Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 22 MARCH 1967

Answer:—

(1 and 2) "No further evidence was offered on the five outstanding charges against the defendant Taylor when they came on for hearing before the Magistrates Court, Southport, on February 28 last and the defendant was discharged. The question as to what further action should be taken in the light of the evidence on the trial of Taylor and the subsequent investigation, has not been finally resolved by the Crown Law officers."

LEVY ON DAIRYMEN

Mr. Houston, pursuant to notice, asked The Minister for Primary Industries,—

Is any levy taken out of payments made to dairymen through their milk and cream supplies and is this levy paid to the Queensland Dairymen's Organisation? If so, does the producer have the right to nominate that this levy be paid to the Queensland Primary Producers' Union rather than the Queensland Dairymen's Organisation?

Answer:—

"Yes. The levy being deducted and paid to the Queensland Dairymen's Organisation during 1966-67 is $8 per dairy farmer. Producers have no right to nominate payment of the levy to the Australian Primary Producers' Union."

PAYMENT OF HEN TAX UNDER C.E.M.A. PLAN

Mr. Houston, pursuant to notice, asked The Minister for Primary Industries,—

(1) How many commercial poultry farmers are there in the area of Queensland covered by the two Egg Marketing Boards?

(2) How many of these have failed to pay the hen tax under the Commonwealth stabilisation scheme?

(3) How many have been prosecuted?

(4) How many commercial poultry farmers in Queensland are outside the board areas?

(5) How many of these have failed to pay the hen tax under the scheme?

(6) How many have been prosecuted?

(7) Is there any agreement in State or Federal Acts which stops any particular board from dumping eggs at a glut price on any local market?

Answers:—

(1) "The number of poultry farmers currently registered in the two Egg Marketing Board areas in Queensland is 1,405. These registrations include all flocks of 50 or more birds, including hens, male birds, ducks, geese, turkeys and guinea fowl, and the young thereof."

WEDNESDAY, 22 MARCH, 1967

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

QUESTIONS

POLICE EVIDENCE IN CRIMINAL CASE, SURFERS PARADISE

Mr. Houston, pursuant to notice, asked The Minister for Justice,—

(1) As considerable time has elapsed since the statement was made by Mr. Justice Douglas regarding the evidence of two police constables relative to a stealing charge at Surfers Paradise, what is the present position of any enquiry into this matter?

(2) Will charges be laid against the two constables or, alternatively, has an enquiry shown that they were innocent of the allegation?

(2) "The Poultry Industry Acts, 1965-66 under which the hen levy is imposed are administered by the Commonwealth Department of Primary Industry and the information is not available in my Department."

(3) "See Answer to (2)."

(4) "My Department has no direct information on total numbers of poultry farmers in areas outside Board control. The Government Statistician has advised that at March 31, 1966, there were only 486 holdings in the whole of Queensland deriving more than half their income from the sale of eggs and poultry."

(5) "See Answer to (2)."

(6) "See Answer to (3)."

(7) "No."

ROYALTY ON MOURA-KIANGA COAL

Mr. Hanlon, pursuant to notice, asked The Minister for Mines,—

(1) With reference to the royalty of five cents per ton payable to the State of Queensland by Thiess Peabody Mitsui Coal Pty. Ltd. under the 1965 agreement, is he aware of references in the mining pages of the Sydney *Bulletin* of January 21, and March 11, 1967, that (*a*) profits from the relevant venture could easily exceed $1 per ton and (*b*) apart from its retained equity interest of twenty-two per centum in this profit Thiess Bros. or Thiess Holding Ltd. under the terms of the sales agreement of the Kianga–Moura leases originally owned by them receive an agency fee or in effect a royalty of twenty cents on each ton of coal produced per annum in excess of 600,000 tons which suggests an agency fee of $780,000 when through-put reaches 4·5 million tons as against royalty at five cents per ton of only $225,000 payable to the State on it?

(2) Does he recall that the Coal Mining Act was amended in 1950 to prevent coal owners getting greater royalty than the amount payable to the Crown arising from an approach to the Government by Thiess Bros., who were being called upon to pay to a Mr. Neill in relation to Callide 2s. 8d. a ton later reduced to 1s. 8d. a ton as well as the sixpence royalty payable to the Crown, and that by the Government action the private royalty was reduced and benefits passed on to consumers?

(3) In the light of the above, if *The Bulletin* reference to agency fee is factual, will he make a statement to the House on this anomalous position of the State's return as against that to Thiess Bros. purely from its lease rights, not to mention the suggested group profit of $1 per ton, and consider also whether some action is warranted as was taken in 1950 to protect Australian consumers now and later (including the Alumina plant at Gladstone) by reducing, in their interest and that of competitive price on the market, any unjustified padding of coal price by such arrangements?

Answers:—

(1) "Yes. However, I am not in a position to indicate whether the statements made are correct."

(2) "The Coal Mining Act was amended in 1950 for the purpose of limiting payments to lessees of coal mining leases which were being worked by other parties. Those circumstances do not exist in the case now raised as the lessee, Thiess Peabody Mitsui Coal Pty. Ltd., is working the land under title gained by it under the Thiess Peabody Mitsui Agreement Act, the coal mining rights having been surrendered by Thiess Bros. (Qld.) Pty. Ltd."

(3) "I am not aware that an anomalous position exists. As any sales of coal for other than export must be the subject of special approval, the Honourable Member can be assured that the interests of Australian consumers will be protected at all times."

NOGOA GAP DAM PROJECT

Mr. O'Donnell, pursuant to notice, asked The Premier,—

(1) With reference to his Answer to my Question on February 22 concerning the Nogoa Gap Dam project that he was in the course of writing to the Prime Minister asking that the matter be expedited as much as possible, what is the result of his written representations?

(2) Is he aware that there is widespread disappointment in Central Queensland that he has not made personal representations on a State Government level to the Prime Minister? If so, why has he not taken positive action in the matter?

Answers:—

(1) "Advice just to hand from the Right Honourable the Prime Minister indicates that the Commonwealth Government has not completed its consideration of the National Water Resources Programme in respect of which the Queensland Government has requested the inclusion of The Emerald Irrigation Scheme as one of its projects."

(2) "No. On the contrary, there has been plenty of evidence of support for the action taken by the Government and myself and I suggest that the Honourable Member is distorting the facts purely to suit his own ends. There is undoubtedly disappointment at the delay in reaching a decision, and I share this disappointment. Personal as well as official representations have been made to the Commonwealth."

FACTORY PINEAPPLE ALLOCATIONS TO NORTHGATE CANNERY

Mr. O'Donnell, pursuant to notice, asked The Minister for Primary Industries,—

(1) Is he aware of the provisions of paragraph 3 (*a*) of the conditions of acceptance of factory pineapples, issued approximately a month ago by the Committee of Direction of Fruit Marketing, stating, "If at any time the quantity offering for processing is greater than the factory requirement or capacity to handle, loadings will be accepted only on allocation. Every grower who submits a crop estimate by the due date as required by the C.O.D. will be given an allocation which will be issued through the loader or direct from this office. The capacity of the Golden Circle Cannery will be reserved by the Cannery Board for the produce coming forward from farms owned by subscribers to the capital of the Cannery. Should this be the case the weekly capacity of other canneries will be allocated to all growers based on the growers' estimates"?

(2) Is the Committee of Direction of Fruit Marketing acting in a legal manner in applying this condition?

(3) If so, why cannot the companies processing pineapples reserve their capacity for their shareholders the same as the Cannery Board is reserving its capacity for subscribers?

(4) What formula is used by the C.O.D. to apportion supplies to the various canners?

Answers:—

(1) "Yes."

(2) "As far as I am aware the Committee of Direction of Fruit Marketing has not so far engaged in allocations of this nature of factory fruit subject to the Pineapple Direction. A reading of the Direction clearly indicates that when in the opinion of the General Manager of C.O.D. the supply of pineapples available for processing is in excess of the quantity which can be cleared to processors then the Direction does not apply."

(3) "The basis of shareholding in a private or a public company is quite different from the basis of subscription to the Northgate Cannery. In the latter case subscriptions (which are not shares) in relation to pineapples were originally obtained only from pineapple growers and any profit distribution is made only to subscribers in proportion to their actual deliveries to the Cannery as covered by such subscriptions. This does not apply in the case of a cannery which is a private or public company where shares entitling the holder to dividends are certainly not restricted to pineapple growers."

(4) "The apportionment by C.O.D. of supplies of pineapples amongst the various canners is made in accordance with an agreement which exists between the C.O.D. and the canners. The matter is one for negotiation between the canners and the C.O.D."

RESIGNATIONS, RAILWAY RUNNING STAFF

Mr. Donald, pursuant to notice, asked The Minister for Transport,—

How many locomotive engine drivers, firemen and cleaners have resigned from the Railway Department during the period January 1 to February 28, 1967?

Answer:—

"Drivers 1, firemen 23, cleaners 22."

MEDICAL EXAMINATION OF WORKERS' COMPENSATION CLAIMANTS, MACKAY

Mr. Donald for **Mr. Graham,** pursuant to notice, asked The Treasurer,—

With respect to claims for Workers' Compensation which have been lodged with the Mackay office of the State Government Insurance Office,—

(1) How many claimants were advised to report for medical examination by the visiting S.G.I.O. medical officer on March 7?

(2) Of the number examined, how many claimants were declared fit to resume their normal duties by him?

(3) Of those declared fit to resume work, how many were in possession of medical certificates issued by their own medical advisers certifying that they were not in a fit condition to resume their normal employment?

(4) Is it the practice of the S.G.I.O. to ignore medical opinions expressed by local medical practitioners in favour of opinions expressed by visiting doctors in the employ of the S.G.I.O.?

Answers:—

(1) "Fifty-nine claimants were requested to report for examination by the S.G.I.O. medical officer on March 7. Of these, ten, subsequent to receiving their request, supplied final medical certificates from their attending medical practitioners declaring them fit for work. Forty-nine claimants reported."

(2) "Only one was declared fit for work by the examining medical officer."

(3) "One, the claimant declared fit for work."

(4) "When the examining staff medical officer considers that a claimant is fit to return to his work, he telephones the attending doctor and discusses the matter with him."

TEACHER APPOINTMENTS, EDUCATION DEPARTMENT

Mr. P. Wood, pursuant to notice, asked The Minister for Education,—

(1) How many of the fifty subject masters, fifty relief primary teachers and ten senior mistresses promised for 1967 and for whom provision was made in the Department's Estimates have been appointed?

(2) Which of the above positions as advertised in the *Education Office Gazette* of September, 1966, are unfilled?

(3) When is it anticipated that vacancies will be filled?

Answers:—

(1) "Thirty-eight subject masters and seven senior mistresses have been appointed. Departmental officers recently completed a survey of the February monthly returns from schools throughout the State and appointments of additional relieving teachers will be made when staff adjustments are being completed. Most of these adjustments have been made and 27 teachers have so far been selected for relieving duty. They will be available for duty next week."

(2) "Vacancies still exist for subject masters in all subject fields except Manual Training. These vacancies were not filled because of lack of suitable applicants. Senior mistresses are still required at Everton Park, Gladstone, Innisfail and Salisbury."

(3) "Positions unfilled and new vacant positions will be advertised at the end of the year, and appointments will be made effective from the beginning of 1968."

NEW ENROLMENTS IN STATE HIGH SCHOOLS, BRISBANE

Mr. P. Wood, pursuant to notice, asked The Minister for Education,—

(1) What was the estimated total number of new enrolments in State high schools in the Brisbane area for this year?

(2) What are the estimated total new enrolments in State high schools in the Brisbane area for next year?

Answers:—

(1) "The estimated number of new enrolments (Grade 8) in State high schools in Brisbane area for this year was 8,470. The actual opening enrolment was 8,354."

(2) "The estimated total new enrolments (Grade 8) in State high schools in the Brisbane area for 1968 are 8,595."

EMERGENCY FOOD SUPPLIES TO MT. GARNET AND NORMANTON

Mr. Wallis-Smith, pursuant to notice, asked The Premier,—

In view of his statement in the *Cairns Post* of March 21 that the road between Ravenshoe and Mt. Garnet would be open for traffic within two weeks and as the residents of Mt. Garnet have been cut off from milk and food supplies for the past nine days and also in view of the desperate food position that exists at Normanton, will he take urgent steps to (*a*) provide a flying fox to ferry goods across the Wild River and (*b*) arrange for regular service by a Caribou aircraft to Mt. Garnet, Normanton and any other outback area which has a suitable airstrip?

Answers:—

"I have no intimation that there are desperate food shortages at Mt. Garnet. I was advised late last night that there may be a problem at Normanton and the situation there is now being urgently assessed. Appropriate action will be taken, if warranted."

REPAIRS TO ATHERTON-RAVENSHOE AND MAREEBA-FORSAYTH RAILWAY LINES

Mr. Wallis-Smith, pursuant to notice, asked The Minister for Transport,—

(1) Has any estimated time been announced for the completion of repairs to (*a*) Atherton–Ravenshoe railway and (*b*) Mareeba–Forsayth railway?

(2) How many additional men have been employed on repair work on each of these sections?

(3) What steps are being taken in respect of goods for Normanton?

Answers:—

(1) "It is expected, with favourable weather conditions, that the work on both sections will be completed in approximately three weeks."

(2) "Additional men have been employed on repair work—(*a*) Atherton–Ravenshoe, 43 men; (*b*) Mareeba–Forsayth, 49 men."

(3) "Keith Hollands Shipping Pty. Ltd. holds a contract for the conveyance of goods to Normanton. The goods are railed to Cairns and conveyed by road from that point. A ferry service is being operated by the Railway Department twice weekly for the purpose of conveying bread, beef, fruit and groceries across the Sandy Tate River and thence by diesel mechanical locomotive to Forsayth."

GOVERNMENT TAKE-OVER OF MITCHELL RIVER AND EDWARD RIVER MISSIONS

Mr. Wallis-Smith, pursuant to notice, asked The Minister for Education,—

Has any detailed plan been worked out for the Government take-over of the administration of Mitchell River and Edward River Missions? If so, will he table the details of the plan?

Answer:—

"Cabinet has approved terms and conditions for the transfer to State control of material administration of the Edward River, Mitchell River and Lockhart River Aboriginal communities from the Anglican Diocese of Carpentaria. These have been conveyed to His Lordship the Bishop, who is quite properly in consultation with his Board of Missions. The Department is making all necessary and possible preliminary arrangements for the transition, but as the Honourable Member will appreciate these arrangements are contained in numbers of official files dealing with relevant aspects of the administration, and therefore it is not possible to table the official records and files. At the appropriate time the Honourable Member is assured I will make a statement relative to the transfer."

ADDITIONAL WEIGHTS AND MEASURES INSPECTOR, IPSWICH

Mrs. Jordan, pursuant to notice, asked The Minister for Labour and Tourism,—

In view of the fact that the Weights and Measures Inspector stationed at Ipswich is very often unavailable for up to two weeks at a time as he is absent carrying out his duties in the surrounding country area which is included in his district, will he consider appointing another inspector for the district?

Answer:—

"The appointment of an additional Weights and Measures Inspector for the Ipswich district is unwarranted, as there would be insufficient duties to maintain two inspectors in full-time employment." Country inspections do not exceed four and a-half days, and the inspector is always available on Friday afternoons. If absent from Ipswich, and required urgently, he can always be contacted through the Ipswich Office and, if necessary, an inspector from Brisbane is available to proceed to Ipswich for urgent inspections."

FINANCIAL AID FOR PURCHASE OF MARINE CRAFT

Mr. R. Jones, pursuant to notice, asked The Minister for Labour and Tourism,—

(1) What grants, loans or other financial assistance has been made to persons or companies in Queensland over the last three years for the purpose of purchasing marine craft for (*a*) tourist and (*b*) fishing purposes?

(2) What were the amounts paid, the circumstances relating to them and the persons or companies to whom the moneys were made available?

Answer:—

(1 and 2) "In regard to (*b*), nineteen fishermen have been granted loans by the Commonwealth Development Bank of Australia or Trading Banks, in respect of which the Fish Board has guaranteed a total sum of $72,074 for the purchase of fishing craft and equipment, or for repairs thereto. The individual amounts are considered to be confidential matters between the respective Banks and the fishermen concerned. With respect to (*a*), any such loans would be made available under The Industrial Development Acts, which are administered by my colleague, The Honourable The Minister for Industrial Development."

RELIEF ASSISTANCE TO NORTH QUEENSLAND FLOOD VICTIMS

Mr. R. Jones, pursuant to notice, asked The Premier,—

(1) What relief assistance is presently available for personal distress for North Queensland flood victims and what are the details of entitlement?

(2) In the event of non-qualification for storm and tempest coverage, is assistance to be extended to property owners not covered or insured for flood damage and loss caused by immersion?

Answers:—

(1) "Personal distress relief is available through Stipendiary Magistrates in the affected areas and is intended to cover immediate vital requirements such as food, clothing, medical supplies, bedding, &c. These items are usually also obtainable from the many wonderful church, charitable, social and welfare organisations operating within the community."

(2) "Consideration will be given to this aspect when attention is being directed to the wider concept of flood relief assistance, following a study of damage surveys and assessments which have already commenced."

1800-CLASS RAIL MOTOR UNITS

Mr. R. Jones, pursuant to notice, asked The Minister for Transport,—

(1) Will 1800-class rail motor units be withdrawn from service in the near future and declared obsolete?

(2) If not, are stores branches not holding replacement stocks and are the centres of Townsville and Ipswich not operating these units?

Answers:—

(1) "No."

(2) "Replacement stocks of what are known as 'bread and butter lines' are held at Cairns. The 1800-class rail motor unit at present undergoing repairs at Cairns will be returned to service on Tuesday, March 28, 1967. There are two 1800-class rail motor units undergoing repairs at the Ipswich Railways Workshops."

WATER CONTENTS OF FROZEN CHICKENS

Mr. R. Jones, pursuant to notice, asked The Minister for Primary Industries,—

(1) Will he direct his attention to the practice of some unscrupulous southern companies of deliberately soaking and/or pumping water into poultry prior to freezing, and packaging and marketing frozen chickens with a water content of approximately 12 oz. in a 3 lb. bird?

(2) If so, can he assure the public that such deceptive packaging will be rigidly policed and the practice discontinued forthwith?

Answer:—

(1 and 2) "I am unaware of any practice by so-called unscrupulous southern companies to soak and/or pump water deliberately into poultry prior to freezing. For the Hon. Member's information however I would advise him that hygienic operation of large modern poultry processing plants requires that poultry carcasses be immersed in slush ice or chilled water to bring about rapid cooling and blanching and under these conditions it is inevitable that there will be some increase in water content of dressed poultry after freezing. One southern State has recently expressed concern at high levels of water in frozen chickens. The matter was discussed at the recent Agricultural Council meeting in Melbourne and appropriate action is being taken to review the situation in all States by random testing of frozen chickens. If it is found to be necessary control measures will be given full consideration. Because of the wide interstate movement of dressed poultry, a Commonwealth-wide standard for moisture content would be necessary."

ISSUE OF ADDITIONAL LICENSED VICTUALLER'S LICENCE, TOWNSVILLE

Mr. Tucker, pursuant to notice, asked The Minister for Justice,—

(1) Is the State Licensing Commission taking preliminary steps to allow a licensed victualler's licence in a western area of Townsville, taking in the proposed suburbs of Heatley, Vincent and Mt. Louisa and part of the suburb of Currajong?

(2) Is he aware that there are only presently 451 homes west of the defined line and that some of these homes are not yet occupied, having been built on a speculative basis?

(3) Is it the usual procedure of the Commission to allow a licence in an area virtually not yet occupied and, if not, what has prompted this premature action on this occasion?

(4) Have the interests of The Vale Hotel in Aitkenvale and the Centenary Hotel in Currajong, on which some $700,000 has been spent in the last six years, been taken into account in this matter?

Answers:—

(1) "Yes."

(2) "The Licensing Commission is aware of the extent to which building has taken place in the locality in question."

(3) "When determining an area to which it proposes to remove a licensed victualler's licence, the Licensing Commission considers whether licensed premises are necessary to meet the convenience of the public and the requirements of such locality both present and future."

(4) "The interests of the owners and licensees of The Vale Hotel, Aitkenvale and the Centenary Hotel, Currajong, have been taken into account by the Commission. However, it is competent for the owners and licensees of these hotels to lodge objections prior to June 30 next and such objections if lodged, would then be set down for hearing and consideration by the Commission."

RAILWAY CHARGE TO FERRY FLOOD-BOUND VEHICLES FROM BEMERSIDE TO INGHAM

Mr. Tucker, pursuant to notice, asked The Minister for Transport,—

(1) Were motorists who found themselves stranded on the northern side of the Herbert River in the recent North Queensland floodings charged $20 by the Railway Department to ferry their vehicles from Bemerside to Ingham?

(2) In view of the emergency, what was the reason for this steep charge?

Answers:—

(1) "No."

(2) "See Answer to (1)."

BUILDING SITES SOLD BY HOUSING COMMISSION

Mr. Newton, pursuant to notice, asked The Minister for Works,—

(1) What number of building sites in the metropolitan area which are not suitable for housing purposes have been sold by

the Queensland Housing Commission in the years ended February, 1965, 1966 and 1967?

(2) In what suburbs were the sites situated and what was the area of each site?

(3) What was the number of building sites sold to firms for purposes other than housing for the same years?

Answers:—

(1) "One site was sold in December, 1964."

(2) "Camp Hill; 28·4 perches."

(3) "Nil."

Small-boat Harbour at Mackay

Mr. Graham, pursuant to notice, asked The Treasurer,—

(1) With reference to the establishing of a small-boat harbour at Mackay, how many sites for the proposed harbour have been inspected and what are their locations?

(2) When is it anticipated that a final decision will be made on the proposal?

Answers:—

(1) "Eight sites, namely—Victor Creek; Finlayson's Point, Springcliffe; Blacks Beach, Eimeo; Turnor's Beach, Slade Point; Lambert's Beach, North of Main Outer Harbour; Bassett Basin; South Bank, Pioneer River; Castrades Inlet."

(2) "It is not possible to forecast a date when a final decision will be made on the proposal, until the report by the consulting engineers has been received and examined."

Haulage on New Moura–Gladstone Railway Line

Mr. N. T. E. Hewitt, without notice, asked The Minister for Transport,—

In view of the increased tonnage of coal which it is now anticipated will be hauled over the new Moura–Gladstone railway when that line is opened early next year, will such coal haulage exclude the conveyance of general goods, produce and livestock of primary producers in the area?

Answer:—

"I have heard that a rumour has been circulating in the Gladstone area that public transport will not be allowed on the new Moura–Gladstone railway.

"Let me emphasise that this is a rumour. The line, when opened, will be a public railway. It is true that all shipments of coal offered by Thiess-Peabody-Mitsui will have priority of transport, but no-one can visualise that the export of coal from the Moura field will be such as to cause saturation of operations. I say that as Treasurer of the State I am looking to the new Moura line to provide the State with a very satisfactory revenue return from sources other than coal."

Wage Rates on Construction Work at Hermitage Research Station, Warwick

Mr. Bromley, without notice, asked The Minister for Works and Housing,—

1. Is his department carrying out construction work at the Hermitage Research Station?

2. If the answer is in the affirmative—

(a) Why are farm labourers being employed instead of the building trade workers dismissed by the department?

(b) Why are the building trade rates of pay and country allowance not being paid according to the award?

(c) Why is welding work being performed by these persons instead of by tradesmen?

Answer:—

No construction work is being carried out by my department at the Hermitage Research Station, Warwick; consequently, the answer to the hon. member's second question is in the negative.

PETITION

Access Road to Yarrabah Settlement, Bessie Point and Second Beach Areas

Mr. R. JONES (Cairns) presented a petition from 220 electors of the Yarrabah Settlement, Bessie Point and Second Beach areas praying that the Parliament of Queensland will, because of an urgent need and in the public interest, provide an access road for the 1,000 residents of the areas in order that essential services and amenities may be made available to them.

Petition read and received.

FARMERS' ASSISTANCE (DEBTS ADJUSTMENT) BILL

Second Reading

Hon. G. W. W. CHALK (Lockyer—Treasurer) (11.22 a.m.): I move—

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

I was happy to find that, when the Bill was introduced, the principles I had outlined received general support from both sides of the Chamber. I believe, therefore, that I need say little more now about the intentions behind the Bill.

However, I should mention that when the Bill reaches the Committee stage I propose to move an amendment to clause 9 to

remove any doubt about applications that may be made in respect of causes other than "substantially affected by drought or other act of God." Without such an amendment it may be possible to rule out certain farmers who had entitlement under the repealed Act based on other causes. I am desirous, therefore, of ensuring that no wrongful interpretation can arise and that persons who had entitlement for other causes under the repealed Act will have similar entitlement under similar conditions under the new Act.

It is proposed also to move a small amendment at the appropriate time to put beyond doubt the power to charge interest on financial assistance given under the Bill.

I commend the Bill to the House.

Mr. HANLON (Baroona) (11.24 a.m.): The Opposition indicated at the introductory stage of the Bill that its only regret was that steps had not been taken earlier to use the Federal Aid Rehabilitation Trust Fund, which has been virtually untouched for a number of years. The Minister pointed out that he and his departmental officers considered that the drafting of the original Commonwealth Act, which laid down certain conditions, has made it difficult for farmers in recent times, particularly during the recent drought, to avail themselves of the assistance that will now be forthcoming. Accordingly, members of the Opposition support the use of those funds and the endeavour that has been made by the State Government to secure approval from the Commonwealth Government for the reintroduction of the measure in a way that will make its scope much wider than it was previously.

However, it seems to me that we are only going halfway in this matter if in 1967 we are approaching a situation only on the basis of using a fund that was made available under conditions existing some 30 years ago. The Minister pointed out that this trust fund arose from the Loan (Farmers' Debt Adjustment) Act, 1935 to 1950, which was passed by the Commonwealth Government, and it is very desirable, as the Government has done, to bring this Act into play to assist as many people as possible under the terms of the State legislation now being introduced and to provide benefits as wide as possible. But if we are to do this on the basis of the situation that confronts us in 1967 as a result of the drought and, more recently, as a result of what might arise from the floods that have ravaged the North, we should be doing something more than merely making arrangements to utilise the balance of $1,502,000, that was in the fund at 30 June, 1966.

At the introductory stage I mentioned that it has been the habit of Parliament in recent years to make an appropriation of $100,000 a year and that that has been availed of, for the reasons the Minister outlined, on only two occasions. Looking back to 1956, which is as far back as the figures in the latest Treasurer's Tables go, only two appropriations have been utilised in a decade or so—about $11,000 on one occasion and about $18,000 on another. I do not want to reiterate what the Treasurer has pointed out, namely, that there were difficulties in the way of making better use of this fund, but now that we have gone to the trouble of consulting with the Commonwealth Government and pointing out to it the need that exists in this State—and possibly it exists in the adjoining State of New South Wales —as a result of the drought, and indicating that we want to get this measure put into terms that will enable farmers and graziers who have been seriously affected to make a composition or scheme of arrangement with their creditors in order to obtain a stay of proceedings, surely we should do something more than simply use the moneys that are now available in the fund and that were left over from a scheme that was introduced in the 1930's.

In his closing remarks the Minister hinted at some suggestion of consideration from the Commonwealth Government in making more funds available. The original amount made available under the Commonwealth Act of 1935 to 1950 was a total of $24,000,000 for grants to the various States, and of that sum the State of Queensland received $1,540,000.

Mr. Chalk: It could have received that amount.

Mr. HANLON: It was entitled to draw to that amount. I feel that, under the conditions that we have experienced in this State, and possibly in New South Wales, as a result of the drought, from negotiations with the Commonwealth Government we could have expected the Treasurer to come to us in introducing this Bill and indicate that we will have available under this new legislation not only the dregs of a scheme that had its origin 30 years ago, in depression conditions—amounting to $1,500,000—but that the Commonwealth Government is prepared to provide additional finance to meet the requirements that will be evidenced by the number of applications forthcoming. By his foreshadowed amendment to the Bill, the Treasurer indicates that he does not want to exclude from the Bill anybody who has a fair case for assistance. For that reason he proposes to submit an amendment which extends the original scope of the Bill.

The amendment the Minister proposes brings in "other cases", which could include anything. The Bill as originally drafted provided for assistance to farmers whose financial position was substantially affected by drought or by any act of God declared by the Governor in Council as such within the scope of the Bill. The Minister now intends to extend this provision, apparently as a result of an examination of the position, and possibly in anticipation of the interest the Bill has raised and following inquiries that

have been made by people who will be seeking assistance. The Minister apparently intends to extend the scope of the Bill by an amendment that will give blanket provision to cover any other cases, with the restriction that application may be made only after the proposal of the farmer for the composition or scheme has already been made, which is a little more restrictive than the provision relating to the application of a farmer whose financial position is substantially affected by drought or other act of God. Having gone to the pains at the introductory stage to point out that there is only $1,500,000 in the fund——

Mr. Chalk: There is still only $1,500,000 in it.

Mr. HANLON: That is true. At the introductory stage the Treasurer said that he did not want to produce a situation where everybody in financial difficulties would feel that there was an endless amount of money available to meet everybody's troubles. He went to pains to indicate that there was only $1,500,000 in the fund, and that consequently each application would have to be considered on its merits. He pointed out that the Government could go only to the limit possible with the funds available. I do not know what amount would be required on the average. The Treasurer did not indicate that to us. I know it is difficult to envisage with any accuracy what would be required, but I think the Treasurer should have given us some idea of what it was considered would be the average amount of assistance required by each applicant. With only $1,500,000 available, even allowing for the fact that money would be flowing back into the fund as repayments were made, it is obvious that the fund will not go very far. At the present time not a great number of people could be assisted straight out with such a limited amount of money.

Even though the Treasurer realises the financial limits he has to work under, he now foreshadows an amendment to provide a much wider scope. We are prepared to have a look at the amendment. Although the Bill is a re-drafting of a measure that proved unsatisfactory, apparently the re-drafting is also unsatisfactory because it has to be amended. If the Minister thinks some people could be unfairly excluded in the re-drafted legislation he has introduced, we are prepared to have a look at the widening of the scope in the terms he suggests in the amendment. I refer to the amendment only to illustrate that the Treasurer himself has indicated that the field of applications is likely to be much wider than was envisaged at the introductory stage.

The Government will face some administrative difficulties in this matter. I know that officers of the Agricultural Bank are used to difficulties; they have probably one of the most difficult tasks of any Government department because so many people who ask for financial assistance have good grounds for assistance, both from a personal point of view and the point of view of the interest of the State. However, the Agricultural Bank is limited, just as everybody else is limited, by the finance available. It will be difficult to sort out the most deserving cases.

We support the measure; we are certainly not opposed to it. As the Leader of the Opposition pointed out at the introductory stage, if anything we should have liked to see something done before now to enable this fund to be utilised. We believe that some criticism can be levelled at the manner in which the legislation will be implemented because of the limited finance that is available. The only money in the fund is there as a result of a previous arrangement.

At the introductory stage I said that last year the Treasurer told us that the Commonwealth Government had virtually agreed to guarantee to the State any funds it required to combat the effects of drought and, for that reason, he was fortunate in not having to draw on some of his own funds that were available for drought relief. The Commonwealth Government said, "The drought in Queensland is so serious that we are prepared to keep channelling money to you to meet what you consider is necessary to meet the difficulties of the farmers and graziers." The Commonwealth Government should now be reminded of its promise. We should point out that Parliament considers that this measure is necessary to meet the effects of drought that have evidenced themselves, and particularly to help those who are in a desperate position and are reduced to seeking a composition, or a scheme of arrangement. We should point out that we consider this is a necessary drought measure and, accordingly, we should ask the Commonwealth Government to provide the necessary finance to enable a much wider application of the scheme. There will be difficulties with the limited sum available.

As I understand the administrative procedure, farmers will lodge their applications and the Agricultural Bank Board will be entrusted with handling them. If more or less specious claims are lodged they can be immediately rejected, but in many cases it will not be possible for the board to say to Hanlon, O'Donnell, or whoever the applicant may be, "Your application is no good; we reject it." The board will have to examine applications and register them. When an application is registered a stay of proceedings will operate, but a subsequent examination may lead the board to the conclusion that even though the application was worthy of investigation it did not meet with the requirements of the Act and the availability of finance, and accordingly it should be rejected. But in the meantime the stay of proceedings applies.

The Opposition has no desire to prevent any person benefiting from this scheme, but there is a limited amount of money and

there will be quite a large number of applicants. How can the board avoid the necessity to register quite a substantial number of applicants who in many cases will not be included in the scheme. In the meantime, there will be a stay of proceedings. In genuine cases the stay of proceedings will be satisfactory but the board will have some difficulty—and this will have to be watched—in ensuring that it does not accept a number of reasonable applications by people who, although they have a fairly good idea that they will not qualify, realise that by lodging an application and having it registered they secure a stay of proceedings. That would not be in the public interest, nor would it be in the interest of some of the smaller business people referred to by the hon. member for Barcoo, who are in difficulties because they tried to carry graziers and farmers through the drought. The board will face quite an administrative problem in handling such applications.

We are only too willing to agree that this is not in itself a reason to withhold the scheme. We criticise the fact that some working arrangement has not already been introduced. We would be churlish if we said that because there will be difficulties we should not proceed with the scheme. We consider that we should proceed with it, but we point out that lack of finance seems to be the kernel of the problem and, when considering the applications, the board might not be able to overcome the problems because it has so many applications and comparatively little money available.

That seems to be broadly the Opposition's viewpoint. We support the Bill, but we have some reservations on whether it will solve all the problems that might arise. We think that a stronger and more urgent case should be put to the Commonwealth Government to infuse more money into the fund so that the board can do more. We now await more detailed submissions from the Treasurer on his foreshadowed amendment.

Mr. LICKISS (Mt. Coot-tha) (11.41 a.m.): During my introductory speech I made certain observations and incorporated in "Hansard" some of the research notes that I had given to the Treasurer. Hon. members may recall that they were numbered from 1 to 15, ending with the recommendation—

> "It is necessary therefore to amend Section 9 of the Act to provide for the specific cases where the difficulties of the farmer are caused by a natural calamity."

I felt that that would be sufficient, but I listened with keen interest to some of the comments made in subsequent speeches, and examined them, particularly those of Government members. I thought that today I would devote a little of my time to commenting on some of those remarks, but on reflection I feel that I shall leave them to the consideration of hon. members.

To continue the story up to the present moment, if I may put it that way, I feel that I owe it to the House to indicate the amendment to Section 9 of the Act—which we are now repealing—that I suggested to the Treasurer. It reads—

> "The Farmers' Assistance (Debts Adjustment) Acts, 1935 to 1945:—
>
> "Amendment to Section 9 of the Act to provide further authority to the Board in certain circumstances.
>
> "It is proposed to amend Section 9 of the Act by adding at the end of the existing section the following:
>
> 'In the event of the Board's determining that the applicant
>
> (a) is unable to pay his debts as and when the same become due out of his own moneys, and
>
> (b) that his inability so to pay his debts is due substantially to drought, fire, flood or other natural calamity, and notwithstanding that the case may not be one where the applicant has arranged a scheme of arrangement or composition and may be unlikely to be able to do so
>
> the board shall nevertheless accept the application for consideration and the applicant shall thereupon on and from the date of entry in the Register of such application be entitled to a stay of proceedings in accordance with the provisions of section 14 of this Act.' "

It would have been necessary also, had the proposal been to amend the existing Act, to incorporate in section 8 of the Farmers' Assistance (Debts Adjustment) Acts, 1935 to 1945, a provision to enable a person to claim specifically in such instances where his hardship has been caused by a natural calamity or act of God so that it would then fall into line with the proposal I suggested. The question of interest payable on loans is another consideration which would have had to be dealt with by a subsequent amendment. The whole point was to make it easier for persons affected by drought or other act of God to get a little assistance in the way of extra time to get their affairs in order.

It is well known that the Farmers' Assistance (Debts Adjustment) Acts was brought into being by the enabling Commonwealth Act known as the Loan (Farmers' Debt Adjustment) Act, 1935 to 1950. This was Commonwealth legislation that enabled the States to enact legislation for the benefit of farmers in financial distress. It lays down clearly in section 6 how grants to the States shall be made.

Section 6 (3) reads—

> "No grant shall be made under this Act to a State unless or until there is in force in the State legislation which is declared by proclamation to be legislation which affords farmers reasonable facilities for relief in respect of debts owing by them."

The Farmers' Assistance (Debts Adjustment) Acts, 1935 to 1945, were the Acts proclaimed under that section relating to this matter in Queensland. Section 7 (1) (a) of the Commonwealth Acts, under the marginal note, "Application of moneys paid under section six", reads—

> "Any moneys granted to a State under the last preceding section shall be paid upon the following conditions:—
>
> (a) The moneys shall be used by the State, in pursuance of a scheme authorized by or under the law of the State (in this section referred to as 'the State scheme'), for the purpose of discharging, in whole or in part, the debts of farmers by means of compositions or schemes of arrangement between farmers and any or all of their creditors;"

The provision does not end there. We all know that where there is a composition, or a proposed composition, bankruptcy laws play an important part. There is under section 9 of the enabling legislation a provision excluding, where acceptable legislation has been enacted pursuant to the Loan (Farmers' Debt Adjustment) Act, any composition from any bankruptcy action. The Farmers' Assistance (Debts Adjustment) Act of Queensland, was, by proclamation, included as an acceptable Act under the enabling Commonwealth legislation. It was for that reason that I felt that at this stage it would probably be better to amend the current law than to enact new legislation.

After this Parliament has passed the new legislation, the Commonwealth authorities will have to accept it in terms of the enabling legislation, that is, the Loan (Farmers' Debt Adjustment) Act, 1935 to 1950. I suppose their willingness to do so has already been ascertained. A proclamation will be necessary, of course, to enable this legislation, if it is applicable under the enabling Act, to provide exclusion from the bankruptcy laws.

Those are my reasons for making the recommendations that the Minister has clearly before him. They were not thoughts rustled up after the introduction of the Bill, but were matters placed in the hands of authority well prior to its initiation. Let me hasten to say again that I have no objection to—indeed, I support—the proposal to introduce new legislation that must be considered to be in effect a form of consolidation of the Farmers' Assistance (Debts Adjustment) Acts, 1935 to 1945. I am very happy indeed to strongly support the new legislation, plus—and I repeat "plus"—the proposed amendments, because I believe that it will in fact cover the position that would have existed if the old Act had been amended in line with my submissions.

There is one point on which I must reply to the hon. member for Baroona. He said that the whole scheme is being widened. That is not so. The Bill does not widen the scope of the existing legislation in any way.

Mr. Walsh: Are you sure of that?

Mr. LICKISS: I am sure of it—on questions of pay-out and all other matters. The new legislation accepts, for the first time in legislation of this type an act of God, or as I prefer to term it in legislation, a "natural calamity". Schemes of composition will still be necessary, as they are under the existing Act; but it will mean that the pressure will not be on people who have been affected by drought or other act of God to arrange a composition before their application is considered. In other words, it means that persons in these extraordinary circumstances can say, "We are in trouble. We would like you to consider our case. We have not had an opportunity of getting our scheme of arrangement through, but we have tried to or will endeavour to do so. In fact, they will be required to go as far as they can in supplying information to the board; but the point is that they are not prevented from approaching the board before they have everything cut and dried.

Mr. Walsh: It could take in flood damage, then.

Mr. LICKISS: I should hope so. That is an act of God, surely. But that is the only difference. It does not say that people will receive any more favourable or less favourable consideration; it provides only that, where an act of God occurs that aggravates their financial positions, they will not face the same difficulty in having to get their affairs in order to seek a stay of proceedings—in other words, they might have a little extra time.

Mr. Hanlon: When I mentioned widening of the Act, I was not comparing the provisions of the Act with those contained in this Bill. I was referring to the Minister's proposed amendment in the Committee stage relative to any other cases.

Mr. LICKISS: I agree with that, and I think I was careful to say that I strongly support the new legislation plus the amendments. In my opinion—and I am speaking only as a layman from the point of view of the legal implications—after examining the proposed legislation in relation to the enabling legislation, the Bill without the amendment with respect to section 7 (a) of the Commonwealth Act certainly would be arguable, if not in State courts, then in the High Court. For this reason therefore, I believe that the Treasurer is wise to follow the existing legislation in principle but to make provision enabling people affected by drought and those affected by an act of God to be given some consideration in the initial period of getting their affairs in order.

I think I should comment on the difficulties that could be experienced by the board, and I make these comments in the light of history

and in the light of developments at the moment. The board will have to bear in mind that the drought has been in existence for a number of years and take into consideration the productive capacity of properties, the market value for the product, and the insidious rise in the costs of production. I am very concerned about the final effects of the drought, because there has been little opportunity over the last nine years to relate the gross income of normal productive capacity of a property on a normal market to the increased costs of production over that period.

The board will have to be very careful in trying to ascertain the picture and view it clearly, because it could mean that a property which, prior to the drought, had the potential to achieve a certain result, subsequent to the drought, as a result of a run-down in carrying capacity because of the drought, a falling-off in markets and economic circumstances resulting in increased cost of production, is in such a condition as to establish that the living-area standard is quite inadequate in terms of that property. When this matter is looked at, this will be the test of our land administration in this State, particularly in relation to the size of properties on the "living-area basis". It is well known that on a reappraisal of rentals drought is not a consideration.

Mr. Walsh: Any more than a good season is.

Mr. LICKISS: I thank the hon. member for his interjection. Drought, or a good season, is not a consideration in rental reassessment. The main basis in rental reassessment is carrying capacity. I instance cases recently heard in Cunnamulla by Mr. Dodds, of the Land Court, in which the Crown sought new standards for rentals which had been in effect for some eight or ten years, to apply when the rentals were reappraised.

In view of previous debate here on rentals when lease extensions were discussed, one would have expected that rentals would go up on reappraisement. In fact, if there had been any upward trend in rentals one would relate the increase in rental in terms of money to the decrease in the yardstick, which is the value of money. If there had been a marginal increase one would have related rentals fixed 10 years ago to the basic wage, commodity prices, and other indices, and would have said that, in fact, it was doubtful whether rentals had, in real terms, on evidence, increased or decreased. This fixation of rentals again can only be related on reflection to the carrying capacity of the property, but in the Cunnamulla court Mr. Dodds in some instances reduced rentals from the standards previously set, the majority staying at existing levels.

In view of that, and reflecting on the economics of the situation and the purchasing power of currency, one can only come to the conclusion that the carrying capacities of the properties concerned, in the eyes of the Land Court, have been materially affected and must be considered to have deteriorated to a much lower level, and a level at which they will remain for the next 10 years.

The measure of a property's capacity to produce is carrying capacity, and the board will have to look at this situation very carefully. We in the Government will have to look seriously at the plight of the man on the land and we will have to relate many things to determine whether, in fact, some of those people who previously were prosperous will, in fact, be prosperous after this drought. We will also have to assess whether they have a reasonable measure of capacity to recover from the drought.

These are matters of which I think we should take note, because they are problems that will face the board in determining the chance that any man on the land will have of survival and recovery. I think that in the last eight years we have had an unreal situation on our hands in which we have not been able to determine the relationship—I think the hon. member for Gregory would probably be the first to acknowledge this—in terms of our living-area standards, between normal gross income and cost of production under reasonable management.

In conclusion, I again congratulate the Treasurer for the manner in which this legislation has been, and the subsequent amendment will be, introduced. As I said in my concluding remarks at the introductory stage, I believe that this Bill will be in the interests of the good government of Queensland.

Hon. G. W. W. CHALK (Lockyer—Treasurer) (12.1 p.m.), in reply: I do not think there is very much that I need reply to at the present moment. In his outline of what he described as the views of the Opposition in broad principle, the hon. member for Baroona gave the Bill his blessing. It is true that he referred to one or two things said by me in introducing the Bill.

There is one point that I want to clear up. The hon. member, speaking a few moments ago, said I had indicated that there had been some problems in the re-drafting of the old legislation. It was not any difficulty of drafting but rather the conditions that applied at the time the Act came into operation. We have to remember that originally the Act came about because of the depression. When it was introduced circumstances were such that it did not matter where a person was or possibly what were the conditions applicable to one property as compared with another. The fact of the matter was that because of the depression insufficient finance was available for many people to carry on.

Mr. Walsh: Their position was aggravated by drought.

Mr. CHALK: That is true; it was aggravated by drought. I checked on that point myself only a couple of days ago. The fact

was that there was no possibility of what might be termed a change of outlook overnight. On the other hand, when we talk about droughts and floods we must realise that a property that is drought-stricken today could be flooded in 24 hours' time. I realise that the effects of a drought are not overcome merely by having good rain. There has to be a long period in which the farmer or grazier can get back to what might be regarded as normal.

These are some of the things that caused us to look very carefully at the Act as it stood, and then at the writing of a new piece of legislation.

It is quite true that suggestions were put to me by the hon. member for Mt. Coot-tha, by Mr. Neville Henderson on behalf of the Country Party, and by several of my ministerial colleagues. These matters were placed before me. In fact, we looked at the Act some months prior to my predecessor leaving office and asked, "Is it possible to do anything to assist those in distress by utilising it?" At that time we felt that it would be better to allow the Act to remain as it was.

The hon. member for Baroona showed that he had done his homework fairly well when he pointed out that, as far as he knew, only two people were assisted under the Act back in 1956. The difficulties encountered by the members of the board were tremendous. They had to try to interpret the Act as it stood and, at the same time, give assistance if possible. Records for the last 10 years show that only 15 applications were received. Of those, only eight got past what might be described as the barrier, and only two applicants were assisted.

The hon. member for Baroona indicated that perhaps by my mentioning this morning that I proposed in the amendment to go back in certain cases to the conditions applying under the old Act—and if I took as a criterion the assistance given in the past under the Act—not many people would qualify. The Government desires to ensure that there is an opportunity for assistance, particularly for those who are substantially affected by drought or other act of God. We wish to ensure that these people will have an opportunity to obtain what might be described as a stay of proceedings so that they may try to regulate their affairs by effecting a composition and talking their problems over with their creditors. I believe they are entitled to that opportunity. When the proposal was first suggested to me I looked at it carefully. I thought it was a major consideration. It is not for me to say what the Federal Government will be prepared to do in rendering assistance should this fund be exhausted. I can only say that the Federal Government has adopted a reasonable approach to drought problems.

Mr. Hanlon: The point I made—and I think you will agree—is that quantum is based on values of many years ago.

Mr. CHALK: That is quite true. Quantum is based on values of years ago.

I have $1,500,000 in a trust fund, and I want to use that money. I hope the fund will not be exhausted, but, knowing the circumstances as I do, I should say that very few people would be covered if one big request was granted. Those who administer the fund will have the responsibility of examining each case. If the fund is exhausted I will be the first to try to draw the attention of our friends in Canberra to that fact.

Mr. Hanlon: That is one point that concerns us; there being no limit on the actual assistance for any individual case, one large application could virtually swamp it.

Mr. CHALK: That is true, and that is what the board must keep in mind. I do not believe that we should "bust" the pool for two or three people. First, there must be a composition. We must look at the basis of it. I know of a suggested composition in which, when all is faced up to, really very little will be achieved, other than that the Government might meet the total obligations of the parties concerned. To my way of thinking that is not a composition. There has to be give and take on both sides.

Mr. Walsh: It used to be up to 15 or 20 per cent.

Mr. CHALK: Yes. I know of one case in which it was even much greater than that; it was up to 40 per cent. I am not suggesting what the amounts might be. I believe that, having regard to all the circumstances, the board will try to do what it can to assist, at the same time realising that if a major sum is made available to one or two people there will not be much left for others.

I feel that what we are doing at present is worth while. We are hoping that creditors will view this as a means of providing some assistance and at the same time of providing an opportunity for the individual concerned to carry on.

The hon. member for Mt. Coot-tha referred to the advice which he passed on to me when I was considering this matter. I considered all the advice that came to me. I discussed it with my Treasury staff and also with my legal advisers. As I indicated when I introduced the Bill, my officers discussed the matter with top Treasury officials in Canberra. I met with the Federal Treasurer, Mr. McMahon, and it was because of the discussions that took place that I introduced the Bill in its original form.

On second thoughts, having again discussed the matter with those people, I was able to find a way to make quite certain that no-one who was in a position to face the barrier under the Act would be prevented from facing it under the Bill. So what we are doing is nothing more or less than providing an opportunity for all people

who were covered under the Act to have at least the same conditions apply now, and we are then going a little further relative to those who are substantially affected by drought or act of God.

The hon. member for Mt. Coot-tha tendered some advice on the way in which the board might view the circumstances. For my own part, let me say that I do not propose to tender any advice to the board. I believe that the members of the board are experienced gentlemen who will be quite conversant with the conditions that exist on western and northern properties and will have the necessary ability to carry out the requirements of this Bill.

Mention was made of carrying capacity and rentals. I do not propose to endeavour to deal with those matters. They concern the Department of Lands, and under some other legislation there could be discussion in the House on them.

The two hon. members who have spoken have indicated clearly that the Bill has their blessing. All I can hope is, as I said earlier, that ultimately it will prove to be of assistance to quite a number of people in this State and that as a means of giving such assistance it will help to overcome their problems and enable them to fully re-establish themselves in their land undertakings.

Motion (Mr. Chalk) agreed to.

COMMITTEE

(Mr. Campbell, Aspley, in the chair)

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

Clause 9—Application for assistance—

Hon. G. W. W. CHALK (Lockyer—Treasurer) (12.15 p.m.): I move the following amendment—

"On page 4, lines 15 to 28 inclusive, omit the words—

'9. Application for assistance. (1) Any farmer whose financial position is substantially affected by—

(a) drought; or

(b) other act of God declared by the Governor in Council (who is thereunto hereby authorized) by Order in Council to be an occurrence in respect of which applications may be made under this Act,

may apply to the Board for assistance in effecting with his creditors or any of them a composition in satisfaction of all or any of his debts or a scheme of arrangement of his affairs.

(2) The application may be made whether or not the proposal of the applicant for the composition or scheme has been made to all or any of the creditors and, if so made, whether or not any of them to whom it has been made has accepted it.'

and insert in lieu thereof the words—

'9. Application for assistance. (1) Any farmer who proposes to effect with his creditors or any of them a composition in satisfaction of all or any of his debts or a scheme of arrangement of his affairs may apply to the Board for assistance to enable him to give effect to the composition or scheme.

(2) (a) An application may be made by a farmer whose financial position is substantially affected by—

(i) drought; or

(ii) other act of God declared by the Governor in Council (who is thereunto hereby authorized) by Order in Council to be an occurrence in respect of which applications to be made under this Act may be made under this paragraph (a) of this subsection,

whether or not the proposal of the farmer for the composition or scheme has been made to all or any of his creditors and, if so made, whether or not any of them to whom it has been made has accepted it.

(b) An application may be made in any other case only after the proposal of the farmer for the composition or scheme has been made to the creditors with whom he proposes to effect the composition or scheme and each of such creditors has informed the farmer of the amount he is prepared to accept in discharge, wholly or in part, of his debt.' "

The purpose of the amendment, as I indicated earlier, is to ensure that the rights that existed under the previous scheme, by which a farmer in difficulty could apply for assistance for causes other than drought or act of God, are preserved.

The Committee will be aware that under the previous scheme an application could be made only where a firm proposal had been made to the creditors concerned. The application had to state the amount that each creditor was prepared to accept in discharge of his debt. Thus the previous scheme envisaged a composition or scheme of arrangement that had been accepted by at least some of the creditors.

In drafting the amendment that I have just put before the Committee the intention was to avoid any loss of rights by any farmer, and for this reason the wording follows as closely as possible the wording in the previous Act.

I am sure that no hon. member desires to deny any farmer any rights that he had under the Act now being repealed, and that therefore this amendment will be acceptable to all.

I propose later to move a consequential amendment to subclause (3) of this clause to provide, in the case of an application under subclause (2) (b) of the amending

clause, for information on the amounts that the creditors are prepared to accept to be submitted with the application.

Mr. HANLON (Baroona) (12.18 p.m.): The Opposition has had only a comparatively brief opportunity to examine the amendment. Of course, I am not complaining about that. The Minister said that it re-writes the provision concerning applications for assistance in the original clause 9. We certainly had no objection whatever to the way in which the amendment was framed. Clause 9 provided for the granting of assistance to any farmer whose financial position is substantially affected by drought or other act of God declared by the Governor in Council to be an occurrence in respect of which an application may be made.

The amendment proposed contains subclause (2) (b), which was not in the original clause. It provides—

> "An application may be made in any other case only after the proposal of the farmer for the composition or scheme has been made to the creditors with whom he proposes to effect the composition or scheme and each of such creditors has informed the farmer of the amount he is prepared to accept in discharge, wholly or in part, of his debt."

I stress the words "in any other case". On an examination of the Bill, they give it a virtually unlimited application, with the restriction that the board's approval is required. The clause is given almost unlimited application beyond drought or other act of God declared by the Governor in Council to be an occurrence in respect of which applications can be made. Subclause 9 (1) (b) of the original clause 9 provided a very wide coverage, and that coverage has now been extended by the use of the words "in any other case" in subclause (2) (b) of the amendment.

I should like the Minister to indicate, if he can, the type of case that will qualify. As it stands, I should say that, technically, it would include any failure on the part of a person who qualifies as a farmer under the Act. The Opposition has every confidence in the board and, because of that, will not oppose the amendment; but it does seem to make the provision very wide.

Mr. O'Donnell: What about a temporary recession?

Mr. HANLON: As the hon. member for Barcoo says, does it include such things as crop failures or a period of temporary recession? I think it might if it says "any other case". If it is something of that type it should be considered. The only difference will be that the person concerned will have to secure acceptance of his composition or scheme of arrangement before he can make the application in those circumstances, whereas he may apply without first receiving that approval if an act of God occurs. I ask the Treasurer to indicate to the Committee the type of case that will be covered. One that came to my mind was a case in which someone had a crop failure that put him in a difficult position.

The provision seems very wide, and members of the Opposition would like to know what will be considered and the range it will cover. I suggest to the Minister that he might indicate to the Committee whether, in the period between when the Bill was drafted and the bringing down of the further amendment, he has had indications of possible applications in circumstances that he believes should be provided for in the Bill. Information on that point would assist hon. members in their consideration of the clause.

As I pointed out by interjection, only a comparatively small amount of money will be available. The Treasurer acknowledged that in his reply and said that he expected the board would be careful. The available funds must not be virtually swamped by a couple of big applications that, although valid in themselves, will restrict the opportunities for small landholders, farmers or graziers who are in difficulties. For that reason, hon. members should be careful about extending the clause by adding the words "in any other case", even though they may be confident that the board will not use the provisions of the Bill in any way loosely.

Mr. LICKISS (Mt. Coot-tha) (12.23 p.m.): I support the amendment, because it has the effect of incorporating provisions of the Act that is to be repealed in the measure now before the Committee.

I think I might be able to assist the hon. member for Baroona. The situation will not be any different from that which existed before the repeal of the Farmers' Assistance (Debts Adjustment) Acts, 1935 to 1945, with the exception of the addition of the new principle, the "act of God". The provisions of that Act are now being continued in the new legislation, plus the new principle which will assist those who have suffered as a result of an act of God.

I should like to correct the Treasurer, who obviously misinterpreted what I said about "tendering advice to the board, who are experts." What I said was that I was concerned about the difficulties facing the board. Far be it from me to want to tender advice to experts, as the Treasurer said. I did not use those words, nor was that inference open from what I said. All I said was that, from my point of view—surely this is the place to discuss it—there are difficulties facing the board and that I thought hon. members should be alerted to them.

As certainly as tomorrow will follow today there will be difficulties in this regard. I believe that this amendment will, in fact, do two things. It will combine the new principle with those provisions that existed in the legislation that this Bill will repeal.

Mr. PORTER (Toowong) (12.26 p.m.): I said when this Bill was introduced that it was a good example of how Parliament can work, and this amendment provides the opportunity for saying this again. I referred to the role that the hon. member for Mt. Coot-tha had played in this legislation and it is good to hear the Treasurer generously acknowledge it. At the introductory stage I said that this was a measure which combined imagination with courage, and I think quite a few of us were somewhat dismayed to find that there might be a possible flaw in it; hence the necessity for the amendment to make quite sure that the good features of the Act which is now superseded will be retained beyond question and will be available together with the new principles introduced.

I briefly say again that this is a good example of the way Parliamentary democracy works. This is an amendment which my colleague the hon. member for Mt. Coot-tha was quite adamant was necessary, and it is good to see the Government introducing it to make sure that the Bill will do all the good things that both sides of the Chamber expect it to do.

Hon. G. W. W. CHALK (Lockyer—Treasurer) (12.27 p.m.): I think it is necessary for me to reply to the remarks of the hon. member for Baroona. He asked if I would indicate just what might be covered by the amendment. If he looks at Part I he will see that it is proposed by the amendment to ensure that what was applicable under the old Act is retained. It is not for me to say that this particular set of circumstances or that particular set of circumstances really qualifies; that is a matter for the board. The old Act provides—

> "Any farmer who proposes to effect a composition or scheme of arrangement with his creditors or any of them in satisfaction in whole or in part of his debts and/or liabilities, whether secured or unsecured, may at any time and from time to time during the period hereinafter provided is subsection two of this section make application to the Board for assistance to give effect to such composition or scheme."

That is clearly set out in the old Act, and I do not want anyone to be under any disillusionment as to what is intended in the new legislation. We are retaining the circumstances that applied previously. I realise that we have widened the field in comparison with the position as it existed at the introductory stage. I realise that, and from my point of view there were reasons for bringing the first measure before the Chamber.

One of the factors that induced me to have a second look at the matter was the small number of people who actually got past the barrier under the old Act. However, I do not want anyone to feel that this is a wide-open gate through which anyone can get because of some mismanagement or some other self-inflicted difficulty.

First of all, a person must have a composition. Having got that composition, he can then place his case before the board. All that I am doing by the amendment is ensuring that if a person qualified previously he has not been eliminated on this occasion. Outside that, I do not think there is anything I need refer to.

Amendment (Mr. Chalk) agreed to.

Hon. G. W. W. CHALK (Lockyer—Treasurer) (12.31 p.m.): As I indicated, I have a further amendment to this clause so that one links in with the other. I move the following further amendment—

> "On page 4, lines 38 and 39, omit the words—
>
> 'to any creditor, his name and address and whether or not he is prepared to accept it'
>
> and insert in lieu thereof the words—
>
> 'to any creditor, his name and address and—
>
> (i) in the case of an application made under paragraph (a) of subsection (2) of this section, whether or not he is prepared to accept it;
>
> (ii) in the case of an application made under paragraph (b) of subsection (2) of this section, the amount he is prepared to accept in discharge, wholly or in part, of his debt'."

This amendment to subclause (3) (c) of clause 9 is a consequential amendment in view of the extension of the right of farmers affected by causes other than drought or other act of God to apply for assistance. I do not think it is necessary for me to explain it at any length. We all appreciate what we did a few moments ago by bringing back into the Bill those who had qualified under the earlier legislation. This is a consequential amendment to give these people the same rights as they previously had.

Amendment (Mr. Chalk) agreed to.

Clause 9, as amended, agreed to.

Clauses 10 to 12, both inclusive, as read, agreed to.

Clause 13—Nature of assistance to farmer—

Hon. G. W. W. CHALK (Lockyer—Treasurer) (12.33 p.m.): I move the following amendment—

> "On page 6, line 6, after the word 'conditions' insert the brackets and words—
>
> '(including the payment of interest thereon)'."

The reason for this amendment is that in drawing up the regulations under the Bill the Solicitor-General has expressed the opinion that the words "terms and conditions" may not be wide enough to include

interest. If this is true, then any regulation which prescribes a rate of interest could well be invalid since a regulation cannot extend the scope of the Bill. While the point is arguable, I feel it is better to place the matter beyond doubt by adding the words that I have put before the Committee. That will ensure that interest is a matter upon which a regulation can validly be drawn.

At the introductory stage I mentioned that originally in the depression years money was made available interest free. I pointed out that assistance had been given by way of drought help in recent times, and in discussions I had with the Commonwealth Government the basis of interest laid down was that there would be a period of up to two years before interest would become applicable. After that, it was on the basis of 3 per cent. To do anything under this legislation without a similar interest rate would be to make fish of one and flesh of another. I thought the matter was quite clear, but the Solicitor-General pointed out the discrepancy. As amendments were to be moved, I thought it only right and proper that the Committee should be aware of the circumstances.

Mr. HANLON (Baroona) (12.36 p.m.): The Opposition is not opposed to the Treasurer's including the words "including the payment of interest thereon" to clear up the doubt that the Solicitor-General expressed so that interest will be payable on these advances. However, I have some reservations in that in recent years the Government has seen fit to charge interest during the period of the loans. The approach under this Act, and also to drought relief, when Labour was in office—I do not wish to make this political but I think I am entitled to as we are persistently hammered with what this Government does for the people of the State compared with what previous Governments did—was more generous than that of this Government. Previously, advances under this scheme were free of interest during the period of the loan, but the Agricultural Bank, or the board, reserved the right to charge interest on loans not repaid at the expiration of the term.

There were certain other instances that I think were quite valid, such as when there was a transfer of property from the original borrower. In other words, if an original borrower disposed of his property, and some other persons took it over—each case was looked at on its merits—in those circumstances interest was charged in some cases.

The Treasurer has indicated that in recent times—in the last decade or so—the practice has been to charge interest. I do not know if that was just before the change of Government. I can see the Treasurer smiling; apparently he is going to "drop" something on me in a minute. As I said earlier, there have been only a couple of advances in the last 10 years, so that not many people have been affected. Irrespective of the different approach, I do not accept the validity of the Minister's statement that, because the Government is charging 3 per cent. in some cases for advances by way of drought relief on moneys received from the Commonwealth free of interest which the State has advanced by way of drought relief, we should automatically adopt the same procedure in relation to assistance rendered under the Farmers' Assistance (Debts Adjustment) legislation.

The circumstances of these people is that they are not only in trouble because of drought, flood or other circumstances which have led to the invidious situation of their having to make a composition or some scheme of arrangement with creditors, but they are also virtually flat broke and in desperate need of assistance to carry on. When drought relief is given, the applicant's condition approaches that stage, but it may not be quite so grim. If it is as grim in those circumstances these people would be eligible to apply under the Act. We have reservations about the charging of interest in these circumstances during the initial period of the loan.

I ask the Treasurer to consider whether he should follow the original practice. In his last Annual Report the Auditor-General told us that these advances had been made free of interest during the period of the loan up to 30 June, 1966. The Treasurer has indicated that this has not been the case, and that interest, when it is payable, is paid by the Government into Consolidated Revenue. I do not necessarily object strongly to that.

The Treasurer pointed out that he is considerably restricted with these funds. While the interest received it small—it was only $214 last year from previous advances—it should be put into the fund and become a revolving amount and so enable increased advances to be made from the fund. The Treasurer has adopted the practice of paying the interest into Consolidated Revenue. It must be remembered, too, that it is Commonwealth money, not State money. I realise that the Minister could claim that his department and the Agricultural Bank have administration expenses to bear. That is true. We do not oppose the Treasurer's wish to charge interest, but we make the appeal as far as possible during the term of the loan the advance should be made interest free. We are endeavouring to help these people, who are virtually flat on their backs and in desperate circumstances through drought or other circumstance, and to charge interest, as a Government, does not seem to be the correct approach.

Mr. LICKISS (Mt. Coot-tha) (12.42 p.m.): I understand the reason for the concern expressed by the hon. member for Baroona, but this is one of the cases where we should recognise the situation, which is that this

is a State Act to use Commonwealth funds. The point that I made in my second-reading speech is that the State Act must dovetail into the Commonwealth enabling Act. This might answer the hon. member for Baroona. I mentioned section 7 as the means of applying money paid under section 6 of the Commonwealth enabling Act. I mentioned section 7 (1) (a), which projected the farmers who could obtain assistance under the State scheme. Section 7 (1) (f) might set the hon. member's mind at rest. It says—

> "No portion of the moneys shall be used for the payment of the expenses incurred by the State in or in connexion with the application of the moneys."

If we look further we will find that this money is to be paid to the fund, so it would be a revolving fund.

Mr. Hanlon: Not the interest.

Mr. LICKISS: The amount of interest would have to be paid into the fund.

Mr. Hanlon: No, it is not.

Mr. LICKISS: The point is that nothing that can accrue from this fund can be used for administrative expenses. If the State appropriated into its general revenue the amount that has accrued from this particular loan, I think it would in fact invalidate the provisions of section 7 (1) of the Commonwealth Loan (Farmers' Debt Adjustment) Act, 1935 to 1950. Section 7 (1) (g) says that the whole of these accounts are subject to inspection by the Commonwealth auditor.

I do not think there is any danger. I believe that in all matters such as this, having started, we must be consistent. It is not a case of the State growing rich at the expense of the farmer or the Commonwealth. This money should and would be paid into a revolving fund, which would become available to other farmers in need of assistance now and in the future.

Hon. G. W. W. CHALK (Lockyer—Treasurer) (12.45 p.m.): I think I complimented the hon. member for Baroona on having done his homework when he made his earlier remarks. Unfortunately, he did not do it on all aspects of the Bill.

Mr. Hanlon interjected.

Mr. CHALK: I am quite certain that the hon. member had an opportunity to read the Act, which was amended in 1945. It was apparent at that time that interest was being charged. Whether that was by decision of the Cabinet of the day, I do not know. The amending of the Act in 1945 tidied up the position. In fact, the rate of interest being charged by the then Labour Government was 4 per cent. Section 17A, which was inserted in the Farmers' Assistance (Debts Adjustment) Act, reads—

> "Where the rate of interest payable immediately prior to the first day of July, one thousand nine hundred and forty-three, by any farmer in respect of any mortgage or other security securing to the Corporation any loan under this Act exceeded four pounds per centum per annum, such rate shall be and it is hereby declared always was, on and after such date, reduced to four pounds per centum per annum, and every such farmer shall pay, and it is hereby declared always was liable to pay, on and after the first day of July, one thousand nine hundred and forty-three, interest at the rate of four pounds per centum per annum in respect of such loan (or so much thereof as was or shall be from time to time owing)."

It is clear that 4 per cent. at least was being paid in interest. What we are doing now is indicating that interest on loans will be at the rate of 3 per cent. I believe that that clears up that issue.

Mr. Hanlon: That is not indicated in the Bill; you could make it 10 per cent. next week.

Mr. CHALK: If it was for the hon. member to decide, that is probably what it would be. I have indicated clearly the basis on which the legislation is being amended.

A point was raised concerning the account into which interest should be paid. A reference to the 1952 report of the auditor will show that the interest received was paid to Consolidated Revenue. Prior to that, I understand that it was credited to the Loan Fund. The auditor's report indicates that the action taken then conformed to the views of the Commonwealth Government of the day. Whilst I appreciate the points raised by hon. members, both of these are issues that are quite clear, and, for the reasons that I gave a few moments ago, I consider that the action now being taken in amending the Bill in this way accords, firstly, with the views expressed by the Solicitor-General and, secondly, with the views of the Government.

Mr. HANLON (Baroona) (12.49 p.m.): The Treasurer said that we have not done our homework on this amendment. All I can say in reply is that we did not criticise him for not giving us notice of the amendment till after the business of the House began this morning. Unlike the Treasurer, we do not have at our disposal departmental officers and up-to-date copies of Acts. As the Minister can see, the hon. member for Barcoo had to obtain from the Library four volumes of statutes to enable us to follow the Act through. That is the position in which the Opposition is placed in considering these matters.

The Minister has not made an effective answer to my criticism, although he set up lots of dolls of his own and then knocked them over. The point that I raised was that the Auditor-General, in his last report presented to Parliament in 1966, said that the advances had been free of interest during the period of the loans. That was the point that I made. At no stage did I say that former Governments had not charged interest. I said that, up to date, the advances

had been free of interest during the loan, and that interest had been charged only under certain circumstances. I asked the Treasurer whether he would follow the same procedure or whether, because of the blanket insertion of the words, "including the payment of interest thereon", he would allow himself to charge interest right from the initial grant of assistance. That could have been done before, but neither former Labour Governments nor Country-Liberal Governments charged interest for the period of the loan. Is it now proposed to introduce an interest-rate charge at the expiration of the original term or where there is a change of borrowers because someone takes over the property?

I think the Treasurer will have a bit of trouble convincing the Auditor-General that, under the terms of the amending Bill, he can pay any interest that is received into Consolidated Revenue. The clause provides "including the payment of interest thereon"; but if the Treasurer refers back to clause 8 he will see that he has introduced in it a word that changes the right to pay interest into Consolidated Revenue. Section 6 of the existing Act says—

> "If any of the moneys from time to time advanced out of the Fund to or for the benefit of a farmer are repaid wholly or in part the moneys so repaid shall be paid to the credit of the Fund and shall be applied for the purposes of this Act, and such moneys shall be deemed to be moneys made available by the Commonwealth to the State to be applied for the purposes of rural rehabilitation."

Under those circumstances it is quite clear that the only moneys that the State Government was obliged to put back into the fund were moneys that had been advanced from the fund, not interest, and that it could pay into Consolidated Revenue any interest it received. As the Treasurer pointed out, the procedure was changed by a former Government from paying such interest into the Loan Fund to paying it into Consolidated Revenue. Under the provisions of the Act the Government could do that, because the only requirement was that repayments of moneys advanced from time to time had to be paid into the fund. The Treasurer has now cheated himself out of paying the interest into Consolidated Revenue, because in clause 8 the Bill says—

> "All payments made by way of repayment of or otherwise in respect of assistance given to or for the benefit of farmers under the repealed Acts or this Act shall be paid into and form part of the Fund."

I should be interested to get the Auditor-General's opinion on whether the words "or otherwise" suggest that any payment of interest will now have to be put back into the fund.

In his remarks the Treasurer attempted to justify the payment of interest into Consolidated Revenue, and I said that I did not criticise that practice. I said, of course, that possibly it was a little bit mean to pay $214 into Consolidated Revenue instead of allowing it to go into the fund, and hon. members do not know how much interest will be involved from now on, as further advances are made. In terms of the amending Bill, the Treasurer—possibly unwittingly, because he does not seem to realise it—will not be able to pay interest into Consolidated Revenue. As I see it, any payment made by way of repayment or otherwise has to be paid back into the fund, and I say "Good luck to the fund" if, possibly because of an oversight in drafting, which the Committee has already endorsed, the fund benefits. I had a note against clause 8, but I did not raise the matter when the clause was under discussion because the amendment was to be made in clause 13 and interest had not been provided for up to that time. However, now that the Committee has confirmed clause 8 of the Bill, it is quite clear, in my opinion, that the interest will have to go into the fund, and the fund will benefit to that extent.

Mr. LICKISS (Mt. Coot-tha) (12.54 p.m.): Clause 8 of the Bill must be related to the enabling legislation, the Loan (Farmers' Debt Adjustment) Act of 1935-1950, and I agree with the hon. member for Baroona that the interest will have to go back into the fund. Section 7 (1) (d) of the Commonwealth Act says—

> "If any of the moneys are advanced to or for the benefit of the farmer and are repaid wholly or in part to the State, the moneys so repaid shall be applied by the State for the purposes of the State scheme, and, for the purposes of this section, shall be deemed to be moneys granted to the State under this Act."

Let us picture the true situation here. We are, in fact, agents for the Commonwealth in a debts adjustment scheme. This is Commonwealth money and money earned by Commonwealth money. Section 7 (1) (f) of the enabling legislation, which I read before, says that no portion of such money shall be used for the payment of expenses incurred by the State or in connection with the application of the money. It is patently clear to me that the whole of this is subject to Commonwealth audit.

Section 8 of the enabling legislation lays down how the Commonwealth shall audit this fund, and also the States obligation in respect thereto, and I believe it is crystal clear that clause 8 of this Bill was so worded because it had to be worded that way, and, to conform to the approval and specifications laid down by the Commonwealth, repayments, whether principal or interest, had to go back into the fund which, in fact, was Commonwealth money, either as principle and/or interest.

Hon. G. W. W. CHALK (Lockyer—Treasurer) (12.56 p.m.): Very briefly, all I can say to both hon. members who have spoken is that I am acting on the advice of the Solicitor-General. I let my case rest at

that. The point raised is whether the money goes back into the fund or to Consolidated Revenue. To me, that matters not. All I want to see is the fund operated upon and I would not have any grouch if it went one way or the other.

In drafting a Bill, Parliamentary draftsmen do certain things. Legal advisers give certain advice, and in this case I have acted on the advice tendered to me; but wherever the interest goes I can assure the Committee that it will be used in the best interests of the people of Queensland.

Amendment (Mr. Chalk) agreed to.

Clause 13, as amended, agreed to.

Clauses 14 and 15, as read, agreed to.

Clause 16—Stay of proceedings—

Mr. HANLON (Baroona) (12.58 p.m.): Very briefly, concern has been expressed to me that there is no right of appeal to a creditor in the initial instance of a stay of proceedings. On application, 12 months' stay is granted by the board. Later, in clause 18, as the Minister mentioned, there is provision for objection to a stay of proceedings if that stay is extended beyond 12 months. I suggest that clause 17 will cover this case in that any creditor can make reference to the board concerning an application under the instances listed and the board is empowered to terminate the stay of proceedings, if warranted. I pointed out that this would satisfy the suggestion that there should be an objection by a creditor to a stay of proceedings. The creditor is protected under clause 17 and has the right of objection to an extension of the stay under clause 18. However, I should appreciate it if the Minister would express his opinion on the matter.

Hon. G. W. W. CHALK (Lockyer—Treasurer) (12.59 p.m.): My interpretation is along the same lines as that of the hon. member.

Clause 16, as read, agreed to.

Clauses 17 to 34, both inclusive, as read, agreed to.

Bill reported, with amendments.

THIRD READING

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

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

RADIOACTIVE SUBSTANCES ACT AMENDMENT BILL

SECOND READING

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (2.15 p.m.): I move—

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

As I indicated at the introductory stage, the proposed measure is mainly of a machinery nature and is intended to clarify the law in regard to a person who is acting under the supervision or instructions of a medical practitioner or a dentist in the administration of a radioactive substance or the use of irradiating apparatus.

It does not propose to widen the scope of the existing legislation which allows, subject to certain conditions, only a medical practitioner, a dentist, or a person acting under the supervision or instructions of a medical practitioner or dentist to have in his possession or use any radioactive substance or irradiating apparatus for the purpose of treating a human being.

The Act allows X-ray machines to be used for purposes other than the treatment of a human being, provided the operator possesses a licence issued to him under the Act. An exemption to this requirement is granted to medical practitioners, dentists or veterinary surgeons if the irradiating apparatus is used for the sole purpose of diagnostic radiography in the course of such a person's profession or occupation.

As I previously mentioned to hon. members, some small doubt apparently exists regarding the manner in which instructions may be given by a medical practitioner or a dentist to the operator of an X-ray machine or to a person administering a radioactive substance in the treatment of a patient. In the interests of all concerned, it is considered essential that if there is any laxity in the existing law in this regard, the law should be strengthened.

The amendment to section 13, which deals with radioactive substances, and to section 14, dealing with the use of irradiating apparatus, will do this.

The amendment to both these sections of the Act also includes the rewording of the relevant provisions to set out more clearly the concepts of the Act in regard to possession and use of any radioactive substance or irradiating apparatus. Such amendment does not alter in any way the intention or meaning of the Act.

Opportunity is being taken to amend those sections of the Act which provide penalties for contravention thereof by converting the amount of all such penalties into the exact equivalent in decimal currency. A schedule of these amendments is incorporated in the Bill.

It has also been discovered that in the Act there has been incorrect spelling of the words "licence" and "licences" wherever they are used as nouns. The Bill will correct this.

I commend the Bill to the House.

Mr. MELLOY (Nudgee) (2.18 p.m.): The Opposition generally accepts the provisions of the Bill. We realise the implications of the proposed amendments to the Act and what they set out to achieve. However, we are still concerned about persons who act under the direction or instructions of someone who is qualified to operate X-ray

machines or use radioactive substances in the application of radiotherapy. We feel that there is insufficient mention of the qualifications of those who so operate under the instructions of medical practitioners or dentists. The legislation is rather loose in that it does not really pinpoint those who shall be qualified to so act. Briefly, our concern about the Bill at this stage is that these people are not sufficiently defined to indicate how well qualified they should be before so acting.

Under the Bill, anyone who is acting under the instructions of a medical practitioner can use or have this apparatus, and no qualifications are defined. Apart from that, the Bill has the approval of the Opposition. We realise its significance and value.

Mr. SHERRINGTON (Salisbury) (2.21 p.m.): I do not wish to develop a discourse on radiation and its harmful effects on human beings. The original legislation was introduced by the late Dr. Noble in 1958. It arose from recommendations by the National Medical and Health Research Council, which at that time pointed out the concern felt throughout the world about increased dosages of radiation being absorbed by the human body.

I think it would be appropriate to refresh our minds on some of the causes for alarm. In 1958 in Toronto, Canada, as a result of the concern of the health authorities, it was decided to suspend tuberculosis X-ray tests until a better understanding of the danger was gained. An article that I have here points out that it was difficult to assess the possible dangers, at that time, but the authorities said—

> "But we do know that too much radiation is harmful and with the amount of radiation in the atmosphere as a result of atomic and hydrogen bomb tests it could be that this radiation, coupled with an excess of radiation through X-rays, could cause some damage."

Mr. DEPUTY SPEAKER (Mr. Hooper): Order! I hope that the hon. member intends to relate his remarks to the Bill.

Mr. SHERRINGTON: I most certainly will. I think this is a very important measure.

I am amazed that the Minister in view of all that has been said about this matter, and in view of what was said by him and other members of the Government in the debate in 1958, should introduce an amendment that is so wide open that a Liberator plane could be flown through it and its interpretation. If the amendment is carried in its present form it will lead to Rafferty's rules in the use of X-ray apparatus.

I think I should refresh hon. members' minds about the seriousness of this matter with which we are dealing. The National Radiation Advisory Committee warned of the dangers of excess exposure to radiation and pointed out that not only is there a danger of permanent damage to the individual, but also that it is far more deep seated than that because of the possibility of damage to genes, which could cause hereditary disease. As well as the dangers of leukaemia, cancer and so on, there was a possibility that by the misuse of radiation future generations could be affected; so much so that in 1958 Dr. Loutit warned people that the danger level of the world's intake of atomic radiation nevertheless would come in 50 to 60 years.

Dealing with the findings of the Harwell Research Establishment, he said—

> "The fact is both plain, and perhaps a little selfishly encouraging, that the level of exposure to this new, man-made hazard is only a third as great in Australia as in northern countries. But the hard facts that the Committee has been unable to deny and which its finding have confirmed, are that the radiation level is rising in Australia, and that radioactivity in the bone tissue of this generation of infants is six times greater than that in the bones of their parents which in turn has been lifted since the war."

So there is no doubt that this subject matter is of grave importance.

Government members recognised this because, during the introduction of the Radioactive Substances Bill in 1958, speaker after speaker on the Government side warned of the possible danger in the misuse of a radioactive apparatus, etc. The hon. member for Wavell (Mr. Dewar), after dealing with the dangers involved, said—

> "I have quoted that to indicate what in my opinion is extremely clear—that there is a definite need to control the use of any apparatus capable of producing irradiating effects.
>
> . . .
>
> "I consider that it is essential for any Government to have a means of adequately controlling them. So many of the problems of radiation touch our daily lives today that I now believe that any apparatus capable of producing irradiation could be a source of danger to the safety of the human race if it were in the hands of an unqualified person."

The whole basis of my argument is that this Bill will pave the way for the use of X-ray machines, etc., by unqualified people.

The hon. member for Sherwood (Mr. Herbert) said—

> "The medical evidence shows that radioactivity can be very dangerous. It must be controlled by competent people. The Bill provides that that shall be done. The Bill is of tremendous importance. The Act must be policed very carefully. The sooner that every nation does the same thing the better it will be for humanity."

The hon. member for Ashgrove (Mr. Tooth) said—

> 'It might be possible to take steps to provide for an X-ray record for each individual so that, as he moves from place to place, from doctor to doctor, or from dentist to dentist, there would be some history of previous dosages."

The late Dr. Noble summed up the position before his motion was carried.

All of those speakers stressed not only the importance of the danger of over-exposure but also that the use of these machines should be in the hands of competent people. I have no argument with that. The same point was made by the then Leader of the Opposition, the late Mr. Les Wood.

This Bill, which the Minister brushed aside as not being important, saying that it is merely a machinery measure to clarify the possession and use of certain apparatus, will lead to utter confusion and the use of cheap labour in our hospitals. This is the crux of my argument.

On the introduction of the Bill in 1958, the then Minister for Health pointed out that it was part of uniform legislation being adopted throughout the Commonwealth to control the possession and use of this highly dangerous apparatus. The Minister has not told us on this occasion whether the amendments that he now proposes are being introduced in the Parliaments of any other States.

Mr. Tooth: Are you labouring under the misapprehension that this is loosening the present control?

Mr. SHERRINGTON: Yes, and I shall prove it.

Mr. Tooth: You are completely wrong.

Mr. SHERRINGTON: That is only a matter of opinion.

Mr. Tooth: I know it is a matter of opinion.

Mr. SHERRINGTON: I am not terribly impressed by the Minister's arguments. Did not the Premier tell him a few days ago that he was utterly and hopelessly wrong?

Mr. Tooth: I have no recollection of discussing this matter with the Premier on any occasion.

Mr. SHERRINGTON: If the Minister wants me to take his mind back—he could perhaps be suffering from amnesia—I think it was quite amply demonstrated that the Premier did not think much of his opinions.

Mr. Tooth: And I have a very poor opinion of yours.

Mr. SHERRINGTON: The Minister is entitled to his opinions; I am not going to deny him that. I say, as I shall prove before I have finished, that the Bill is worded very loosely.

Mr. Tooth: Then do it with a little less heat, and let us be a bit rational about it.

Mr. SHERRINGTON: Surely the Minister is not asking me to adopt his pale and inspid type of oratory.

I think that the Bill in its present form is dangerous, and will lead to a lowering of standards. Much was said the other day about how all were concerned with maintaining standards. There is nothing in the Bill to prevent hospitals calling in nursing aides, wardsmen, gardeners, or anyone else, to use these machines. The amendment merely states "a person". I think that such persons should be clearly defined.

I recognise that in the most remote parts of the State it is difficult to obtain the services of competent radiographers. As the hon. member for Barcoo knows only too well, it is difficult even to obtain the services of a doctor. I appreciate these difficulties, and I do not wish to be considered as one who wants to insist on standards merely for the sake of insisting on them. I think it is necessary not only to think in terms of protecting existing standards, but also to take into consideration the circumstances that arise.

Mr. Tooth: I am very happy to hear you say that—very happy indeed.

Mr. SHERRINGTON: That does not impress me in any way at all.

Mr. Tooth: I am not trying to impress you.

Mr. SHERRINGTON: I know that if there was an insistence that only radiographers were to use these machines, difficulties would arise in country hospitals in cases of emergency. I might refer to the use of anaesthetics as running parallel with the use of X-ray equipment. In the more remote parts of the State very often operations have to be performed without the aid of qualified anaesthetists. Usually the matron of a hospital is called in to do this work. There have been occasions when some doctors, because of that experience, have become over-confident and have used the services of a matron as an anaesthetist instead of making arrangements to have the operation performed correctly. I believe that practices of that sort and the relaxation of standards relative to anaesthetics and X-rays should be allowed only in cases of emergency.

In my opinion, the provisions of the Bill in their present form will open the way to a general relaxation of the standards of radiology and radiography. It will allow hospitals to rely more and more on the services of unqualified people because, under the law, a doctor will need only to give an instruction or make a request to some people to operate the machine. Whether it has been done deliberately or by accident, I do not know, but it will allow the introduction of cheap labour because it will be easier to go out and get a nurse or a wardsman to do the work, and this, in turn, will lead to a breakdown in the standards of medicine throughout the State.

The value of the present control of X-rays lies in the fact that the general health of the worker, whether the person concerned is a radiologist, a radiographer, or an aide working in a particular clinic, is strictly policed by the Department of Health by the use of what is known as a badge. Each month an examination is carried out to ensure that people are not exposed to excessive doses of radiation. Another important point is that a radiologist will not X-ray any person unless he or she has been referred to him by a doctor, except perhaps in cases in which someone wishes to go overseas hurriedly, or something of that sort. By these means a check is kept on the level of radiation in a patients' body, and a doctor knows how many times a patient has been X-rayed.

For this reason I think it is a very important, even to the extent, as one hon. member said, of providing each person with an X-ray card, that a check be kept on the dosage of radiation given to patients. My inquiries show that, while a person who has been over-exposed to radiation at a particular time might suffer skin damage and varying degrees of discomfort, the great danger from X-rays is the build-up that occurs as a result of constant exposure to them. It is very necessary, therefore, that a rigid check should be kept on the number of times people are X-rayed over a period of years.

I think, as I said earlier, that the Bill will break down the present high standards. I can envisage the possibility, under the terms of the Bill—I am not saying this generally, but in every walk of life there are non-conformists—of a medical practitioner who is legally entitled to have an X-ray machine setting it up in other premises. All he would have to do would be to make arrangements with the operator of that machine by saying, "I am giving you instructions today to X-ray Joe Blow and whoever else you have in there." This in itself could lead to abuse. While one might find that a person operating one of these machines under the instruction of a doctor would, perhaps, in the first instance ring the doctor and say, "I have six people here; can I X-ray them under your instructions?", if we are dealing with a medical practitioner who is not particularly subservient to standards of ethics, he could say, "You go ahead and X-ray them. If you get into any bother, just tell them I gave you instructions."

The argument we advance is that while there are grounds to relax the provision that only qualified people should use these machines, because of the circumstances in remote parts of the State which I have outlined, I do not think it is advisable to have an Act which allows anybody to take an X-ray merely because he is under the instructions of a medical practitioner.

We will be moving an amendment to the Bill, and I hope the Minister will forget his petty little attitude of a few moments ago and think seriously about it. I hope he realises that it is not advisable to provide for it just because a medical practitioner gives instructions. I think the person using these machines should be a prescribed person, prescribed under conditions laid down in the regulations. If the Minister thinks there should be provision in the Bill to allow anybody other than a radiographer to operate these machines, such people should have a basic knowledge of the apparatus they are using. I hope the Minister will see the light on this matter. I think it would be highly dangerous to allow this Bill to go through while worded in the loose way it is.

I will content myself with those remarks. I will have more to say on the clauses if the Minister does not see reason on what we are asking.

Mr. O'DONNELL (Barcoo) (2.43 p.m.): I want to add a very brief contribution relative to this matter of the use of irradiating apparatus by people who have no certificate of competency. If we are to regard apparatus of this type as dangerous to the operator, and more so to the patient, we should give some thought to qualifying people in some respect in order to make certain that they have been duly instructed, at one period anyhow, before taking charge of such apparatus.

I say this in all sincerity, and I want to draw an analogy with what happens in the Department of Education with the simple little centrifuge known as the Babcock tester. No teacher is allowed to operate a Babcock tester unless he has qualified in the theory of milk and cream testing and has also passed a practical test at the local butter factory. Of course, I know very well what a simple machine it appears to be on the surface. Possibly one of the reasons for that requirement is the use of acid in the testing of milk and cream. The Department of Education will not permit anyone to operate that sort of apparatus unless he has a certificate that he is qualified in theoretical and practical work of this nature.

It seems rather strange that the Department of Health, which considers that irradiating apparatus is of extreme danger to both operator and patient, does not have the same requirement for the use of this apparatus. I have been X-rayed by wardsmen and nurses. I have also been X-rayed by qualified radiologists and radiographers. There should be a course of instruction—not necessarily an elaborate one—followed by some sort of qualifying test to ensure that the operators of X-ray machines and irradiating apparatus are fully cognisant of their responsibilities when taking X-ray photographs of the public.

I realise, of course, that it would cost a great deal to have radiographers all over Queensland. At some stage of training, particularly in the nursing profession, instruction in this work, followed by a theoretical and

practical test, should be provided to ensure that all persons operating such apparatus are protected from danger and, probably even more important, that the general public are protected from danger. My analogy with the Department of Education is a simple one. I think similar precautions should be laid down by the Department of Health in connection with the use of X-ray equipment and irradiating apparatus.

Mr. NEWTON (Belmont) (2.47 p.m.): I do not intend to broaden the debate but to adhere strictly to what the Minister has said at this stage of the Bill, particularly his reference to doctors, dentists and veterinary surgeons.

Mr. Walsh: Would you include the chiropractors?

Mr. NEWTON: No. Probably that is one of the reasons why the Opposition took the action it did on that occasion. We are all well aware that X-ray machines were being used in footwear departments of city stores to X-ray customers' feet for the fitting of shoes.

Throughout Queensland many doctors are using small X-ray plants in their surgeries. We must consider the position that could arise with the operation of these machines in the provincial cities and towns throughout the State, particularly the far-distant ones. As was pointed out by the Minister, these X-ray machines are used by the medical profession mainly for quite minor purposes. In discussions with members of the medical profession, I have learned that this equipment is used mainly for the X-raying of children; it is not used to any great extent on adults because of the risk of an overdose of radiation from the big "load" that has to be used to X-ray them. The hon. member for Salisbury has pointed out the danger that can exist. We now have very modern and powerful X-ray equipment that can be more damaging than ever before if it is not operated by competent persons.

Doctors in the metropolitan area and the provincial cities and towns who operate small X-ray machines are supervised by a radiologist. The radiologist advises the doctor operating the machine on the dosage to be used and how far he can go when taking an X-ray. That is particularly important when considering this legislation. But, as was pointed out by the hon. member for Salisbury, how far should we go? I will not go to extremes, but should we have wardsmen or nursing aides operating this equipment under the supervision of a qualified person? If we were to do that we would be going to extremes.

The main points that the Opposition wants cleared up at this stage are these: who are the people who will operate the equipment, and what qualifications will they require to operate it under the direction of a radiologist or some other qualified person?

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (2.52 p.m.), in reply: I assert quite flatly that there is no relaxation whatsoever in the terms in the Bill of the present safeguards in the Radioactive Substances Act of 1958. Indeed, if anything, the situation is made clearer so that there will be no misunderstanding. At the introductory stage I explained that the purpose of the Bill was to ensure that there would be no misunderstanding as to the authority under which people operated either irradiating apparatus or radioactive substances. We have been advised by the Crown Law Office that in the terms of the present legislation there was some doubt as to the authority under which people acted under instructions from doctors and dentists. Hon. members opposite have admitted in the course of their speeches—and there was a clear admission by the hon. member for Salisbury—that the practical situation demands that the policy which has been adopted from the beginning of the operation of this Act until now must be continued. However, we must ensure that the people operating under the direct instructions of doctors and dentists are legally protected, and that is the purpose of the Bill. I therefore commend it to the House and assure hon. members that there is no intention to relax the present safeguards and that there is no weakness in this situation. The safeguards in Queensland are equal to the highest in Australia; indeed, there are other States in which many of the safeguards that we have here are not applied.

Motion (Mr. Tooth) agreed to.

COMMITTEE

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

Clauses 1 and 2, as read, agreed to.

Clause 3—Amendment to s. 13; Control of possession, use, sale or transport of radioactive substances—

Mr. SHERRINGTON: (Salisbury) (2.56 p.m.): In his reply the Minister gave the very reason for our voicing such a vehement argument in this case and for my moving the following amendment—

"On page 2, line 9, after the word 'a', insert the word—

'prescribed'."

The Minister said there would be no relaxation in the present standards and that the Bill would clarify the authority—this is the important point—under which people taking X-rays would act. That is the crux of our argument, namely, that the Bill does not lay down who shall take the X-rays under this authority. In effect, the Minister said that the Bill would clarify the authority and give the authority legal protection in any subsequent action.

I firmly believe that this will lead to the use of cheap labour in hospitals. Even though the Bill clarifies the authority that will direct or supervise who shall take X-rays, nowhere is there a definition of the people

who are eligible to take X-rays. The only definition is of "radiographer". I do not want to reiterate the statement that this could not be rigidly enforced because of circumstances in country hospitals.

The proposal deals with—

". . . a person who, in the case of possession only of such substance, has such possession only for the purpose of acting or, in any other case, is acting under the supervision and instruction or upon the request made directly to him of a medical practitioner. . ."

The argument is with the words "a person". The clause does not define who shall be entitled to use the X-ray apparatus under the instruction of a doctor or the person who has legal possession of or licence for such apparatus. The words "a person" can mean anybody, even the Minister. He could take an X-ray photograph under the direction or at the request of a medical practitioner.

Mr. Tooth: Do you think any medical practitioner would ask me to take an X-ray?

Mr. SHERRINGTON: No. I have no doubt about that at all.

Mr. Tooth: That is the answer to your foolish argument.

Mr. SHERRINGTON: I am quite confident that no doctor would ask the Minister to take one.

Mr. Tooth: That is your answer.

Mr. SHERRINGTON: I am saying that, in the strictest interpretation of the clause, the way is open for a doctor to ask anybody in the community to take an X-ray photograph.

Mr. Tooth: Is he likely to do that? He would not be on the register for long if he did.

Mr. SHERRINGTON: By saying that, the Minister implies that all medical practitioners observe the highest ethics, when we all know that there have been cases in which that has not been so.

Mr. Tooth: You produce evidence of that. They are the people we want to know of.

Mr. Campbell: Name them.

Mr. SHERRINGTON: That sort of interjection is so infantile that it does not call for a reply. Everyone knows that doctors have been called before their own organisation because of the excessive use of anaesthetics. We all know that doctors have been required to attend inquiries by their own organisation because it was thought that they were carrying out too much surgery. Hon. members know that, and the Minister knows it, too. As I said clearly in my second-reading speech when I spoke in these terms, I was not dealing with the medical profession as a whole. If an Act merely refers to "a person", surely the way is open for a medical practitioner without a very high ethical standard to do these things.

Mr. Houston: They can do it legally under the Act.

Mr. SHERRINGTON: Of course. As the Leader of the Opposition interjects, doctors will be able to do this legally under the protection of the law.

Mr. Tooth: Do what legally?

Mr. SHERRINGTON: I am not going to make this speech all over again. Under the wording of this clause, any person in the community, provided he has been given instruction, or requested by a medical practitioner, will be permitted to take X-ray photographs.

Mr. Tooth: That has been the practice since the Act has been enacted.

Mr. SHERRINGTON: Now the Minister says that this has been the practice. Is he now saying that the very thing that I have been complaining about has been going on? If he is admitting that, I think he has been very remiss in his duties as Minister for Health. I say that the words "a person" should be clearly defined. By the use of the word "prescribed" as proposed in my amendment, the use of X-ray apparatus would be restricted to such persons as registered matrons, registered sisters or nurses, and those who are able to prove that at least they have had some basic training with this equipment. If this is done, it will ensure that there will be no reduction of standards; indeed, there will be a maintenance of the very high standards that we should be aiming at in legislation of this type. The Minister knows full well that, on a strict legal interpretation, the Bill leaves the way open for anybody to take X-ray photographs provided a doctor has given him instruction or requested him to use the equipment. I, and the Opposition generally, take a very poor view of that situation. In conclusion, I am afraid I must repeat myself by stating again that the Bill will lead to the use of cheap labour in hospitals.

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (3.4 p.m.): The Government does not propose to accept the amendment. The safeguards in the Bill are those that have been there since the legislation was enacted. The persons concerned act only under the supervision of, and on instructions from, "a medical practitioner or dentist so licensed". The section to which the hon. member has been referring has nothing to do with X-rays; it refers to radioactive substances.

Mr. Sherrington: The same principle applies.

Mr. TOOTH: In my introductory speech I gave examples of what is being done, and explained the reason why we want to clarify the situation. I mentioned people who go to the Queensland Radium Institute, which has a world-wide reputation and at which there are people with the highest possible qualifications. A person who goes there is

examined by a radiotherapist, who gives certain instructions that are virtually the equivalent of a prescription in the field of medicine, and then someone acting under the supervision and instruction of the radiotherapist, and on a request made directly to him, uses the radioactive substance and treats a lesion or some incipient skin trouble or gives, perhaps, much more powerful deep-ray treatment. That is the system that is followed; it must be followed if people are to be treated at a reasonable speed. I think I used the expression earlier that if it was not followed there would be a queue of people half-way down Bowen Bridge Road waiting for treatment.

Mr. PORTER (Toowong) (3.7 p.m.): I think the Minister has indicated the extent of the misunderstanding on the part of the Opposition of the Government's intention in this clause. For the life of me, I cannot see how the amendment will achieve its purpose merely by adding the word "prescribed" without indicating the prescription.

Mr. Sherrington: If you had listened carefully, you would know this would have been done by regulations that would be tabled in this Chamber.

Mr. PORTER: If this arises from the fears expressed by the hon. member for Belmont in relation to cheap labour in hospitals —a prosy phrase that he used at least half-a-dozen times—I cannot see why a definition in the Act is necessary to cover someone operating a machine under the instruction of a medical practitioner who is accepting responsibility for what is done. A definition such as that does not seem warranted; but I suggest to the Minister—as I say, I accept the intent of the Opposition—that it might be possible to do something of that nature administratively and ensure that the operators of these machines go to the Queensland Radium Institute for a week in order to be sure that all of them are made familiar with the operation of the machines under the guidance of well-trained people. It certainly would not require a definition in the statute to achieve what the Opposition suggests; it could be provided administratively.

Question—That the word proposed to be inserted in clause 3 (Mr Sherrington's amendment) be so inserted—put; and the Committee divided—

AYES, 17

Bromley	Newton
Donald	O'Donnell
Dufficy	Sherrington
Duggan	Tucker
Hanlon	Wallis-Smith
Harris	
Houston	*Tellers:*
Jones, R.	
Mann	Hanson
Melloy	Wood, P.

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NOES, 32

Beardmore	McKechnie
Bjelke-Petersen	Miller
Campbell	Nicklin
Chalk	Pilbeam
Chinchen	Pizzey
Cory	Porter
Dewar	Rae
Hewitt, N. T. E.	Ramsden
Hewitt, W. D.	Richter
Hinze	Tooth
Hodges	Wharton
Houghton	Wood. E. G. W.
Hughes	
Jones, V. E.	
Kaus	*Tellers:*
Lee	
Lickiss	Murray
Lonergan	Sullivan

PAIRS

Davies	Low
Thackeray	Camm
Inch	Delamothe
Dean	Row
Bennett	Armstrong
Graham	Carey
Lloyd	Knox
Jordan	Newbery

Resolved in the negative.

Clause 3, as read, agreed to.

Clause 4—Amendments to s.14; Control of possession or use of irradiating apparatus—

Mr. SHERRINGTON (Salisbury) (3.16 p.m.): In view of the stubborn attitude of the Minister and his colleagues, I suppose it would be useless to proceed with the amendment that I propose to clause 4. However, I now formally move——

The CHAIRMAN: Order! The other amendments are consequential amendments.

Mr. SHERRINGTON: I bow to your ruling, Mr. Hooper. Of course, that does not debar me from speaking on the matter. I, for one, do not accept the argument of the Minister, nor do I accept the argument of the hon. member for Toowong. In an effort to prove their case both have implied that there is confusion in the minds of the Opposition. The hon. member for Toowong referred to me as the hon. member for Belmont. Do not let it be said that it is this side of the Chamber that is confused on the issue.

Mr. Dewar: He was wrapping you up.

Mr. SHERRINGTON: Praise from the hon. member for Toowong would be faint praise indeed.

The Minister chided me that clause 3 did not deal with X-rays at all. Maybe it does not, but the principle is the same: the principle of maintaining certain standards in the medical profession and hospitals throughout the State. The Minister said that if this law was to be enforced to the letter there would be a queue from here to Bowen Bridge.

Mr. Tooth: I did not say that.

Mr. SHERRINGTON: Words to that effect.

Mr. Tooth: No.

Mr. SHERRINGTON: The Minister did.

Mr. Tooth: Let it pass.

Mr. SHERRINGTON: Of course, if the Minister is going to say, "I misunderstood you", I distinctly heard him refer to a queue from here to Bowen Bridge Road.

Mr. Tooth: Yes, but not because of the enforcement of this law.

Mr. SHERRINGTON: Whether the queue goes from here to Bowen Bridge Road or to the Lutwyche tram terminus, the very law the Minister is enacting will pave the way for unqualified persons to operate these machines.

Mr. Dewar: That is in my electorate.

Mr. SHERRINGTON: If the Minister for Industrial Development wants to come into this argument, I will refer to what he said in 1958. After stressing the importance of controlling the use of this apparatus and warning the Chamber of the possible effects of radiation, he said that in his opinion anybody should be able to go to a radiographer and have his X-ray taken and gain possession of the photograph. He was not concerned about taking precautions against the growing number of over-exposures to X-ray when he made that statement.

I am being very consistent in my argument in stating that the Bill in its present form, because of its wording—because it merely states "a person"—paves the way for the breaking down of standards in the radioactive substances legislation. The hon. member for Toowong said he thought it would be useless merely to insert the word "prescribed" as it would not have any real meaning. He showed his total ignorance of the procedure. Would not the insertion of the word "prescribed" mean that it would have to be prescribed in the regulations and would not those regulations have to be tabled in this Assembly? If the Opposition felt that the Minister had prescribed persons who were not competent to operate these machines we would have an opportunity in this Chamber to challenge the issue and take the Minister to task for prescribing people who we thought were not competent to control them.

I said quite clearly in my speech that in my opinion the use of this type of apparatus should be confined to a registered matron, nurse, sister, or some other person who had basic training in its use. The Minister can argue all night about this Bill clarifying the radioactive substances legislation. It only clarifies the authority; it does not clarify who should or should not use irradiating apparatus. We stress the importance of that issue. I do not care if the Minister does not accept my amendment. Anything that may happen in the future will be on his head. Sooner or later the Government will have to prescribe the people who are competent to handle this apparatus. If the Minister leaves the Bill in its present form he is paving the way for the abuse of the radioactive substances legislation.

Clause 4, as read, agreed to.

Clause 5, and schedule, as read, agreed to.

Bill reported, without amendment.

THIRD READING

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

PHARMACY ACTS AMENDMENT BILL

SECOND READING

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (3.24 p.m.): I move—

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

At the introductory stage I dealt generally with the purpose of the Bill and in particular with the question of the recognition of the practical experience gained by students by serving in pharmacies or dispensaries after graduation at the university and before registration by the Pharmacy Board. I now submit to the House further details of the provisions which it is proposed to amend.

The Act gives power to the Deputy Registrar of the Pharmacy Board to perform the duties and functions of the Registrar in certain circumstances. Such power may only be exercised during the absence from duty of the Registrar by reason of illness, leave of absence or in any other case, or during any vacancy in the office of the Registrar.

In the last session, however, the Medical Acts and Other Acts (Administration) Act of 1966 was passed. It provides that the Deputy Registrar of any of the professional boards shall, for the purposes of the Act under which such board is constituted, have all the powers of the Registrar of such board but, in relation to his exercise of such powers other than when there is a vacancy in the office of Registrar, subject to any direction given (either generally or in relation to a particular case) in that regard by the Registrar. Therefore, it is necessary to repeal section 7 (2) of the Pharmacy Act because it is now redundant.

As mentioned at the introductory stage, the academic instruction of pharmaceutical students is given in the Pharmacy Department of the University of Queensland, which conducts a three-year course. Annual examinations are the means by which it is determined that the students have reached a satisfactory academic standard.

The principal Act prescribes that after having qualified academically, the graduate then obtains practical experience

(a) In an open chemist's shop in Queensland;

(b) In a dispensary in Queensland;

(c) In a public institution in Queensland; or

(d) With a wholesale druggist or manufacturing chemist carrying on business in Queensland.

It is the responsibility of the Pharmacy Board to ensure that the practical experience gained is satisfactory. The Board is concerned at the present time that it is obliged to register pharmacists who have not, in its opinion, obtained satisfactory practical experience.

For example, the Board has received applications for registration from graduates who have served for 12 months in the Pharmacy Department of the Queensland University, where they have worked as demonstrators. These applicants have applied under the provision that such service may be performed under the supervision of a registered pharmacist in a public institution. The experience so gained is valuable but 12 months served in this manner is not, in the opinion of the Board, equivalent to 12 months served in a retail pharmacy or a hospital dispensary. The head of the Pharmacy Department at the university shares this opinion and, at his suggestion, those graduates have voluntarily obtained further experience in retail pharmacies or hospital dispensaries. However, they are not obliged to do so as the law stands.

Should the Board receive an application from a graduate who served the full 12 months at the university, or for that matter at any public institution, it would be obliged to recognise this service. It is therefore proposed that a graduate who works for one year as a member of the teaching staff of the Pharmacy Department of a university in Queensland must obtain at least a further six months' experience in some other place approved by the Board. This is provided in clause 3 of the Bill, which inserts the new proviso to section 10 (3) of the Acts.

I mentioned briefly at the introductory stage that the Board has received an application for recognition of service from a graduate who had served his 12 months with a wholesale druggist. On investigation it was found that no manufacture of drugs was carried out and no dispensing. In fact, this graduate was receiving no experience of the type required. The Board, however, after taking legal advice, had no option but to grant registration.

It is therefore proposed to delete the portion of section 10 of the Acts recognising service in public institutions or with wholesale druggsts. In regard to the latter, the Board is of the opinion that at present there is no business of this type in Queensland where adequate experience can be gained.

It must be recognised that in the future there will be places other than retail pharmacies and dispensaries which would be suitable, and it is proposed that such an event will be met by giving the Board power to approve other places which may provide adequate practical training to the Board's satisfaction.

As the apprenticeship system of training pharmacists has now been completely replaced by the university course, any reference to apprentices, their training and their service, is obsolete. All reference to the apprenticeship system is therefore being deleted from the Acts by amending the proviso of section 10 (3) and by repealing section 29.

It is proposed to amend subsection (4) of section 10 of the Acts, which includes reference to applications for registration from persons who have qualified outside Queensland. I dealt with this subject at the introductory stage, but I remind the House that in some other States the order of reaching the standard required for registration differs, students sometimes receiving their academic instruction and then obtaining their practical experience before sitting for the final examination. That is different from what happens in Queensland. It is proposed to recognise such experience which has been obtained prior to gaining the academic qualification, provided its length and standard are satisfactory.

As the law stands, the total time required to be served by applicants for registration under the supervision of a pharmaceutical chemist is 12 months, which may be the aggregation of a number of periods no matter how short they are. As it is considered that any period less than one month would not be of benefit to a graduate, it is proposed that one month will be the shortest period of service in any one place.

As was mentioned on the introduction of the Bill, provisions were inserted in the Pharmacy Acts in 1936 requiring the licensing of pharmacies. The intention of this provision, introduced towards the end of the

depression, was to limit the number of pharmacies in a particular area because of the economic conditions prevailing at that time. With improving conditions, however, the provision was not implemented, and it is quite unnecessary to follow such a system now. Provision has therefore been made for the repeal of sections 14A and 14D of the Acts.

Section 26A of the Acts sets out that a shop shall not be deemed to be under the actual personal supervision and management of a pharmaceutical chemist unless he is continuously present in business hours with the exception of a period of no more than an hour between 12 noon and 2 p.m. It is proposed that the Board shall have power to alter the time this hour may be taken in order to meet local conditions. The Board may make by-laws for this purpose for the whole State or for specific parts of the State, and may prescribe different hours in respect of different parts of the State.

The remaining amendments refer to pecuniary penalties for breaches of the Act. Penalties have been reviewed in two respects, namely, in consideration of the seriousness of the offence, and the change in monetary value since the respective sections of the Acts were first introduced. In addition, amounts are being written in decimal currency. It is proposed that the penalty for an unregistered person carrying on the business of a pharmaceutical chemist, which is provided for in section 23, should be increased considerably. Allowance is made not only for the change in monetary value since the introduction of the penalty in 1917 but also for an increase because of the seriousness with which such an offence is now regarded. The minimum penalty prescribed is $50 and the maximum $500.

The penalty applying to any person aiding or abetting a society or person to carry on a pharmaceutical chemist's business contrary to section 24 of the Act has been increased from £20 to $150, and from £3 to $25 minimum.

It is proposed that the immediate penalty that may be imposed on a pharmaceutical chemist who allows his dispensary to be without the supervision of a pharmaceutical chemist contrary to section 26 of the Acts, which was introduced in the 1936 amendment, should be increased from £20 to $150, and from £3 to $25 minimum. The continuing penalty provided under this section is to remain at the same rate, namely, $20 a day.

The existing penalties provided for in other sections are considered adequate to meet present-day value and the seriousness of the offence, and the only alteration proposed is that they be written in decimal currency.

I commend the Bill to the House.

Mr. MELLOY (Nudgee) (3.34 p.m.): There is general acceptance of the Bill by the Opposition, although we did have some reservations on the matter of disallowance of time spent in the employment of a wholesale druggist during the qualifying period of 12 months. However, the Minister pointed out that if there are any changed circumstances in establishments of wholesale druggists so that graduates employed there do obtain the necessary experience, there is a provision to cover that situation if the experience gained is, in the opinion of the Registrar, satisfactory.

Mr. Tooth: The Board has been given a discretion.

Mr. MELLOY: Yes. As a matter of fact, I am wondering if the manufacturing department at the Royal Brisbane Hospital would come within the category of such establishments. I do not know whether any graduates are obtaining experience there. If any are, I should like to know from the Minister whether they will be affected. Generally, the Bill provides necessary legislation relating to pharmacies.

I notice, too, that the Government is again getting into the big money by increasing penalties from £20 to $150.

Mr. Tooth: Some of the penalties were assessed on the money values in 1917—50 years ago.

Mr. MELLOY: Yes; I do not doubt that the present amount may not be adequate. The increase is a large one but, as the Minister said, it is being made in the light of present-day values. I do not know off-hand how many prosecutions there have been; I do not suppose there have been many.

Mr. Tooth: I do not know offhand, either.

Mr. MELLOY: I do not think there would have been many.

Apart from the reservations to which I referred earlier, on which other hon. members on this side of the Chamber will comment, the Opposition accepts the Bill generally.

Mr. LICKISS (Mt. Coot-tha) (3.36 p.m.): I noted with interest the Minister's remarks at the introductory stage of the Bill and his further remarks today. I have a couple of queries to raise that I think might throw some light on the matter under discussion and might enable the Minister to give hon. members some further information.

The overriding principle of the Bill appears to be related to the training of a first-class counter-assistant rather than a pharmacist. Instead of being a place for the preparation, compounding and dispensing of drugs, a pharmacy seems to be becoming a place of lesser importance in this regard and is being considered a venue for high-pressure salesmen of cameras, cosmetics, watches, and even, in some instances, vacuum cleaners.

If I may recapitulate, the Minister stated at the introductory stage that, under the present Act, a graduate is required to serve for a period of 12 months under the supervision of a pharmaceutical chemist—

(a) in an open chemist's shop and dispensary in Queensland;

(b) in a dispensary in Queensland;

(c) in a public institution in Queensland; or

(d) in a wholesale druggist's business, or a manufacturing chemist's business in Queensland.

Hon. members know that it is intended to delete the last two categories. This might be all right, and the Minister has given hon. members an assurance that the amendment will provide for a discretionary power on the part of the Board. However, he said also that in the case of the first two categories, namely, the open chemist's shop and dispensary in Queensland and the dispensary in Queensland, the board will not have any discretion. The definition of "dispensary" in the Act is interesting. It reads—

"Any building or place or any portion of a building or place, or any store, tent, vehicle, boat, or pack in or from which drugs are compounded and/or dispensed".

To bring it up to date and make it a bit more modern, perhaps an aeroplane or a helicopter should be included.

Let us then look at the definition of "shop"—

"Any building or place or any portion of a building or place, or any store, tent, vehicle, boat, or pack in or from which drugs are sold or offered or exposed or kept for sale by retail: the term does not include a sample room solely used by a commercial traveller for the display of his samples".

Although the Minister intends to delete the last two categories, I believe it is possible to drive a horse and cart through the definitions and find that they are not only wholesale druggists but dispensaries. They will then come back into the fold, because the graduate can serve in an open chemist's shop and dispensary or in a dispensary in Queensland. Are they suitable places for the training of students? That is the question. The proposed legislation should be clear.

There are a couple of other matters which concern me. I think in his introductory speech the Minister spoke of a committee that was appointed by the Board to report on whether a particular graduate's practical experience in certain matters had actually taken him up to the required standard. In fact, he was registered and that is the reason we are now deleting the provision relating to wholesale druggists and public institutions. I am rather concerned that the Pharmacy Board has power to appoint such a committee to make an inspection. I believe that under the Act the Board has no right of inspection. I suppose there are other ways of getting around it.

Another matter that concerns me is the legislation introduced in 1936 to register chemist shops. We are told that that was a depression measure introduced to restrict the number of pharmacies. On my reading of the section there is no way in which the board can restrict pharmacies. In the way it is incorporated in the legislation it is merely for the purpose of registering shops, and I believe that the Board would have no discretion but to register a shop provided the applicant was a qualified pharmacist and applied to set up a chemist shop. Consequently, this talk about its being a depression measure and one of urgency might have been the motivating reason at the time but that reason has not been carried in words into the legislation.

In dealing with this matter, I feel constrained to say that I wonder how we could carry in our statutes through the administration of successive Governments in this State a mandatory provision such as this while nobody appears to have taken any action under it to register pharmacies.

At a time like this, when the emphasis is on the control of drugs—I know it will be argued that there is other complementary legislation to exert the necessary controls and protection in this matter—I wonder whether the registration of pharmacies and places where drugs are kept is such a bad thing anyhow. Chemist shops should be licensed, because there are certain provisions in this set of sections that it is proposed to repeal which could have very beneficial effects in terms of protection of the community. The Minister might argue, as I say, that there are other protections in complementary legislation which will do the job just as well but, if that is the case, I shall be very pleased to hear of it.

On the question of where a pharmacist is located and working that is recorded in the licensing of pharmacists but if we depart from that we have no check at all. I think section 18 of the Act is the only section that will enable some check to be made on where a pharmacist is presently working, and that deals only with change of occupation and would not be applicable to his first place of occupation. These are matters that concern us.

Generally speaking, I think one cannot take exception to the legislation. I think the Minister is bona fide in his intention to bring the Act up to date, but I cannot see how he can do so and still have definitions such as those for "dispensary" and "shop" framed in the way they are. If we are to modernise the legislation, we should at least redraft these definitions.

I am concerned about the power of the Pharmacy Board, and I am not too happy with the idea that it is to have power to dictate to the university in regard to how much experience people working in the university—in fact, training pharmacists—should be accredited with as applicable experience, particularly experience accepted as being practical experience from the point of view of qualifications for registration.

I feel that the Pharmacy Board plays a very important role in the determination of qualifications, but surely a person who is demonstrating and teaching at the university should satisfy the words of the definition "preparing, compounding and dispensing of drugs". The only practical experience he might lack would be the selling of cosmetics, cameras, soaps, and beauty aids, plus the odd birthday present we now see decorating pharmacies which bear the appearance of a corner store or, indeed, a chain store.

I commend the Bill, but there are certain matters I have raised the answers to which so far have not been completely satisfactory to me. I hope that the Minister might be kind enough to enlarge on those points.

Mr. HANSON (Port Curtis) (3.47 p.m.): I am in general agreement with the Minister when he says that there should be some form of control over the qualifications of people who are permitted to practise certain professions. The amending legislation introduced in 1959 required that in future pharmacy students would be required to undertake a university course.

There seems to be a little fear about one clause of this Bill. The two previous speakers expressed this fear about the clause, which deletes wholesale druggists and manufacturing chemists from the list of places at which graduates can obtain qualifying experience after completing a three-year university course. If such a fear exists, I think it is up to the Minister or the Pharmacy Board to allay it. With the deletion of these two places a blanket cover is provided in the new provision, "In any other place wherein he has gained, in the opinion of the Board, adequate practical training in matters pertaining to pharmacy." I should think that the time spent working for a wholesale druggist would be a very enriching experience to anyone seeking qualifications. In making that submission, I remind the Minister that most lines carried by the retail chemist would normally be purchased from a wholesale druggist. This is certainly one submission that deserves quite an amount of attention. I do not think it is correct to say that the graduate would be wasting his time working for a wholesale druggist.

In Victoria, a pharmacist and the ethical head of a very large firm of wholesale druggists is recognised throughout the industry as being the man who approves different lines and preparations in accordance with the ethics as demanded by the profession on a nation-wide basis. This gentleman is also on the editorial staff of the "Prescription Proprietors' Guide", which is used by all retail chemists in Queensland. This matter certainly deserves some attention.

I know that, under the Bill, service in a hospital dispensary is to be retained. Most students undertake practical training at the Royal Brisbane Hospital and spend part of their time in the manufacturing department at that hospital. They make up preparations

and gain virtually the same experience as they would with a wholesale druggist. They would get experience in the lines of drugs dispensed at the hospital, which would be the same as those dispensed in the laboratory of a wholesale druggist.

The Minister referred to a certain student and to the submissions he made to the Pharmacy Board when seeking qualification that he had gained his experience with a wholesale drug firm. The Minister said there was a certain amount of legality about accepting the qualifications of this young man. I do not know if the Pharmacy Board is aware that whilst this young man was working with the wholesale druggist firm he was also gaining retail experience at a pharmacy in Ipswich that was conducted by, I think, a friendly society. He is a bright, "fair dinkum" young man. Even though he is qualified, he is working in an after-hours pharmacy at Chardon's Corner, Brisbane. He is a young man who I would say was not trying to be smart about obtaining his qualifications. He is a fine young gentleman, and I am sure that he is conversant with all the necessary procedures for being the manager of a retail pharmacy.

I firmly believe—and I think it would be generally accepted in the industry—that some retail experience is essential. One could argue that those in retail pharmacies who allow young graduates to dispense are getting a cheap form of dispensing while they continue with the other duties such as selling toys and many of the other articles that are sold in retail pharmacies. It is essential to have retail experience in purchasing and buying and the detailed book work that is necessary for the medical benefits schemes, and to meet the demands made by various Government departments.

I suggest to the Minister that those who have a fear about the alteration relating to wholesale druggists should see either Dr. Patrick, the chairman of the Board, or the Minister, so that some of their fears may be allayed and to see if it is at all possible that, whilst they may be engaged in wholesale drug activities, retail experience is not denied to them.

I know of a firm that had a young man who served the whole of his apprenticeship in dealing with wholesale drugs and who is today successfully running a retail pharmacy in a North Queensland town. Through this firm of wholesale druggists have passed a considerable number of students who gained additional information there. They found it enriching to spend some of their student life with this firm.

I mention these points because I do not think it is right in a community such as ours that people should be fearful of legislation. Legislation should be initiated in this Parliament for the common good, and at all times it should be our responsibility to ensure that we do not discriminate against any section of the community. I do not think this legislation is entirely discriminatory, but there are some people who have certain fears about it.

There is a blanket cover in the legislation, and I hope that if any person believes he has been injured by the repeal of a particular section his plea will be considered. The firm I refer to recently spent a large sum of money installing modern equipment for milling and emulsifying, which are so vitally necessary in the pharmaceutical industry.

While hon. members have said they are generally in agreement with the Bill, I suggest that the Minister have a good look at their comments. If any person feels some trepidation for the future activities of his business, I hope that the Minister will allay his fears that he will be injured in any way and ensure that he can enjoy the benefits that this Act should bestow.

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (3.57 p.m.), in reply: I thank hon. members for their helpful comments.

The hon. member for Nudgee obviously spoke for the Opposition. He gave general approval to the Bill and voiced little, if any, criticism.

The hon. member for Mt. Coot-tha spoke at length and dealt particularly with the definition of "dispensary" in the Act. He concentrated on the type of location in a "building or place or any portion of a building or place, or any store, tent, vehicle, boat, or pack . . ." He suggested that it could even be an aeroplane under modern conditions. The important words are, ". . . from which drugs are compounded and/or dispensed." That is what constitutes a dispensary, not the type of location.

The experience required is gained in a period of 12 months or, under the Bill, for certain persons, six months in a place, be it a tent or a palace, in which "drugs are compounded and/or dispensed." As long as there is effective work which will give to any young graduate experience of a practical

nature, it does not matter very much where it is carried on. I realise that the general definition presents a peculiar picture, but it must be realised that there are special circumstances that require that this definition be fairly broad. For example, the Boy Scouts' Association of Australia is holding a National Jamboree at Jindalee later this year. It is reasonable to assume that a dispensary will be set up there, and my bet is that it will be in a tent. However, it will still be a dispensary at which drugs are compounded and dispensed.

The hon. member for Mt. Coot-tha referred to the Board's having control over the university. The Board will have no control whatever over the university. The university sets its standards and examines its undergraduates and, if it feels that they have reached the required standard, awards degrees. The job of the registration board is to register graduates, subsequent to the university's placing its seal upon them, to practise their profession. Many things other than academic qualifications are considered by the Board. This applies not only in the case of pharmacy but to medicine and quite a range of other professions.

The existence of boards that register university graduates to practise their professions in no way interferes with, or controls, the university. The functions of boards and universities are separate and distinct. Boards must have these powers; Governments everywhere—and, as far as I know, for a long time—have always insisted on that.

Referring to the licensing of pharmacies, such a provision was made in the 1930's but, for reasons that I do not know, it was never implemented. I assume, as I have been advised, that it was not put into operation because economic conditions improved. At any rate, it has been presumed that the intention of the legislation at that time was to prevent the establishment of too many pharmacies in one locality, which could have brought them all to financial disaster. However, I am not going to be dogmatic and say that that is the background to that provision. The plain fact of the matter is that the legislation was never implemented, and there does not seem to be much point in keeping it on the Statute Book.

I agree with the hon. member for Mt. Coot-tha that there could be merit in registering pharmacies so that a complete list of them would always be available. This is done by a Commonwealth department, and State departments use the Commonwealth register. "Commonwealth register" may not be a very good way to describe it. Pharmacies are, however, listed in a Commonwealth department, and from that source we obtain any information that we may need. A note prepared by one of my officers reads, "No regulations were ever prescribed under the Pharmacy Act with regard to pharmacies, but the dispensing regulations under the Health Act control the set-up and equipment required to be maintained in dispensaries." That probably meets some of the problems raised by the hon. member for Mt. Coot-tha. There are in this matter many interlocking Acts, just as there are in the whole field of legislation.

The hon. member for Port Curtis referred to wholesale druggists and said that some would provide very excellent training. That is true of the large manufacturing druggists in the South. There are, however, none of them in Queensland; wholesale druggists here are merely agents or middle-men who purchase in bulk. In the case that I quoted, I understand that when the matter was brought to the notice of the Board and investigated it was found that the young man concerned was engaged for the most part in breaking down bulk supplies of chemicals into quantities suitable for distribution to retail chemists. It was as a result of this situation and the fact that he appeared to be getting little training that the Board became concerned. It is perfectly true that, subsequent to the Board's raising the matter, he did go to Ipswich and obtain some training on the retail side.

Personally, I am unaware of the identity of the young man. I do not know who he is, and his case was given to me only as an anonymous example. It may be a pity that the hon. member gave sufficient information to enable anyone interested to identify the person concerned.

Mr. Hanson: He will come along and see you, if you want him to.

Mr. TOOTH: It might be a very pleasant exercise.

I think that covers most of the points raised. I again commend the Bill to the House.

Motion (Mr. Tooth) agreed to.

COMMITTEE

(Mr. Hodges, Gympie, in the chair)

Clauses 1 and 2 as read, agreed to.

Clause 3—Amendments to s. 10; Entitlement to registration as pharmaceutical chemist—

Mr. LICKISS (Mt. Coot-tha) (4.7 p.m.): I thank the Minister for his explanation at the second-reading stage. He said that I rested very heavily on the location of the pharmacy or the dispensary rather than on what in fact constituted a dispensary. I intend now to rest very heavily on the words used by the Minister, "from which drugs are compounded or dispensed". I shall base my case purely on those words and refer the Minister to the clause now before the Committee, which proposes to delete from the Act provision (c) "in a public institution in Queensland" and provision (d) "in a wholesale druggist's business, or a manufacturing chemist's business in Queensland", but to retain provision (a) "in an open chemist's shop and dispensary in Queensland" and (b) "in a dispensary in Queensland".

In my opinion, if the Minister wishes to achieve his object, he should delete the provision relating to a public institution. But that still will not overcome the problem where the Board does not have a discretion, that is, where the experience is gained in a dispensary in Queensland. Surely the dispensary in a public institution is a place in which drugs will be compounded and dispensed. If public institutions are to be excluded, what will the position be relative to private hospitals? They might employ a pharmacist, and an assistant pharmacist might go there to gain his experience. He would still come within category (b).

What would be the position with a person in the Navy, Army, or Air Force? He might get his experience attached to the dispensary at an Army base hospital or a Navy or Air Force hospital. An attempt is being made to delete something, but, as I said earlier, I believe that the definition is so wide that one could drive a horse and cart through it. I do not think the proposed amendment will achieve very much. In effect, a person is being told, "You cannot go to a public hospital, such as the Royal Brisbane Hospital, and get experience, but you can go to private hospitals, such as St. Helen's, and get experience". A person qualifies under (b), whereas we have discretionary power if he goes to a public institution or a wholesale druggist's business.

I think we have to be careful in the way we word this. I am not placing emphasis now on the location but on the operative words pertaining to a "dispensary". I think hon. members will agree with me that drugs are compounded and dispensed under categories (a), (b), (c), and (d), and category (b) could, in fact, cover categories (c) and (d). If we do not want to include the wholesale druggist or public institution, we should remedy that position. I am not resting heavily on the location; I am pointing out that a horse and cart can be driven through the definition on which the Minister appears to be depending.

Mr. HANSON (Port Curtis) (4.11 p.m.): The Minister mentioned that very little experience was gained by a certain man in a wholesale druggist's establishment. Apart from making up certain tablets and bottles for sale, very little experience is gained in a retail chemist's shop. I do not want anyone to run away with the idea that the retail chemist in this modern day and age does very much more than that. Very little dispensing is done at the back of the pharmacy today. If a retail chemist is not fairly good on the typewriter and if he is unable to count the number of tablets he puts in a bottle, he is far behind the mark.

The Minister made some admission of this in his reply. The large wholesale druggists from beyond the confines of this State are the people who are sending to pharmacy outlets many of the drugs and tablets required and prescribed today by means of the medical profession. In this day and age we do not see chemists spending the number of hours they formerly did in making up various prescriptions. In the post-war years we have moved into the era of the sulphas and a considerable number of other such drugs, and every year when one reads the appropriate guide one sees there is a huge number of them going onto the market. Speaking as one outside of the industry, but reasonably observant, I say that the chemist himself does very little dispensing. That being so, I think it is generally conceded that if very little experience is gained with a wholesale druggist, then very little experience would be gained in a pharmacy today.

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (4.14 p.m.): I must answer the hon. member for Port Curtis on that point. What he says about the change in the form of dispensing is probably true to a point, although I think he will admit that

quite a large part of the work of the dispensing chemist is still compounding mixtures. If he goes into any chemist shop he will still see people coming away with bottles of medicine. Nevertheless, there has been a considerable diminution in the actual compounding. But dispensing is a different matter.

In the wholesale druggists' establishment, particularly one that is receiving large quantities from various manufacturers and then breaking them down and preparing them for distribution, it is well within the bounds of possibility that a young man could spend a week or a fortnight in breaking down Epsom salts, for example, into small packs, or possibly breaking down packages of A.P.C. tablets. In a retail shop he would have to read prescriptions. He would get a wide experience of all of these preparations which, although they are already prepared by the manufacturer, would still have to be carefully considered and vetted. He would have to look at the prescription and check it against his knowledge regarding dosage and that sort of thing.

Let us face it; very often pharmacists do this sort of thing; they often consult with the prescribing doctor. This is a very important aspect of it. I feel that if the hon. member for Port Curtis gives this matter more consideration he will see that this provision is a very reasonable one.

Mr. Hanson: The mortars and pestles are pretty dry in a lot of pharmacies today.

Mr. TOOTH: That may be so. The hon. member probably knows more about it than I do. Now that he introduces the matter of dryness, I think perhaps we all have that sort of feeling.

The hon. member for Mt. Coot-tha was making the point that, under the definition of "dispensary", "a place where drugs are compounded or dispensed" would bring in institutions that we are trying to exclude. If that institution is a place where drugs are compounded and dispensed for a sufficiently long period and in sufficient quantity, as long as the graduate spends a month there, it is a month to his credit. What we are trying to do is to exclude those institutions and those manufacturers where this does not happen, so we have placed this ban. The Board has considerable discretionary powers.

Clause 3, as read, agreed to.

Clauses 4 to 15, both inclusive, as read, agreed to.

Bill reported, without amendment.

THIRD READING

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

HEALTH ACTS AMENDMENT BILL

SECOND READING

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (4.19 p.m.): I move—

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

The amendment to section 31 of the Health Acts, 1937 to 1966, is of a machinery nature and provides for—

(a) a new definition of "District Registrar" to comply with the definition contained in the Registration of Births, Deaths and Marriages Acts, 1962 to 1967, and

(b) to ensure that this Act does not conflict in any way with the Registration of Births, Deaths and Marriages Acts and the Childrens Services Acts of 1965.

Sections 75 and 76 are also being amended so that they will conform with the Registration of Births, Deaths and Marriages Acts in so far as the words "still-born child" are replaced with the words "child not born alive".

The main purpose of the Bill now under consideration is to clarify the law in regard to the power to make regulations regarding inspections, and the copying and retention of records relating to transactions of drugs and poisons.

As I mentioned in the introduction of the Bill, advice has been received from the Solicitor-General that as the law stands at present the Health Acts do not clearly confer power to make such regulations. It is essential that inspectors have the power to inspect and, where necessary, copy or retain records relating to transactions concerning dangerous and restricted drugs. Without this power the control of the handling of drugs by authorised persons is severely hampered. The value of taking a copy or seizing records is illustrated by a simple case. Pharmaceutical chemists are required to record the dispensing of dangerous drugs in a drugs book. Failure to record may be the subject of a prosecution. If at the time of an inspection the particular prescription is retained by the inspector and a copy of the particular page in the drugs book is taken, the facts cannot be disputed at a later date.

The power to make regulations regarding drugs is contained in paragraph XV[illegible] of subsection (1) of section 152 of the Health Acts. As this paragraph does not specifically mention the inspection of books, prescriptions and papers relating to the handling of poisons and drugs, or contain any reference to the making of copies or the retention of such records, in the opinion of the Solicitor-General the power to make regulations covering these aspects is not clearly conferred. The proposed amendment to section 152 of the Act will remedy this position.

Until now these powers have been assumed under Regulation 77 of the existing Poisons Regulations, which provides for the inspection and seizure of books, prescriptions, papers and other records concerning the handling of dangerous drugs, restricted drugs and poisons by any person authorised to do so.

Clause 6 of the Bill declares that the power to make this particular regulation was always conferrred by the principal Act.

Mr. HANLON (Baroona) (4.22) p.m.): The amendment to section 31 of the Act, and the subsequent amendments mentioned by the Minister, are largely consequential upon the Bill introduced by the Minister for Justice concerning the registration of births, deaths and marriages legislation. Consequently we endorse the Bill and recognise its validity.

We recognise that there may be difficulty with the clarification of certain powers of inspectors, which the Minister is tidying up in line with recommendations made by the Solicitor-General. At times we have differed with the Minister on powers, but on this occasion we see no reason to object to what he is doing. He has pointed out that he is ensuring that the powers which inspectors have always exercised, and which they need to take certain records and so on, must be clarified so that there will be no legal doubt about it. There is therefore no objection from the Opposition to the Bill.

Motion (Mr. Tooth) agreed to.

COMMITTEE

(Mr. Hodges, Gympie, in the chair)

Clauses 1 to 6, both inclusive, as read, agreed to.

Bill reported, without amendment.

THIRD READING

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

HOSPITALS ACTS AMENDMENT BILL

CONTINGENT MOTION

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (4.25 p.m.): I desire to move, without notice, a contingent motion relating to the Hospitals Acts Amendment Bill when it is being considered in Committee.

Mr. HANLON (Baroona) (4.26 p.m.): I do not want to oppose the Minister's application, but on behalf of the Opposition I say that we are getting a little "jack" of these last-minute arrangements. I do not know whether any indication was given to the Opposition about this proposal, but I have just been handed a copy of the amendments, which refer to new sections to be inserted in the Bill. I think the Minister should have given us notice of this.

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (4.27 p.m.): For the information of the House, and of the hon. member for Baroona in particular, this matter was discussed with the Leader of the Opposition in his room. I had two interviews with him this morning and conveyed to him the form of the amendments that I would move, and I explained to him the background of the whole situation.

Mr. HANLON (Baroona) (4.28 p.m.): I apologise to the Minister. As the Leader of the Opposition is not in the Chamber, I was unaware that he had been informed of these amendments.

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (4.29 p.m.), by leave, without notice: I move—

"That it be an instruction to the Committee that they have power to insert into the Hospitals Acts Amendment Bill the following new clauses:—

'3. Amendment of s. 20. Section twenty of the Principal Act is amended by adding the following subsection:—

"(6) Subsection (5) of this section does not apply with respect to a contract for the execution of any work or the furnishing of any goods or materials entered into by a Board with a Department of the Government, a Crown corporation or instrumentality or a corporation or instrumentality representing the Crown, or any other Hospitals Board, or to such a contract entered into by a Board with the State Stores Board or entered into by the State Stores Board for a Board." '

'4. Amendment of s. 26. Section twenty-six of the Principal Act is amended by adding the following subsection:—

"(9) The North Brisbane Hospitals Board is, and it is hereby declared always was, authorised to carry on the business of supplying the requirements of that Board, other Boards and Ambulance Transport Brigade Committees in respect of goods and materials required to enable a Board or an Ambulance Transport Brigade Committee to duly do and perform its functions, it being hereby declared that the said Board is and always was authorised to take and do all steps and things deemed by it necessary or convenient for carrying out the objects of this subsection." ' ."

Motion agreed to.

SECOND READING

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (4.30 p.m.): I move—

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

As I mentioned in the introduction, this Bill provides the machinery for appointment under the Public Service Acts of assistant secretaries

of hospital boards and for the abolition of the requirement for hospitals boards to take out fidelity guarantee insurance policies in respect of officers entrusted with the custody and control of moneys.

Prior to the Hospitals Acts Amendment Act of 1944, all officers of hospitals boards were appointed by the respective hospitals boards. The amending Act of 1944 took away the authority of hospitals boards to appoint secretaries and provided that all future appointments as secretary of a hospitals board be made by the Governor in Council under and pursuant to the provisions of the Public Service Acts and when so appointed the secretary became an officer of the Public Service. The first appointment under these conditions was made during 1945 and subsequent vacancies have been filled in a similar manner.

The amending Act of 1944 provided also that all persons then holding the full-time position of secretary of a hospitals board had the right of appointment by the Governor in Council as secretary of the hospitals board concerned; that is to say, they were confirmed in the positions they held at that time. At the present time, all full-time secretaries of hospitals boards are members of the Public Service.

Provision is also made elsewhere in the existing Hospitals Acts for the appointment under the Public Service Acts of the Officer in Charge, Central Accounting Bureau. This provision is not affected by the amending Bill and in fact is acknowledged in it by the use of the words "Subject to this Act". With the exception of this position and those of secretary and assistant secretary, the new subsection (1) preserves the right of a hospitals board to appoint all other officers and employees. That portion of the existing subsection (1) which prescribes that the Board may pay to its officers and employees such salaries, wages and allowances as the Board may determine or as may be fixed by industrial awards has been deleted and in lieu thereof provision is made for officers and other employees to be employed on the terms and conditions and be paid remuneration as provided in the applicable industrial award or industrial agreement.

In addition to retaining the authority to appoint a secretary of a hospitals board, subsection (1) (a) provides for the appointment of an assistant secretary by the Governor in Council where he deems necessary.

Except as already mentioned, the new subsections (1) and (1) (a) replace the existing provisions in simpler form.

The entitlement granted by the Hospitals Acts Amendment Act of 1946 to an officer occupying a full-time position on the clerical staff of a hospitals board to apply for, and be appointed to, the position of secretary of a hospitals board is being extended under the Bill to include positions of assistant secretaries.

Up to the present the position of Secretary and Manager of the North Brisbane, South Brisbane, Chermside and Redcliffe Hospitals Boards has been held by one person. Much consideration has been given to the management of these hospitals and, because of the need for an over-all co-ordination of the hospital services in the Brisbane and surrounding areas, it is considered that the existing system of their being under one manager should be retained. The responsibilities to be carried, and the volume of secretarial work that must necessarily be done, by the manager and secretary warrant the appointment of an assistant to him so that he can delegate authority and responsibility to his assistant and allow himself to devote more time to the over-all managerial and supervisory requirements of such a major complex of hospitals.

The amendment will also allow for the creation of positions of assistant secretaries with other hospitals boards. Means will then be available to appoint assistants at the larger hospitals, where it is deemed necessary for the performance of secretarial duties and the training of officers, to fill vacancies that may occur from time to time as secretaries of hospitals boards.

The final clause of the Bill provides for the repeal of subsection (2) of section 18 of the Hospitals Acts, which requires hospitals boards to take sufficient security from an association or company carrying on in Queensland the business of a guarantee society for the faithful execution of his office by an officer entrusted by a board with the custody of moneys by virtue of his office.

Inquiries were made from all hospitals boards for full particulars of all fidelity guarantee policies held; whether any claims had been made against such policies; and advice as to what precautions are taken to ensure the safe custody of large sums of money, such as staff pays. The inquiries revealed that the amount of insurance cover taken out by hospitals boards varied, and that no claims against the policies could be recalled by any board.

They showed also that payments of wages are generally made on the same day as the the money is obtained from the bank, and a police escort is used at hospitals where large amounts are involved. Where unclaimed pays are held over, the amounts are locked in safes and strongrooms under the care of the secretary or other responsible officer.

The secretaries of hospitals boards are the officers who are required to institute systems to ensure to the fullest extent possible the safe custody of moneys. The requirement in the Hospitals Act concerning fidelity guarantees was in existence prior to the Hospitals Act Amendment Act of 1944, which made provision for the appointment of secretaries under the Public Service Acts. It is not required that fidelity guarantee policies be

taken out in respect of public servants. As I mentioned at the introductory stage, the annual cost of premiums for the State would be in the vicinity of $3,000 if the full amounts with which hospitals boards officers are entrusted were covered by insurance. As no claims against policies can be recalled by hospitals boards and adequate precautions are being taken to ensure maximum security of moneys, it is considered that the need to insure is no longer justified.

I commend the Bill to the House.

Mr. HOUSTON (Bulimba—Leader of the Opposition) (4.34 p.m.): I apologise for any misunderstanding that there may have been over the amendment that the Minister submitted earlier. Unfortunately, because of another commitment, I did not have an opportunity to discuss the matter with other Opposition members. In a case such as this, I suggest that desired amendments be circulated so that we all know, as it were, where we are going.

I indicate that the Opposition accepts the Bill at this stage. If any other hon. member wishes to speak on it, he may do so.

Motion (Mr. Tooth) agreed to.

COMMITTEE

(Mr. Hodges, Gympie, in the chair)

Clauses 1 and 2, as read, agreed to.

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (4.35 p.m.): I move the following amendments—

"On page 3, insert the following new clauses to follow clause 2—

'3. Amendment of s. 20. Section twenty of the Principal Act is amended by adding the following subsection:—

"(6) Subsection (5) of this section does not apply with respect to a contract for the execution of any work or the furnishing of any goods or materials entered into by a Board with a Department of the Government, a Crown corporation or instrumentality representing the Crown, or any other Hospitals Board, or to such a contract entered into by a Board with the State Stores Board or entered into by the State Stores Board for a Board."'

'4. Amendment of s. 26. Section twenty-six of the Principal Act is amended by adding the following subsection:—

"(9) The North Brisbane Hospitals Board is, and it is hereby declared always was, authorised to carry on the business of supplying the requirements of that Board, other Boards and Ambulance Transport Brigade Committees in respect of goods and materials required to enable a Board or an Ambulance Transport Brigade Committee to duly do and perform its functions, it being hereby declared that the said Board is and always was authorised to take and do all steps and things deemed by it necessary or convenient for carrying out the object of this subsection." '."

The proposed amendments are introduced for the purpose of clearly establishing that hospitals boards have the right to purchase goods or materials, etc., through or from the State Stores Board or other Crown or governmental instrumentality, including the manufacturing dispensary at the Royal Brisbane Hospital. This procedure has been followed for many years—in fact, since about the mid 1940's, when the State took over full control of the hospitals—and the amendment is designed merely to give specific authority to hospitals boards under the Act.

Mr. HANLON (Baroona) (4.37 p.m.): I was not aware that the Minister had consulted with the Leader of the Opposition, who, unfortunately, was called out of the Chamber, but I endorse the suggestion made by my Leader. When amendments are brought forward to insert new clauses in a Bill and the unusual procedure of instructing the Committee to consider them has to be followed, surely it would not be too much to ask that the Minister should circulate the proposed amendments to hon. members some time before the Bill comes on for discussion. The Minister had them printed by the Government Printer, so it is obvious they have not been brought forward at this moment. I believe that, out of courtesy to the Opposition, the amendments should have been circulated earlier than at the second-reading stage of the Bill, when permission was sought to instruct the Committee to consider them.

I can see, as the Leader of the Opposition said, that the proposed clauses are necessary because of some confusion that arose relative to the Hospitals Act following the bringing forward of the Ambulance Services Bill, so I do not object to their inclusion in the Bill. However, there are occasions when the Opposition wants to insert new principles in a Bill and it is told that it cannot do so because they are outside the message of leave or are new principles, or something of that sort.

The Minister has advanced a number of very good reasons why action should be taken in this instance, and I recognise that he has done the right thing in clearing the matter up; but I hope that when the Opposition wishes to include new principles in a Bill on other occasions the Government might concede it the right to do so in a similar way.

Mr. MELLOY (Nudgee) (4.39 p.m.): The Opposition is in a very agreeable mood this afternoon, but I do endorse the remarks

of the hon. member for Baroona relative to the distribution of copies of the amendments. I agree with him that possibly greater courtesy could have been shown to members of the Opposition. Nevertheless, hon. members on this side of the Chamber acknowledge that the principles of the amendments introduced by the Minister are desirable to facilitate inter-departmental purchases and should be confirmed.

As the Minister has pointed out, the practice has now been followed for many years and these two clauses will validate any future purchases and endorse any that have been hitherto entered into between a hospitals board and the State Stores Board. As I say, the Opposition acknowledges the validity of the amendments and offers no opposition.

Hon. S. D. TOOTH (Ashgrove—Minister for Health) (4.41 p.m.): I should like to say in extenuation of any apparent discourtesy that this matter has come up quite recently as the result of scrutiny by the Crown Law Office of the Act following the passing of the Ambulance Services Bill, and the necessity for being able to issue certain regulations under the Act. We were pressed for time. I think most hon. members would agree that the matter is one of some urgency and, in view of the fact that there seems to be a general desire to terminate the session before Easter, it was felt that we should press on with this. The printed forms came into my possession in the mid-morning and if I have been guilty of any discourtesy to members of the Opposition, I can assure them that it was quite inadvertent and I am sorry about it.

Amendments (Mr. Tooth) agreed to.

New clauses 3 and 4, as read, agreed to.

Bill reported, with amendments.

THIRD READING

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

DEATH OF MR. W. M. EWAN, M.L.A.

SEAT DECLARED VACANT

Mr. SPEAKER: I have to inform the House that I have received from the Registrar-General a certified copy of the registration of the death on 14 March, 1967, of William Manson Ewan, Esquire, lately serving in the Legislative Assembly as member for the electoral district of Roma.

Hon. G. F. R. NICKLIN (Landsborough—Premier), without notice: I move—

"That the seat in this House for the electoral district of Roma hath become and is now vacant by reason of the death of the said William Manson Ewan, Esquire."

Motion agreed to.

SPECIAL ADJOURNMENT

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

"That the House, at its rising, do adjourn until 11 o'clock a.m. on a date to be fixed by Mr. Speaker, in consultation with the Government of this State. Mr. Speaker shall, not less than seven days prior to the meeting date so fixed, give notification of such meeting date to each member of the House."

Motion agreed to.

The House adjourned at 4.45 p.m.

BILLS ASSENTED TO AT CLOSE OF SESSION

The following Bills, having been passed by the Legislative Assembly and having been presented for the Royal Assent, were assented to in the name of Her Majesty on the dates indicated:—

(23 *March*, 1967)—

Land Acts Amendment Bill;

Vagrants, Gaming, and Other Offences Acts Amendment Bill;

Building Societies Acts Amendment Bill;

Co-operative Housing Societies Acts Amendment Bill;

Water Acts Amendment Bill;

Valuers Registration Act Amendment Bill;

Carriage of Goods by Land (Carriers' Liabilities) Bill.

(5 *April*, 1967)—

Adoption of Children Acts Amendment Bill;

(5 *April*, 1967)—continued—

Motor Vehicles Insurance Acts Amendment Bill;

Queensland Law Society Acts Amendment Bill;

Registration of Births, Deaths and Marriages Act and Another Act Amendment Bill;

Mining Acts Amendment Bill;

Firearms Acts Amendment Bill.

(7 *April*, 1967)—

Hospitals Acts Amendment Bill;

Ambulance Services Bill;

Farmers' Assistance (Debts Adjustment) Bill;

Pharmacy Acts Amendment Bill;

Jury Acts Amendment Bill;

Radioactive Substances Act Amendment Bill;

Health Acts Amendment Bill (1967).

PROROGATION

On 1 June, 1967, the following Proclamation was issued by His Excellency the Governor:—

A PROCLAMATION by His Excellency the Honourable Sir ALAN JAMES MANSFIELD, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor in and over the State of Queensland and its Dependencies, in the Commonwealth of Australia.

[L.S.]

ALAN J. MANSFIELD,
Governor.

In pursuance of the power and authority vested in me, I, Sir ALAN JAMES MANSFIELD, the Governor aforesaid, do, by this my Proclamation, Prorogue the Parliament of Queensland to Tuesday, the Eighteenth day of July, 1967.

Given under my Hand and Seal, at Government House, Brisbane, this first day of June, in the year of our Lord one thousand nine hundred and sixty-seven, and in the sixteenth year of Her Majesty's reign.

By Command, G. W. W. CHALK.

GOD SAVE THE QUEEN!