could be demanded back within this seven-day period; if the notice has to be received within seven days by the vendor, that at least crystallises the situation. However, if the notice of rescission can be posted within seven days it means that the vendor has to keep the trade-in or the deposit for possibly 10, 11, 12 or more days, depending on where the purchaser is and the time the mail takes to get the notice of rescission to the vendor.

It is all very well to say, "Post it within seven days", but we are making the vendor carry the trade-in for a period longer than seven days. It seems to me that the purchaser would have adequate protection if he were allowed to rescind, provided he

got notice to the vendor within a seven-day period or posted it so that it reached the vendor within seven days. I think we must have regard to the legitimate side of selling—and there is a legitimate side. I do not think we should make these people carry the value of the trade-in longer than seven days.

The problem raised by the hon. member for Townsville North of the short-time notice is overcome by the statutory provision of the interpretation of time. By Order 90 Rule 1 of the Supreme Court Rules, when calculating for the purpose of giving notice, a period of under seven days, if it expires on the Sunday, particularly in this State, and in others, Sunday is not counted because it automatically goes over to the Monday. Applying the provision of the Acts Interpretation Act, particularly in computation of time, if the fifth day of notice falls on a Saturday or a Sunday it automatically expires on the Monday, and with seven days' notice, if the sale was effected on the Sunday then the seventh day of notice would end on the Sunday, but the Acts Interpretation Act would operate to make the notice effective on the Monday.

Mr. Murray: Seventh Day Adventists?

Mr. SMITH: No. That has application to the Saturday, not the Sunday.

Mr. Hanson: There should be a cooling-off period for some of your advice, or some of your opinions.

Mr. SMITH: I do not require that.

We have been told of certain articles which are covered under this legislation. From time to time it will obviously be necessary to enlarge the list. Here, again, we run up against one of the principles of contract law, namely, the ability of the wife to bind the husband for the purchase of necessaries.

I think there should be a settling-down period in this legislation. It will not run smoothly from the very first day. I am sure there will be no trouble with the door-to-door salesman who wants to be a bona fide salesman and not a slick salesman. No matter what we do, we cannot protect people from themselves. There will always be those gullible people who fall into traps and those who, despite the provisions of the Act, will be led into making the necessary approaches or into cutting down the time. We must feel sorry for them. But I do not see how we can protect 100 per cent. of the community. My only hope is that the thinking members of the community will not need this protection. I trust that the Bill will protect both the seller and the buyer.

Mr. SHERRINGTON (Salisbury) (4.16 p.m.): For once, I can preface my remarks by saying that I agree with many of the matters dealt with by the Minister for Justice in outlining the provisions of the Bill. But I disagree violently with the remarks of the hon. member for Windsor on the principle of caveat emptor. It could well be that the title of the Bill should have included the words "Caveat canis" or "Beware of the dog, he bites", because on many occasions over the years many people have been "bitten" by these door-to-door salesmen.

The Minister was careful to outline the difference between the transaction at a normal place of business and the transaction away from that normal place of business. He said that very often people had been the victims of over-zealous salesmen. There is a distinct difference between a person who enters an establishment with the intention of purchasing a certain article and one who is confronted by a salesman at her door endeavouring to sell her something that she had no intention of buying.

Mr. R. Jones: Half the time she never sees it.

Mr. SHERRINGTON: That is true. It is in this field that I refer to over-zealous salesmen. In addition, I have certain strong views on truth in advertising. I cannot absolve from all guilt a person who transacts business at his normal place of business but misleads a housewife into purchasing something that is not what he purports it to be. There is a distinct difference between those two types of transaction.

Like the Deputy Leader of the Opposition, I welcome the principle of a cooling-off period. I regret that the Minister did not see fit to make it a longer period. I have sound reasons for saying that. Many of these sales of encyclopedias and other books are made by companies whose premises are registered in other States.

Mr. MURRAY: I rise to a point of order. There is something disturbingly wrong with the acoustics in the Chamber. There is a good deal of humming and droning. Could it be attended to so that we can hear the hon. member for Salisbury on another note?

Mr. SHERRINGTON: I can hear what the hon. member for Clayfield refers to, but I assure him that I am pleasing in any tone. I should be happy if all the microphones were turned off because I have not much use for them when I get going.

Experience over the years has shown that many of these companies engaging in the sale of books have their registered offices in other States, and, because of this remoteness, I doubt whether they could be contacted in sufficient time to cancel any arrangements entered into with which the purchaser was not satisfied.

The Minister said that proof of a desire to terminate a contract that had been entered into could be made by letter. Unless it is laid down that it be by registered letter, I am afraid that the person writing the letter will have little evidence that it was sent, as one of the tactics used by these companies is their refusal to acknowledge correspondence. I have here a very classic example of

what I am speaking about. It is contained in "Counter Balance", which is a publication of the Brisbane Consumers' Group. It sets out particulars of certain dealings between A. T. & C. J. Morland and Students' World Pty. Ltd. I do not want to waste the time of the Committee by reading the full details. I shall, however, briefly outline what happened. On Friday, 11 March, 1966, a representative of Students' World Pty. Ltd. called at 62 Stella Street, Holland Park. The call was made on the initiative of Students' World Pty. Ltd; no approach had at any time been made by the people visited. The sales approach was made by a woman. The implications were—

(a) Children would be at a disadvantage without the books;

(b) The books were approved by the Department of Education.

That is part of the tactics used, although that statement is never conveyed in writing. It is always hinted, and the person is left wondering whether it was ever said.

At the request of Mrs. Morland, a representative spoke to her husband, and the representative was requested to come back at night to permit examination of the books. He was advised that this was not possible, as it was not the usual sales technique. Mrs. Morland signed a paper and wrote a cheque for $6. On examination that afternoon when her husband returned from work, it was obvious that the books were unsuitable, overpriced and misleading, and he decided to return them.

On Saturday, 12 March, 1966, he rang Students' World Pty. Ltd. to advise his decision, and received no reply. He then rang his bank manager at Holland Park and stopped payment of the cheque.

On Monday, 14 March, he again rang Students' World Pty. Ltd., and spoke with the manager. He advised him of his decision and of the arrangements made with the bank. After some discussion the manager said in effect that it was all right to return the books, although he did not consider it necessary to cancel the cheque. The books were returned on Monday by Transport Service, and it was assumed that, following this action, nothing further would be heard. Some time later a pro forma letter was received requesting payment. A reply was sent advising that the books had been returned and payment on the cheque stopped.

A second pro forma letter was then received requesting payment, after the books had been returned. Again this person replied that he had returned them, and then a third pro forma letter was sent placing the matter in the hands of the Publishers' Protection Bureau and threatening a summons if the money was not paid. From there, letters were sent from the customers, none of which was acknowledged.

Finally, this person stated that he has all the evidence in hand from Transport Service that the books were delivered, and all the communications with Students' World Pty. Ltd. and the Publishers' Protection Bureau pro formas, and at no time has any reply to his letters been received. It is obvious that the company does not wish to enter into any discussions on the matter.

Mr. Bjelke-Petersen: What is Students' World Pty. Ltd.? What organisation is that?

Mr. SHERRINGTON: It is the company that sells the books. Apparently it did not once acknowledge a letter from the people concerned. The return address for Publishers' Protection Bureau is the same box number as the company's address in Melbourne, so it appears that it is the same company. In my opinion, that shows that there is a great need for any company dealing in merchandise to have within the State a registered office with which people can get in touch and at which notices can be served.

Mr. W. D. Hewitt: In fact, the company you mentioned has a registered office in Brisbane but does not like it known.

Mr. SHERRINGTON: That could be so. The point I am endeavouring to make is that if a company is trading with the public in Queensland, it should have a registered office in this State. That becomes very important, because the proposed Bill provides that proof of a letter being sent to the company can terminate the contract. The difficulty has been that companies with interstate addresses have been able to remain outside the bounds of the existing legislation merely because they are remote from the sales. If the proposed Bill does anything to abolish trading of that type, I support it wholeheartedly.

Equally, the customer must be able to produce definite proof—either a registration form, or a receipt for a registered letter—because the companies are quite clearly outside the law if they merely deny that they have received any such communication. For the protection of the public, the Bill should contain a mandatory provision that the communication shall be by registered letter. People would then have positive proof that they had communicated with the company concerned.

I do not think I can be accused of being a shrinking violet on this subject. I have spoken on it ever since I entered this Chamber, and perhaps the Minister will admit that my argument has finally had an effect on him and that he is trying to close the door. No-one can expect new legislation such as this to be perfect. After all, there are at least as many people trying to find loopholes in the law as there are trying to plug them up. Immediately the legislation is implemented, loopholes will be found in it, as they were in Victoria. I have here a copy of the report of the Consumers' Protection Council in Victoria, and I take this opportunity of chiding the Government for not moving to establish a consumers' protection council in Queensland. I think there is a great need for it. The report of the Victorian Consumers' Council for 1966 refers in Section IV to the

Door to Door (Sales) Act in Victoria. The Council investigated many complaints, and the report says that its investigations suggest that any unprincipled company can neutralise the rights bestowed on consumers under the Act of 1963, which gave protection to the public on sales that occurred within their premises. So that included in that Act, just as the Minister has included in this Bill, are provisions for withdrawing from a contract after mature consideration of the terms and so on. But, here again, experience in Victoria has shown that companies were able to get around the Act merely by changing their selling tactics from door-to-door selling to organising clubs, parties, and so on. They defeated the whole Act merely because of the interpretation of "protection" as laid down in the Act in regard to door-to-door selling.

The club, or party, method has become quite a feature of merchandise selling today. Someone in the community, on the offer of a reward or commission on sales, organises a party, with fun and games, and the whole thing is designed so that the seller from the company concerned can come along and peddle his or her wares. Everyone has a good time and no-one really knows whether or not he or she has been caught.

Mr. Chinchen: People are not as silly as that, surely.

Mr. SHERRINGTON: The hon. member for Mt. Gravatt seems to get a particular delight from interjecting while I am speaking.

Mr. Chinchen: I have greater faith in the average person's intelligence than you have.

Mr. SHERRINGTON: Never have I implied anything against the intelligence of the average person in the community, but there is a vast difference between assessing a person's intelligence and waking up to the tactics of these people. We have heard talk this afternoon about over-zealous dealings that in fact are nothing better than the operations of "con" men. How often have people in the community been victimised by "con" men, and how often have they been victimised by large companies that set themselves up as investing companies and then fold up. How many men of far greater intelligence than the hon. member for Mt. Gravatt have been sucked in by them! Of course, it is the hon. member's business to belittle people merely because he has no argument of his own.

I want now to get back to the practices of selling. In Victoria, despite the protestations of the hon. member for Mt. Gravatt, that was exactly how these firms got around the Door to Door (Sales) Act. They did it by organising clubs or parties merely for the purpose of defeating the Act in Victoria. Of course, if anybody wishes to read the report of the consumers' council on this matter, even if he has the intelligence of the hon. member for Mt. Gravatt, he will understand that.

The question arises in my mind why the whole field of purchasing is not covered in the Bill. Admittedly, the Minister has made it quite clear that while he intends initially to lay down in this legislation certain articles that will come within its ambit, from time to time certain articles or goods may be added to the list. He in fact detailed many of the articles that will be covered. I do not want to reiterate all he said, but the list covered a variety of books, jewellery, household appliances, knitting machines and so on, and also certain services.

In view of the number of instances in Queensland of people being the victims of trousseau linen salesmen, I was rather surprised that these goods were not included in the Bill. I seriously suggest that the Minister look at the methods of sale of household linen and trousseau linen, particularly to young women who intend to marry in the not-too-distant future, because many of them have been the victims of unscrupulous door-to-door salesmen. The Minister knows of one case to which I drew his attention. Unfortunately this is tied up with one of the loopholes in the Companies Act. A person does not need substantial reserves to commence a business. He can register as a firm and trade with the public as long as he has a few £1 shares in a business.

The method used by the people I am talking about is to say that after a certain number of weekly payments the trousseau linen will be delivered as the full cost of the goods is met, but at no time do they ever have any intention of honouring the contract. It would appear that their whole intention is to collect as many payments as they can and then "blow through like a Bondi tram". We have to look at some of these companies that have set themselves up in this manner to see whether they have the necessary assets to honour their obligations to those who enter into contracts with their door-to-door salesmen. Only too often do purchasers find that after making a certain number of payments the office of the company is closed up and the birds have flown.

Mr. Smith: This applies not only to door-to-door salesmen, but also to real estate salesmen and——

Mr. SHERRINGTON: Yes, but I am dealing with only one feature at the moment.

I have made it quite clear that in my opinion this is good legislation. It is a move in the right direction and I welcome it. However, whenever new legislation comes into operation there is always the possibility that it does not cope with every situation. If 78 hon. members related one instance concerning door-to-door salesmen there would still be hundreds not mentioned. There is no doubt that as soon as this becomes law——

Dr. Delamothe: They will go into another field.

Mr. SHERRINGTON: They will look for another field or a way to get around the wording of the Bill. This morning the hon. member for Baroona pointed out how difficult it is for any parliamentary draftsman to frame watertight legislation.

The Minister mentioned the services that were included in the Bill. I do not know that this has been a very big problem in Queensland, but the report of the Victorian Consumers' Protection Council refers to instances of people who have been the victims of unscrupulous tradesmen who charge for the preparation of a quotation for a job. I do not think that this has been prevalent in Queensland. The Moloney Committee on Consumer Protection in England made a rather thorough investigation of instances of services not being rendered.

Reference has been made to quotations for electrical work in Victoria. I am greatly concerned at the fact that the conditions of sale of various appliances promise after-sales service but, unfortunately, unless after-sales service is properly sewn up in a properly worded contract it very often does not materialise.

In the selling of books, one of the tactics frequently used is for the salesman to have a form of contract setting out or detailing the number of books available to the purchaser, beside which is a small square in which is ticked off what the customer requests. When sales have been made on a blank price, people have complained to me because the salesman has said, "Sign the contract and we will fill in the rest of it later," and they have found that many of the books they requested were not supplied. On looking at the contract they have found that many of the squares were not ticked off. This happens when the purchase price covers a number of articles.

(Time expired.)

Mr. CHINCHEN (Mt. Gravatt) (4.41 p.m.): We all appreciate the reasons for introducing this measure, but details were given ad nauseam by the Deputy Leader of the Opposition. We are all aware of those matters. What I object to in his speech, and in the speech of the hon. member for Salisbury, is the branding of all door-to-door salesmen as "con" men and unscrupulous——

Mr. SHERRINGTON: I rise to a point of order. I did not say that at all. I am getting heartily sick——

The TEMPORARY CHAIRMAN (Mr. Hodges): Order!

Mr. SHERRINGTON: I think I am entitled to make my point of order. I am getting heartily sick of those hon. members in the Chamber who deliberately distort what I say by placing another interpretation on it. At no time did I say that all salesmen were "con" men.

Mr. CHINCHEN: I am quite happy to accept that assurance. I am glad the hon. member feels that way about it.

To my knowledge, many important people in business today started their careers as door-to-door salesmen. When the hon. member was talking about Tupperware salesmen, he called them "con" men. We all know that a lot of respectable women are employed to sell Tupperware.

Mr. SHERRINGTON: I rise to a point of order. At no time did I imply that the people who sell Tupperware are "con" men. I merely used the name to illustrate that this was the type of party that was organised. At no time did I cast any aspersions whatsoever on that company.

Mr. CHINCHEN: The hon. member is not very convincing, but I must accept what he has to say.

We are trying to protect people from themselves, but I do not believe there is any chance of doing that by legislation. As the Deputy Leader of the Opposition said, it is a matter of the gullibility of people, and that will always be with us.

Mr. Houston: You want to take advantage of it.

Mr. CHINCHEN: My point is that there is a need for this legislation, but it will bring problems. There is no doubt about that. I do not see how it is possible to protect people from themselves by legislation.

An Opposition Member: Why do you always disagree with your Minister?

Mr. CHINCHEN: I am not disagreeing with him at all. He knows as well as I do the problems associated with this matter. This is an attempt to do something about it and I think it is a very honest attempt. I am right behind the Minister. Every hon. member must be conscious of the fact that it is impossible to tighten up all loop-holes. If people are willing to sign a foolish deal, they can do so. If they do not take action on the day they should, that is their problem.

These problems will continue to arise and we will still have hon. members complaining that people have been taken down. It is a way of life. This is an honest attempt to do something about it, but I do not know how successful it will be. There are the people who will now think, "I am protected by the Government; I will sign up for everything that comes to the door." They will do this knowing that they have a week in which to reconsider, but they may neglect to do anything about it by the end of the week. This can happen. The only way this problem can be overcome is for people to be prudent in their dealings and to refrain from buying something they do not want or cannot afford. All we are doing is taking steps that might protect some people who do this sort of thing.

The activities of door-to-door salesmen over the years have created a demand for a product which has become a necessity, and they have built up industry which means cheaper goods. It is a legitimate method of merchandising. There is nothing wrong with a man's activities simply because he is a door-to-door salesman.

I have two or three queries to which I am sure the Minister has the answers. I am not sure if the hon. member for Windsor dealt with whether a purchaser can confirm a contract in under seven days if he wishes to get possession of his goods quickly.

Mr. Houston: He can buy direct from the shops without waiting for a door-to-door salesman.

Mr. CHINCHEN: Not all of these goods are available in shops. A door-to-door salesman may have the product required by a purchaser but, under this measure, he cannot supply the goods in, say, four days.

The sale of machines, for instance, wire-netting and knitting machines, is covered by this measure. I do not see how we can control their sale, because people are unhappy not with the purchase of the machine, but with the subsequent service they get. This has been a great racket in Queensland. People pay about $600 for a second-hand machine on the understanding that the vendor will purchase their work at a certain rate. The first coil of wire supplied by the vendor is good, so the product is good and is bought by the vendor. From then on the wire supplied will not work, and the vendor of the machine will not buy the product. These people are left with their machines. Under the agreement the vendor of the machine is willing to take it back, but for only $180.

Mr. Houston: Are they willing to buy them back?

Mr. CHINCHEN: Yes, but at $180, or less than one-third of the price at which they sold them. The Minister is aware of this situation and has received a good deal of correspondence on it from other hon. members and me. The Bill will not overcome the problem because these people have not experienced any trouble selling their product within seven days of making the purchase. The same applies to knitting machines. The vendors undertake to buy the product, but find some reason not to buy it. I do not know how it can be done, but these problems must be overcome in some other way so that people will get a fair go. These people would be well advised to see their solicitors. If they would only take agreements that they had signed to solicitors, it would become obvious that there are problems with the contracts. Most people want to make money, so they are induced to throw $600 or $800 down the drain. That is happening to many people at present.

Another matter occurred to me while the Minister was speaking. He said it would be an offence for business houses to influence people to invite their representatives to sell them goods. That seems a strange provision. I think many newspaper advertisements do that. Many of them contain coupons that people fill in asking representatives to call to sell land, books, and many other things. That is a legitimate form of business. By so advertising, they are influencing people to ask for salesmen to call at their homes, and I cannot see how that could possibly be an offence. It could be done by means of radio or television, and I think it would be reasonable enough.

Mr. Davies: Have you been given a brief by somebody?

Mr. CHINCHEN: No. The Minister mentioned this point in his speech, and it had not occurred to me before. Perhaps I misunderstood his words. I should like a little elucidation on that point.

I look forward to the legislation. I view it as an experiment, because I can see all sorts of problems with the type of person whom we are trying to protect. I hope the legislation works well, and that it will save many people needless worry and concern and the loss of money.

Mrs. JORDAN (Ipswich West) (4.52 p.m.): I welcome this legislation, as I have been very concerned for quite a long time about the lack of power to deal with some door-to-door salesmen. I do not say that action is needed to control all door-to-door salesmen, but there are far too many of them who harass people, particularly housewives, in the cities and country areas. I am sure that many housewives, when they read of this proposed legislation, will breathe a sigh of relief that the problems to which they have been subject over a number of years will perhaps be lessened.

Encountering door-to-door salesmen is quite different from going into a store to make inquiries about the purchase of certain goods. It is much easier to leave a store if one does not want to buy what one has seen. When salesmen such as those whom the Bill seeks to control get into a home, it is quite a job to get rid of them. I know that many housewives have been reduced to tears over the tactics of some of these men. Because they do not know how to cope with these salesmen and their methods, I know that on occasions they have signed on the dotted line merely to get rid of them, hoping that somehow or other their husbands will get them out of the contract later. They have perhaps had their cares and worries with their children, or they have not the ability to deal with high-pressure salesmen, so they take what they think is the easy way out only to find later that there is no such thing.

I know of one woman who was very ill and who was virtually attacked by a high-pressure salesman of encyclopedias. No matter what she did or how she said she did not want them, he, doubtless realising how ill she was, got her to sign in desperation for

the purchase of these books. Her husband got in touch with me about it next day, because the books were dumped on their doorstep. He wanted to know what he could do about it, and I advised him to send them back. Fortunately, in this instance he was able to get in touch with the company, so he sent the large parcel of books back by registered post. Less than seven days later he received a very threatening letter from the company concerned. Incidentally, the woman's husband took her to task for having signed for the books, and as a result of the excitement and the argument over the incident and the methods used by the salesman, she was again admitted to hospital suffering from a nervous disease.

These practices are much more widespread than many of us realise. Indeed, about 18 months ago I had the experience of being approached by a salesman with the prestige saucepans that were being toted round the district. He came to me because I was an alderman—again from the prestige angle—and he wanted to be able to say that Mrs. Jordan had bought a set of the saucepans and use my name in an attempt to make further sales. I think the price of the saucepans was £92. I did not buy them, firstly because I am much too poor to pay £92 for saucepans, and secondly because I do not do enough cooking to warrant purchasing them. As a bait, he offered me a set of cutlery, and he left me a very sharp knife as a gift. I put it away and completely forgot about it, and found it about 12 months later. He gave it to me when he got his foot in the door so that I would listen to the rest of his spiel. Furthermore, he asked me if I could give him the names of a number of young girls in the district who were about to be married, again wanting to use my name, but I refused. I heard afterwards that that young man did not remain in business for very long, and I do not know what happened to the girls who purchased saucepans from him. Some of them did, but I did not follow the cases through.

People selling trousseau sets use similar methods, and I am very sorry that the Minister has not brought them under the legislation. Their activities are fairly widespread, and quite a number of girls who have paid substantial deposits on trousseau sets and various other goods have not heard any more about them. Cases were reported in the Press in which girls' money had gone down the drain, but it was not possible to follow them through.

Similar difficulties arose with electrical salesmen who came round in the suburbs. In one instance the salesman always came at night, not in legitimate trading hours during the day. I do not know whether he thought that, by doing so, he might get the husband in on the lighting arrangements too. He did not do very much good with people in my area, because a number of them would not have him in the house outside legitimate trading hours. They thought they had enough to put up with from salesmen in the daylight hours without having their leisure hours disturbed. Only a few days after he had been in Ipswich, a report appeared in the metropolitan Press that a salesman had done the rounds and then made a "flit" after he had received certain deposits and promised to deliver the goods.

If people can get away so easily with practices of that sort, it is necessary that legislation should be introduced to curtail their activities. I know that, as in everything else, they will try to find loopholes to get around this legislation by transferring their activities to other fields. This goes on all the time. Nevertheless, I do not think we can close our eyes to this matter, and the more salesmen are conscious of the fact that the Government is awake to their activities the more I think we will deter them. I feel that this legislation will do a great deal to deter these salesmen.

The cooling-off period of seven days is, I think, long enough. I disagree with the suggestion that it should be 10 days, because even a short period is sufficient for two people in the home—usually a husband and wife, or two females—to talk the situation over and get to know what is involved, and whether they really want the goods for which they have signed or whether they have just been talked into it because they could not get rid of the salesman. Any period which gives them time to cool off is sufficient. Perhaps country people might need a longer period, because many of these companies have their headquarters in either Sydney or Melbourne. Even if they are in Brisbane, as one other hon. member has said, they do not want the customer to know where their headquarters are.

Mr. Davies: Some of them have their headquarters in Canberra, which seems to exempt them from all State laws.

Mrs. JORDAN: Quite a number of people have signed for goods with companies whose headquarters are in Canberra, and, to appear in a court case they have to travel to Canberra. As many people cannot afford to do this they are left holding the baby, as it were.

Mr. Davies: Several people in the Hervey Bay area were recently trapped like that.

Mrs. JORDAN: I have a number in my area who were trapped in the same way. I feel that this legislation will, to some degree, stop this practice. Many of these salesmen do not give any indication where their headquarters are and people who later want to return the goods have no idea where to send them. Indeed, I have heard of some instances of this in connection with legitimate businesses. A friend of mine recently ordered articles and had only so much money with her. She was making a cash purchase, so she paid so much down and made arrangements

to pay the balance to the carrier. In the meantime she got a phone call telling her not to pay the carrier, that a man would call. She did not pay the carrier, and about a week later a man did call and she paid the balance of the money to him. After a further week she received a letter from the company concerned telling her the amount of the balance that was owing. Fortunately, she had a receipt which bore the stamp of the firm and showed that she had paid the money.

One has to be very careful with the receipts one gets from these door-to-door salesmen. Usually one gets very little to show just what has taken place. Even if a contract is signed the salesman takes it away and it is not returned for a week or so; so that, unless the purchaser has been "on the ball" he does not know exactly what he has signed for. Many housewives do not realise all that is involved and become very upset and harassed by salesmen who, once they get a foot inside the door, are very difficult to get rid of. Indeed, as the Minister said, the procedure is carried out with almost military precision. Apparently these salesmen are trained in psychology so that when they are reeling off their spiel they know how to deal with each different person, and how to work on him or her.

Mr. Sherrington: You can't even insult them.

Mrs. JORDAN: In the main, women are extremely polite and they do not like to tell these salesmen off in the first instance. Out of politeness they start to listen to them, but before very long they realise that they did the wrong thing by allowing them to start. I know from experience that once they start it is very difficult to stop them. They go through to the finish once they start. One can get very harassed by them. This has happened to a lot of women I know and, from time to time, it has happened to me. I am now inclined to be rather offhand with them and tell them that I am not interested in what they are selling, even though I might be interested in it but for the immunity I have developed to that sort of selling.

The latest idea that is springing up in our midst is what is known as the holding of jewellery parties for women. Only recently I was invited to one of these new-fangled jewellery parties, but fortunately or unfortunately—I am not sure which—I had to decline the invitation because Parliament was sitting on that day. I understand from women who have attended jewellery parties that a saleswoman comes along and displays jewellery. It is much like a Tupperware party. You mark down what you want and it is delivered to Mrs. So-and-so's place on a certain date, and you pay her the money. The only time you see the saleswoman is at the jewellery party. It means that if you are dissatisfied with the jewellery when you get it you have no chance of seeing her again to return it or express your dissatisfaction with it. The matter of prestige comes into it. Mrs. So-and-so buys it, so Mrs. Next-door buys it, and consequently her neighbour feels that she has to buy it. If anyone of the the women is not satisfied with the jewellery when it is received she does not want her neighbour up the road to know that she thinks it is too dear or that she is not satisfied with it. I feel this sort of thing must be clamped down on.

I congratulate the Minister on the decision to bring Queensland into line with most other States by having a seven-day cooling-off period. I hope that in subsequent legislation he will be able to cover some of the points not covered by the Bill.

Mr. CAMPBELL (Aspley) (5.9 p.m.): The problems the legislation seeks to overcome have been well illustrated over a number of years by the comic-strip character Dagwood who has appeared in cartoons in daily newspapers. The persuasive salesman has been quite a feature of that series. The fact that some people in the community are so gullible that legislation of this nature is necessary to curb the activities of over-pursuasive salesmen is a sad commentary on human nature. Despite the many warnings that have received prominence in the Press, people are still falling for the blandishments of over-persuasive sales experts, both male and female. I am inclined to think that in their selling some of them are deceptive rather than dishonest. Many travelling salesmen serve quite a useful purpose in the community, although perhaps not as much in the city as in country areas.

I think that when he reads "Hansard" the hon. member for Salisbury will find that he was explicit in his criticism of door-to-door salesmen. I repeat that not all door-to-door salesmen are evil and many serve a very good purpose.

I was surprised to hear the hon. member protest so strongly when quoting from a journal and mentioning a firm named Students' World Pty. Ltd. He said that in his experience this firm did not answer correspondence. I am not carrying a brief for it, but oddly enough, as a result of an appeal to me by a constituent, I advised the person who had fallen victim to the high-pressure salesmanship of the course to take in order to extricate herself and her husband from the situation. It took only four well-phrased letters from this person in Kedron to the firm in Melbourne to have the deal called off. I mention that to indicate that this organisation may have been done a disservice by the hon. member when he stated categorically that correspondence was not answered.

The tendency in all selling, whether door-to-door, in shops, or through newspapers and other public media is to mislead. That is the art of salesmanship. No better example could be had than that provided in the last two or three weeks, particularly in the political field. A lot of over-selling

took place in that period. The hon. member for Salisbury over-sold himself this afternoon when he said that as a result of his protestations the Minister was prompted to introduce this legislation. I do not want to enter into competition with the hon. member, and I did not speak as often——

Mr. Sherrington: When you do speak you don't make sense, anyhow.

Mr. CAMPBELL: I should like to reply to that comment, Mr. Hodges, because that is exactly what the hon. member for Salisbury says of hon. members on this side when we try to comment on the stupid claims he makes. He is guilty of that very thing. I hope that in future we will not have any more of his inane interjections or the spurious points of order he takes when somebody——

Mr. SHERRINGTON: I rise to a point of order. I take exception to the statement that I take spurious points of order. This is further proof of the vindictiveness that comes from the other side of the Chamber. One of the back-benchers opposite took a point of order because the microphones were playing up.

Mr. CAMPBELL: The hon. member also criticised the Minister for not requiring that notification by post be by registered letter. I do not know how far it is suggested we should go to protect people against themselves. I believe that a prudent person or, for that matter, any person with any sense who was tricked into entering into an agreement that he was not in a position to carry out would take the precaution of sending letters by registered post if he had any doubt about the integrity of the firm. It should not be necessary to write that provision into the Bill.

I conclude by saying that this is a splendid measure which will protect those unfortunate people who are unable to protect themselves. I have no doubt that the "smart" people in commerce will find a way to get around these provisions, and no doubt in six months' time we will have to consider more amendments. I never cease to be surprised at the way people fall for the blandishments of salesmen. The latest scheme with jewellery mentioned by the hon. member for Ipswich West is another example of how gullible people can be. It makes one wonder at the virtue or value of education today when people cannot think for themselves, and be cautious, and protect themselves against over-persuasive salesmen.

Mr. MILLER (Ithaca) (5.16 p.m.): I wish to speak to this Bill only briefly because the previous speakers have covered most of the relevant points. Firstly, I congratulate the Minister for introducing this important legislation, and secondly, I voice concern that this legislation might not be brought forcibly enough to the notice of the public for them to realise that it has been passed. A good deal of the legislation passed in this Chamber does not reach the ears of the public, either because they do not read the newspapers or they do not watch television. Newspapers and television play an important role in bringing legislation before the notice of members of the public. But our senior citizens might not buy newspapers and might not own a television set and they are probably more gullible than other members of the community. I hope that the Minister has some way of bringing this legislation to their attention.

At present two salesmen are operating in the Rainworth-Bardon area selling for $40 what they claim is a new type of fluorescent light. My mother was almost one of their catches. The light in her lounge room is in perfect order; she does not want a new one. But these salesmen are so highly skilled that they could sell snow to an Eskimo.

Mr. Hinze: They are urgers.

Mr. MILLER: They are. I am pleased that the Minister has introduced this Bill.

Mr. Sherrington: The hon. member for Aspley said he never ceased to be amazed how people are "sucked in", yet you are saying exactly the opposite.

Mr. MILLER: I think that our senior citizens can be "sucked in" very easily.

This legislation should also cover cash sales, because many people buy from these door-to-door salesmen on a cash basis. In most cases, if those people were in a shop they would not buy the particular articles, but because of the tactics of these high-pressure salesmen at their door or in their lounge room, they fall for this stunt and finish up buying from them.

The hon. member for Townsville North mentioned quite a few cases, which I am glad he brought to the notice of the Assembly. About two years ago a salesman tried to sell me a set of encyclopedias for my two boys. As a matter of fact, he was not going to sell them to me; he was going to give them to me. When I asked him what the catch was, he said, "There is no catch. I am giving you these books." I said, "What have I to do?" He told me that I had to pay for the answers to questions that I was going to ask him. I said, "I have no questions to ask you. Can I have the books?" That was a different story.

I am sure that we can all tell different stories about these salesmen. I wish to bring those matters before the Committee, and once again congratulate the Minister on the step that he has taken.

Mr. BROMLEY (Norman) (5.21 p.m.): I shall be brief in my remarks, because the legislation appears to be reasonable. It seems rather strange that the Government now is moving away from the idea previously expressed by some Ministers that the buyer should beware. They have often used the phrase "Caveat emptor". I am pleased to see that the Government is waking up to the

fact that there is a need to protect the public from unscrupulous people in the form of high-pressure door-to-door salesmen.

Mr. Dewar interjected.

Mr. BROMLEY: I do not think I need take any notice of the interjection of the Minister for Industrial Development, because he has not even developed any interest in the Bill. I did think that perhaps now and again he could make an intelligent interjection. I was giving him the opportunity to do so, and I am very disappointed.

Whilst many firms are reliable, others are not. In fact, they are quite unscrupulous. Whether the Bill will adversely affect firms that employ people is problematical. I know one person who employs 30, and I do not know whether he will be in a position to carry his salesmen over the cooling-off period of seven days. Although he appears to be well off financially, he is particularly concerned about the proposed legislation as he may have to dismiss some employees. Others in the same type of business could be similarly placed. I have assured him that after the first cooling-off period, if his goods were reliable the money would start to flow in and he could continue to operate satisfactorily. For his sake and the sake of his employees, I hope that is so.

I think consideration has to be given to whether the Bill will allow employers to pay wages and retain the same number of employees. I have not much sympathy with some firms; I have had dozens and dozens of complaints about them, particularly from young girls who are getting their boxes together and have been approached by salesmen in an endeavour to sell them articles at prices considerably higher than their true value. The hon. member for Ipswich West also mentioned this matter. People who buy goods in this way have no redress. They sign for their purchase, and, even if they return them unpacked, they are still sent accounts for them or lose their deposits. That is why I say that this is good legislation, even though some members of the Liberal Party do not think so.

The Minister should give some consideration to dealing with a company called The Reader's Digest Association Pty. Ltd. Although it does not engage in door-to-door selling in the strict sense, I think it is one of the worst companies in Australia. If a person buys a Reader's Digest or any other article handled by the company, it continues sending Reader's Digests and other material to that person through the post. Many people have complained to me that although they have indicated to the company that they do not wish to continue buying its products, they still receive them through the post. The company has subsidiaries that supply long-playing records, books on mathematics, and so on, and in some instances people have received a bill even though the goods have been returned. They should not have the inconvenience of receiving articles through the mail, returning them time after time, and then receiving a bill. I suggest that most hon. members have received books from The Reader's Digest Association Pty. Ltd.

I do not wish to get away from the Bill, Mr. Hodges, but I thought I should mention this matter. The company to which I refer has one of the worst public relations sections in Australia, and the way in which it tries to "touch" young people with its sales gimmicks is absolutely disgraceful. The Minister should investigate its activities before the Bill is dealt with in Committee. Perhaps he could then introduce amendments to the proposed provisions to deal with activities of the type to which I have referred.

I have no sympathy with firms that accept the names of people of some standing in the community as references. Some people go from door to door endeavouring to sell something to members of the public, and they say, "Can you give me the name of a person as a reference?" The person concerned immediately seizes on the name of a member of Parliament whom he knows.

Mr. Kaus: Are you speaking about insurance salesmen?

Mr. BROMLEY: I am speaking about some door-to-door salesmen. The person to whom they are making a sale gives the name of a member of Parliament or some other person of high standing in the community—I do not know whether that analogy could be considered—and the salesmen, in their haste to take people down, immediately seize on that name, take it back to the company and say, "These people will be O.K. They have given the name of a member of Parliament as a reference". The companies do not bother to check with the referees—they are not really interested in doing so—and when people fall down on their payments the companies write to the referees. I have received letters saying, "Your name was given as a reference by such-and-such a person who purchased certain articles. If you know where he is living today, will you please forward his address?" Hon. members should consider cases such as that when an endeavour is being made to protect the public. As far as I am concerned, the companies deserve to lose all their products if they accept the names of referees without first checking on them.

Mr. PORTER (Toowong) (5.29 p.m.): It has been a very interesting debate, though a little maudlin at times. I must confess that the suggestion by the hon. member for Norman that The Reader's Digest Association Pty. Ltd. should be proceeded against merely because it sends unsolicited copies through the post to people who can drop them in the waste-paper-basket if they do not want them is a remarkable indication of the extent to which hon. members opposite believe that people should be protected. Apparently anything that breathes of aggressive commercial technique is to be outlawed.

I go along with the Minister in the presentation of this measure, which I believe is a moderate approach to a problem that

has appeared in recent times. Apparently this problem is occurring because of the techniques that are used by some door-to-door salesmen to gain entry to houses and sell their products.

This cooling-off period, I think, might be useful. I regard it as a matter of experimentation. I know that in Victoria the authorities are already finding that this does not work as smoothly as they had anticipated, and this may not be the answer we seek. But I go along with it because it seeks to remedy, in a moderate way, a social problem that has appeared.

However, I should not like to see us go any further in interfering with the normal processes of buying and selling which in turn would tend to restrict the consumers' freedom of choice. After all, that is the very corner-stone on which our system of free enterprise rests—our system of economic democracy—and, believe me, without economic democracy one can have no parliamentary democracy. We should remember this when we are so concerned to interfere with it.

When something is done by a salesman which tends to have a criminal aspect, by all means proceed against him for fraud, or something of that nature; but be very careful of going too far in terms of protecting people against, as the hon. member for Aspley put it, their own stupidity. This sounds very laudable and reasonable, but we would perhaps be making a rod for our own backs if we made too many ground rules for our society so that people would know they could make mistakes and then not have to pay for them. In other words, people will be inclined to disregard the responsibility they should exert over their own actions if they know some paternal Government will look after them. I think history has shown that this kind of paternal control can very easily become coercive control.

I also take exception to the arguments of hon. members opposite that so many people engaged in door-to-door selling are, as it were, "con" men tricksters. I think it is very improper for hon. members to imply that the great majority of people involved in door-to-door selling use improper methods.

Mr. BROMLEY: I rise to a point of order. We did not refer to the majority of door-to-door salesmen as "con" men or "tricksters".

The TEMPORARY CHAIRMAN (Mr. Hodges): Order! There is no point of order.

Mr. PORTER: Many door-to-door salesman have quite worth-while goods to sell. Their methods, even if aggressive, are quite proper and I do not think we should fall into the error of implying, even if we do not say it directly, that door-to-door selling, by and large, is a poor sort of profession and that those engaged in it are not people of the best quality. The great majority of them are honest, and if people are "conned"—the word was used in debate this afternoon—one must wonder to what extent this is due to high-pressure selling or to people's own stupidity.

Mr. Sherrington interjected.

Mr. PORTER: From last Saturday's election results, one might conclude that people are not as stupid as hon. members opposite believe. I suggest that the voting showed that people, en masse, are not as foolish or as simple as they might seem. In any case, this is a matter that perhaps education will take care of. As people become educated to think, to become selective and discriminating, to separate the wheat from the chaff, they will be able to make their own judgments and will not need all this legislation which tends to do their thinking for them.

I also believe that there is at all times a responsibility on a buyer to ensure that he or she is not being cheated. After all, this has been an essential part of the technique of buying and selling since the first civilised people started it. Indeed, in the first code of laws made by Hammurabi, King of Babylon 5,000 or 6,000 years ago, this was included. It became part of Roman law; caveat emptor —let the buyer beware. Obviously the seller is going to gild the lily to some extent. It is the buyer's responsibility to ensure that he is not taken in, either by the description of the goods or by the methods used in selling.

Certainly I do not think we will ever build character, either national or individual, by creating a system in which people can make their mistakes and then not have to pay for them. So I support the measure to the extent that it is a very moderate way of coping with the problem. A cooling-off period will enable people who have been rushed into a sale and have bought something which on mature reflection they realise they do not want to buy, to recant as it were. Anything more than that I should not like to see in legislation brought before this Parliament. I therefore support this Bill because of the moderation of its approach.

Hon. P. R. DELAMOTHE (Bowen—Minister for Justice) (5.37 p.m.), in reply: This has been a most interesting and singular debate. Never before when I have introduced a Bill have I heard such a wide coverage of matters particularly relevant to the legislation before the Committee. I did not detect any irrelevancies at all, but I heard a lot of wise comments. I should like to pay hon. members the courtesy of trying to clear their minds of some of the worries about points they brought up. I am sorry if originally I did not make the position quite clear, but I emphasise now that the Bill deals only with credit sales agreements, for a particular list of goods and services, made or entered into at places other than the normal place of business. Many of the

matters mentioned, particularly the sale of trousseau linen, are in the realm of lay-by rather than the field with which we are dealing in this legislation. The sale of trousseau linen poses a problem which I have had brought to my notice by many hon. members. I have not yet found a solution in this narrow field that will not involve a wider field. In framing legislation of this type to cure one set of problems, care must be exercised to see that a fresh set is not created.

Many hon. members asked why we did not make the cooling-off period longer than seven days. The Victorian Government introduced its legislation a couple of years ago and made it a period of five days. This was found to be insufficient because salesmen whom the legislation was intended to control completed their agreements so that the period terminated over the week-end.

The hon. member for Windsor also pointed out that in many instances by the time the person gave his notice—on the seventh day—10 or more days would elapse before the owner was aware of it. The seven-day period cures the problem that Victoria ran into and I understand Victoria intends to adopt it. That will cure the problem without extending the time unduly for the chap who wants to know whether the agreement is binding or not.

The hon. member for Norman raised another point, namely, that, if we make the cooling-off period too long, payment of salesmen who may be quite decent people will be delayed, or their wages will have to be carried. Seven days seems to be a good, mean, average period. We will find by experience whether it is the correct one or not. It is a good average to start with.

A Government Member: If you cannot make up your mind in seven days you never will.

Dr. DELAMOTHE: That is true.

Mr. Bromley: If you give them longer some of the articles that the door-to-door salesmen sell would be just a mass of rubbish.

Mr. Chinchen: They cannot be delivered.

Dr. DELAMOTHE: That is the important part; they cannot be delivered.

Another reason for waiting seven days is that in many country districts—the hon. member for Barcoo will realise this, as salesmen seem to go out into the country—the men folk are shearing on stations or working away from their homes during the week and are at home only for the week-end, and the seven days will carry the cooling-off period into the week-end when they are at home.

The hon. member for Salisbury chided me about the Consumers' Protection Council. It comes not in my sphere but in that of the Minister for Labour and Tourism and I am sure he has given some thought to the matter.

Another problem to which a few hon. members adverted concerned the place at which the agreement was made. If it was made in Mrs. Jordan's house it would be made in Ipswich West, not in Canberra.

Mr. Aikens: They cannot write in the old racket, "This contract shall be deemed to have been made in Sydney."

Dr. DELAMOTHE: No. Under the Act it is deemed to have been made at the door or at the place where it is made. Any writing into the agreement by the makers of it that this provision is not to apply makes the agreement void.

The hon. member for Ithaca raised the question whether it should not apply to cash sales. A cash sale is completed on the spot; it is made on the spot and the money is paid over on the spot; the Bill applies purely and simply to credit sales made at the door or at a place other than in the normal course of business.

The hon. member for Ipswich West raised the matter of jewellery parties, saucepan parties, and so on. Agreements made there are covered by the measure because that is a place other than the normal place of business. I thank all hon. members for their remarks. They may have fresh ideas at the second-reading stage after they have studied the Bill.

Motion (Dr. Delamothe) agreed to.

Resolution reported.

FIRST READING

Bill presented and, on motion of Dr. Delamothe, read a first time.

FIRE BRIGADES ACTS AMENDMENT BILL

SECOND READING

Hon. J. D. HERBERT (Sherwood—Minister for Labour and Tourism) (5.47 p.m.): I move—

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

As I mentioned on the introduction of this measure, there are two principles involved, namely in order that sufficient finance may be available to enable an adequate fire-fighting service to be maintained, not only in the metropolitan area but in other areas of Queensland, that the proportion of contribution by insurance companies has been changed from five-sevenths to three-quarters, and that the Government and local authorities' contribution has been reduced from one-seventh to one-eighth.

As I also mentioned previously, this does not mean that the Government contribution will be less; and in fact its contribution for this year, namely $570,070, will be an all-time high.

The other provision will enable the Metropolitan Fire Brigades Board, which has the principal role in fire-fighting organisation in the State generally as well as in the metropolitan area, to have representation on the State Fire Services Council, and will also enable each other board to have its representative on this body. In each case the representative will be chosen from a panel of three names to be submitted to the Minister by the Metropolitan Fire Brigades Board and the Queensland Fire Brigade Boards Association respectively.

Mr. HANSON (Port Curtis) (5.49 p.m.): As the Minister has said, one of the two principles contained in the Bill refers to an increase in the contribution made by insurance companies. At the introductory stage of the Bill many members on this side of the Chamber were adamant that this should not lead to an increase in premiums. The Minister said that these matters would have to be referred to either the Insurance Commissioner or the State Actuary. I am pleased that there will be no reduction in the actual Government contribution, although the proportionate contribution of the Government and local authorities has been reduced from one-seventh to one-eighth.

Mr. Low: Not before time.

Mr. HANSON: In reply to the hon. member for Cooroora, that could be so, too, because I have had many instances pointed out to me of representations by local authorities throughout the State that have fallen on deaf ears, particularly by local authorities in areas where service has to be provided many miles from the headquarters of the fire brigade.

I am particularly pleased that the Minister has said that there will be no reduction in the Government's contribution.

Many approaches have been made over the years concerning representation on the State Fire Services Council. Whilst it is desirable, and I think in accordance with the thinking of the Opposition, that the Metropolitan Fire Brigades Board and boards in country centres be represented on the council, it is also desirable that representation be given to the Metropolitan Fire Brigades Officers' Association and the Queensland Country Fire Brigades Officers' Association. Their members claim that they have expert knowledge of fire-fighting techniques and are au fait with the work of fire brigades, and should be represented on the State Fire Services Council. I feel that they have a point worthy of consideration. Although representations have been made to the Minister and his predecessors, apparently they have been rejected.

I believe that members of those two associations are particularly knowledgeable in fire-fighting matters. It is particularly hard to obtain the services of very good men in country fire brigades, and I know that migrants have joined fire brigades in country areas and have been able to pass on a considerable amount of knowledge on fire-fighting techniques. I should like the Government to heed the representations made for representation on the State Fire Services Council, especially by the Queensland Country Fire Brigades Officers' Association, at the same time seeing that justice is done to the Metropolitan Fire Brigades Officers' Association.

As the Leader of the Opposition and other speakers have intimated, the Opposition feels no cause for alarm over the legislation. The increase in the contribution by insurance companies brings the position in Queensland into line with that in other States, and consequently has our support.

Mr. DEAN (Sandgate) (5.55 p.m.): I should like to make a brief reference to certain sections of the Minister's speech. The one that concerns me most is the power conferred by the Bill to appoint more personnel to fire brigade boards throughout the State. I was a member of the Metropolitan Fire Brigades Board for a number of years, and I have studied fire-fighting administration generally. From my experience, I believe that the provisions of the Act relating to the making of appointments are rather weak. I have always admired the system in New South Wales, where representatives are appointed from the Fire Commissioners Board. This ensures that they are men with experience in fire-fighting. Too many people on fire brigade boards in Queensland are inexperienced, and I believe that the proposed increase in representation will make the position worse because even more inexperienced people will become members of boards.

In the second annual report of the State Fire Services Council—I think this is within the ambit of the Bill—reference is made to the delay in setting up an inspectorate in Queensland to bring about co-ordination between the various boards and bring them into closer touch and liaison with the Metropolitan Fire Brigades Board, which is a very large fire-fighting organisation. In view of the many references to lack of co-ordination over the years, I believe that this delay is very serious. The report shows that there are 84 districts in which boards are constituted in Queensland, each of which is virtually autonomous.

As hon. members know, the Q.A.T.B. is set up on a somewhat similar basis and this has had the effect of weakening the ambulance system. Too much autonomy will create similar problems in the fire-fighting services. I do not believe that the provisions of the Bill are wide enough to achieve closer liaison between the various fire brigade boards. If the inspectorate is formed, I am hopeful that it will encourage uniform procedures and the use of uniform equipment, such as hoses and connections, and vehicles. As I said, the Q.A.T.B. is having difficulty in achieving uniformity when each brigade has almost complete autonomy.

Mr. Herbert: You are making a speech on the second reading that you should have made at the introductory stage.

Mr. DEAN: I am trying to make a brief contribution to the debate. In my opinion, the debate on the introductory stage is too wide and virtually cuts out everything that one can say on the second reading. That makes it very difficult for an hon. member who was not in the Chamber when the Bill was introduced to make a contribution to the debate.

The protection of multi-storey buildings is not within the ambit of the Bill, but I make passing reference to it in the hope that at some time in the future hon. members will have an opportunity of discussing it at length.

I disagree completely with the methods of appointment to the various boards throughout the State. In my opinion, that is one of the principal weaknesses of this amending Bill.

[*Sitting suspended from 6 to 7.15 p.m.*]

Mr. AIKENS (Townsville South) (7.15 p.m.): This Bill contains some very simple provisions, one of which, of course, is to reduce the moiety to be paid to fire brigade boards by local authorities. I have often wondered why it is necessary for local authorities to pay anything at all towards the upkeep of fire brigade boards when one considers the tremendous contribution that local authorities make to fire-brigade operations. They have to supply the water, the mains, the valves; in fact, they have to supply everything the fire brigade needs to fight fires except the reels, the hoses, and the firemen themselves.

I do not know why the Minister has not completely absolved the local authorities from the payment of any contribution towards the upkeep of fire brigade boards unless, of course, he considers that this is justification for putting a representative of the local authority on each fire brigade board. I point out to him, of course, that it is not necessary to contribute anything to the upkeep of any board in order to have a representative on it. Local authorities do not directly contribute anything towards the maintenance of hospitals, yet there is a local government representative on every hospital board in the State.

Naturally, in view of the fact that the moieties to be paid by the insurance companies are to be increased, we will expect that they will try, either openly or in some snide way, to get this money out of the policy-holders. We know, of course, that that is not likely to happen with the State Government Insurance Office; but we do know that the last time this Parliament amended the moieties to be paid to fire brigades boards by insurance companies, local government and the Government itself, the private insurance companies—I absolve the State Government Insurance Office from any participation in this putrid racket—although they did not actually increase the premiums so that the public would know what they were doing, began to charge stamp duty twice.

Everybody knows that a State stamp duty charge is placed on every fire-insurance policy. I think it was first imposed way back in the early twenties, and it was always included in the premium. But on the last occasion that this Parliament increased the moiety to be paid by the insurance companies towards the upkeep of fire brigade boards, the insurance companies decided to charge the stamp duty separately again.

Mr. Campbell: You are wrong.

Mr. AIKENS: I ask the hon. member for Aspley not to say that I am wrong. He may know something about raising chickens or the size of eggs, but he knows nothing about this matter. I know, because my own home was insured in the early fifties with a private insurance company. I did not want it that way, but it was insured that way when I bought the house. I went along to this private insurance company to pay my premium for the next year and I was charged an extra amount of stamp duty. I said, "What is the idea of charging the stamp duty?" The clerk behind the counter said, "It is a recent imposition by the Government". I said, "As a matter of fact, I happen to be a member of Parliament and I know that stamp duty has been in operation since about 1923, so what is the use of putting it on your premium now and saying it is a recent imposition by the State Government? If you are going to charge me stamp duty twice I shall take my business to the State Government Insurance Office".

At that time the State Government Insurance Office would not accept all the fire policies it could get, because most of the fire policies, in our area anyway, also had attached to them a storm and tempest policy and the State Government Insurance Office had all the storm and tempest business it could handle. Anyway, I took my policy to the State Government Insurance Office, and, of course, they insured me and took over the storm and tempest cover as well, and did not charge the stamp duty. What use is it for the hon. member for Aspley to say that the private insurance companies did not work this rotten, putrid little racket on the people?

Mr. Smith: He is probably right.

Mr. AIKENS: If he were as right as the hon. member for Windsor, he would be horribly wrong.

That is what the private insurance companies did on that occasion. I am beginning to wonder how they are going to slug policy-holders in order to meet the increased moiety they are being asked to pay. If the hon. member for Aspley can read, I suggest that he go to the centre table and pick up

some old "Hansards" where he can read that I asked the former Treasurer several questions about the attitude adopted by the State Government Insurance Office and the attitude adopted by the private insurance companies towards the imposition of stamp duty. He told me that the State Government Insurance Office was not charging the stamp duty twice; it was charging it only once. I do not suppose the hon. member for Aspley has his home insured with the State Government Insurance Office or has any other business with it, but if he had he would have seen on his premium notice, as I saw on mine, that the stamp duty is chargeable but is paid by the Office to the Government and is not payable by the policy-holder. What use is it for the hon. member for Aspley to talk such blatant nonsense merely to get his name in "Hansard"? I am beginning to wonder just where the private insurance companies are going to finish when this measure becomes law.

I do not want to tell anybody what he should do or how he should insure, but anybody who has any fire insurance to take out has more money than sense if he takes it out with any other than the State Government Insurance Office in Queensland.

There is one matter I should like to deal with, and I think it refers directly to fire insurance. In North Queensland, where we have periodic visitations from cyclones and heavy weather, any wise person insures his home against storm and tempest. The premium is rather high; it is 5s. per £100 cover. This is a matter that was referred to by the former Treasurer. The most astonishing thing is that no-one can insure his home for whatever storm and tempest cover he wants. For instance, my home is insured against fire for $8,000. I should like to insure it for $12,000 against fire because I think that is what it is worth. If a fire occurs in a house it is more than likely that it will be completely destroyed. If I want to take out storm and tempest cover I have to take out exactly the same cover as I have for fire, although with a "blow"—even a cyclone—one is not likely to lose all his home. One may lose the roof or portion of the house but——

Mr. SPEAKER: Order! I have been very tolerant with the hon. member. I am just wondering when he intends to come back to the provisions of the Bill. He is now dealing with storm and tempest cover. There is nothing at all in the Bill about that. The hon. member has very small licence to deal with insurance premiums but not the very large licence that he has been accepting, as is his custom. I am not prepared to listen to any argument about the premiums of insurance companies, whether they be for fire insurance or storm and tempest insurance.

Mr. AIKENS: In accordance with the Standing Orders, Mr. Speaker, I have no doubt that you are quite right, but I want to make this point. Fire insurance cover is dealt with by this Bill because it is through fire insurance policies that the insurance companies will pay their moiety under this Bill to the fire brigade boards. I will not pursue the matter; I merely mention in passing that much more fire cover would be taken out, particularly in North Queensland, if a home-owner could insure his home against fire for what he believed his home was worth and, at the same time, insure his home for what he thought was likely to be the damage done by storm or tempest. Why a policy-holder has to insure his home against storm and tempest for the same amount as he takes out in fire risk is more than I can understand.

I suggested earlier that local government should make no contribution at all to fire brigade boards. I would say that if we looked at what local government puts into the operation of a fire brigade board with mains, valves, and so on, we would find that it contributed more towards its upkeep than any insurance company, despite the increased moieties provided for in the Bill.

Mr. CAMPBELL (Aspley) (7.26 p.m.): I listened to the hon. member for Townsville South with a great deal of amazement in that he could speak for so long yet with such little knowledge. I have always had a regard for the hon. member's knowledge and use of the English language. He used the word "moiety" as though it were a fractional part, yet we find in the Concise English Dictionary that "moiety" has this meaning—

> "Half, especially in legal use; (loosely) one of two parts into which a thing is divided."

He was just as inaccurate in that respect as he was in asserting that insurance companies are charging the public for two lots of stamp duty.

Mr. Aikens: Be fair. I referred to private insurance companies.

Mr. CAMPBELL: Stamp duty on insurance policies was introduced by the Labour Government in 1927 at the rate of 4d. per centum. Ever since that time stamp duty has always been shown on the premium notice separate from the actual insurance premium. If someone in an insurance office induced the hon. member to believe that stamp duty has been paid twice, I suggest that he should go to a more reliable source for his information rather than coming here and trying to mislead the House by a very long-winded, but not very accurate, dissertation.

Hon. J. D. HERBERT (Sherwood—Minister for Labour and Tourism) (7.27 p.m.), in reply: There is very little to reply to, as most of the comments had nothing to do with the Bill. However, one or two points should be replied to. The hon. member for Port Curtis spoke about union representation on the State Fire Services Council. The council has nothing at all to do with working conditions. It has a competent and

experienced inspectorate staff under a chief officer. They give expert and practical advice to the council. The other comments in relation to boards do not apply to this Bill.

The hon. member for Sandgate made quite a few comments that were not relevant. I point out to him that appointments to fire brigade boards have nothing to do with the Bill. The Bill deals only with appointments to the council.

Obviously the hon. member for Townsville South was not here for the introductory stage, otherwise he would not have passed a few of his comments and certainly he would not have attacked the hon. member for Aspley. Of all hon. members in this House, the hon. member for Aspley would be a long way in front with practical knowledge and experience. He has had many years of experience in this field and that was very obvious by his contribution at the introductory stage. For the benefit of the hon. member for Townsville South, I will read the comments I made on premiums at the introductory stage—

> "Hon. members no doubt will be anxious to know whether this change in the proportions of contributions will affect fire insurance premiums charged. The Insurance Commissioner informs me that at present most insurance companies in all of the States except Queensland apply a surcharge on premiums of 5 per cent. as a result of rising fire brigade costs. However, in Queensland, the Insurance Act of 1960, amongst other things, requires the Insurance Commissioner to prescribe maximum rates of premium which may be charged by insurers in Queensland for the various classes of fire and accident insurance. It follows, therefore, that in this State insurers cannot increase fire insurance premiums without the consent of the Insurance Commissioner, and to date no approval has been given for the application of this surcharge of 5 per cent. to Queensland. Before this is given, the insurance companies will have to convince the Insurance Commissioner that any increase above existing rates is warranted."

Some hon. members said that local authorities should be relieved of this burden altogether. A contribution is made by local authorities in all States. The only exception is Canberra, where the whole of the cost is borne by the Commonwealth. We cannot compare the Australia Capital Territory with any of the States where this contribution is paid.

All in all, the House has indicated general support for the Bill.

Motion (Mr. Herbert) agreed to.

COMMITTEE

(Mr. Hodges, Gympie, in the chair)

Clauses 1 and 2, as read, agreed to.

Clause 3—(1) Amendment to s.19; Constitution of State Fire Services Council—

Hon. J. D. HERBERT (Sherwood—Minister for Labour and Tourism) (7.31 p.m.): I move the following amendment—

> "On page 2, line 8, after the word 'omitting', insert the words—
>
> 'the word "five" and inserting in its stead the word "seven" and omitting'."

This is the result of a drafting error. The increase from five to seven in the number of persons on the State Fire Services Council is provided for in the Bill, so it is necessary to move this amendment. There has been some ambiguity. Some hon. members approached me earlier today about this matter.

Mr. R. JONES (Cairns) (7.33 p.m.): In the Minister's closing remarks at the second-reading stage he referred to the support by the hon. member for Port Curtis for union representation on the council. In the absence of the hon. member for Port Curtis, I feel that I should clarify what is being put forward by the Opposition. We do not submit that this union body should have representation on the council simply because they are members of the union, but because they are the people who fight the fires and have the practical knowledge. I could cite many cases of people who serve on boards and in brigades throughout the State who have also served in brigades throughout the world, particularly in England. They have a good practical knowledge and would be able to contribute something to the deliberations of the council. I recall that in my early years——

Mr. Aikens: And that is not long ago, either.

Mr. R. JONES: It probably is not. I had something to do with fire prevention. During the course of my early career in the Railway Department I was in Torrens Creek, where American servicemen, unfamiliar with the Australian bush and its fire hazards, had a bomb dump. They started to burn a fire-break. With a change of wind a disastrous fire flared up and quite a number of high-explosive bombs exploded. That happened simply because they did not have a practical knowledge of the area or of fire fighting. I believe that if the men who are called on to fight fires have representation, they can make a valuable contribution to the deliberations of the State Fire Services Council.

That is my submission on behalf of the Opposition. We say that the members of the council would not necessarily know what is entailed in actually fighting a fire. They would not have the practical knowledge and experience of men who have actually to fight the fires, and who would thus be able to make a definite contribution to the working of the council.

Mr. DEAN (Sandgate) (7.36 p.m.): In support of my colleague the hon. member for Cairns, I should like to take the matter a little further. This was what I was trying to amplify before the dinner recess.

The number of members of the council is being increased to seven. Who are the members to be, and what experience must they have? Is the Minister going to ensure that one member of the council is experienced in civil defence? I think that members of the council should have training in that field, if in no other, so that they can fit in with the work of the Civil Defence Organisation.

The Minister said in his final remarks that the amendment was "only a drafting amendment". Of course it is, but I should like to hear him give a little more explanation of the addition of another two members to the present five. What I should like is a little more clarification.

Mr. RAMSDEN (Merthyr) (7.37 p.m.): It appears quite apparent that there is a complete misunderstanding of the function of the State Fire Services Council. Before it was established the Minister was the one who had to make decisions concerning the various fire brigade boards, particularly those dealing with budgetary considerations. The setting-up of the State Fire Services Council was conceived by the late Dr. Noble. He saw it as a body that would relieve the Minister of the arduous task of making these decisions, particularly those concerning budgets.

Opposition members misunderstand the purpose of the council when they advocate the inclusion of employees in its membership, because it is not an employee board. It is a council which in effect takes the Minister's place. It acts for and on behalf of the Minister, and as an advisory body. It has no rights under industrial law. It is purely an advisory council to the Minister.

Mr. Aikens: It has nothing to do with the tunnel under the river, either.

Mr. RAMSDEN: The ignorance of the hon. member for Townsville South has already been pointed out by the hon. member for Aspley, so I do not think I need make any further comment on that interjection.

The only point to be considered at this time was made quite clear by the Minister in his speech at the introductory stage. For practical purposes, it has been found necessary to add to the council a representative of the Metropolitan Fire Brigades Board and a representative of the Country Fire Brigades Association. The country and metropolitan boards will thus have representation on the council so that their needs can be better understood. To say that the State Fire Services Council is a bunch of ignorant men with no knowledge of fire brigade matters shows a complete misunderstanding of the position.

As I said at the introductory stage, the board is advised by the Chief Officer, who is taken into full consultation on all technical matters of which he is expected to know something. I do not think that hon. members opposite are making any effort to understand the Bill. If they were, they would realise that the Minister outlined all these provisions at the introductory stage.

Amendment (Mr. Herbert) agreed to.

Clause 3, as amended, agreed to.

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

Hon. J. D. HERBERT (Sherwood—Minister for Labour and Tourism) (7.41 p.m.): I move the following amendment—

"On page 3, insert the following new clause to follow clause 6—

'7. Amendment to Sch. 1 Part IV. Part IV of Schedule 1 to the Principal Act is amended by omitting from sub-rule (2) of rule 3 of the rules set forth therein the word "three" and inserting in its stead the word "four" '."

This is another drafting amendment. At present the schedule provides that a quorum for meetings shall be not less than three persons out of a total council of five. With the increase in the council to seven persons, it is necessary that a quorum be not less than four persons.

Amendment (Mr. Herbert) agreed to.

Clause 7, as read, agreed to.

Bill reported, with amendments.

WEIGHTS AND MEASURES ACTS AMENDMENT BILL

SECOND READING

Hon. J. D. HERBERT (Sherwood—Minister for Labour and Tourism) (7.43 p.m.): I move—

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

As I said during its introduction, this measure, briefly, is to permit by regulation the control of the practice of offering meaningless discounts and deceptive packaging.

That practice is already being discontinued by some manufacturers, who are in accord with the objectives of the Bill. In some cases, the practice was forced upon them by competitors.

The completely misleading nature of these markings can best be illustrated by the case of a manufacturer who was putting on the market a completely new product for which, at the time, no price had been fixed. The label was printed with "6d. off" on it. When his attention was drawn to this, his remark was, "Well everybody else is doing it", and discount had therefore been implied on a price that had not been determined.

The Bill was well received during the introductory stage and, since then, by all sections of the community, and advices of appreciation have been received.

During the introduction I expressed appreciation of the co-operation already being received from manufacturers and packers in

packaging generally, relative to the proposed Uniform Packaging Regulations which will be implemented along with the other regulations referred to in this measure, and I desire to reaffirm that appreciation.

I would also like to place on record the assistance given by the chain stores, which have been found ever ready to co-operate with the Chief Inspector of Weights and Measures and his staff.

I shall mention a recent instance of their co-operation. The Weights and Measures Department brought to the notice of chain stores that a certain form of advertising, that of average instead of minimum weights for poultry, could mislead a purchaser as to which was the better value. Frozen dressed poultry is sold in grade ranges, and the average weight is 2 ozs. higher than the minimum net weight of the grade range. Immediate action was taken by the stores concerned to alter their method of advertising, which now indicates in uniform manner the minimum weights, and this enables the housewife to make comparisons of value.

Mr. SHERRINGTON (Salisbury) (7.46 p.m.): It can hardly be said that the Minister in his introductory speech made a forthright statement about the deception that has been practised over the years on the public by the use of misleading packaging, phoney discounts, and so on. The Minister's contribution lasted from 3.23 p.m. to 3.27 p.m., some four minutes, and his second-reading speech was of even shorter duration. As a matter of fact, on reflection, and looking back over some of the contributions made by Government members at the introductory stage, it was rather entertaining to witness the acrobatic feats performed in many of their contributions.

This matter is one of great importance to the public; so much so that following several conferences between various Justice Ministers throughout the Commonwealth, the Victorian Government conducted a very searching inquiry into many of the practices in vogue in the merchandising of various products. In its comment on this inquiry by Mr. W. J. Cuthill, S.M. the publication "Nation" stated very clearly that the record takes up six thick volumes that run to 2,322 closely typed foolscap pages and its scope is almost like an encyclopedia. In the course of the inquiry conducted on behalf of the six States and the Commonwealth Mr. Cuthill collected over 400 exhibits and investigated over 600 cases brought up in evidence during the term of this inquiry.

I cannot claim to have read all of Mr. Cuthill's findings in the matter but I have perused the six documents, and the one which I have here specifically deals with deceptive packaging. I should have thought that the Minister in his second-reading speech would have played his part in informing the public of any deceptive practices. As I said, it was rather amusing to witness the acrobatic feats performed by some Government members when dealing with this particular problem. Many of them very carefully rocked the boat without in any way wanting to offend this large band of deceivers of the public.

Mr. Ramsden: When are you getting round to praising the Bill?

Mr. SHERRINGTON: I will get around to praising it in good time.

With the exception of the hon. member for Toowong I think all hon. members opposite showed a willingness to climb on the band wagon. One chose to refer to these practices as stupid tactics when, in fact, they are none other than fraudulent deception. I make it quite clear—I have said it six or seven times in his Chamber—that in my book I see very little difference between deceiving the public by false packaging, false labelling or like measures and deceptive methods practised by door-to-door salesmen, in respect of whom we introduced legislation today——

Government Members interjected.

Mr. SHERRINGTON: I do not want to be sidetracked by inane interjections. Time will tell whether or not there were any extravagant promises last Saturday.

As I say, I see very little difference between the deceptive methods adopted on printed labels or advertisements in newspapers and the tactics used by door-to-door salesmen, against which we have taken action today.

Mr. Chinchen: Some of the door-to-door salesmen.

Mr. SHERRINGTON: Of course the hon. member would not understand.

There has been more than ample evidence in this Chamber that many hon. members abhor the practices engaged in by door-to-door salesmen——

Mr. Smith: I wish you would talk about packaging.

Mr. SHERRINGTON: I wish the hon. member would keep quiet.

Many hon. members on both sides have stated quite openly that some of the tactics of door-to-door salesmen have been very undesirable.

Government Members: We have passed that Bill.

Mr. SPEAKER: Order! I should like to advise hon. members in the back bench and on my right that I am able to control the House without your assistance. I assume that the hon. member is only drawing an analogy. I ask him not to be too long in drawing it.

Mr. SHERRINGTON: Yes, Mr. Speaker, I am drawing an analogy.

While on this matter of deceptive packaging, I am conscious of the fact that empty vessels make the most sound.

At the introductory stage the hon. member for Kurilpa tried to have two bob each way. At one stage he said that there could possibly be a case for packaging articles in over-large cartons and then, in case he offended the kitchen study group, he said there was just as strong a case against that sort of thing. To me that was something like having two bob each way. He forgot to mention, of course, that this method of packaging in over-large cartons, apart from the fact that it is deceitful, can only add to the cost of the articles through the price of the cardboard used and the additional freight charges by reason of the extra space they occupy. And, as the Australian Consumers' Association said, they are carried all over the countryside by boat, train and plane. He forgot to mention also the fact that the half empty cartons are carried around in women's shopping bags.

As I have said, the star attraction among hon. members opposite was the hon. member for Toowong. There was no tightrope walking for him. With all the attributes of a Jimmy Sharman performer he promptly sank a couple of straight lefts into the abdomen of the Minister. He came out and said he was of the opinion, however great the deception, that so long as the weight was declared the housewife could not be deceived.

Let us see what Mr. P. J. Fabricius of the Unilever Group had to say at the inquiry into the use of over-large cartons and outsize containers. He is reported as follows:—

> "He complained of 'scathing and ill-founded remarks on advertising' and denied that declared weight on packages was of any genuine benefit to consumers. '. . . the declaration of weights on the packets of detergent products will afford no useful measure of the value of the products. Such value is determined by the formulation of the product, that is, the nature of the contents within the packet . . . . Any protection provided by a declared weight is, therefore, illusory and may well give the purchaser a false sense of security. If the consumer is led to buy on the assumption that weight is a measure of value, she is in fact more vulnerable to a manufacturer who attempts to cheat by diluting or adulterating his product."

He then went on to give an example in which the varying sizes of detergent containers depended on their strength and pointed out that the adding of the weight to the label afforded very little protection whatever.

The hon. member was completely unaware of the fact that the whole concept of misleading packaging depends on the illusory effect of the package. He bemoaned the fact that the Bill gave the Government or the Minister power to control the size of a packet. He said, to use his own words, that it was an unwarranted intrusion into the rights of the individual, into the rights of the manufacturer and into the rights of the retailer. What about the consumer? Has he not got some rights in this? Has not the man who purchases these articles packed in deceptive packages some rights? Surely he has the right to receive value for his money; surely he has the right to be protected from deception; most surely he has the right to a fair and honest presentation of products to enable him to make a wise choice.

One of the matters that all the inquiries into misleading packages has brought forth is that today the housewife is denied the right to make a choice because of the use of fractional weights, the use of over-size cartons, and the use of price to such an extent that she needs a slide rule and a calculator to enable her to ascertain whether differing products are better than others.

Mr. Lickiss: You would be at a loss if you wanted to use those.

Mr. SHERRINGTON: If the hon. member would speak up I would be able to answer him.

If the hon. member believes that the rights of the manufacturer, wholesaler and retailer are centred around deception of the public, then there is every reason for intrusion. The hon. member contended that the natural law of competition quickly puts into his place the manufacturer who practises deception. While that is commendable in theory it is hardly sustained by practice, because it is indulged in today in every type of merchandising. How can this mythical fact of healthy competition have any effect whatsoever when this deception is practised not only State-wide, but Australia-wide and world-wide; it is indulged in by many of the international companies.

The main principles of the Bill are bound up with the question of controlling deceptive statements as to "amounts off" which are printed on the packages, and the prescribed specifications for the items, which are marked on the packages. As I said on behalf of the Opposition in my introductory speech we are prepared to support the measure. We believe that this will be one way of plugging the gap and thus countering many undesirable practices that have sprung up in merchandising. But while this will have the effect of ridding the shelves of the package which, for many years, has had on it this misleading information about 9 cents or 10 cents off, and companies have tried to outdo one another as to how much they allow off, I am afraid that it will only tranfer this type of thing from one sphere to another.

The Minister said that the chain stores have co-operated in this matter. But in newspaper advertisements we find the very same principle. I have here a sample of this type of advertising. This chain store advertises "Save 5 cents on a lb. of tea." "Save 2 cents on Nestle's reduced cream," etc. Following the passage of this Bill

there will be a great growth in the use of this type of advertising. If it is wrong for this type of inducement to be put onto a carton, it is equally wrong for it to be put in newspaper advertisements.

Mr. Smith: They are taking it off the price so what is wrong with that?

Mr. SHERRINGTON: If the hon. member believes that, he is the only one convinced by these advertisements and is the only one who believes in Father Christmas.

Government Members interjected.

Mr. SPEAKER: Order!

Mr. SHERRINGTON: I hope hon. members opposite do not mind if I make my speech. As soon as they are finished I shall continue.

This will mean only that one problem is replaced by another. If it is wrong to employ this type of deception in one form it is equally wrong to employ it in another.

To gather the magnitude of the deception that is being practised in the use of outer packages I shall read from the report of Mr. Cuthill, S.M. One of his findings reads—

> "The next problem will be that of framing legislation to deal with slack fill. On the inspection of the factory of Unilever Australia Pty. Ltd. at Balmain, I saw packets of 'Lux' leaving the filling machine only half full, although they contained the correct marked net weight. The packet of 'Deb' instant mashed potato manufactured by the Unilever group contains a small pouch pack . . ."

That is what the Bill sets out to cure, namely, the use of outer packages to disguise the contents. He continues—

> " . . . contains a small pouch packet of the product, and, although it is marked with the net weight, the volume of the food has very little relation to the size of the slack-filled carton."

During his inquiry Mr. Cuthill, S.M., was amazed at the number of excuses offered by the various manufacturing firms as to why there should be a large carton containing a small packet or a pouch packet.

Mr. Wharton: Are you reading your first speech from "Hansard"?

Mr. SHERRINGTON: I know that the hon. member's hearing is failing; apparently his sight is also failing. I am reading from the report of Mr. Cuthill, S.M. What he found on the use of outer packages was part of the submission of the Australian Consumer's Association, which has, I feel, played possibly a more valuable role than has any other organisation throughout Australian in obtaining the truth in advertising and packaging. In its submission on the use of oversize cartons, it lists various commodities such as Colgate's tooth-paste, Ipana tooth-paste, Kolynos tooth-paste, Nyal tooth-paste, S.R. tooth-paste, Brylcreem, D.H.A. Zinc Cream, P.D. Benadryl and Euthymol tooth-paste. The submissions to the Board of Inquiry covered a range of products and disclosed that in 13 of the 22 products listed the product occupied 30 per cent. or less of the volume of the outside carton. Eight of the inside containers filled only 40 per cent. or less of the larger outside container, and only one—I think it was Euthymol tooth-paste in the small size—exceeded 40 per cent. of the volume of the outside container. Of the 22 products listed, only one filled more than 40 per cent. of the volume of the outside carton. This is the sort of deception that the Bill sets out to remove. Admittedly the problem is world-wide.

Mr. Campbell: It is like putting a round peg in a square hole.

Mr. SHERRINGTON: I do not see any relevance in that. It is quite obvious that the hon. member of Aspley has not read this report.

Mr. Campbell: I am trying to follow you.

Mr. SHERRINGTON: How can I put it in simpler language? How can I tell the hon. member that the volume of the inner container was only a small percentage of that of the outer container? As a matter of fact, one of the most flagrant examples of the use of over-size cartons was found in the case of one inner container that occupied only 25 per cent. of the carton. Of course, if members on the Government side are quite happy about that——

A Government Member: We are bringing in the Bill.

Mr. SHERRINGTON: Yes, but hon. members opposite cannot claim credit for it. I have been trying for seven years to have something done about it. Conferences of Ministers for Justice have been held throughout the length and breadth of Australia. Legislation of this type has been introduced in other States, and now hon. members opposite say, "We are bringing in the Bill."

Mr. Davies: It is quite evident that the Minister is forcing it on the backbenchers.

Mr. SHERRINGTON: Yes. If hon. members opposite are claiming credit for introducing the Bill, why has it been left to the Opposition to bring these facts to light? Are hon. members opposite ashamed to take the steps now being taken? The Minister took four minutes to make his speech at the introductory stage, and three minutes on the second reading, yet the hon. member for Ithaca this afternoon exhorted the Minister to get as much publicity as he could for what was being done to control door-to-door salesmen.

Mr. Wharton: What are you doing now?

Mr. SHERRINGTON: I am not criticising the hon. member for Ithaca; indeed I applaud him for expressing those sentiments.

I would have applauded the Minister, too, if he had risen in the House and told hon. members of some of the deceptions that are being practised, instead of dismissing a matter of public importance in two or three minutes.

This problem is not confined to Queensland; it has arisen in other countries throughout the world. In England the Moloney Commission made a very searching inquiry into it and, as a result, certain legislation was introduced. In America, action was taken in the Senate recently to curb the use of deceptive packaging and phoney discounts. The Government wishes to boast about the action it is now taking. I remind the House that Queensland is one of the last States in the world to take such action.

The tactics that have been adopted in this Chamber over the last few weeks are to waste as much of my time as possible by making stupid interjections while I am making a speech. I have never heard anything so ludicrous as the hon. member for Clayfield taking a point of order this afternoon because a microphone was not working. I assure him that I do not have to resort to mechanical aids.

The Opposition has no real quarrel with the principles of the Bill and indicates its approval of the measure generally, but there are some matters that hon. members on this side of the Chamber do not think are really desirable and I shall deal with them in the Committee stages.

Before concluding, I should refer to the use of phoney discounts printed on packages. This, of course, is part of a psychological process that has become a feature of what is known as the silent salesman, which has replaced the former dealer. If anyone has any doubt about the amount of research that goes into deceiving the public, I recommend that he obtains from the Library a book called "The Hidden Persuaders" by Vance Packard. If he thinks that all these things—the use of the over-size carton, the use of phoney discounts, and so on—have happened by sheer accident as part of the pattern of marketing and advertising, it will do him good to read "The Hidden Persuaders", which indicates that literally thousands and thousands of pounds are devoted to motivational research—in other words, to devising ways and means——

Mr. Porter: It is a lot of poppycock.

Mr. SHERRINGTON: The hon. member for Toowong says it is all poppycock.

Mr. Porter: You do not know anything about merchandising, if you believe that book.

Mr. SHERRINGTON: Apparently the hon. member does not know anything about politics. I have found repeatedly that if the hon. member has not an argument, he says, "The hon. member's contribution is poppycock", or stupid, or something of that sort. I am not going to accept that as a valid rejection of any argument that I have advanced in this Chamber tonight, certainly not from the hon. member for Toowong, who has been in the Chamber only about five minutes. Although he may have successfully taken over the leadership of the group of insurgents on the back bench—I do not deny that he has achieved a certain amount by becoming their leader—he is not going to controvert my argument merely by saying that it is poppycock. The Minister for Justice showed in this Chamber this afternoon how door-to-door salesmen were deceiving the public.

Mr. SPEAKER: Order! The hon. member appears to be discussing door-to-door salesmen more than the Bill.

Mr. SHERRINGTON: I agree with that contention but I cannot see any difference between deception by packaging, or sleight-of-hand, or slick sales talk. As I said, it would do the hearts of hon. members opposite good to read this book.

Mr. Campbell: Do you acknowledge we have hearts?

Mr. SHERRINGTON: I strongly suspect that the hon. member for Aspley has no heart otherwise he would be concerning himself more with what have been described in this Chamber as fraudulent, deceptive practices.

Mr. Campbell: Do you really think they are crooks?

Mr. SHERRINGTON: The hon. member reminds me of John Wakefield of "Meet the Press", who has become notable for his attempts to put words into people's mouths. If the hon. member comes to my office I will give him some instruction for backward beginners and explain it to him.

Unless we take action in other directions, these phoney discounts are going to be transferred to another sphere. As a matter of fact, certain retailers' associations in this State took exception to my remarks at the introductory stage concerning certain specials being limited to so many per customer, yet the particular matter I was dealing with on that occasion was outlined in the journal "The Retailer" published by the Queensland Retail Traders' Association which complained that this use of discounts was known as "variable merchandising" and that in its opinion it was nothing less than deceitful.

Following in the wake of this Bill we will merely see a transference of this type of thing to another avenue. I would not mind if these advertisements were truthful because anybody who cares to read the mid-week newspapers containing so-called "amounts off" items will find one firm showing "6s., save 7d." and another showing "5s. 11d., save 9d.". Is this any less deceitful than putting "9d. off" on a package without any true meaning whatever?

I think I have covered most of the points. After six or seven years talking about this matter in this Chamber there would be very few points that I have not covered, except

to say that I think this legislation will not be really effective until a common packaging code is introduced. The Minister has indicated that this will be introduced in the New Year. Whilst I support the Bill in regard to some of the practices that have been going on, I do not think it will be really effective until we have some control over truthful advertising in these matters.

Mr. PORTER (Toowong) (8.19 p.m.): The House will be aware that although I support this measure because it has the support of the majority of my colleagues, I am not wildly enthusiastic about it. In the introductory stage I gave my reasons for this. I rise now to augment some of those reasons and also to offset in a small way the remarkable outburst by the hon. member for Salisbury who, speaking on behalf of the Opposition, gave what I think is a classic demonstration of the hatred that members on that side of the House have for anything to do with free enterprise. They are all for anything that implies a criticism of business and business methods. Anything that recognises that our whole way of life is based in a free-enterprise system is anathema to them and they will not have it at any price. I would suggest that what has been said here shows that they are pickled in the vinegar of Socialism; they are fighting a war against the type of Capitalism that vanished decades ago. If that is to be the level of their political thinking in this year of grace of 1966, it is very evident that as far as electoral successes are concerned they will be on a starvation diet for a long time to come.

I speak on this Bill realising that I am probably a lone voice in opposing it, but I want to instil some element of common sense and some regard for competition into the debate. When I spoke at the introductory stage the hon. member for Townsville South tore some strips off me, saying that I was a rugged individualist as though this was some term of opprobrium. I would regard being an individual as being worthy of merit.

Mr. Aikens: You are the tick-whiskered, Tory type of rugged individualist.

Mr. PORTER: That is not a bad one.

I do suggest that being called an individualist means that it is recognised that one has some concern for the rights and responsibilities of other individuals. I am one of those who believe that people are inherently sensible and intelligent. I do not want to see their intelligence and capacity to make decisions downgraded to the extent that we take the power to make decisions out of their hands and give it to some officials on the basis that the official will know what is good for them better than they themselves do. I believe that women particularly are infinitely more intelligent and more reasonable than perhaps hon. members opposite are apparently prepared to concede.

Let us be quite clear about this. I am all for people not being deceived. To that extent I support wholeheartedly the proposal to print the weight of the contents on the outside of any package. I do not care if you make the weight size half the extent of the package. Do what you like, but I say that once you put the weight on the outside of the package it does not matter a continental what the inside contents are. If people are going to read the weight and still claim that they are deceived about the contents of the package, then all I can say is that they will be deceived by wagging a finger in front of them. I regard the power to control the size of a package as an unwarranted interference with free enterprise and an unnecessary interference with the consumer's right of choice, not only in regard to the goods themselves but in the way the goods will be displayed. Indeed, I think that in this way we are interfering with a successful free market.

I wondered whether I was being an eccentric when I first opposed the Bill, so between the introductory stage and now I have spent some time going around various stores—Woolworths, B.C.C., Nifty Thrifties, Cut Price Stores—where I have spoken to store managers and scores of shoppers. I say quite frankly that never have I struck any demand for this control of the size of packages in relation to their contents—nowhere at all. I challenge any hon. member to go into any of these stores and purchase a package that is so grossly misleading as to warrant this type of power—power to control the size and shape of the package in relation to its contents.

I was rather fortunate in my research to come across a report given to the annual meeting of Brisbane consumers in October, a small amount of which was printed in the Press. In his address Professor R. C. Gates, Professor of Economics at the University of Queensland, neatly dealt with the point that has been raised in support of the legislation that certain trade associations had asked for this power to be given.

It is true that there are many free enterprises that would like to see the competitive element in free enterprise taken away, but that does not mean that we as a Government should condone it. Professor Gates said—

> "I do not think people ought to be told what to buy: you step onto a dangerous path if you begin to assume that each individual does not know what is best for him."

I agree with that.

He also said—

> "Commerce and industry are subject to a good deal of regulation by governments and by their own trade associations. Although this regulation is often intended to protect the interests of consumers, sometimes it is directed rather to the interests of the manufacturers and traders . . ."

That is true, also.

Finally, he said—

> "The consumer has a strong interest in preventing business associations or governments from limiting hours of trading, standardising prices and in other ways reducing competition among sellers."

I agree with that and I hope that most hon. members also agree with it. However, I recognise that there is little point in taking this stand much further. I hope I have clearly expressed that I regard this matter as minor in itself, but it is the principle of controlling competition and the way business operates that worries me. I hope that we as a Government will not do much more of it. I do not like to see Governments so interfere and be so full of don'ts that officials are given power to seriously interfere with the marketing of goods. In the long run, that does not help consumers; it tends to play only into the hands of those entrepreneurs who do not wish to face up to real competition. I feel that our task is to help the consumer by making competition much more competitive, not by restricting competition.

Mr. AIKENS (Townsville South) (8.27 p.m.): We have just heard a very interesting dissertation from the hon. member for Toowong, from his particular point of view. Some of the points he made are worthy of consideration, because, like a wise politician he dealt only with the points that he thought could be quoted in his favour. As I read the Bill, it gives the Government official who will be implementing this Bill much more power than to see that the package containing an article for sale is not over-sized. It gives him the widest possible power to ensure that the people are not robbed and fleeced by these rugged individualists who have in this House a very sturdy supporter in the hon. member for Toowong.

The hon. member for Salisbury dealt with the matter of a tube of tooth-paste three or four inches long being inside a tooth-paste carton eight or nine inches long.

Mr. Mann: You could do with a tube of tooth-paste yourself, couldn't you?

Mr. AIKENS: If the hon. member for Brisbane would care to have a private talk with me on this point—I appreciate that he is anxious to learn something—I will be only too happy to oblige him and see what his objections are about.

As I read the Bill, it gives the Government power to deal with the contents of the tooth-paste tube. I would liken the contents of a tube of tooth-paste to some of the speeches we hear in this House, in that they contain lots of wind but very little substance. If we take a tube of tooth-paste, unscrew the cap and squeeze the bottom we are likely to get four or five big blurting bubbles before we get any tooth-paste. I am prepared to wager that if the Minister had his officers investigate this point he would find that the average tube of tooth-paste would not be more than two-thirds full of paste.

From my reading of the Bill I believe that the officers whose duty it is to implement it are given a lot of authority to deal with these matters.

Dealing particularly with the rugged individualist from Toowong, I will not refer to him facetiously as a tick-whiskered Tory, because they were the men who went out into the burning back country and into the rain-drenched forests of the North. They made this country what it is today. I cannot put the hon. member for Toowong in that category. This Bill deals plainly and broadly with a desire by the Government, for which I commend it, to prevent if possible the bare-faced robbery and exploitation of the people by ensuring not only that the carton contains the type of commodity on the label and a certain amount of that commodity commensurate with the size of the carton, and that what is in the carton is in accordance with the label, but also that what is in a particular box or carton is what it purports to be.

Mr. Mann interjected.

Mr. AIKENS: I shall not delay the House. I recommend to the hon. member for Brisbane, in view of his interminable interjections, that he use some of the product I shall next refer to. Here is an example of how the women of this State are being mercilessly fleeced. Yet the hon. member for Toowong claims that women are very wise, and that they are the only section of the community to be fleeced. I say, as Solomon said, "Vanity of vanities; all is vanity". If you play upon the vanity of people it is possible to fleece them where perhaps otherwise it would not be.

Mr. Mann interjected.

Mr. SPEAKER: Order!

Mr. AIKENS: The hon. member for Brisbane, of course, is completely devoid of vanity, so he would not be likely to fall for this. Here is an article called "Slimmaline", which is being sold through Modern Designers Dressmaking for $2 a 4-oz. packet. I commend a study of this to the hon. member for Toowong.

The blurb reads—

> "For Purity and Efficiency in Medicines
>
> "Sodium of Sulphate is used successfully for the treatment of slimming, Rheumatic diseases, habitual constipation, loss of energy and biliousness.
>
> "Its action is rapid and does not cause griping and is suitable for all ages.
>
> "Doses for Adults:"

This is the appeal to the vanity of the eternal female—

> "For a slimmer line 4 teaspoonfuls in quarter cup of hot water, followed with hot drink immediately on rising—repeat same the following morning. (Not advisable on working days.)

"As a Laxative one to two teaspoonfuls in a cupful of hot water immediately on rising.

"Dose for Children:"

I do not know whether they are required to slim, but it says—

"From half to one teaspoonful in hot water according to age—don't worry about dieting.

"To keep your level weight—you take half teaspoonful every morning. Should you want to loose a few more pounds just repeat your dose of four teaspoonfuls again.

Packed and distributed by—
Slimmaline (Reg.) (Sole Australian Agents)
Gray & Douglas,
108 Elizabeth St.,
Brisbane."

I repeat that they charge $2 for 4-oz. or $8 a lb.

Mr. SPEAKER: Order! The hon. member appears to be dealing more with the weight of the individual than with the weight in the packet.

Mr. AIKENS: Well, Mr. Speaker, I don't think you need to slim.

I conclude by repeating that that is how women are being fleeced. Yet the hon. member for Toowong claims they are very careful not to be fleeced. I inform the House that sodium of sulphate is simply Glauber's salts, which can be bought at any chemist's shop for 20c. a lb. I have taken some of it myself in the past, and I would not like to take four teaspoonfuls, although I suggest that tomorrow morning the hon. member for Brisbane should take four teaspoonfuls. It would do him a world of good.

There is a case of deliberate robbery and fleecing of the women of Brisbane by an unscrupulous firm whose name I have mentioned—Gray & Douglas, 108 Elizabeth Street, Brisbane. They are selling for $8 a lb., in 4-oz. packets, in prevailing on women who believe that it will slim them, what can be bought from a chemist at 20c a lb.

According to my reading of the Bill, officers of the Minister's department are given power to deal with that sort of misrepresentation, robbery, and fleecing, and I am very happy to see it brought forward. Perhaps the Minister will set his officers to controlling this racketeering as soon as the Bill becomes law. I will admit that I have had great difficulty in making my speech because of the incessant interruptions and interjections by the hon. member for Brisbane. I hope he realises that everything moves along the lines of action and reaction. The interruptions to which Mr. Holt was subjected during the recent Federal election campaign had their reaction on Saturday last. However, I do not know whether we should worry about the hon. member for Brisbane.

Here is one occasion on which I am not going to delay the House. The hon. member for Toowong says that women will not be grossly fleeced and exploited. This substance is selling like hot cakes, and what can be bought in a brown-paper bag at a chemist shop for 20c a lb. is being sold in 4-oz packets at $8 a lb.

A Government Member: How do you know?

Mr. AIKENS: Anyone who knows what sodium sulphate is can go to a chemist shop and ask for 20c worth of Glauber's salts and get 1 lb. of it in a brown-paper bag.

Mr. BROMLEY (Norman) (8.37 p.m.): The measure introduced by the Minister appears to be sound, and it seems improper to embark upon a long discussion because it will delay the passage of the Bill. Procastination is, of course, the thief of time, and this is a very important measure that should be put through the House.

We have listened to the hon. member for Townsville South speak about the vanity of women. I think that was a complete waste of time. Of course, he would not know too much about this sort of thing because he is interested only in himself. Personally, I think there is no deceptive packaging as far as women are concerned.

Mr. Aikens: Listening to you gives me the gripes.

Mr. BROMLEY: He is very much like the hon. member for Toowong, who, in his hatred of any legislation that is for the benefit of the public, spoke at this stage of the Bill exactly as he did at the introductory stage. He should be absolutely ashamed of himself. He said that he called at Nifty Thrifty, Four Square, and other stores, and that nobody wants the Bill. What utter rot! I have here a paper with a headline reading, "Packs Law to Give more Protection to Retailers." I am referring to "Retail World" of 26 October, 1966. It is good to see the Government introducing legislation that will give protection not only to consumers but also to retailers, and I think I can be excused for quoting what appears in this journal under the heading that I have just read. It reads—

"Proposed changes to Weights and Measures laws are designed primarily to give greater protection to the consumer, but they will also provide greater protection for the retailer and manufacturer, said Mr. Eric Willis at the G.S.A. convention."

This is the type of legislation that should be introduced, whether it be in Queensland or New South Wales.

When the "livery" Liberals of the Liberal Party behave as they have been recently in attacking Ministers on the introduction of legislation that is for the good of the people, it is about time something was said about it. I do not intend to go through what the various members said, but the

hon. member for Kurilpa had "two bob each way". Just prior to the last election the hon. member distributed a pamphlet in letter-boxes in his area in an attempt to get on side with the people. The questions and answers on the one that I have here are—

"Do you think that any item of food has unfairly risen since the changeover to Decimal Currency? . . .

"If so, which items? Meat, Bacon, Butter, Margarine, All Fats, Bread, Milk, Vegetables.

"How many children have you? Two.

"By how much has the increased tram and bus fares affected your budget? I only go to the city twice a month, but yes."

The next question was—

"Are there any further items which have risen in price which cause you concern?"

I am not getting away from the Bill, Mr. Speaker, because the Minister referred to prices in his introductory remarks. The reply to that question was—

"Children's clothes, more so shoes, soap and soap powder."

The Minister referred to those. The answer concluded, "What about a wage rise now to go with everything else?"

As I said, that was distributed prior to the election, but I refer to it because the hon. member for Kurilpa spoke at the introductory stage and had a little each way—half against the Bill, half for it.

Mr. Mann: Two bob each way.

Mr. BROMLEY: Yes, he is well known as "Two-bob-each-way-Clive" out Kurilpa way.

The hon. member did not bother to go round and collect the pamphlets that he distributed, and many of them were handed to me weeks after the election. They came from some of the depots mentioned on the bottom of the phamplet. It was a gimmick to get on side with the people and make out that he was taking an interest in their welfare. I do not wish to go into that question other than to say that hon. members opposite, in spite of what the hon. member for Toowong says—and what he says is in sharp contrast with his earlier political views and political thoughts, as he well knows, prior to his joining the Liberal Party——

Mr. Sullivan: Do you agree with the hon. member for Brisbane on the coalition Communist Party?

Mr. BROMLEY: I do not think that interjection is relevant or that it warrants any reply.

I do not wish to delay the House, but I point out that the Opposition is here to protect the public of Queensland as a whole, not any particular section of it. That is why I quoted from "Retail World", and I noticed the Minister nod his head in approbation while I was quoting. I think retailers and the consuming public in Queensland should be given greater protection. The welfare of people in general, in all walks of life, should be considered; but special consideration should be given to those whom we wish to protect from the exploitation and deceptive packaging that is taking place. Hon. members have referred to giant-size tooth-paste packets and king-size soap-powder packets.

Mr. Mann: And to the over-size member for Townsville South.

Mr. BROMLEY: Yes, and to the over-size member for Townsville South.

Mr. SPEAKER: Order!

Mr. BROMLEY: So that I will not have to speak at length at the Committee stage, I point out that virtually the only criticism of the Government's introduction of the Bill has come from members of the Liberal Party, which shows their thinking as far as members of the public are concerned.

Mr. P. WOOD (Toowoomba East) (8.45 p.m.): I want to make just a few brief comments on the Bill. I support the Minister in his desire to regulate deceptive and misleading packaging, and I want to confine my remarks to the deceptive and misleading packaging of a certain type of article only. I refer in particular to the packaging of cigarettes and I hope that the Minister may, at some future date, give consideration to the points I wish to make.

I think that all members of this Chamber will agree that some of the advertising on packages of cigarettes is grossly deceptive and misleading. We are told by the manufacturers of different brands of cigarettes contained in certain packages that they are clean or cool. Invariably the contents are associated with things that will give the impression of cleanliness. All members will be aware of the advertising that carries a background of clear, running streams, or snow fields, or waterfalls. All this gives an indication that the contents of cigarette packets are clear and wholesome.

Most members of the Chamber will agree that this is misleading and deceptive. I do not want to go into details of the reasons why this advertising is misleading except to say that there are other departments of this Government that have taken action to reduce the smoking of cigarettes and its consequent effects. The Health Education Council has stated quite clearly, "Doctors have now also found that the increase in cancer of the lung is due to cigarette smoking."

There is no hesitation or doubt about that statement. It states quite clearly that cigarettes cause lung cancer. If it is competent for one department of

this Government to act against cigarette smoking, I think it is competent for other departments, including that administered by the Minister, to take whatever action they might against cigarette smoking. I am not advocating that they try to abolish this custom; I am saying that we should make the advertising on cigarette packets more honest than it is. I suggest that all cigarette packets should carry a label to the effect that the contents may be injurious to health.

Mr. Aikens: Why "may be"? Why not say that the contents are injurious to health.

Mr. P. WOOD: I understand that legislation is under consideration in the United States of America. The American Cancer Society is in complete agreement with our own Health Education Council. It states quite clearly that the cause of lung cancer is largely the result of smoking cigarettes.

I want to draw the attention of hon. members to a statement published a week or so ago in the national news magazine, "The Bulletin". It is dated 19 November, 1966, and it reads—

> "The five big cigarette manufacturers who are all thriving on the 11,000,000 population say comfortably, 'If you don't smoke now you will some day.'"

Since that issue of "The Bulletin" I have not noticed any withdrawal of that statement or contradiction of it by cigarette manufacturers. It has not been contradicted by any particular person or manufacturer. The Queensland Health Education Council is doing all it can to discourage our young people from taking up the habit of smoking. I think this House should also play its part by insisting that there be placed on every packet of cigarettes distributed in this State a label indicating that the contents may be injurious to health. It would then be up to our young people, I hope, to pay some attention to it.

In this evening's "Telegraph" there is an article which says—

> "The number of young girls who admit to being regular smokers has increased in the past six years from 4·2 per cent. to 11·8 per cent., an official survey of high-school students has disclosed. Some claimed they had been smoking from the age of nine."

Mr. SPEAKER: Order! I have given the hon. member every opportunity to develop his argument. This Bill has nothing to do with advertising; it is concerned with the marketing of commodities.

Mr. P. WOOD: I will conclude by saying that some Government departments have seen fit to take action in this regard. I hope that the Minister presenting this Bill will take suitable action to bring down an amendment making it necessary for all packets of cigarettes to display a notice that the contents may be injurious to health.

Mrs. JORDAN (Ipswich West) (8.51 p.m.): I believe that this Bill is long overdue. I am pleased that the Government now seeks to protect the consumer from the false packaging and false advertising that has been going on for so long. This practice been successfully pursued for such a long time that it has grown in intensity, and many people now accept it as normal trading practice.

Both the Australian Consumers' Association and the Brisbane Consumers' Association, through their respective publications "Choice" and "Counter Balance," have long pointed out the misleading presentation of a number of items, and have voiced their opinions in this regard. I feel that the Bill does not go far enough, that it could have covered a greater field of consumer activity. However, it does give some medium of protection to the consuming public and, at the same time, will give the more responsible and reputable traders a fairer chance to uphold and pursue more legitimate and ethical trading practices.

I believe that there are quite a number of traders who desire to operate in a legitimate and ethical manner, but they are caught up in the conditions that operate and find difficulty in being different in their methods of operation. I feel that such packaging and presentation of articles and of the relative advertising need not, and should not, be geared to the level of the least intelligent or the most gullible. Yet I believe that the business world must be able to advertise in a way that attracts the eye and gains the interest of the public without resorting to questionable or false representation or to the intention to deliberately trick people by trick advertising to increase their own profits. This is being done more and more these days.

It may be argued that those who are swayed are in the minority, but for the few who will refuse goods or prices other than those advertised there are many people who can be so persuaded and end up buying a brand they did not want or an article of inferior quality. This is mostly because they are confused by the various claims and the various sizes.

It must be admitted that the average person misreads, or only half reads, what there is to read in such advertising and packaging. This, in my opinion, is a matter for public education. A great deal of advertising and packaging sets out in the very beginning to hoodwink the public. This falls into many facets of trading. For too long now the consumer has been obliged to buy one or other of the "giant size," "economy size", etc. Why people continue to buy these when they do not show a saving, is hard to follow. They carry home extra cardboard and, indeed, air, and it is very difficult to understand. These huge, part-empty packages do not even fit into the average cupboard. They are too big and too high for the distance between shelves

in most cupboards. Many housewives have to put the contents into other containers which do fit into cupboards.

Manufacturers should be compelled to clearly mark weight or quantity, and to comply with a set scale of easily recognisable weights so that a comparison of costs from size to size and from brand to brand can be made easily, instead of the present practice where odd sizes and weights are deliberately used—I say "deliberately"—in packaging and presentation. One needs to be a mathematician or even a human computer to work out comparative costs.

The average shopper would have great difficulty in even trying to assess comparative costs, and certainly would not do it while shopping. Manufacturers and retailers know this difficulty and have gone into the whole psychology of it and have so far got away with the practice. This false representation and misleading advertising is particularly rife in relation to articles such as refrigerators, radiograms, television sets and electrical goods, as well as sewing machines. Perhaps the Bill will already give scope to cover these; if not, I hope that such coverage will be considered. In some refrigerators the whole package is not included. Shelves and fittings are extras, to be paid for in addition to the price indicated on the price ticket or in advertising. Or a line is sold out and another one, more expensive, recommended.

People are given the "hard sell" on the dearer line. Top quality and known-brand articles are often used for this purpose and are advertised in this manner at a price lower than the lowest possible dealer's buying price. This, of course, makes the reputable dealer's price look ridiculous, as well as implying that they have a huge profit margin. But the top brand is "nailed to the floor", in trade parlance, and is said to be sold out. Many people have come to accept this method and feel that they are gettting a bargain. Others, of course, know the true story. But in many instances, in the packaging or advertising of articles one has little choice, and the whole questionable tactics are becoming so commonplace that they are tending to become acceptable in the minds of the general public.

The result of this type of packaging and advertising of articles is that the public has no idea of the real price of things presented in this way, so public faith in presentation by manufacturers and traders is undermined.

The Bill may have the effect that manufacturers will require retailers to advertise this 6d. off, or $20 or $100 off, according to the article in the newspaper advertisement or by means of price tickets on the goods. They now go as far as telling retailers that if they do not comply they will cut off supplies.

Washing powders, tooth-paste, etc., are mere chicken feed compared with some of the things that go on. These unscrupulous operators always seem to find some way to get around the laws, or they try to do so. I believe that there are plenty of reputable businessmen and manufacturers who are desperately anxious to have legislation brought down to stop this intentionally deceitful packaging and advertising. While this goes on, many reputable business people are forced in self-defence also to resort to such tactics.

For the benefit of both the public and the business community, I believe it is important that the Government should take steps to limit and control these very unethical practices that have become so widespread as to amount to brain-washing. It is a subject that should have been investigated long ago. I hope that, if this measure does not already cover it, the Minister will move into the wider field of trick advertising of bigger articles such as electrical goods, etc. The public has been subjected to this sort of thing for far too long. Some sellers are so slick that they can almost persuade people that black is white. But they cannot persuade me that their methods are right. I hope they cannot persuade the Minister or the Government to ignore their very doubtful practices.

Hon. J. D. HERBERT (Sherwood—Minister for Labour and Tourism) (8.59 p.m.), in reply: In the Opposition debate on this measure we were subjected to a tirade of histrionics and half-truths from the hon. member for Salisbury that I think I should quickly deal with. I believe I should put one or two facts before the House. Firstly, the inquiry by Mr. Cuthill in Victoria was the result of a unanimous decision by Weights and Measures Departments all over Australia. Victoria was asked to conduct this inquiry on behalf of all the States. I am afraid that the hon. member did not pay much attention to previous comments on that subject. He questioned the short time I spent on my second-reading speech. The reason for that was that only two small amendments were involved and I did not want to waste the time of the House discussing matters that were not under consideration.

Packaging was discussed fully by me some months ago when the Weights and Measures Act was under consideration. That amendment enabled regulations to be issued placing the responsibility on the seller and the manufacturer. That was when all the evidence was submitted to the House for consideration. When discussing how much time I spent on this matter, perhaps we should discuss how much time the hon. member for Salisbury actually spent discussing what is in the Bill. So much for his comments.

These matters were under discussion by Weights and Measures Departments all over Australia long before the hon. member became a member of this House. At the moment we have the Uniform Packaging Code, which we hope will be put into practice

in the near future. These two amendments have been introduced because they cannot be dealt with under the regulations.

The hon. member for Toowong spoke of people who may not accept these ideas. Store managers have indicated to inspectors of the Weights and Measures Department that they support the proposals because they have serious problems with storage space, the extra cost of packaging, and transport costs.

Mr. Stovin-Bradford, Executive Director of the Grocery Manufacturers of Australia Limited in Sydney, recently called on the Chief Inspector of Weights and Measures in this State with a view to discussing the Bill. Following its first reading, he got a copy. The discussion covered misleading discounts and deceptive practices. This organisation comprises leading manufacturers including Nestle's, Kelloggs, Unilever, Cadbury-Fry-Pascall, and C.S.R., so it is a representative organisation. It was stated that this organisation is extremely interested in the amendments before the House, particularly the one relative to deceptive packaging. The Chief Inspector has reported that Mr. Stovin-Bradford has agreed that there is presently considerable deception, and furthermore that retailers are concerned with packages having a large percentage of ullage or outage because of an exceptionally large amount of storage space taken up by the containers. He stated that a small committee was examining not only our Queensland amendments but also the Uniform Packaging Code and he said that he would be pleased to furnish the considered opinion of that organisation concerning the minimum ullage that should be allowed in the various categories of goods.

The hon. member for Norman has already mentioned that the periodical "Retail World" is extremely interested in these proposals. On 19 November it issued a summary of an address given at the National Grocery Conference in Sydney by the Executive Director, Mr. Stovin-Bradford, who said that since the first reading of the Queensland Bill considerable interest in its provisions had been evinced throughout manufacturing and packaging organisations, and it was very noticeable that the practice of marking discounts on packages had been considerably diminished. In connection with the packaging provision, he had visited the Queensland Chief Inspector of Weights and Measures and had indicated during discussions that he and his organisation were in favour of the principles outlined in this provision of the Bill. He also said—

> "Already I have had exploratory discussions in Queensland concerning that State's proposed amendments to the Weights and Measures Act, the result of which was a good measure of understanding and co-operation for the future."

Naturally, in his address he drew attention to some of the difficulties associated with this provision in the Bill. For example, packages are only three-quarters full, or whatever it may be, because certain outage must be allowed for high-speed packing; cleanser containers must have room for effective shaking by the customer, and nasal sprays require room for the correct vaporisation to take place.

I can assure honourable members that my department is fully aware of these problems, and I am very gratified to know that this Association has undertaken to co-operate fully with departmental officers in determining the allowable limit for outage. That is the view of the manufacturers put by their representative.

The next view is that of the Retailers' Association of Queensland Ltd., over the signature of the president, Mr. N. J. Loveday. He wrote to me in these terms—

> "I have read with great interest the copy of your speech notes and the Bill to amend the Weights and Measures Act relative to packaging.
>
> "As previously conveyed to your officers, this Association agrees with the provisions of the amendments you have introduced in Parliament and the purpose of this letter is to advise you that the members and officers of the Retailers' Association of Queensland will give you and your Departmental officers every assistance and co-operation in the implementation of the new measure.
>
> "Any assistance you may require at any time will be made available by contacting the Association."

As an expression of opinion by the consumers, here is a telegram that I received—

> "We, the members of this Association Queensland Housewives, congratulate you on the introduction to Parliament of the new Weights and Measures Bill. Our sincere thanks and appreciation. . . . Gabrielle Horan, President, Queensland Housewives Association."

There are expressions of opinion from a leading representative of manufacturers, a leading representative of the retailers, and a major representative of the consumers, and I feel that, with the general acceptance that it has received in the House, the Bill will be further acclaimed by the public.

Motion (Mr. Herbert) agreed to.

COMMITTEE

(Mr. Campbell, Aspley, in the chair)

Clause 1, as read, agreed to.

Clause 2—Amendment of s. 23; Powers of inspectors—

Mr. SHERRINGTON (Salisbury) (9.8 p.m.): The provisions of this clause seem to curb the powers of inspectors in policing these matters. There seem to be two points for consideration. One is that the power given to inspectors extends only to the packages which have been, or are being, used. The inspector does not seem to be given power to inspect, seize, or detain any packages that are likely to be used. This seems to me to be

very important, because an inspector could well enter premises and form a very clear opinion that some packages on the premises could be used at some future time. The clause gives him power to seize and detain, on certain payment, packages that have been, or are being used. It does not seem to give him any power in respect of packages that obviously could be used at some future time.

I feel that the Minister might give consideration to whether it is desirable to strengthen further the legislation to provide for that contingency where it is obvious that some packages could be used in the future. The clause leaves him completely powerless to deal with that situation.

Another fairly fundamental principle—probably this will warm the heart of the hon. member for Toowong—is the question of individual rights. The amendment proposes that an inspector may enter premises at any time of the day or night to inspect packages, and some doubt arises in my mind because in some establishments, particularly in the retail trade, there is a combined business section and residence. I do not think any hon. member would like to see the power of inspectors extended to enable them to enter a private residence if it was an adjunct to the business.

Mr. Herbert: I will give you the assurance now that it has not happened and it will never happen.

Mr. SHERRINGTON: There is no guarantee that it will not happen under this measure. The Minister will not be Minister for Labour and Tourism for ever and a day. It is quite a feature of retail establishments that the business and the residence are adjoining, and I do not think that the privacy of a family home should be disturbed merely because of the provisions of the Act.

Mr. MURRAY (Clayfield) (9.12 p.m.): I am very pleased indeed that the hon. member for Salisbury dealt specifically with the part of the clause which says " . . . enter and search any place". It is very important that this question should be pursued a little further.

I do not think any hon. member will dispute that certain powers are necessary to enable inspectors to do certain things. For instance, I do not think any of us would disagree that industrial inspectors should be able to enter if the safety of employees is involved, and that sanitary inspectors, health inspectors, and so on, should be able to enter where matters of public health are involved. Under the Health Act, a health inspector must have the authority of the Director-General for the specific case before he can enter a private dwelling, and, from what I can see, he has easier access than have most other inspectors. Under the Criminal Code, of course, a policeman cannot enter a private dwelling without a warrant even if there is a live hand-grenade or a rifle in it that he thinks is dangerous. If my daughter were being detained against her will for prostitution, a policeman could not enter the premises without a warrant. In fact, I think a judge of the High Court has to issue a warrant in a case such as that. If there are in a house goods suspected of being stolen a warrant has to be obtained. The case of seditious documents is another instance where police or anybody else cannot enter without a warrant.

I think it is tremendously important for us to remember that with powers of entry which have been accumulating and being adopted from one Bill to another we are tending to clothe an army of inspectors with powers that are not granted to the police, namely, to enter any place. If the clause reads as I think it does, "any place" means just what it says. The inspector can walk into any man's home.

Mr. Aikens: He has to have a warrant.

Mr. MURRAY: No, he has not to have a warrant. That is the part to which I object. In Act after Act these inspectors have been clothed with these powers, and I think we have all been at fault in letting this matter go. I see no reason why these inspectors should be able to enter a home attached to a shop, as the hon. member for Salisbury very properly points out, if it is suspected that some goods have been removed from the shop and placed in the home for sale.

Mr. Aikens: The taxation people can enter without a warrant.

Mr. MURRAY: There are different principles involved, I understand. I am not a lawyer and it is very difficult for me to pose this question, but I believe we have gone too far and that the aggregation of these powers is a little dangerous.

I think I suggested in another speech recently that perhaps we should start to unwind a bit and look very closely at whether these powers are necessary. It simply means, as the hon. member for Salisbury says, that an inspector can enter any place.

I have a suggested amendment here and I ask the Minister to consider it. I apologise to the Deputy Leader of the Opposition, or whoever is in charge of the Opposition at the moment. I have only just done this. I asked the Parliamentary Draftsman to help me draft a suitable amendment. I do not want to be difficult in this but I think it has been properly framed—in fact, I am sure it has been—and I therefore suggest the following amendment:—

The TEMPORARY CHAIRMAN (Mr. Campbell): Order! Will the hon. member please supply the Chair with a copy of his proposed amendment?

Mr. MURRAY: Yes. Perhaps I had better read it first, Mr. Campbell. It is—

"On page 2, after line 20, add the following new subclause—

'(c) Adding the following paragraphs:—

The provisions of subsection (1) or (1a) of this section shall not authorise an inspector to enter and search without the permission of the occupier any dwellinghouse or any part used for residential purposes of a building unless he does so under the authority of a search warrant.

'If it appears to a justice of the peace upon complaint made on oath by an inspector that such inspector has reasonable grounds for believing and does believe that there is any dwellinghouse or part used for residential purposes of a building any article or package containing any article for sale such justice may issue his warrant directing the person named therein to search such dwellinghouse or as the case may be part'."

Mr. MANN: I rise to a point of order. I think the hon. member should have circulated his amendment among Opposition members before he moved it. You, Mr. Campbell, do not know what is in it, nor do we. Before he moved it he should have given the Opposition a look at it.

Mr. MURRAY: I ask the forgiveness of the Committee. It is better to propose it now than not propose it at all. I ask the Minister to accept this amendment. I believe it is a reasonable one. After all, amendments have been circulated today to another Bill agreeing to this very principle. I feel that the amendment is in order, and I ask the Minister to accept it.

I do not doubt for a moment that powers properly devised and properly used will lead us to our ultimate welfare State. At the same time considering the rights of the individual, the freedom of the individual, the dignity of the individual and the right of any individual to experiment with his own life, if we go too far I believe that we sow uncertain seeds on dangerous ground in that we are moving towards what might be termed the totalitarian State. Little by little we erode away the individual's rights, and I believe that this is very dangerous indeed.

I ask the Minister to please bear in mind that each power granted for its own particular purpose might seem to be justified, but it is the aggregation of these powers which is tremendously dangerous. I believe it conflicts with the principles on which our whole system of British justice is based. We know that during a war and in times of emergency specific powers are granted within a community. Although those times have passed, some of the powers have remained permanently with us. I think we have defaulted in not removing them from our Statute Book. In terms of what I have said, I ask the Minister to please consider accepting my amendment.

The TEMPORARY CHAIRMAN (Mr. Campbell): Order! I am of the opinion that as the amendment introduces a new principle it is outside the order of leave and therefore cannot be accepted.

Mr. BENNETT (South Brisbane) (9.24 p.m.): I am wholeheartedly in accord with what the hon. member for Salisbury has said about the right to entry without a warrant. I agree with many of the principles enunciated or espoused by the hon. member for Clayfield. At the same time, however, I think your ruling is correct, Mr. Campbell. We are getting this principle introduced into so much of our legislation that it is taking away the inalienable right of the——

The TEMPORARY CHAIRMAN (Mr. Campbell): Order! There is nothing in the Bill that deals with the matter the hon. member is discussing.

Mr. BENNETT: With respect, Mr. Campbell, surely I have not got to read it out like a schoolboy and say, ". . . for that purpose enter and search any place . . ."

Mr. Ramsden: Keep on reading.

Mr. BENNETT: The Temporary Chairman is convinced now. In other words, this clause gives an inspector the right to search any place. It does not specify any place of business where he has reasonable cause to believe that there is any article or package containing any article, etc. for sale.

Mr. Ramsden interjected.

Mr. BENNETT: I do not wish to insult the hon. member for Merthyr. This is beyond his intelligence and comprehension.

Mr. Ramsden interjected.

Mr. BENNETT: In any case, the hon. member for Merthyr should well know how he tried to preserve his petty, puny little rights at the Fire Brigade when he told Mr. McKenzie, who parked there by mistake, to get out of his parking lot.

Mr. RAMSDEN: I rise to a point of order. I cannot allow that statement to go unchallenged. It is completely untrue and I ask the hon. member to withdraw it.

The TEMPORARY CHAIRMAN (Mr. Campbell): The hon. member for Merthyr has said that the statement by the hon. member for South Brisbane is completely untrue and has asked for it to be withdrawn.

Mr. BENNETT: I withdraw it, but I can only say that a number of Fire Brigade men are complaining about the episode.

The principle involved is that these inspectors will have the right to enter upon and search private accommodation. We know that in the country, in stores where

such articles are sold, private residences are often attached. As the hon. member for Clayfield has pointed out, sometimes the place of residence is upstairs and in many instances it is out at the back. In addition, many country stores have post offices attached to them in which there are confidential documents that should not be the subject of idle inspection by a person who is only entering to inspect because he says that he has reasonable cause to believe, and so on.

The fundamental concept of the right to enter was related for many years—and rightly so—to the obligation on a person wanting to enter to obtain a search warrant. In order to obtain the search warrant it became necessary for him to swear an oath before a justice of the peace that he reasonably believed he had suspicions that an illegality was being committed on certain premises and he wanted the authority of the justice to enter those premises after the warrant was issued. Because he was vested with that authority, he was then entitled to enter the premises by force if necessary. Nevertheless, he had to satisfy the justice by swearing on oath as to the truth of his assertion, belief or suspicion. He also had to preserve that sworn statement signed by him and the justice of the peace, and to produce it in court if his right of entry was challenged.

On any subsequent prosecution for the particular offence, not only had the warrant to be produced to satisfy the court that the entry was lawful and legal, but there is abundant authority and precedent to show that the sworn information must also be produced. That was a safeguard against idle, and very often unnecessary, entry into private places of living. When men knew they had to swear something they were hesitant to do so unless they had good cause for desiring to enter. Consequently, they had to have some substantial evidence to justify the sworn statement they made should their entry be challenged in a court of law.

We find that this Government, in its present legislation, is introducing this very undesirable practice of giving these people the right to enter on their ipse dixit. We see in court Crown Law authorities assisting the Government to undermine fundamental principles of law and the protection of privacy by claiming that they should not have to produce sworn information. They claim in a court of law that they should not have to produce the sworn information used to obtain the warrant where there is legislation which says that entry cannot be gained without a warrant.

Yet it is only within the last few months, and after much discussion and argument in a court of law, that the Crown was at last forced to produce the information in relation to entry under another piece of legislation which says that entry cannot be gained without a warrant. Because the Crown hesitated and objected so long to the production of the warrant, the court refused to allow the Crown costs that it might otherwise have obtained. That indicates how zealously the courts have over the years guarded the principle that an Englishman's home is his castle.

Many embarrassing situations could arise from an unheralded entry in the fashion suggested by this amendment. These storekeepers and shopkeepers could be people who conduct bank agencies in their stores and could have money on their properties. It would not be the first time that people who have entered property with the assumption that they were legally entitled to do so have committed an offence after gaining entry. It could lead to a most embarrassing situation when the man of the household is absent and perhaps his wife and other members of the family remain at home. This entry is not restricted to daytime hours. Inspectors have the right under this clause to enter at any time. I have always said that if we give people an opportunity to abuse what might be termed a right or privilege, there will always be the exceptional person who will be tempted to take that advantage and abuse a right or privilege he has obtained.

No doubt it will be argued that the right of entry means right of entry by force if necessary. We have already found that members of the Police Force, who have not nearly as much authority under the various laws they police as that given to these inspectors, have on occasions used their power of forceful entry with the assistance of a sledge-hammer. Instead of just forcing the lock on a door they have on occasions done untold physical damage to the structure. That could be done in entering under this clause. On other occasions they have assaulted people in the course of their entry. Photographic evidence can be produced to support that claim.

Therefore, I share the anxiety that two speakers have expressed on this subject. The two of them have advanced sufficient arguments for the Committee to consider carefully the wisdom of adopting this clause. I would not be true to my oath as a lawyer were I to sit idly by on an occasion such as this and not voice the protest of a professional legal man against a proposal such as this, because it is only too true that if we are to infiltrate the principles and concepts of our law with Bills that perhaps may be regarded as seemingly or relatively unimportant in this particular regard, we will have an accumulation of those ideas and a climate of thinking will be created that it is right to interfere with one's privacy and enjoyment. If we create that atmosphere of thinking in the public mind, not necessarily this Government or the next Government but a future Government could use to advantage the claim that this concept

of law has been handed down by Governments over the years with success and without danger of repercussions. It will be found that there will be completely totalitarian legislation that will give officialdom, public servants and others the right to enter private homes willy-nilly and take away completely the rights of householders.

Mr. SMITH (Windsor) (9.35 p.m.): Might I suggest that the proper or sane course to adopt would have been for the Minister to move that you report progress, Mr. Campbell, and ask leave to sit again? I do not share the view of the previous speaker that your decision was correct in this matter, because there is not a new principle being introduced at all. The principle of entry is part of the Act.

Mr. Bennett: I agreed with the ruling because we did not get prior notice of the projected amendment.

Mr. SMITH: I do not think that that was sufficient to give a ruling on the ground that a new principle was being introduced. It is in fact not a new principle. Entry is provided in the Act, and all the amendment sought to do was——

The TEMPORARY CHAIRMAN (Mr. Campbell): Order! A ruling given by the Chair is not permitted to be debated.

Mr. SMITH: I realise that. What I am saying is that the sane course would have been to report progress and allow the Minister to consider the implications of the amendment. An amendment has been circulated to clause 34 of the Agricultural Chemicals Distribution Control Bill. If that section is looked at, it will be found that the standards officer or an inspector may enter any place. The proposed amendment, at page 4 of the amendment sheet circulated, adds to that the requirement that a justice of the peace may issue a warrant to search.

It seems to me that in each case the same principle is involved, and that if it is appropriate to amend the Agricultural Chemicals Distribution Control Bill, it is equally appropriate to amend the Bill now before the Committee. That, I suggest, is the sane course of action.

If we are not going to do that, I think we should advance further cogent reasons for objecting to the nature of the measure. We have seen over the years an encroachment on the right of privacy of the citizen. In this I am not expressing only my own views. I have here a little booklet which comprises an address given to the Hamlyn Trust by Lord Justice Denning, whose name is quite well known in the English judicial system. He is one of our foremost judges at present. In this lecture he dealt with the abuse of power of entry. Although this was delivered in 1949, the same principle applies now.

Mr. Bennett: They have matured with time.

Mr. SMITH: The principles have not changed; the abuses are still there. What Lord Justice Denning said when speaking of entry was that powers of this kind were conferred to a limited extent before the war, but were greatly increased during it, and many have been made permanent. He went on to excuse many of the entries on the basis of the requirement of the entry being made. He then said—

> "But allowing for all this, what is to happen if these officers abuse their powers? It is easy to see how they might be abused."

He pointed out how an officer who enters to inspect a factory or shop may, by keeping his eyes open, learn much about the manufacturing processes, and so on. His main criticism, and the thing to be kept in mind, is that powers of entry are being granted. He said—

> "After all, the arguments by which the powers of entry are given here are much the same as the arguments by which the police States of Eastern Europe justify their oppressive powers. The State Rules must be obeyed and there must be a right of entry to see that they are obeyed."

Lord Justice Denning then referred to the difference between the States of Eastern Europe and Great Britain. He said—

> "But the difference is that in this country there is a remedy for abuses of these powers; and that may be one of the reasons why comparatively few abuses have occurred."

I do not think that any hon. member wants to see the police powers of the States of Eastern Europe advanced in this country. Very recently there has been a clear manifestation of the desires of the Australian people relative to the way of life that they want, and they do not want a police State.

I again adjure the Minister to take what I consider is a sane course and give the matter further consideration.

Mr. LICKISS (Mt. Coot-tha) (9.41 p.m.): The matters raised by certain members of the Opposition and by my colleagues on this side of the Chamber attract my support. I believe there is a danger in vesting too much power in inspectors, and more power is being vested in an inspector who merely has to police packaging and weights and measures than is vested in a police officer, who has a far more important role to play in investigating crime and maintaining peace.

The power of entry granted to any person to intrude into the privacy of the home without express permission or without warrant certainly is a matter of great concern to any person who respects the right of the individual to the quiet enjoyment of his

own home. To say the least, the proposed amendment of section 23 is a little ambiguous, because it provides—

" . . . and for that purpose enter and search any place where there is or he has reasonable cause to believe there is any article or package containing any article for sale . . . "

In my opinion, the question of articles for sale is relevant. I wonder whether articles have to be displayed in a shop to be articles for sale, or whether articles proposed to be sold and kept in stock, perhaps in the bathroom of a small residence adjoining a shop, are in fact considered to be articles for sale. In terms of the wording of the clause, this appears to be the case. Consequently, I believe that the amendment suggested by the hon. member for Clayfield is a very worthy one.

I do not wish to consider the question of whether or not this is a new principle introduced into the Bill. But if a ruling such as that is to be considered, the Committee will find itself in difficulty with a Bill that was mentioned by the hon. member for Windsor, in which an amendment along similar lines appears likely to be accepted by the Minister in charge of that measure. If this new principle is introduced, that proposed amendment may be brought in at a later stage and thus enable us to be consistent.

I realise the difficulty of the Minister in this matter, because the amendment was put forward by the hon. member for Clayfield at very short notice. Apparently he did not have time to circulate a copy of the amendment to the Minister, and he, too, realises the Minister's difficulty. Indeed, the Minister has not said whether or not he is prepared to accept a somewhat similar amendment in view of the dangers to which hon. members on both sides of the Chamber have referred. I suggest to the Minister concerned that he might like to advise the Committee as to whether or not he will look at this particular measure and possibly after a great deal more thought be prepared to consider a somewhat similar amendment in the New Year.

I realise the invidious position in which the Minister is placed relative to an amendment of important legislation when he is suddenly confronted with such an amendment. Whilst I disagree entirely with the granting of excessive powers in measures such as this, I hope the Minister will take the opportunity to look at the matter in due course and advise the Committee on the possibility of introducing such an amendment at a later stage.

Mr. MURRAY (Clayfield) (9.46 p.m.): I want to point out to the Minister that I have not moved this amendment. I have suggested the amendment and asked the Minister would he accept it.

The TEMPORARY CHAIRMAN (Mr. Campbell): Order! The Chair has already given a ruling on the matter raised by the hon. member for Clayfield. He had his rights under the Standing Orders to rise in his place immediately and object.

Mr. MURRAY: May I not discuss this clause without moving an amendment? May I not discuss entering and searching any place? If I cannot, what the devil can I discuss?

The TEMPORARY CHAIRMAN (Mr. Campbell). Order! The hon. member is treading on dangerous ground in using language in that manner. The hon. member can discuss this clause but the question of the amendment which the hon. member submitted to the Chair and, by so doing, moved is closed.

Mr. MURRAY: Mr. Campbell, you asked me for a copy of it; I did not submit it. I did not move this. If a member of this Committee cannot, on searching through a Bill, suggest such a thing, what can he do? I ask hon. members how many have read this Bill through word by word, or all the other Bills that are piling up on our desks.

Opposition Members interjected.

Mr. MURRAY: Some may have, but not too many—or the principal Act to which the Bill refers.

Mr. Bennett: Yes.

Mr. MURRAY: Let us be reasonable about this. I have always understood—you may correct me, Mr. Campbell, if I am wrong—that it is quite proper for me to suggest an amendment to the Minister and to ask him if he will accept it. I ask the Minister now, through you, Mr. Campbell, keeping in mind all that has been said by the hon. members for Salisbury, Windsor, Mt. Coot-tha, and me, would he be prepared to accept this amendment? I understand the position the Minister is in, but, if we are to be consistent, in view of the amendment of another Bill circulated and put on our desks today, it is appropriate for me to raise these matters. I ask the Minister now would he please accept this suggested amendment?

Hon. J. D. HERBERT (Sherwood—Minister for Labour and Tourism) (9.50 p.m.): I do not have to answer the hon. member, Mr. Campbell, because you have done that by telling him that the new principle is not covered by the order of leave. There are one or two points I should like to make for the benefit of the political neophyte from South Brisbane.

Mr. BENNETT: I rise to a point of order. I object to that insulting language, and I ask that the remark be withdrawn. If the Minister wants to engage in that sort of gutter-sniping, below-the-navel activity——

The TEMPORARY CHAIRMAN (Mr. Campbell): Order! I ask the hon. gentleman to withdraw the remark.

Mr. HERBERT: I will withdraw it. I advise the hon. member that as he is a new man——

Mr. BENNETT: I rise to a point of order. That remark offends me, too. I am not new in this field. The Minister was in swaddling clothes when I was an alderman in the Brisbane City Council.

The TEMPORARY CHAIRMAN (Mr. Campbell): Order!

Mr. HERBERT: For the information of new hon. members, that particular term was coined by the former Leader of the Opposition. Although he attributed it to me many times I never took a point of order on it, nor did anyone else in this Chamber with any guts.

The hon. member for South Brisbane claims some understanding as a lawyer——

Mr. Bennett: I think you are a yellow little louse, anyway.

The TEMPORARY CHAIRMAN (Mr. Campbell): Order! That expression is not only unparliamentary; it is also a reflection on the Minister, and I ask that it be withdrawn.

Mr. Bennett: Very well, Mr. Campbell.

Mr. HERBERT: I was going to point out to the hon. member that what is proposed in the clause is exactly the same wording as was introduced by the Labour Government in 1951. Although it has been in the Act for 15 years and although the introductory stage of the Bill was on 15 September—2½ months ago—there has been no objection to it from anyone. I have read letters from various organisations that submitted the Bill to their legal advisers—manufacturers, retailers, distributors, indeed, all people affected by it—and although they have had 2½ months to look at it there has not been one word of protest. After a similar provision has been in the Act for 15 years I get notice of an amendment at the close of the second-reading debate. Whether it is right or wrong is not under discussion at the moment.

Mr. SHERRINGTON (Salisbury) (9.54 p.m.): It is not only members of the Opposition that are concerned about this measure. It is no use the Minister beating the air and trying to convince me by saying that a provision was included in legislation by the Labour Government in the dark ages. That is no justification in this modern age. The fact that a similar provision is being made in the Agricultural Chemicals Distribution Control Bill——

Mr. Nicklin: The other Bill is a completely new piece of legislation. The order of leave for this Bill was to amend the Act in certain particulars. That is the difference.

Mr. SHERRINGTON: I am making this speech.

There is no amendment moved by the Opposition. An amendment was moved by a Government back-bencher after I had made my contribution. Because of the principle involved, in my opinion the matter I raised warranted the attention of the Minister. The obligation is on him to indicate whether he is satisfied about incorporating in the Bill the right of entry to a person's domicile without the necessity of having to obtain a warrant, which is the normal democratic privilege extended to every person in our community in such matters. That is the important point. No amendment was moved by the Opposition. We felt that the Minister should reconsider this clause in the light of the possibility that this position had been overlooked.

The amendment came from the Government back-benches. Quite frankly, the Opposition would have rejected this amendment had we had the opportunity of voting on it because I would not expect a responsible Opposition in this Parliament to acquiesce in an amednment thrown in here hurriedly, which we were not given the courtesy of having circulated so that we could consider it. There is no way that we would be part of a Government that would willy-nilly vote on some particular fanciful suggestion that the hon. member for Clayfield propounds in the middle of a debate and in which a very important principle is involved. The opposition would have refused to support the amendment moved by the hon. member for Clayfield and the manner in which he moved it.

This is an important matter, and irrespective of how the Minister may try to justify it by saying that he has had letters from people about their side of it, it is not beyond the realms of possibility that this point has escaped their notice. Could it not be true that as this matter was raised by the Opposition and was discussed by back-benchers in Parliament, that these people themselves should have second thoughts about the desirability of a person's private domain being invaded by an inspector without the necessary safeguard of a search warrant? I am not satisfied, and I will refer to this matter even further if time permits. I am sure that my Leader is prepared to move that, under Rule 256 of the Standing Orders, this clause be postponed.

Mr. W. D. HEWITT (Chatsworth) (9.57 p.m.): I think it is true to say that in the last few weeks every hon. member has been interested in a number of things, some possibly of an extraneous nature, and the simple fact of the matter is that many of us are not as conversant with certain clauses in the Bill as we should be. We have now reached the situation in which there is unanimity of thought amongst the Opposition and a number of members on the Government benches on this clause. If the Minister could give us an indication that, at some time, he will look at this—not only at the clause in isolation, but the Bill in its total

content—after having made such a review he may see the way open to incorporate some of the sentiments of the hon. member for Clayfield and, with all credit to the hon. member for Salisbury, some of the thoughts brought forward by him. We have a difficult situation which I do not think we can resolve at this point of time. If the Minister could give us an undertaking to look at it and then decide to bring something forward, it could be that everyone would be satisfied.

Mr. BENNETT (South Brisbane) (9.58 p.m.): It never ceases to amaze me—this does not apply to all Ministers, but to a few of them—that when Ministers are really cornered, and over a barrel, and when they are bereft of ideas, they search back into ancient history to find some little peccadillo perpetrated by a previous Labour Government. Then, like puerile schoolboys, they give a half-baked smile, thinking they are diverting public attention and protecting the case in question by adverting to something a Labour Government did 20 years ago.

Although I wholeheartedly support and endorse the policy of the A.L.P., I have never been one to argue that, in their days in the past, they always met with my approval, or that their legislation has always been right, and I never will say that. I do not think any Labour Government has been unparalleled. I think they made mistakes, and because of those mistakes Labour was eventually put out of office. I am not convinced that I should slavishly pursue some error that was perpetrated by a previous Labour Government. If there was an error I will admit it was an error, and that is all the more reason why I should try to correct it. It is rather puerile thinking on the part of the Minister to consider that he can employ those tactics in debate.

I have said that the Racing and Betting Act is nothing but a totalitarian type of legislation and that this Government has made it worse. I have said so to the hon. member for Bundaberg, who was one of those responsible for introducing that Act. I have let him know what I think of it. I do not hesitate to say what I believe is wrong. Any organisation can make mistakes. One of the biggest mistakes the most recent A.L.P. Government in this State made was that it was not prepared to admit its mistakes. That is why it eventually split up. If this Government is not prepared to admit its mistakes it will suffer the same fate quick smart. It should be prepared to accept criticism. I debated this matter on the objective principle that lawyers treasure dearly and like to safeguard. I did not attack the Minister personally in any way whatsoever and I resent his personal attack on me. With the few more years of public life and maturity that I have had, he may improve. The fact that a principle is contained in other legislation is no reason for us to allow it to be repeated.

It must be conceded that this foreshadowed amendment was not moved by me. I did not query your ruling, Mr. Campbell. The hon. member who led the debate from this side of the Chamber did not move any amendment or express any intention of doing so. All he did was to draw attention to the dangers involved in this type of legislation. The amendment was suggested by the hon. member for Clayfield, so why should I be attacked for this proposed amendment to which I did not advert and in connection with which I accepted your ruling? I fail to understand, except that I know the Minister has not the guts to attack the hon. member for Clayfield. He thought he could attack the hon. member for Clayfield indirectly by besmirching my character. I resent that cheap, snide method of attack from the Minister.

The TEMPORARY CHAIRMAN (Mr. Campbell): Order! The hon. member has used an unparliamentary term which reflects on the character of the Minister. I ask that it be withdrawn.

Mr. BENNETT: I do quite conscientiously and sincerely believe that those tactics are cheap and snide. I did not say that the Minister is cheap and snide. I said that I believe such tactics are cheap and snide. I content myself by saying that if there is any way or means of adjourning the discussion of this principle, which is so odious to the concept of the fundamental principles of British justice and privacy, I am prepared to support it.

My final observation is that if the tactics and statements of the hon. member for Clayfield, whose character to a great extent I admire and whose thoughts and principles on matters of this nature coincide largely with my own, irritate the Minister, then the Minister should have the guts to attack him, not me. I will defend myself for what I say, and I am quite sure that the hon. member for Clayfield can defend himself for what he says. Let the Minister be fair enough and big enough to stop his childishness and attack the source of what he thinks is the evil, and not use some fall-guy he thinks he can attack.

Mr. HOUSTON (Bulimba—Leader of the Opposition) (10.4 p.m.): I had no intention of entering this debate because the hon. member for Salisbury and other colleagues have handled the situation well. But I was rather disturbed at the statements of the Minister that because we have had this Bill for some weeks——

Mr. Herbert: You have had it for 2½ months.

Mr. HOUSTON: That is correct. I have no argument about the time we have had the Bill. But the suggestion was that we have had plenty of time to consider all amendments. If that is true, does it mean that we are not given the right to study sufficiently legislation that we have before

us for only a few days? It has been accepted as Government policy that a right be vested in inspectors to enter any part of a person's dwelling. That has been established on more than one occasion. It became known to us only today that there had been a change of Government policy, because the amendments to the Agricultural Chemicals Distribution Control Bill, of which notice has been given, certainly introduce the principle that the hon. member for Salisbury and others have spoken of.

The Chairman ruled, supported by the Minister, that the clause being amended is not a new clause, and I think the Premier interjected to the effect that in the Agricultural Chemicals Distribution Control Bill a clause was being amended to become a new clause. Let me point out that the existing section 23 has several subsections. That section begins—

> "Any inspector may at all reasonable times either in the daytime or at night—"

subsection (i.) then follows, and it is concerned only with weights and measures and weighing instruments. In other words, it concerns only articles that would reasonably be expected to be found in a shop or trading establishment. No-one would reasonably expect weighing machines to be in any other part of a shop-dwelling than the shop itself.

Subsection (ii.) concerns inspection of weighing machines in motor vehicles. No-one would expect to find a weighing machine in the residential portion of a shop-dwelling.

Subsection (iii.) concerns searching for and examining articles for sale. It reads—

> "Search for and examine any article for sale and for that purpose enter any place where he has reasonable cause to believe there is any article for sale, and, in the presence of the person in charge, if any, of the article, select and weigh or measure . . ."

Where a person can enter a residence in which there is an article for sale that requires weighing, the section states distinctly that an inspector will only go in with the person in charge of the dwelling, package, or whatever it may be. To me, that is most important and significant. The objection is to an inspector's entering a home, in accordance with the clause now before the Committee, without anyone being present. That is one of the features to which we object. The principal section lays it down that in a similar set of circumstances there shall be at least some other responsible person present.

Because I believe that there is much feeling on this matter of entry, particularly when the Premier has indicated that an amendment similar to the one that we would like here is to be moved to another Bill, I move, Mr. Campbell—

> "That you do now leave the chair, report progress, and ask leave to sit again."

Hon. G. F. R. NICKLIN (Landsborough—Premier) (10.9 p.m.): The business of this Assembly has to be conducted by the Government. There has been a lot of talk about this clause. Put simply, the proposed amendment cannot be inserted because of parliamentary procedure and the Standing Orders of the House. The present provisions of the Bill were written in in 1951, and I remember on that occasion putting up, as a member of the Opposition, more or less the same arguments as hon. members opposite are advancing now.

Opposition Members interjected.

The TEMPORARY CHAIRMAN (Mr. Campbell): Order!

Mr. NICKLIN: They were turned down very enthusiastically by the Government of the day. It is the policy of the Government to break down the provisions giving inordinate powers of entry and search by inspectors that were included in Acts by former Labour Governments. That is demonstrated by the fact that it is prepared to accept a similar amendment to the Agricultural Chemicals Distribution Control Bill.

Mr. Sherrington: Where is the difference in principle?

Mr. NICKLIN: There is a great deal of difference. The Agricultural Chemicals Distribution Control Bill is a new Bill and, therefore, can be amended in any way. At present the Committee is considering an amendment to a Bill in certain particulars, which limits the action it can take.

Mr. Hanlon: It is the particulars that we are seeking to amend.

Mr. NICKLIN: The proposed amendment would introduce particulars into the Bill that are not included in the order of leave. I take it that is why the Chairman ruled as he did.

Mr. Hanlon: We are not debating it. We are just suggesting that you should allow some breathing space.

Mr. NICKLIN: Whether or not the debate is adjourned, the amendment cannot be introduced.

Mr. Hanlon: We do not know. You should give it some consideration.

Mr. NICKLIN: We do know.

Mr. Hanlon: When you issued an order under a state of emergency, you called it off and then brought it in again a couple of months later. You had second thoughts on that.

Mr. NICKLIN: The Government is following the ordinary parliamentary procedure. It is not going to alter that procedure to suit the wishes of the Opposition or anyone else, because it has been laid down and observed in this Chamber for many years.

Mr. Houston: You will remember when Sir Alan Munro said almost exactly what you are saying now and later re-introduced the Bill.

Mr. NICKLIN: That is exactly what can be done. That is why the Government is not doing what the Opposition suggests it should do.

Mr. Houston: It was done in that way. The same Bill was re-introduced and amended after the second reading.

Mr. NICKLIN: Not if it is contrary to the order of leave. If it is contrary to the order of leave, as the Chairman has ruled—I agree entirely with his ruling—it should be re-introduced. So there is no purpose to be served by reporting progress, and the Government does not propose to allow progress to be reported.

Mr. Hanlon: Will you bring in a new Bill tomorrow?

Mr. NICKLIN: No, I will not bring in a new Bill tomorrow. There has to be some sort of order in the conduct of the business of this Chamber. No Government can conduct business in the way hon. members opposite are attempting to conduct it tonight. The Bill has been available for 2½ months for examination by hon. members. If an amendment is warranted, there is no reason why it should not have been notified a long time ago.

Mr. Bennett: You said the amendment is out of order, so we can't do it by way of amendment.

Mr. NICKLIN: I know it is out of order. If it is introduced and it is out of order, it is ruled out of order by the Chairman. The purpose of allowing the Bill to lie on the table for a certain time is to get an expression of opinion from hon. members and to allow them to move amendments if they so desire. How can the Government run the Chamber if a new amendment is thrown in without notice in the dying days of a Bill?

Mr. Houston: We are asking you to reconsider it now.

Mr. NICKLIN: The hon. member rejected the amendment tonight.

Mr. Hanlon: That is why we want to report progress and ask leave to sit again.

Mr. HOUSTON: I rise to a point of order. I have not spoken in the debate. This is the first time I have spoken tonight.

Mr. NICKLIN: I meant members of the Opposition. As it is the policy of the Opposition to support the amendment, the Government will examine it. But that cannot be done tonight; it is beyond the order of leave. The Government is running the Chamber, and it is not going to do it.

Mr. DUGGAN (Toowoomba West) (10.15 p.m.): On this matter the Premier establishes, as he is entitled to do, that as leader of the House he accepts the responsibility and is expected to enforce the powers vested in him as leader of the Government. No-one questions his right to dictate the order of business, what will be debated, how long it will be debated, and at what hour the House will adjourn. That is one of the responsibilities and privileges of the Leader of the Government and, as he has claimed these powers, so the Opposition claims the right to oppose and no-one can take away from the Opposition those powers.

He asserts, merely because the Bill has been on the notice paper for two and a-half months, that there has been ample time to consider this particular matter. That may sound tremendously important. There is an obligation, I suppose, on the Opposition to do one of three things: to ask the Minister to reconsider a particular clause and, if he does not accept the invitation, to let the matter rest at that; to oppose the clause by voting against it; or to move the amendment of the clause in some respects.

No-one knows precisely and definitely just what is contained in the order of leave. The order of leave is merely an intimation given to the House that the Bill has been presented to the Governor, that approval has been given and the necessary appropriation has been made for this purpose. What member of the House ever knows how many ramifications of a Bill are or are not covered by an order of leave and it is surely specious reasoning for the Premier to get up at this stage and say it is an improper action on the part of the Opposition to move in this way because the proposed amendment is one that is beyond the order of leave.

We do not accept that particular proposition. If the matter has been here for two and a-half months for the specific purpose of giving members an opportunity of amending it, or the Government of withdrawing it and introducing a Bill in an amended form on a new order of leave, that obligation is the obligation of the Government. We have heard several members speak in support of the need for this Bill to be amended in a particular way. As the Premier chides the Opposition for having the temerity to oppose this particular proposal, I suggest, as the hon. member for South Brisbane has suggested, that he should chide his own members who are responsible for these particular circumstances arising this evening; let us not spend time sham fighting and at the same time talking about democracy. Members on the Government side are always talking about vital principles involved in a Bill which should be drastically amended but they are simply wasting time if they are not going to vote in this House in support of the withdrawal of these obnoxious principles, or the inclusion of better principles in these measures. All we are getting is sham fighting and waste of time.

If the Government maintains that it has certain duties that have to be exercised and that the powers which it proposes to give to these inspectors are necessary for the efficient administration of the Act, let it get up and say so. The mere claim by the Premier that something happened in 1951 and that there has been a progressive reduction of powers that were capriciously or wrongly exercised under Labour Governments is a mistatement of fact. More penalty provisions have been incorporated in Bills by this Government that the Premier in his calmer moments might like to admit. Powers given under the racing and betting legislation and other legislation introduced into this House prove very positively that the Government, when it suits its purpose, has no hesitation in clothing itself or the Parliament with powers to deal with these situations. But surely, if we are to talk about democracy and the sacrificing of principles and so on, we should use the processes which Parliament makes available in these matters.

If in his wisdom the Leader of the Opposition felt that one of the practices, privileges and rights of the Parliament should be invoked under the appropriate Standing Order, why should the Premier get up and say that we should not take this action? On the one hand he has claimed that the order of leave must be observed in accordance with the practices of this Parliament, but on the other hand he takes exception at our exercising one of the practices of Parliament under the Standing Orders to bring about a deferment for a period of time. He cannot have it both ways. It is no use his saying that on the one hand Parliament must govern and on the other take away from the Opposition its inalienable parliamentary and constitutional right to move this way. If the Government wants to over-ride or defeat the Opposition's defence it is entitled to use its numbers to do so, but let it have the intestinal fortitude to say so, and let it use its numbers for that purpose, but do not lecture us about academic matters or the rights of members. The action taken by the Leader of the Opposition is unquestionably within his rights, and I am glad to see that he is prepared to challenge the Premier in the exercise of them.

Mr. MURRAY (Clayfield) (10.22 p.m.): I apparently stand chided. I am prepared to accept this. In the first place I rose to ask the Minister whether he would be prepared to accept——

The TEMPORARY CHAIRMAN (Mr. Campbell): Order! The motion before the Committee is that I do now leave the chair, report progress, and ask leave to sit again.

Mr. MURRAY: Yes. I do not want that to happen; that is why I rose.

Opposition Members interjected.

The TEMPORARY CHAIRMAN: Order!

Mr. MURRAY: We have had an assurance from the Premier now that this matter will be looked at. This satisfies me. That was my intention when I first rose. At no stage did I move an amendment. If there is a Standing Order——

The TEMPORARY CHAIRMAN: Order! The hon. member is out of order.

Mr. MURRAY: I do not want this deferred. The Premier has undertaken to look at this matter.

Mr. Sherrington: The Minister rejected it point-blank.

Mr. HERBERT: I rise to a point of order. I did not at any time reject the amendment.

Mr. SHERRINGTON: I rise to a point of order. The Minister made great play on the fact that he had read correspondence right and left, and he was supposing the principle was right.

Mr. MURRAY: I do not like this suggestion that "You are accepting what the Premier has said". The Premier has said this, and this will do me. I do not want it deferred. The Premier knows that this assurance has been given.

Opposition Members interjected.

The TEMPORARY CHAIRMAN: Order!

Mr. MURRAY: This assurance itself was all that was sought, and it is very satisfactory to me. I do not want to say any more on the matter. I am happy now that I have raised it alongside other members. I think the hon. gentleman has been extremely responsible in his attitude today.

Mr. HANLON (Baroona) (10.25 p.m.): I do not want to delay the Committee in debating the motion moved by the Leader of the Opposition. The point I make is that this remarkable situation has developed tonight first from the attitude of back-benchers on the Government side who very vigorously stated the need for alteration and suggesting an amendment. You, Mr. Campbell, ruled the proposed amendment out of order, which you are entitled to do, if you feel that way, although we might not agree with you. The Minister rose and vigorously defended the clause as read. The Premier then got up and said that the amendment was not valid because it required further leave, or because it was not covered by the message of leave from His Excellency. The Leader of the Opposition then tried to accommodate everyone, including the Premier and Government back-benchers, but excepting the Minister, who seems to be the only one defending the principle of the clause as such. Then even he got up and denied it. Everyone on the Government side seems to be running for cover now that the chips are down, as we have seen on so many occasions, particularly in relation to certain gentlemen over in the corner who lecture us a lot about the rights of members

of the Liberal Party to vote against the Government and bring up matters against the Government. We always find that they have the right so long as they do not exercise it. We saw that again tonight. The Leader of the Opposition has tried to accommodate everyone in the Chamber who is concerned about this matter. He has taken the valid process of moving, Mr. Campbell, "That you do now leave the chair, report progress, and ask leave to sit again." Naturally the Leader of the Opposition moved that motion in the hope that it would be carried; he advanced it because it should be acceptable to all points of view, even to the Minister, who may suddenly convince himself that there is something wrong with the clause.

If we report progress and ask leave to sit again, the Premier's feeling that he cannot do anything about it is entirely covered by the fact that tomorrow morning, if he wants to do something about it, he can get a fresh order of leave from His Excellency to cover any necessary amendment. I cannot remember the particular Bill, but I do recall that such a procedure has been adopted by this Government within the last nine years. I think the former Treasurer, now Sir Thomas Hiley, secured a fresh message of leave from His Excellency to cover a Government amendment that he desired to incorporate in legislation.

The motion moved by the Leader of the Opposition gives the Premier the chance to do what he has assured the hon. member for Clayfield he will do after the legislation has been passed. The Premier has indicated that he will consider this matter only in relation to all legislation. He has not indicated that he will do anything about this aspect of the matter. If the hon. member for Clayfield and sufficient other hon. members in the Chamber support the motion of the Leader of the Opposition to report progress, the Premier can seek fresh leave in the morning. We could then have a look at this amendment, and it will not have to be ruled out of order. The Premier will not have to weep about not being able to do anything about it as it is not covered by the message of leave. He will have time to get a fresh message of leave, and hon. members of the rebel group will be able to support the amendment they have said they want to support.

There is only one hon. member on the Government side who has not indicated which way he will dive—and I hope he will not do so—namely the hon. member for Windsor. He suggested—and I give him full credit for drawing the Opposition's attention to this very wise course—reporting progress and asking leave to sit again. He is the only one on the Government side who has not dived for a hole. I hope he does not do so, and that he supports us in this motion.

Mr. SMITH (Windsor) (10.29 p.m.): I am flattered by the ready acceptance of the Opposition of my proposition. I only wish that the Minister might also have accepted it. Like other hon. members on this side, I am gratified that the Premier has indicated his willingness to look into the matter.

The only matter that concerns me is the explanation given by the Premier as to the inability to deal with this at the moment. Standing Order 255 seems to me in its width to cover the very situation, because it allows amendments within the title of the Bill provided the amendment, as it says, is, " . . . pursuant to an Instruction, and is otherwise in conformity with the Standing Rules and Orders of the House;"

In the last four lines the order contains a provision which seems to me to cover this situation. Those four lines read—

> " . . . but, if an Amendment is agreed to which is not within the Title of the Bill, the Committee shall amend the Title accordingly, and report the Amendment specially to the House."

It seems to me, Mr. Campbell, that where you have the title of a Bill you would have that title in accord with the order of leave and if you have an amendment which is not within the title, that amendment would seem to me to be one beyond the order of leave. Standing Order No. 255 makes the specific provision and I would have thought—I am only taking the order and am not looking at parliamentary practice——

Mr. Bromley: You could not quote a precedent?

Mr. SMITH: No. I am simply quoting the Standing Order, which seems to deal with something beyond the title of the Bill. If the reasons advanced by the Premier are valid his suggestion may meet the situation, even if it is beyond the ambit of the leave. I do not go to the extent of saying that it is outside the ambit of the leave, because we are omitting nothing. We are still getting entry, which is the principle, but it is how we get entry. For all I know, the speakers on the other side of the Chamber sought to have it qualified. Unfortunately I have not a copy of the Bill because it was printed when I was absent from the House.

I commend Standing Order 255 to the Premier's consideration as a possible solution. I am now informing the Opposition that if this measure, which has been objected to, is to proceed for the Government's consideration, it is not the only one that is objectionable, and I cannot see why we are making such a fuss about this one in particular. I think a far wiser course is to accept the Premier's assurance in this matter and proceed with other legislation.

Mr. BENNETT (South Brisbane) (10.32 p.m.): I wholeheartedly and enthusiastically support the motion moved by my Leader. It is the only sensible solution to this impasse. The reaction to his motion has disappointed me. I shall have to reconsider the encomiums I expressed about the hon. member for Clayfield when I said that he displayed in this Chamber some measure of

courage. He quickly disappointed me. I would expect the hon. member for Windsor to adopt his own suggestion.

We cannot hope to get any fruitful results from the undertaking the Premier has given. I did not understand him to suggest for one moment that he has any intention of changing the Bill. If he is entertaining any thoughts along those lines, this is the time to express them. I conclude by saying that the reaction of Government members reminds me of a person who jumped onto his collective horse and galloped off in all directions.

Question—That the motion (Mr. Houston) be agreed to—put; and the Committee divided—

Ayes, 20

Bennett	Melloy
Bromley	Newton
Davies	Sherrington
Dean	Tucker
Donald	Wallis-Smith
Duggan	Wood, P.
Hanlon	
Houston	
Inch	*Tellers:*
Jones, R.	
Jordan	Hanson
Mann	Thackeray

Noes, 35

Armstrong	Miller
Bjelke-Petersen	Murray
Camm	Newbery
Chalk	Nicklin
Chinchen	Pizzey
Delamothe	Porter
Fletcher	Rae
Herbert	Ramsden
Hewitt, N. T. E.	Richter
Hodges	Row
Houghton	Smith
Jones, V. E.	Sullivan
Kaus	Wharton
Knox	Wood, E. G. W.
Lee	
Lickiss	*Tellers:*
Lonergan	
Low	Cory
McKechnie	Hewitt, W. D.

PAIRS

O'Donnell	Tooth
Lloyd	Hughes
Harris	Dewar
Graham	Carey
Dufficy	Hinze
Byrne	Ewan

Resolved in the negative.

Mr. SHERRINGTON (Salisbury) (10.40 p.m.): I do not think I have listened to a more amazing debate since I have been a member of this Assembly. The position has not been clarified to the satisfaction of the Opposition and I indicate that we intend to vote against the clause.

There is evidence of confused thinking on the part of the Government. Certain groups at the back of the Chamber have supported the amendment, then run in all directions, as the hon. member for South Brisbane said. Hon. members have seen the extraordinary performance of the Minister indicating to me that he was quite convinced of the validity of the clause and of the reaction that it had brought from the people concerned, and then the Premier having to rise in his place and rescue the Minister on a question of procedure. At no stage has the Opposition been informed by the Minister in charge of the Bill what his views are on the matter; at no stage did he indicate that he was not satisfied to allow the Bill to pass its second reading without alteration or amendment.

Because of that confused situation, and to give the matter the prominence it deserves, I indicate on behalf of the Opposition that it does not intend to accept the assurance given by the Premier that the position will be examined. The Minister has not given the Committee any assurance that he will re-examine the Bill, and, so that it will be recorded once and for all, hon. members on this side of the Chamber will show what they think of the Government's attitude by opposing clause 2.

Question—That clause 2, as read, stand part of the Bill—put; and the Committee divided—

AYES, 35

Bjelke-Petersen	Miller
Camm	Murray
Chalk	Newbery
Chinchen	Nicklin
Cory	Pizzey
Delamothe	Porter
Fletcher	Rae
Herbert	Ramsden
Hewitt, N. T. E.	Richter
Hewitt, W. D.	Row
Hodges	Smith
Houghton	Sullivan
Jones, V. E.	Wharton
Knox	Wood, E. G. W.
Lee	
Lickiss	*Tellers:*
Lonergan	
Low	Armstrong
McKechnie	Kaus

NOES, 20

Bennett	Newton
Bromley	Sherrington
Davies	Thackeray
Dean	Tucker
Donald	Wallis-Smith
Duggan	Wood, P.
Hanlon	
Hanson	
Houston	*Tellers:*
Inch	
Mann	Jones, R.
Melloy	Jordan

PAIRS

Tooth	O'Donnell
Hughes	Lloyd
Dewar	Harris
Carey	Graham
Hinze	Dufficy
Ewan	Byrne

Resolved in the affirmative.

Clause 3—Amendments of s. 55 (1); Regulations—

Mr. SHERRINGTON (Salisbury) (10.52 p.m.): Section 55 of the principal Act presently deals with the making of regulations and so on. Clause 3 of the Bill proposes by way of amendment to strengthen the provisions of the Act by regulating and controlling the marking upon articles or packages or labels affixed to them the net weight, measure or number of the article or contents of the package and any matter stating or representing by implication that the article or package and its contents is for sale at

a price lower than the ordinary and customary sale price or, in the case of a package, that a sale price advantage is accorded to purchasers thereof by reason of the size of the package or the quantity of its contents, and by prescribing the means or method or means and method of any such marking.

Originally the industrial committee of the Australian Labour Party found not a great deal of fault with this proposal. It was regarded as a means of eliminating over-size packaging and other undesirable practices indulged in to mislead the public. I certainly would not have risen to speak at this stage except that there has been so much comment from hon. members opposite, particularly back-benchers, about the intrusion on the rights of the individual, and so much claptrap about interfering with healthy competition. Therefore, I feel that I should rise on this clause and refer briefly to some very pertinent points made during a hearing by Mr. Cuthill, S.M., about the effect of undesirable practices. The Australian Consumers' Association submitted in regard to misleading packages that there are six categories about which we, as consumers, are concerned. They then said—

> "(iii) The total prohibition of that type of deceptive packaging known as 'slack-fill', wherein the goods are actually a far smaller quantity than the package indicates;
>
> "(v) The total prohibition of meaningless terms in the labels, such as 'Giant Size', 'Jumbo Size', or 'King Size', etc., of which nearly 40 expressions will be quoted herein."

They concluded this portion of their submission by saying—

> "Some of the present types of deceptive marketing, labelling or packaging are undoubtedly a monstrous fraud on the consumer. It is widespread and wasteful and endangers free enterprise.
>
> "Any attempt at de-standardisation of container sizes is an open invitation for industry to indulge in rank confusion and deception."

That is the point of view advanced by the Australian Consumers' Association; it reflects the dangers to free enterprise in misleading packaging.

Again, during its submissions to the Board of inquiry, the Consumers' Association had this to say, having dealt with the Senate Anti-Trust and Monopoly Sub-Committee on packaging and labelling practices in the United States—

> "In Senator Hart's opening remarks at the resumption of the U.S. Senate hearings into deceptive packaging and labelling, he summarised fifteen recommendations for regulatory legislation. They are inter alia—
>
> 5. Establish slack-fill standards with industry assistance in the various kinds of commodities.
>
> 6. Establish standards of nomenclature such as small, regular and large, to designate certain weights or measures best suited to a particular commodity.
>
> 12. Control the ratio of the volume of product to the size of the package."

This is one of the points that we are dealing with in the Bill. The report continues—

> "13. Control the proportions of the package.
>
> 14. Regulate or prohibit certain promotions, such as cents-off deals, which may be subject to a high degree of abuse.
>
> 15. Abolish meaningless qualifying phrases such as 'super, economy, giant' and so forth . . .
>
> "The final right to ascertain the price per unit measure is most difficult, and honoured more in the breach today than in the observance. In fact, with the evolution of the 'Economy Size' and 'King Size' packages, the so-called labelling could be classed as fraudulent at least."

Those are the submissions of people in responsible positions in Australia and the United States. They have pointed out that not only is there a danger to the consumer in deceptive packaging, but that there is also an inherent danger to the free-enterprise system that we hear the chivalrous knights in this Chamber so very vociferously trying to defend and asserting that we should not intrude on the rights of the individual when those rights are bound up with deceiving the public.

Clause 3, as read, agreed to.

Bill reported, without amendment.

The House adjourned at 11 p.m.