Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 19 MARCH 1968

Parliamentary Debates

(HANSARD)

Legislative Assembly

SECOND SESSION OF THE THIRTY-EIGHTH PARLIAMENT

(Second Period)

TUESDAY, 19 MARCH, 1968

Under the provisions of the motion for special adjournment agreed to by the House on 7 December, 1967, the House met at 11 a.m.

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

GOVERNOR'S SALARY ACTS AMENDMENT BILL

RESERVATION FOR ROYAL ASSENT

Mr. SPEAKER reported receipt of a message from His Excellency the Governor intimating that this Bill had been reserved for the signification of Her Majesty's pleasure.

ASSENT TO BILLS

Assent to the following Bills reported by Mr. Speaker—

Judges' Salaries and Pensions Bill.

District Courts Bill.

Audit Acts Amendment Bill.

Land Acts Amendment Bill (No. 2).

Parliamentary Contributory Superannuation Fund Acts Amendment Bill.

Co-operative and Other Societies Bill.

Local Government Acts and Another Act Amendment Bill.

Traffic Acts Amendment Bill.

Local Government Superannuation Act Amendment Bill.

Queensland Congregational Union Bill.

Electric Light and Power Acts Amendment Bill.

Evidence and Discovery Act Amendment Bill.

City of Brisbane Acts Amendment Bill.

Sewerage, Water Supply, and Gasfitting Acts Amendment Bill.

War Service Land Settlement Acts Amendment Bill.

Local Government Acts Amendment Bill (No. 2).

Coal Mining Acts Amendment Bill.

Brigalow and Other Lands Development Acts Amendment Bill.

Weights and Measures Acts Amendment Bill.

Disposal of Uncollected Goods Bill.

Acquisition of Land Bill.

ELECTORAL DISTRICT OF LANDSBOROUGH

RESIGNATION OF MEMBER

Mr. SPEAKER: I have to inform the House that I have received the following letter from the Hon. George Francis Reuben Nicklin, member for the electoral district of Landsborough—

"13 February 1968

"Dear Mr. Speaker,

"I hereby tender my resignation as member for the electoral district of Landsborough, as from midnight on Tuesday, February 13, 1968.

"Yours faithfully,

"Frank Nicklin.

"Member for Landsborough."

DATES FOR BY-ELECTION

Mr. SPEAKER: I have to inform the House that I issued a writ for the election of a member to fill the vacancy in the electoral district of Landsborough. Particulars are as follows:—

Issue of writ—19 February, 1968.

Date of nomination—28 February, 1968.

Polling day—16 March, 1968.

Return of writ—19 April, 1968.

MINISTERIAL STATEMENT

APPOINTMENT OF MINISTRY

Hon. J. C. A. PIZZEY (Isis—Premier) (11.7 a.m.): I desire to inform the House that on Wednesday, 17 January, 1968, His Excellency the Governor—

(a) accepted the resignation tendered by—

The Honourable George Francis Reuben Nicklin, M.M., LL.D. as a member of the Executive Council of Queensland;

(b) appointed—

Victor Bruce Sullivan, Esquire, to be a member of the Executive Council of Queensland;

(c) accepted the resignations tendered by—

The Honourable George Francis Reuben Nicklin, M.M., LL.D. as Premier and Minister for State Development of Queensland;

The Honourable George William Wesley Chalk, as Treasurer of Queensland;

The Honourable Jack Charles Allan Pizzey, B.A., Dip.Ed., LL.D., as Minister for Education of Queensland;

The Honourable Peter Roylance Delamothe, O.B.E., M.B., B.S., as Minister for Justice and Attorney-General of Queensland;

The Honourable Alan Roy Fletcher, as Minister for Lands of Queensland;

The Honourable Harold Richter, as Minister for Local Government and Conservation of Queensland;

The Honourable John Alfred Row, as Minister for Primary Industries of Queensland;

The Honourable Johannes Bjelke-Petersen, as Minister for Works and Housing of Queensland;

The Honourable Seymour Douglas Tooth, as Minister for Health of Queensland;

The Honourable John Desmond Herbert, as Minister for Labour and Tourism of Queensland;

The Honourable Ronald Ernest Camm, as Minister for Mines and Main Roads of Queensland;

The Honourable William Edward Knox, as Minister for Transport of Queensland;

The Honourable Frederick Alexander Campbell, as Minister for Industrial Development of Queensland;

(d) appointed—

The Honourable Jack Charles Allan Pizzey, B.A., Dip.Ed., LL.D., to be Premier and Minister for State Development of Queensland;

The Honourable Gordon William Wesley Chalk, to be Treasurer of Queensland;

The Honourable Johannes Bjelke-Petersen, to be Minister for Works and Housing of Queensland;

The Honourable Peter Roylance Delamothe, O.B.E., M.B., B.S., to be Minister for Justice and Attorney-General of Queensland;

The Honourable Alan Roy Fletcher, to be Minister for Education and Cultural Activities of Queensland;

The Honourable Harold Richter, to be Minister for Local Government and Conservation of Queensland;

The Honourable John Alfred Row, to be Minister for Primary Industries of Queensland;

The Honourable Seymour Douglas Tooth, to be Minister for Health of Queensland;

The Honourable John Desmond Herbert, to be Minister for Labour and Tourism of Queensland;

The Honourable Ronald Ernest Camm, to be Minister for Mines, Main Roads and Electricity of Queensland;

The Honourable William Edward Knox, to be Minister for Transport of Queensland;

The Honourable Frederick Alexander Campbell, to be Minister for Industrial Development of Queensland;

The Honourable Victor Bruce Sullivan, to be Minister for Lands of Queensland.

I lay upon the table of the House a copy of the Government Gazette Extraordinary of 17 January, 1968, containing the relevant notifications.

Whereupon the hon. gentleman laid the Government Gazette Extraordinary upon the table.

QUESTIONS

AVOIDANCE OF EXTENDED SITTING HOURS BY PARLIAMENT

Mr. Hughes, pursuant to notice, asked The Premier,—

Will he at the earliest opportunity consider arranging Government Business to prevent a repetition of early-morning sittings in the February Session?

Answer:—

"It is not the Government's desire or intention that the House should unnecessarily sit during the very early hours

of a day. The records will show that, under this Government, the House sat very seldom beyond midnight, and then only because of necessity. I assure the Honourable Member that, as far as the Government is concerned, every endeavour will be made to avoid after-midnight Sittings."

ADDITIONAL ADMINISTRATIVE AND SPECIALIST PERSONNEL, S.G.I.O.

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

(1) Is the State Government Insurance Office (Queensland) conducted as a competitive business organisation?

(2) In view of the excellent report of the office and the huge increase in business as stated by its Manager, Mr. Riding, will he take such steps as are necessary to authorise and enable the Manager to select and employ such additional administrative and/or specialist personnel as he may consider necessary?

Answers:—

(1) "Yes."

(2) "General administrative personnel are appointed under the Public Service Acts and all necessary appointments are made as the need arises. Specialist personnel may be appointed under the State Government Insurance Acts as distinct from the Public Service Acts. Such appointments are made as and when need arises and suitably qualified specialist personnel become available."

ESTABLISHMENT OF OPPORTUNITY SCHOOL, ATHERTON TABLELAND

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

Further to his Answer to my Question on November 7, relative to the establishment of an Opportunity School on the Atherton Tableland and in view of the further requests from all Shires in the Tableland area,—

(1) Has a survey been made of all schools in the area? If not, will he have a survey made of the number of children requiring this type of education and the best location for a school to serve the complete area?

(2) In considering the location, will he take into account those towns which have hostel accommodation?

Answers:—

(1) "No. A careful examination of the primary school population, its location, existing transport services and their disposition has, however, been made with a view to the practicability of establishing an Opportunity School on the Atherton Tableland. There are insufficient children within twenty miles of Atherton or Mareeba to merit the establishment of an Opportunity School and the distance between the two centres is excessive for daily transport."

(2) "Generally it is considered that the advantages accruing from a slow-learning child living at home and receiving normal schooling outweigh the disadvantages of such a child having to live away from home to receive special schooling."

NORMANTON STATE SCHOOL

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

(1) How many children are at present enrolled at Normanton State School?

(2) Will he consider the provision of electric light in all its rooms?

Answers:—

(1) "One hundred and fifty-eight."

(2) "This School has already been provided with the standard lighting installations. As there is satisfactory natural light in all classrooms the provision of additional electric lighting cannot be considered."

PURCHASE OF STORES FOR ABORIGINAL COMMUNITIES, NORTH QUEENSLAND

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

(1) Is he aware that since the Government took over the missions in North Queensland, goods and materials purchased are being increasingly supplied through State Stores, Brisbane, for delivery to North Queensland?

(2) If so, why is it not possible for all or any of these stores to be purchased through local suppliers in North Queensland?

(3) Will he favourably consider competitive tendering, or quotation, with due regard to freight factors and the proximity of local suppliers to the origin of the orders?

Answer:—

(1 to 3) "There are two phases involved in the matter raised by the Honourable Member. Firstly, when the Government assumed responsibility as at May 1, 1967 for these Missions at the request of the Church of England, there had been a run-down in reserve supplies caused by isolation and a lengthy wet season. The Government took immediate steps to replenish stocks under terms, conditions and prices, &c., that were in accordance with existing State Stores contracts. Secondly, after

having fulfilled its immediate responsibilities, the Government then further arranged for the calling of competitive quotations through the State Stores for the future needs of these Missions. Orders were placed on the best possible basis and Cairns suppliers were successful in obtaining a share of the business. The State Stores is always keen to place orders with North Queensland suppliers whenever this is possible. I must emphasise, however, that the inhabitants of these Missions have limited incomes and accordingly it is essential that goods be purchased on a best price basis commensurate with quality."

PRICE OF MOTOR OILS

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

(1) Is he aware that oil companies intend increasing the price of motor oils to retailers by four cents per gallon on December 7, which is coincidental with the adjournment of the House?

(2) Is he also aware that approximately three weeks ago some companies offered motor oils to consumers at a discount of twenty cents per gallon?

(3) If he is aware that a price increase is in the offing, will he institute a full inquiry into the ramifications of the oil companies' price structure, with particular regard to the sales of oils and petrol, so that retailers and consumers can be protected from the exploitation which so obviously exists as far as the public is concerned?

Answers:—

(1) "I am informed the situation in relation to the price of motor oil to retailers is, at the present date, somewhat complicated, due to the fact that some oil companies are now marketing what are known as 'duograde' oils through retail outlets, which it appears commenced in January, 1968. It is understood that the reason for this is the necessity to provide an improved grade of automotive oil, because of the extended oil drain periods and the more severe requirements generally imposed by motor car manufacturers. I am advised that these requirements have resulted in the need for a better quality product which, it is claimed, can only be produced at higher cost to the industry. The wholesale price of duograde oil is 2 cents per pint higher than that of monograde oil."

(2) "I am not aware of this, and no information is available in regard to this allegation."

(3) "Prices of these commodities, for some months, have been the subject of consideration by the Commissioner of Prices in South Australia, and any increases which might be granted by him are usually reflected in all States. Consequently, I suggest the Honourable Member should address this Question to his Labour Party colleague, the present Premier of South Australia who, according to a report published in the Sydney *Sun Herald* of August 27, 1967, stated, and I quote—'The Prices Commissioner doesn't make his decisions without an order from me'—end of quote."

INTAKE OF POLICE CONSTABLES

Mr. Davies for **Mr. Hanlon,** pursuant to notice, asked The Minister for Works,—

Are only twenty of a batch of fifty-eight qualified candidates to be sworn in as police constables before the New Year and, if so, why is the full batch not being sworn in together?

Answer:—

"During December, 1967, all probationaries who qualified for appointment were sworn in as constables in the police force; the number so sworn totalled 51."

EDUCATION PROGRAMME ON ALCOHOLISM IN STATE SCHOOLS

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

(1) Is he aware of a book-mark distributed to school children by the Co-ordinating Committee on Alcoholism under the title "The A.B.C. of Drinking," indicating the symptoms normally associated with fairly rapid drinking and the resultant blood alcohol concentrations in a drinker of an average weight of eleven stone and stating that the safe rate is one drink in one hour?

(2) If so, will he ascertain why the committee assumes that school children drink alcoholic liquor?

(3) Why is the alternative to sane drinking, viz., total abstinence as a way of life, avoiding the troubles and dangers of drink altogether, not offered; and, in a democratic community, why is not an equal emphasis placed on the right not to drink as is placed on the right to drink?

(4) Why do officers of the Queensland Temperance League no longer assist in the education programme on alcoholism in State schools?

(5) Is instruction given to grade 8 pupils on the dangers of alcoholism and, if not, why not?

Answers:—

(1) "I was not aware of the bookmark until the Honourable Member drew my attention to it; under the title—'How Safe

am I?—the A.B.C. of Drinking', the bookmark was approved for distribution in association with the Co-ordinating Committee's 1966 Exhibition Display, in the schools' programme and in the public education programme to create interest in the relationship between rising blood alcohol concentrations and normal behaviour reactions expected."

(2) "The bookmark is not distributed in schools on the assumption that school children drink alcoholic liquor. Rather, it is directed to parents. It is given in association with sections of alcohol education which deal more fully with the relationship previously mentioned, particularly in regard to drinking and driving."

(3) "In all instruction on alcohol, lecturers advocate that until the age of biological maturity total abstinence is advisable. Support is given throughout the whole alcohol education course in secondary schools to the general stand that minors are best advised not to drink."

(4) "I refer the Honourable Member to the reply to his Question on October 10, 1967."

(5) "No. It was the conclusion of the expert committee, the Queensland Health and Education Co-ordinating Committee, that specific instruction about alcohol should not be given prior to Grade 9. This is in accord with world-wide education opinion in this field."

PAPERS

The following paper was laid on the table, and ordered to be printed:—

Joint Report by the Department of Primary Industries and the Irrigation and Water Supply Commission on Emerald Irrigation Project.

The following papers were laid on the table:—

Proclamations under—

- The Public Works Land Resumption Acts, 1906 to 1955, and the State Development and Public Works Organisation Acts, 1938 to 1964.
- The Queensland Marine Acts, 1958 to 1967.
- The Racing and Betting Acts, 1954 to 1967.
- The City of Brisbane Market Acts, 1960 to 1967.
- The Sugar Experiment Stations Acts, 1900 to 1965.

Orders in Council under—

- The Co-ordination of Rural Advances and Agricultural Bank Acts, 1938 to 1965.
- The Fisheries Acts, 1957 to 1962.
- The Harbours Acts, 1955 to 1966.
- The Racing and Betting Acts, 1954 to 1967.
- The State Housing Acts, 1945 to 1966, and the Local Bodies' Loans Guarantee Acts, 1923 to 1957.
- The State Housing Acts, 1945 to 1966.
- The Grammar Schools Acts, 1860 to 1962.
- The Rural Training Schools Act of 1965.
- The Water Acts, 1926 to 1967.
- The River Improvement Trust Acts, 1940 to 1965.
- The Forestry Acts, 1959 to 1964.
- The City of Brisbane Acts, 1924 to 1967.
- The City of Brisbane Market Acts, 1960 to 1967.
- The Dairy Produce Acts, 1920 to 1963.
- The Fauna Conservation Act of 1952.
- The Meat Industry Act of 1965.
- The Milk Supply Acts, 1952 to 1961.
- The Primary Producers' Organisation and Marketing Acts, 1926 to 1966.
- The Stock Acts, 1915 to 1965.
- The Wheat Pool Acts, 1920 to 1957.
- The Explosives Acts, 1952 to 1963.
- The Medical Acts, 1939 to 1966.
- The Factories and Shops Acts, 1960 to 1964.
- The Fish Supply Management Act of 1965.
- The Austral-Pacific Fertilizers Limited Agreement Act of 1967.
- The Industrial Development Acts, 1963 to 1964.

Regulations under—

- The Queensland Marine Acts, 1958 to 1967.
- The Racing and Betting Acts, 1954 to 1967.
- The Stamp Acts, 1894 to 1966.
- The State Housing Acts, 1945 to 1966.
- The Aborigines' and Torres Strait Islanders' Affairs Acts, 1965 to 1967.
- The Local Government Acts, 1936 to 1967.
- The Local Government Superannuation Acts, 1964 to 1967.
- The Dairy Produce Acts, 1920 to 1963.
- The Primary Producers' Organisation and Marketing Acts, 1926 to 1966.
- The Stock Acts, 1915 to 1965.
- The Hospitals Acts, 1936 to 1967.
- The Prisons Acts, 1958 to 1964.
- The Ambulance Services Act of 1967.
- The Nurses Act of 1964.
- The Apprenticeship Act of 1964.
- The Factories and Shops Acts, 1960 to 1964.
- The Statistical Returns Acts, 1896 to 1935.
- The Traffic Acts, 1949 to 1967.

Statute under the University of Queensland Act of 1965.

By-laws under—

The Harbours Acts, 1955 to 1966.

The City of Brisbane Market Acts, 1960 to 1967.

Nos. 967, 968 and 969—The Railways Acts, 1914 to 1965.

Report of the Dumaresq-Barwon Border Rivers Commission for the year 1966-67.

FORM OF QUESTIONS

Mr. DAVIES (Maryborough) proceeding to give notice of a question—

Mr. SPEAKER: Order! Before the hon. member proceeds further, I point out that a section of his question is not in order; it seeks an expression of opinion.

Mr. DAVIES (Maryborough) having given notice of a further question—

Mr. SPEAKER: Order! That question also seeks an expression of opinion.

Mr. DAVIES (Maryborough) having given notice of a further question—

Mr. SPEAKER: Order! The hon. member's last question requires a great deal of vetting before it can be permitted. Much of what it contains has already been covered by the Leader of the Opposition.

Mr. BROMLEY (Norman) proceeding to give notice of a question—

Mr. SPEAKER: Order! The hon. member is making a statement. The question is too long and contains too much statement. He will have to redraft it.

Mr. BROMLEY: I am seeking this information for the people of Queensland.

Mr. SPEAKER: Order! The hon. member is entering into a debate on the question. I will allow him to continue but he will have to redraft it. I repeat, it is too long and contains too much statement.

ELECTIONS TRIBUNAL

JUDGE FOR 1968

Mr. SPEAKER announced the receipt of a letter from the Honourable the Chief Justice intimating that the Honourable Mr. Justice Walter Benjamin Campbell would be the judge to preside at the sittings of the Elections Tribunal for the year 1968.

STANDING ORDERS AND REFRESHMENT ROOMS COMMITTEES

APPOINTMENT OF MEMBERS

Mr. SPEAKER: I have to inform the House that certain vacancies exist in the Standing Orders Committee and the Refreshment Rooms Committee.

Hon. J. C. A. PIZZEY (Isis—Premier): I move—

"That the following appointments be made:—

Standing Orders Committee: Mr. Pizzey, vice Mr. Nicklin.

Refreshment Rooms Committee: Mr. Cory, vice Mr. Sullivan.

Motion agreed to.

DEATH OF THE RIGHT HONOURABLE HAROLD EDWARD HOLT, C.H., M.P.

MOTION OF CONDOLENCE

Hon. J. C. A. PIZZEY (Isis—Premier) (12.7 p.m.), by leave, without notice: I move—

"(1) That this House expresses its profound regret at the untimely death of the Right Honourable Harold Edward Holt, C.H., M.P., Prime Minister of Australia.

"(2) That Mr. Speaker be requested to convey to the widow and family of the deceased gentleman the above resolution, together with an expression of the sympathy and sorrow of the members of the Parliament of Queensland in the loss they have sustained."

Hon. members are acutely aware of the shock with which the Australian people reacted on 16 December last to the news that the late Prime Minister, the Right Honourable Harold Edward Holt, had disappeared in heavy surf and was presumed to have died.

I think it is appropriate that at this stage the House should record its appreciation of the late gentleman's outstanding services to Australia, and to communicate to his bereaved widow and family its sense of the irreparable loss they have sustained by this grevious tragedy.

In a parliamentary career of 32 years the late Harold Holt held many high ministerial posts with great distinction. On assuming the office of Prime Minister he brought a new concept of international relationships by very long and tedious journeys to many countries to promote Australia's desire for friendship, not only with Britain and the United States but with the new nations in the Asian sphere as well.

His achievements in this field were acknowledged by the presence of the Prince of Wales, the British Prime Minister, the President of the United States and the heads of State of numerous other countries at the service dedicated to his memory at Melbourne on 22 December 1967.

Although an acknowledged figure in world affairs he had a great personal liking for simple things, and an affability and sympathy which earned him admiration among the members of all political parties.

His love of the sea brought him to Queensland as frequently as the pressures of office would allow him to relax at his own

retreat on the northern coast. On these visits, brief though they were, he never failed to get in touch with State representatives, and when official matters were discussed he displayed the courtesy and helpfulness that always was evident at Premiers' Conferences and Loan Council meetings.

It is a matter for deep regret that the sea which so fascinated him in his leisure hours should claim him at the peak of his distinguished career.

Mr. HOUSTON (Bulimba—Leader of the Opposition) (12.10 p.m.): On behalf of the Opposition I second the motion and support the Premier's statements, especially his reference to the tragic circumstances surrounding the late Prime Minister's death. It is particularly tragic when a person loses his life while he is enjoying himself. This applies not only to those in public office, whether in Parliament or local government, but also to those associated with business activities in the commercial world. We know that these people devote much of what would normally be their private time to the advancement of the principles they believe in and also to working hard for what they regard as necessary for the advancement of those whom they represent.

It can certainly be said that any person who attains ministerial rank, whether in State or Federal politics, devotes the greater portion of his time to public affairs rather than to his own pleasures and the enjoyment of whatever recreation he follows. Such people certainly forfeit many of their family associations and their associations with those near and dear to them. When any person in high office dies, naturally the nation mourns. The more is this so when he dies in such tragic circumstances as these.

The carrying of this motion will be another tribute to the Australian system of democracy, in which we can differ with one another politically—we can differ on many issues—but when trouble strikes, whether it be of a minor or serious nature, people of all political views recognise the qualities of those associated with the tragedy or mishap. I am therefore pleased to associate myself and the Opposition with this condolence motion.

Hon. G. W. W. CHALK (Lockyer—Treasurer) (12.12 p.m.): I join with the Premier and the Leader of the Opposition in this expression of regret and condolence associated with the tragic death of the late Harold Holt. In doing so, I wish to associate with it every member of my Parliamentary Liberal team and also the Queensland Division of the Liberal Party of Australia.

In fulfilment of the responsibility that was mine at the time owing to the illness of the then Premier, I was privileged to attend the memorial service held in Melbourne on Friday, 22 December. I do not believe that a more fitting tribute could ever have been paid to any man. Irrespective of politics or creed, there were very few eyelids that were not dampened during the remarks of the Primate of Australia, our own Queensland Anglican Archbishop, the Most Reverend Phillip Strong. But what stunned all who attended that memorial service was, I believe, the fact that so many people of such high office travelled so far to be present at it. I refer, for example, to His Royal Highness the Prince of Wales, the President of the United States, President Johnson, and the Prime Minister of Great Britain, Mr. Wilson. I could go on to mention the names of many men of great and high standing associated with the smaller nations of the world, some not of the same colour of skin as ours. They were all there to pay a tribute to Harold Holt and to affirm the high respect in which he was held by those countries, who possessed the same desire as Harold Holt, namely, peace among men.

The late Harold Holt's notable achievements were undoubtedly in his foreign policy, in bringing Australia closer to Asia and continuing the close liaison that existed between this country and the United States during the time of his predecessor. What we witnessed at that memorial service was a tribute to a great man and to a job well done.

The late Harold Holt was undoubtedly a man of courage and great personal charm. I believe it can be fairly stated that he was a modest man and a typical Australian. Such is the highest compliment I can pay to him this morning when we remember his tragic death.

I join with the Premier and the Leader of the Opposition in expressing the sincere sympathy of the citizens of this State to the late Harold Holt's widow and family.

Motion (Mr. Pizzey) agreed to, hon. members standing in silence.

DEATHS OF MR. B. H. CORSER, MR. J. G. BAYLEY, AND MR. W. H. GREEN

MOTION OF CONDOLENCE

Hon. J. C. A. PIZZEY (Isis—Premier) (12.17 p.m.), by leave, without notice: I move—

"1. That this House desires to place on record its appreciation of the services rendered to this State by the late Bernard Henry Corser, Esquire, James Garfield Bayley, Esquire, and William Herbert Green, Esquire, former members of the Parliament of Queensland.

"2. That Mr. Speaker be requested to convey to the relatives of the deceased gentlemen the above resolution, together with an expression of sympathy and sorrow of the members of the Parliament of Queensland in the loss they have sustained."

The late B. H. Corser and J. G. Bayley belonged to families with unique histories in the political annals of this State. Bernie Corser and his father, the late E. B. C. Corser, sat together in the 19th Parliament of this State, Bernie subsequently succeeding his father in the Federal House.

James Bayley was one of three children, all of whom sat in this Parliament, though not in company. He rendered outstanding service to Queensland in an earlier generation as a teacher and a parliamentarian. His sister, Mrs. Irene Longman, the first woman elected to this Parliament, represented her electorate from 1929 to 1932. A deceased brother of the late gentleman, Mr. P. M. Bayley, represented Pittsworth in this House from 1915 to 1920.

The Bayleys came from Tasmania. Mr. J. G. Bayley was born in 1882 in Franklin, Tasmania, and shortly afterwards his father, a Congregational Union minister, moved to Toowoomba. As a young fellow James attended the Brisbane Grammar School, and he then entered the Department of Education. He served for several years as a teacher at South Brisbane and later in Toowoomba.

Not satisfied with his achievements, he left for the United States to further his education. (Over 60 years ago people had the same idea of going overseas to broaden their experience.) He did this very successfully; he attended Stanford University, which is one of the most famous and most highly regarded of all American universities, and came back as a Master of Arts.

Upon his return he rejoined the Department of Education and in 1912 was appointed the first principal of the Charters Towers State High School, which was one of the three original State secondary schools in Queensland. I believe that the hon. member for Townsville South was one of the original students of that school.

In 1917 the late Mr. Bayley entered the Federal Parliament as the member for Oxley and he retained that representation till 1931. Between 1926 and 1929 he was Chairman of Committees and Deputy Speaker. He was then out of the Federal Parliament for a while, till in 1933, following the death of Mr. Barnes, who represented the Wynnum electorate, Mr. Bayley was elected to the State House at a by-election. He was here only for a short period, from 1933 to 1935. There would not be many members here today who would remember him; the hon. member for Fassifern, and perhaps one or two others, might.

Mr. Walsh: Not forgetting me.

Mr. PIZZEY: The hon. member for Bundaberg may remember him. However, on looking round I doubt whether there would more than two or three members now in this House who would have any knowledge of him. The hon. member for Toowoomba West may be one.

Mr. Duggan: He had gone before I came.

Mr. PIZZEY: Although he had only a short period here, anyone who reads "Hansard" will know that he was a man of high intellectual attainments, a very good speaker, and, by repute from those who knew him, he was always, in his retirement and in his behaviour in both the Federal Parliament and the State House, a man of courtly bearing and high character. His was an interesting career in that he was first a member of the Federal Parliament and then a member of the State House. Usually the reverse is the case; a person first becomes a member of the State House and subsequently enters Federal Parliament.

The late Bernie Corser was probably more familiarly known to most of us here today than was Mr. Bayley. Mr. Corser came from a pioneering family in the Maryborough district; his family is still farming there today. His father, who was also a State and Federal member, was brought to Maryborough as an infant. He grew up and established a business there, and Bernie entered his father's business, which was established in 1872. He was also one of the very first students of Gatton College. He always had a great interest in the land, and subsequently for a long time he owned a property at Wetheron, in the Gayndah district.

In 1912 Bernie Corser was elected to State Parliament as the member for Burnett. He held the seat till 1928, when he resigned and was elected unopposed to the seat of Wide Bay on the death of his father, Mr. E. B. C. Corser. For the first three years in which Bernard Corser was a member of this Parliament—that is, from 1912 to 1915—both father and son sat in the House. When Bernard retired in 1954, both father and son had represented Wide Bay for an unbroken period of 39 years.

Bernard Corser's retirement closed a notable political career of 42 years, of which 16 were spent in the State House and 26 in the Federal Parliament. He was a forceful speaker, a staunch family man, a loyal party man, and a great friend of all sections of the people. He was equally at home with the children of the household or with the aged, and his great popularity is exemplified by the fact that, election after election, in the traditionally Labour seats of Bundaberg and Maryborough, he was to command a fairly substantial majority for the Federal electorate of Wide Bay.

Of course, I had a great deal to do with him in the latter part of his career because I acted as campaign director for him on many occasions. One could not find anyone more pleasant to work for or more appreciative of what one did for him. I saw him in action and saw the way in which he was received by people of all political parties and of all ages throughout the electorate. He became an institution in Maryborough and in Wide Bay, and with his passing a very notable political link with Maryborough and the surrounding districts has been broken.

When he was in the Federal Parliament he was appointed as secretary of the Australian Parliamentary Country Party, and on his retirement he was given life membership.

The late William Herbert Green, whose death occurred very recently, served only one term in the Queensland Parliament—from 1920 to 1923—but until his death he was widely known both as a businessman and as a prominent community and church leader.

At the time of his election to this House as member for Townsville, he was the sitting Mayor of Townsville, where he owned and conducted several pharmacies, in addition to a pharmacy in Brisbane. At the time of his death he was the State's oldest registered chemist.

He was chairman of directors of Indooroopilly Toll Bridge Ltd., which built the bridge in 1936, and retained that position until the company was wound up on the expiry of its franchise in 1967. His political and local government activities were limited by his almost total absorption in church and community affairs. I suppose he will always be known more for his activities in the field of temperance than for his short term in this Parliament.

He was a man of very firm religious convictions and, as I have mentioned, for the whole of his adult life he worked very diligently for the Australian Temperance League. He will be remembered also as one of the founders of the Canberra group of hotels in Brisbane, Sydney, and Toowoomba, and he took an active part in its administration right up till his fatal illness earlier this year. He was known not only throughout Australia but also in other countries for his temperance activities. There is no doubt that he was single-minded in his purpose in that direction.

He also gave generous support to many charitable organisations, always preferring to be a silent giver. For his great service in his own particular field of church and charity and in the cause of temperance, Her Majesty the Queen honoured him in 1958 with the Order of the British Empire for his distinguished services.

It it fitting that the House should record its appreciation of the services rendered to the State by these three gentlemen.

Mr. HOUSTON (Bulimba—Leader of the Opposition) (12.29 p.m.): I endorse the remarks of the Premier concerning the three deceased gentlemen. Many times when one speaks in this House on condolence motions, one finds that the person whose memory hon. members honour and whose deeds are spoken about is, unfortunately, rather young in years. That was so in the case of the earlier motion relative to the Right Honourable Harold Holt. However, in this instance the three hon. gentlemen lived a full span of years—I think each of them was more than 80 years of age on his passing—so one can say that they lived a full life. Those of their relatives and kin who, naturally, mourn their passing can have a feeling of satisfaction that their loved ones did much for the development of this country and much to make this State a better place in which to live.

When one loses someone close, one is inclined to feel that that person's passing has brought an end to a career. That was certainly so in these cases, but the passings have left behind a lasting memory of lifetimes of activity and devotion to duty, so that the memory can be a very happy and cherished one.

I personally did not know any of the gentlemen concerned but I know that many of my colleagues did and, as the Premier has said, each of them in his own way was not only a member of this Chamber but had close associations with other members, and those associations will be remembered for a long time.

So, on behalf of the Opposition, I support the Premier in his remarks and express the hope that the grief of the relatives will be lessened by the memory of their work and activities on behalf of the State.

Mr. WHARTON (Burnett) (12.32 p.m.): I should like to join with the Premier and the Leader of the Opposition in their expressions of condolence, more particularly in regard to the late Bernie Corser. As hon. members are well aware, Bernie Corser represented much of the area and many of the people whom I now have the honour to represent in this House. As the Premier has said, he was the Federal member for Wide Bay and the State member for Burnett. He was also I might say, a neighbour of mine as he lived about 4 miles from my own and my father's properties at Wetheron. The people of that neighbourhood held him in high esteem as a very good neighbour, a very good friend and a very good representative. I pay tribute to him for his active work on behalf of the people he represented.

He was quite an outspoken and independent fellow and that, of course, made him quite a political figure. At the same time, he was held in very high regard by the people whom he represented. Personally, and on behalf of the people I represent, I wish to pay my respects and offer my sympathy to his relatives and to pay tribute to him for his work as a representative in both Houses of Parliament.

Motion (Mr. Pizzey) agreed to, hon. members standing in silence.

MOTION FOR ADJOURNMENT

ELECTORAL REDISTRIBUTION

Mr. SPEAKER: I have to inform the House that I have received the following letter from the Leader of the Opposition:—

"19th March, 1968.

"The Honourable D. E. Nicholson, M.L.A.,
"Speaker,
"Legislative Assembly,
"Parliament House,
"Brisbane.

"Dear Mr. Speaker,

"I beg to inform you that, in accordance with Standing Order 137, I intend this day, Tuesday, 19th March, 1968, to move—

'That the House do now adjourn.'

"My reason for moving this motion is to give the House an opportunity of discussing a definite matter of urgent public importance, namely, the necessity for a Bill to be introduced to make provision for the equitable distribution of electoral districts.

"This has become particularly urgent because—

(a) time required to carry out redistribution;

(b) the growth and shifts in population have resulted in the fact that quotas under the Electoral Districts Act of 1958 have been exceeded and/or are not now reached in many districts;

(c) many districts therefore no longer bear any true relation to the growth of population;

(d) the people of Queensland are entitled to a better and more balanced electoral representation;

(e) the Government has a clear legal and moral duty to proceed in the matter in readiness for the next State General Election.

"Yours sincerely,
"J. W. HOUSTON."

Not fewer than five members having risen in their places in support of the motion—

Mr. HOUSTON (Bulimba—Leader of the Opposition) (12.35 pm.): I move—

"That the House do now adjourn."

Let me say right at the outset that it is not my intention in this debate to argue "gerrymander" or "unequal representation". It is solely to show that the electoral districts of Queensland are so much out of line with the desires of the 1958 redistribution that it would be against the intention of the Act at that time to have an election on the present boundaries.

I do not at this time want to argue whether or not the principle of "one vote, one value" is the best for this State, but I hope to show conclusively that the present distribution does not now follow any set principle.

It is also not my intention to argue whether or not more seats are required to give full representation to the people of this State. We can recall that at the time of the 1949 and 1958 redistributions the Premiers of those days argued that, because of the increase in population, more electoral districts should be created. Whether that is a fact or not is a matter for determination once a Bill has been brought down. It is my duty today to show what the position is in the various electorates, and not whether there should be more or fewer electorates.

Before proceeding any further, I point out to the Premier and his Government that unfortunately the figures I shall use are not the figures at this moment of time. Having in mind the moving of this motion, I endeavoured to obtain the latest figures from the Electoral Office so that my case would be based not only on fact but on the absolutely latest figures available. Unfortunately I have been informed in a letter from the Electoral Office that the latest figures available for the metropolitan area are up to 31 March, 1967, as at the time of the last Brisbane City Council election, and, for the State, up to 31 December, 1966. It is a shocking situation that our electoral administration is such that more up-to-date figures are not readily available to responsible people. The figures I cite may not be accurate as at this point of time but they are accurate figures for the dates to which they were compiled.

In 1958 the then Premier, Mr. Nicklin, presented a Bill to Parliament setting up a redistribution commission and, in the introduction of that legislation, among other things, he said—

"The distribution was required because of an increase in Brisbane's population of 152,970 persons to 555,000."

The 1966 census showed Brisbane's population as 719,140, an increase of 164,140 to June, 1966. Surely hon. members will agree that at this point of time—March, 1968—the increase in population would be getting very close to the 200,000 mark.

The then Premier also said on that occasion that in Brisbane there were seven seats over maximum quota and nine seats below minimum quota. On the boundaries then existing, up to 31 March, 1967, there were nine seats in Brisbane over the maximum quota. Assuming a normal growth rate at this time we could expect that there would now be two more seats over maximum quota, and, through the movement of people occasioned by the implementation of the Wilbur Smith Report, particularly in the seats of South Brisbane and Norman, we can expect very shortly, as houses are torn down and people have to shift, that there will be a reduction in the populations of those areas.

It is certainly true at this point of time that there are seats over quota, and I am sure that no-one would care to say that in the seats for which enrolments have been increasing over this period there will be a decrease.

In his 1958 speech the then Premier said that outside Brisbane there were four seats over maximum quota and one under minimum quota. At 31 December, 1966, there were two provincial-city and eight country-zone electorates over their maximum quotas, which is more than twice as many as in 1958. The then Premier was very forceful in saying in his speech that a redistribution had to take place and could wait no longer. He said that a redistribution was absolutely essential because of the electorates that were out of balance. But we now find that there are more seats out of balance than at that time. We also find that in the provincial cities two electorates are completely out of balance. In Ipswich, for instance, one seat exceeds the other by over 1,000 voters, whilst in Townsville the difference is just under 1,000.

So much for the general position. Let us now look at some of the details. The 1958 redistribution created 78 electoral districts, with 28 in the metropolitan area having a quota of 11,383, 38 in the country with a quota of 8,467, and 12 provincial cities, eight of them with the following quotas:—

Bundaberg	13,147
Ipswich	12,622
Maryborough	11,520
Toowoomba	13,382
Cairns	13,029
Mackay	9,504
Rockhampton	12,643
Townsville	12,894

The point of interest to note here is that even on that redistribution all the provincial city quotas, except that of Mackay, exceeded the metropolitan quota of 11,383, but still the Bill was passed and the quotas fixed at that time. It would be true to say that, in fact, that distribution was hardly a provincial-city distribution.

The Bill also included a provision that electorates could have enrolments up to 20 per cent. above or 20 per cent. below the quota—quite a substantial variation. This gives a metropolitan variation of between 13,660 and 9,106 and a country variation of between 10,160 and 6,774. The maximum and minimum of provincial cities varied as to their initial quotas. The Toowoomba maximum was 16,062, or approximately 2½ times the country figure.

I will now consider the metropolitan electorates in detail—and, as I said before, these figures are only up to 31 March, 1967, or two years before the next election. I am sure all will agree that the figures that are increasing will further increase, and that those that are decreasing will further decrease.

Salisbury has 18,857, or 66 per cent. above the quota; Aspley has 18,709, or 64 per cent. above the quota; Mt. Gravatt has 17,388, or 53 per cent. above the quota; Belmont has 17,279, or 52 per cent. above the quota; Mt. Coot-tha has 16,123 or 42 per cent. above the quota; and Wavell has 15,552, or 37 per cent. above the quota. As the rate of growth of both Salisbury and Aspley over recent years has been 800 electors a year, it could well be that both will have over 20,000 by 1969. Mt. Gravatt, Belmont and Mt. Coot-tha have been averaging an enrolment growth of over 600 a year, so their figures will increase substantially. The actual numbers over the quota at 31 March, 1967, were—

Salisbury	7,474
Aspley	7,326
Mt. Gravatt	6,005
Mt. Coot-tha	4,740
Belmont	5,896
Wavell	4,169

It must be borne in mind that in 1958 these figures were well under the normal quota.

Comparing metropolitan seats, we find the ridiculous situation that Salisbury has 18,857 voters and Aspley has 18,709 compared with Brisbane, which has 9,559, and Norman, which has 9,873. With the loss of people through the Wilbur Smith plan there will be still fewer voters in Brisbane and Norman.

Looking now at the position in the provincial cities, we find that the difference between the two Ipswich seats is 1,068, between the two Townsville seats, 944, and, between the two Rockhampton seats, 876. The maximum metropolitan quota is 13,660, with a normal quota of 11,383. Bundaberg, Ipswich East, Ipswich West, Cairns, Rockhampton North, Toowoomba East, Toowoomba West, Townsville North and Townsville South are not only above the metropolitan quota, but all except Rockhampton North far exceed the maximum quota for a metropolitan seat. We have heard the argument about preference for country areas. It could hardly be claimed that those seats have no affinity with country areas. With the large military build-up in Townsville the hon. members representing Townsville North and Townsville South are justified in claiming that their figures will increase substantially. This means that even at the present time two provincial-city electorates are over their maximum quotas and nine are over the metropolitan maximum.

In 1958 Mr. Nicklin, as Premier, said there were four seats in the country electorates over quota and one under quota. As at December, 1966, there were eight over the maximum quota. By election-time there will certainly be a greater build-up in the increasing seats and a diminishing of numbers in the reducing seats.

Murrumba, at 13,886, and South Coast, at 13,734, are above the metropolitan maximum quota. Here again there is a complete imbalance and those country seats exceed the maximum metropolitan quota laid down by the Act. They are now 64 per cent. and 62 per cent. respectively above the quota for country electorates. Other high figures exist in Albert, which is 47 per cent. above quota; Cook, which is 44 per cent. above quota; Logan, which is 48 per cent. above quota; and Redcliffe, which is 54 per cent. above quota.

Surely if, in 1958, 11 being over quota and 10 being below quota justified a redistribution, then at December, 1966, when 19 were over quota, a redistribution is justified. Remember also that in 1958 only five country seats were affected. The rest were metropolitan seats whose areas were small and the constituents of which were within half an hour of their members' homes. In the past, particularly in the 1958 legislation, the Premier gave as one of the reasons for a small country quota compared with a metropolitan quota the large areas involved in country electorates compared with those in metropolitan electorates.

The present situation does not comply with that concept. Albert has 275 square miles; Cook, 49,850 square miles; Logan, 735 square miles; Murrumba, 775 square miles; and South Coast, 340 square miles, all much larger than metropolitan areas, and all in excess of the metropolitan quota.

Within the country districts themselves there are many anomalies. The largest electorate, Gregory, with 159,000 square miles, has more electors than Mulgrave, which covers 1,240 square miles.

(Time expired.)

Mr. TUCKER (Townsville North) (12.50 p.m.): It gives me very great pleasure to second the motion so ably moved by the Leader of the Opposition. I believe that he has put to the House many undeniable facts which point to the need for a redistribution of electorates in this State. As he said, it was not his intention to enter into any arguments on gerrymandering in this State, or make reference to such matters in any other way. If there is any defence to the present distribution, I eagerly wait to hear it and also any reasons why there should not be a redistribution before the next State election. I ask in effect: how can the indefensible be defended?

The argument for redistribution has been presented very succinctly by my Leader, who supported it with all the statistics necessary to prove that in this matter we are adopting a proper and responsible attitude on behalf of the people of Queensland. In travelling within the State over the last few months I have formed the opinion that the people of Queensland are at this moment awaiting with a great deal of trepidation what is to be done about redistribution. They have been watching the manoeuvring within the coalition, and they know that many members of the Liberal Party have stated quite openly that they consider that there is a great need for redistribution and are prepared to back any move to bring it about. There has been a stony silence from members of the Country Party. It may be that they have not so far been prepared to make any announcement at this time. I do not know. Although statements have been made on this matter on many occasions by those who could be called Liberal Party leaders, no statement has been made to date by the leaders of the Country Party, which is the senior party in the coalition.

The people of Queensland are watching the situation with a great deal of trepidation, and we feel that they should not be denied their rights because of the fears of part of the coalition Government. I do not believe that, because of fears of political demise, a part of the coalition Government has the right to deny to the people something to which they are entitled. The Opposition has therefore moved this motion to spark a debate so that the people of Queensland will know where Parliament stands in the matter, and proper statements can be made on behalf of the people by all those who wish to make them. We feel that it is very necessary that this be done.

I also remind the House that a redistribution is made effective only by a State election. In other words, it is no good saying, "We will redistribute one month after the next election". A redistribution is made effective only by a State election immediately following it. If no move for redistribution in Queensland is made now, the people will have to wait another three years before any effective step is taken to resolve any of the problems outlined by the Leader of the Opposition.

When I put forward the argument that it is necessary that something be done urgently, at this moment, I remember that three years must pass if nothing is done now. Every thinking and responsible hon. member must back the Opposition's argument in this regard, because Queensland cannot afford to wait another three years for something to be done about electoral boundaries. We have a very real duty to those who have elected us to this Chamber to see that we do something now about the existing electoral boundaries in Queensland.

The argument advanced by the Leader of the Opposition today was based on the legislation brought down by a Country-Liberal Government in 1958. Hon. members on this side of the Chamber are not arguing about gerrymandering at the moment; we are ignoring that. We are not arguing about "one vote, one value", although I have my own opinions on that subject. That can be left aside at the moment.

Mr. Carey: You would need to forget the gerrymandering.

Mr. TUCKER: I will leave it for the time being and argue on the basis of the electoral redistribution introduced by a Country-Liberal Government in 1958. The Opposition is arguing on legislation introduced by the Government parties, of which hon. members opposite are members, and, arguing on that basis, it is obvious that the Leader of the Opposition has demonstrated very forcibly indeed that the object of that legislation has been negated by the shift in Queensland's population. If the Government believes that

the legislation introduced in 1958 was correct, it is obligated to do something immediately about an electoral redistribution.

If I may touch briefly on my own electorate of Townsville North, I think it is plainly stupid that there should be a difference, in round figures—I can get only the December, 1966, figures—of about 1,000 electors between Townsville North and Townsville South. Last year the population of Townsville increased by 16.2 per cent. Townsville North, with 14,795 electors, and Townsville South, with 15,739 electors, were both far above the quota, and I suppose that one can expect the growth to continue. Therefore, in three years each of those two electorates will contain from 17,000 to 20,000 people, and surely it would be very wrong indeed to allow that position to continue.

On the other hand, the hon. member for Flinders, Mr. Lonergan, said in this Chamber last year that he had lost 660 names from the roll for his electorate in the three years ended 1966, which means that his electorate had declined by 8 per cent. in that period. If that trend has continued, the Flinders electorate will be almost at the bottom of its quota, and if it continues for a further three years the electorate will be much below its quota. I remind hon. members that the hon. member for Flinders and I can clasp hands across the boundary between our electorates. Things such as these must exercise the mind of every thinking person in the community.

The hon. member for Gregory, Mr. Rae, also mentioned in this Chamber last year that many hundreds of people were leaving his electorate, and he said that he was very worried about it. In fact, both he and the hon. member for Flinders were very worried about the decline in population in their electorates, and rightly so. In the light of what I have said, it is obvious that western electorates must again be reduced considerably. Rural electorates are notoriously either stable or declining in population, and those in the central district and around the electorate that I represent are declining. As I said earlier, the population of Townsville increased by about 16.2 per cent. last year, and this provides a useful example of what is happening over the whole of Queensland.

My Leader has mentioned the metropolitan area. Many hon. members on this side of the Chamber can show that their electorates have grown out of all proportion, and my honest opinion is that overcrowded electorates, such as those that have been given as examples by the Leader of the Opposition, are at a disadvantage. If there are about 17,000 or 18,000 people in one electorate and about 7,000 people in another electorate not far away, the larger electorate is at a disadvantage in relation to State funds and expenditure. This Government is fond of boasting about how much is spent in each electorate. However, it mentions only the electorates, not the number of people in them.

(Time expired.)

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

Hon. J. C. A. PIZZEY (Isis—Premier) (2.15 p.m.): I do not think we have ever heard a greater example of political humbug than we have witnessed today from the Leader of the Opposition and the seconder of the motion. One would expect the Leader of the Opposition to know the Electoral Districts Act. He wants a Bill introduced to make provision for the equitable distribution of electorates. That provision is already in the existing Act and it does not need any special Bill for it to be done. Surely he knows that the present legislation provides for that very thing and also for the operation of a 20 per cent. margin above and below the existing quota.

The policy of providing for smaller representation in country electorates is almost universal in Great Britain, the United States and many Australian States, and perhaps I can quote none better than a very highly regarded former Labour Premier of this State, the late E. M. Hanlon, who, in commenting about the weighting of country electorates, said on the Electoral Districts Bill of 1949 (at page 2004 of "Hansard", Vol. 195)—

> "I do not think we can do it any better than by giving greater representation in our Parliament to the far-out places of our State."

He also said—

> "I think we have arrived at as fair a compromise as we can between the principle of preserving equal values of voting among our community and at the same time giving due consideration to the distances that have to be travelled by representatives of the country areas and the difficulties under which their electors have to live."

I take it that the Opposition has no complaint about that sort of thing. That is what I gathered from the opening remarks of the Leader of the Opposition. His remarks were directed largely at how far some electorates exceeded the quota of plus 20 per cent. while others were below the quota of minus 20 per cent. That seemed to be the basis of the argument, but surely the only reasonable yardstick the Opposition should take is that which they themselves wholeheartedly supported during their term of office. I think their attitude is purely a hypocritical one in that they now attack a situation that they supported for almost a generation.

Let us compare the situation today with that which existed when Labour was in office. In 1957, the last year that the Labour Party was in office, no effort had been made to have a redistribution. The Leader of the

Opposition was not here then, of course, but others were and apparently the Labour Government was quite satisfied with the extent to which so many electorates exceeded the allowable quota and felt that there was no urgent need for any redistribution.

When the last rolls were printed, only 5 of 28 electorates were above the permissible margin of 20 per cent., and those five had something like a total of 9,094 votes. The highest was Salisbury, which had 5,654 over, and there were three——

Mr. Sherrington: You are a long way out.

Mr. PIZZEY: I am citing the 1967 rolls, which are the latest printed. The lowest, Brisbane, was 832 under. In 1957, of 24, five were over by a total of 22,389. The highest was Mt. Gravatt, with 10,865 over the permissible quota of 20 per cent., or a total of 25,944. There were nine lower, as against three in the metropolitan area today, and Brisbane, with 2,663, was the lowest.

The 1967 rolls show that today the numbers of electors above or below the quota added together represent 10,529. In 1957 there were 33,330, yet the party of which the hon. gentleman is now the Leader thought that that was a fair distribution and that nothing should be done about it. They were quite happy with it. I heard no protest from any member on that side of the House, yet that was the situation in 1957.

Mr. Lloyd: It was only seven years after the previous one.

Mr. PIZZEY: It must have been a very poor distribution, if that was the case.

Mr. Lloyd: You have had 10 years to do something about it.

Mr. PIZZEY: It is not merely a matter of time. If the electoral commissioners do a good job and can assess the future development or decline of electorates and make adjustments accordingly, there is no need for frequent redistributions. The point is that in 1957, when there were just over 301,000 voters on the electoral rolls, there were 33,330 over and above the permissible quotas, plus 20 per cent. or less 20 per cent. Today there are 10,529, which is less than 3 per cent. of those enrolled for the metropolitan area who were outside the maximum-minimum quotas. In 1957, 11 per cent. of those enrolled for the metropolitan area were outside the maximum-minimum quotas. Yet the Leader of the Opposition comes along today and says that this is an urgent measure. There was no urgency then although it had been going on for years and years. At that time there were three times, nearly four times, the present percentage outside the maximum-minimum.

The figures for the provincial cities have kept reasonably in line. Mackay is 134 below the minimum. Nobody could consider that a serious state of affairs. Within six months the number could be up again. Townsville South is 284 over. I do not think the hon. member for Townsville South would say that it is an insuperable burden he has to carry to represent 284 voters over and above the permissible quota. I think he can do that quite capably.

The quotas under the present Act range from 7,470 to 11,204 for the country districts. Let us look at the quota in 1957, deliberately brought in by Act of Parliament. It provided for a variation in country electorates from 4,004 to 12,407. The lowest was Charters Towers, with 4,311, and the highest was Murrumba, with 14,592. There was a variation far greater than any that exists today, but was there any complaint from the Australian Labour Party that that was an unfair distribution or any suggestion that there was a great deal of urgency about bringing in new boundaries? We heard no such complaint. Obviously hon. members opposite are judging things now by an entirely different criterion. What suited them when they were over here does not suit them when they are in Opposition. Our minimum is 7,470, whereas the Australian Labour Party's minimum was 4,004.

Mr. P. Wood: Are you saying——

Mr. PIZZEY: I am saying that the distribution of the electorates today is far fairer than it ever was previously. In 1957, when the hon. member's party was in office, it was assuring everybody that there was nothing wrong in the State of Queensland. The hon. member was only a baby then; he would not know. In 1957 Labour had 11 country seats that were smaller than the smallest country seat today—11 country seats with fewer electors than the smallest country seat today. Even though the population of Brisbane was not as large, and the population of Queensland was not as large, Labour held two seats which were far larger than the largest seat today. There was a tremendous variation.

In drawing another comparison, I remind hon. members of some of the figures that satisfied them as being fair and reasonable, figures that did not indicate to them that there was any degree of urgency for a redistribution. In Mt. Gravatt, in 1957 there were 25,944 electors compared with a country seat with 4,311. Again, the Kedron electorate—the hon. member for Kedron should know this—had 19,367 electors, yet Flinders had a mere 4,406. Today the disparity in the number of voters is nowhere comparable with what it was in the last year in which Labour was in office.

Mr. Tucker: Did your party move for a redistribution at that time?

Mr. PIZZEY: The moment we came into office we set about a redistribution.

Nothing has been indicated or said by the Leader of the Opposition or his supporting speaker to indicate that a Bill is necessary to bring about this redistribution. The letter before the House says, "a definite matter of

urgent public importance, namely, the necessity for a Bill to be introduced". There is already in the legislation of this House provision for an equitable distribution of boundaries.

The letter also says—

> "(b) the growth and shifts in population have resulted in the fact that quotas under the Electoral Districts Act of 1958 have been exceeded. . ."

I do not know whether the hon. member means all, some, or a few. I do not know what he means by his assertion: "many districts therefore no longer bear any true relation to the growth of population". Nobody has yet explained just what that means.

I emphasise to hon. members that we can hold our heads high in relation to what we have done in the way of electoral redistribution compared with what Labour did, and what it suffered to be done, and to be continued in 1957. I assure the House that the Government watches the situation and that there is no need for this motion of urgency; there is no need for a review and there is no need for the redistribution that hon. members opposite are suggesting. They have failed lamentably in their efforts to discredit the Government.

Mr. DUGGAN (Toowoomba West) (2.27 p.m.): I am sure it must come as a surprise to most people to find that the Premier in making his maiden speech as Premier should commence his address by using the words, "humbug and hypocrisy". If he wants to set this high tone to object very vehemently to any suggestions of political impropriety, I suggest that the least he can do is quote accurately. He compared this Government with its predecessors and he rose to his feet thinking he could take away the sting and the criticism contained in the speech of the Leader of the Opposition by saying what the eminent Labour leader, the late Mr. Hanlon, said, and he quoted what Mr. Hanlon did say on that occasion. He then said, "I am sure that hon. members would very well accept that as being a reasonable statement of fact," but this is what his immediate predecessor had to say on that particular occasion, which the present Premier did not quote. I now quote what Mr. Nicklin said in the 1958 debate, as reported at pages 1825 to 1828 of "Hansard", Volume 222—

> "In 1949, the only justification given by the Hanlon Government for different quotas for zones was a claim that more representation for the North and the West would mean progress and development."

The present Premier said today that that is not a bad statement of principle, but this is what Mr. Nicklin went on to say—

> "That contention is fallacious; development depends upon policy, not on the number of representatives sent into Parliament."

That puts a different interpretation altogether on this particular matter.

If we are to accept the proposition that no new Bill is required to correct what we believe to be a grave electoral injustice to the people outside, we say that the principles enunciated by this motion are the very same as those which the former Premier himself expressed then, namely—

> "I repeat that the essential principle of the Bill is community of interest"—

and three electoral zones have been provided accordingly.

Speaking of the metropolitan area, he said—

> " . . . we are increasing its representation from 24 to 28 members for justifiable reasons, based on the growth of population."

He also said that four provincial cities should not be regarded on a quota basis.

On that occasion the then Leader of the Opposition moved an amendment and expressed our condemnation of the action of a Country Party Government in reducing the number of country representatives by one. We were told that there was no justification for this but that, because of an increase in population and a desire by the present Government to preserve this community of interest, there should be an increase of four in the number of Brisbane seats. Since that famous declaration was made by the Premier, it is interesting to observe that the population has increased, from 1958 to June, 1967—the latest census figures—by 274,167, of which 241,595 were in the metropolitan area.

If there was any justification for the Government's pledge and entreaty to the House at that time for an increase in the number of representatives in the Brisbane area, the case is overwhelming for an increase in representation now. It could be argued that there is some justification for placing emphasis on the need for representation in isolated areas. But there can be no justification for a system under which the senior partner in the coalition is able to exceed the total vote of the Opposition, although it commands only 20 per cent. of the vote of the State, and is able to alter the position periodically to suit its own convenience.

The Premier made great play on the fact that there has been no alteration for 10 years. There has been an indirect alteration inasmuch as, against the Country Party Convention decision, preferential voting was introduced. That had the effect of enabling the Government to maintain its numerical strength in the House. While on that particular matter it is interesting to recall some remarks made by Mr. Connolly, who represented Kurilpa when this matter was being discussed. I do not want to quote him wrongly, because he is quite a decent fellow whose judgment I respect. He made this pertinent observation, as reported in "The Courier-Mail" of 27 June, 1959, pointing out the dangers of the preferential voting system—

> "It's cold comfort to believe in what's right and spend 20 to 30 years in opposition because of it.

"I'd like the moralists to work out a way to give more value to the votes of our friends and less to those of our enemies."

That is precisely what the Government did; it used our political enemies by the exercise of preferential votes to keep it in power. There is something wrong with our democratic system of government when the senior party in a coalition Government commands only 20 per cent. of the vote.

I have a record of the elections held since 1932. Admittedly, on two of those occasions Labour obtained a minority of votes, but on each of those occasions that we were able to retain the government of the State with an over-all minority vote, the disparity between the Government and the Opposition was never more than 12 seats. In 1947 the difference was 11 seats and in 1950 it was 12. Now, excluding Independents, who invariably vote with the Government, although our vote is less than 1 per cent. below the total Country-Liberal Government's vote, there are 27 members in Opposition and 47 members in the Government. If the Government claims that it is electoral justice, we need to look at the term "democracy" and all that it implies. The Government claims that it stands to be re-elected on its policy, and the previous Premier said, "I am concerned with policy to win elections; I am not concerned with numbers".

Of course, numbers determine the voting strength on both sides of the House. If Government members are so strong in their belief that their policy is so good, why do they not give the people an opportunity of determining fairly and impartially, on an equitable basis, whether the policy that they offer and the way in which it is administered is deserving of support on the principle of one vote, one value? Some variations are, of course, justified because of circumstances pertaining in northern and western areas. On the Government's policy and declarations, I think the time is overripe for this principle to be put into effect.

The stage is being reached at which the Government is showing increasing arrogance. When a Government is arrogant, as this Government is, and when, because of the weakness of its administration, it is being dominated to an increasing extent by its bureaucracy, as this Government is, I say that the situation is becoming very difficult indeed. The Melbourne "Age", which is one of the most conservative of newspapers and perhaps the fairest non-Labour newspaper in the Commonwealth today, recently said of the South Australian election that it was a tremendous disgrace, and that the Upper House was entrenched to a greater degree than was the House of Lords.

I do not want to see a situation in which this matter is left in abeyance to provide a situation of comfort and security for present members. And that is what the Government is doing. Its attitude is to let all on the other side of the House feel comfortable in their seats. Periodically there will be a reshuffle of portfolios because of deaths and resignations, and gradually there will be promotions. The Government's attitude is, "Let us retain this happy state of affairs. Let us keep this little compact club to ourselves." No thought is given to the broad concept of electoral justice to the people of Queensland.

If hon. members opposite really believed in the concept of electoral justice, I say without hesitation that they would agree to the adjournment of the House, and I feel sure that I can say on behalf of the Leader of the Opposition and other Opposition members that if the Government wanted impartial, detached and honest submissions on a Bill to correct the present anomalies, the Opposition would be only too happy to co-operate in that direction. Despite what the Deputy Premier may say in a few minutes, I am quite certain that some members of the Liberal Party would also have no hesitation in aligning themselves with the Australian Labour Party to pass such legislation. Quite apart from any consideration of selfish interest, I feel sure that some Liberal members would feel constrained to support any action to correct in some measure the gross inequality at present existing.

Because of some misconception outside the House about the Australian Labour Party, I might mention that in 1957, the year of the disastrous conflict which wrecked the then Government, we obtained 28 per cent. of votes, which was not a very good performance. However, we were able to build on that percentage at each subsequent election.

(Time expired.)

Hon. G. W. W. CHALK (Lockyer—Treasurer) (2.39 p.m.): The hon. member who has just resumed his seat sought to make a great deal of debate out of what he terms the disparity in the numbers of electors in the various electorates. He has also gone to some trouble to point out the difference between the number of votes obtained by those on this side of the House in the last election and those obtained by members of the Australian Labour Party. The hon. member and I were both in this House in 1950. Does he forget that the Liberal-Country Party team, which was then in Opposition, obtained 56 per cent. of the votes for one-third of the seats? Does not this turn the tables completely?

Mr. DUGGAN: I rise to a point of order. As I have been chided for inaccuracy and inferentially called a liar, the figures for 1950——

Mr. SPEAKER: Order! The hon. member cannot use subterfuge to make his point. That is out of order.

Mr. DUGGAN: Mr. Speaker, I seek your protection. What protection have I against the charge that I gave false information to the House when the hon. gentleman says that 56 per cent. of the votes were secured by the Country-Liberal Government?

Mr. SPEAKER: Order! The hon. gentleman did not accuse the hon. member of inaccuracy.

Mr. DUGGAN: Yes, he did. He said that I should know.

Mr. SPEAKER: Order!

Mr. CHALK: I did not say that the hon. member quoted the figures. What I said was that he did not quote them. That is the whole issue. He chose to make his speech on certain issues. Why did he not tell the Chamber that what he is now condemning this Government for was good enough for the Government of which he was a member in 1950? What did the Government do about the situation at that time? I think that disposes of the speech made by the hon. member for Toowoomba West. He was a senior member of the Government at that time, and a Cabinet Minister.

Mr. Davies: Wrong figures.

Mr. CHALK: There is nothing wrong with the figures.

Having disposed of the hon. member for Toowoomba West, let me now return to the more serious side of the debate. What does the Leader of the Opposition seek to achieve by making this move? I believe that his purpose is twofold, and I believe him to be sincere. Firstly, not being able to get into power under existing electoral boundaries, he gambles that he could not be any worse off under any new set-up—in other words, that his party could not put up a worse showing. Let me remind him that, under the boundaries he is now condemning, the Australian Labour Party has 23 seats in the Brisbane City Council. Does not this business of alleging that there is unfairness cut both ways? What do the Lord Mayor and the Labour aldermen in the Brisbane City Council have to say about this? Are they as keen as the Leader of the Opposition is to have some change brought about? As I said, the hon. gentleman is prepared to gamble on that.

The second point relates to what I call plain political manoeuvring. After all, what is happening in this Chamber this afternoon also happened in the Federal Parliament. Probably the Leader of the Opposition got the idea from there. I know as well as anyone that what the Opposition is endeavouring to do is to manoeuvre itself into a position from which it may be possible for it to drive a wedge between the parties forming the coalition Government.

Let me examine what the hon. member said. First he said that he was not going to debate "one vote, one value".

Mr. Houston: I did not debate it.

Mr. CHALK: No fear! The hon. member did not want to debate "one vote, one value". He did not want to have anything to say about an electoral commission. The party of which he is a member knows enough about electoral commissions, and he does not want to have anything to do with them. He wants only to draw attention to the variations between some electorates.

The hon. member for Toowoomba West also pointed out variations between certain electorates. Did not such variations exist previously? Is it not true that there will be increases in certain areas because of growth and development in particular places? Is it not equally true that the time must come—I believe that every member of this Chamber subscribes to this idea—when, because of growth of surrounding electorates, it is necessary to change the boundaries?

The one point that has not been raised is that the Leader of the Opposition seeks to focus attention on this issue by moving the adjournment of the House. In other words, he is saying that the time for a redistribution is now. I believe that, from a Government's point of view, it is the responsibility of any fair-minded Government to analyse the position and to perceive just when this should take place. Let me remind the House that from a Federal point of view a redistribution is going on at the present time, so would it not be reasonable to assume that it would be advantageous to the State to await the outcome of that redistribution? (Opposition laughter.) I believe it is. I believe that there is some basis of similarity between Federal representation and State representation; therefore, I believe that it is important from the Government's point of view that we should await the outcome of that redistribution.

I believe the time will arrive when the Government will be only too happy to arrange for a redistribution which, I believe, must take place when there is the growth occurring that has taken place in this State. We all know that there are boom areas in certain localities, but one cannot upset the whole of the State simply because of growth in a particular locality.

On the other hand, I want to make my position quite clear as Leader of the Liberal Party. (Opposition laughter.) Hon. members need not laugh. I believe the time will come when a redistribution must take place. I say quite candidly that I believe it will be during 1970, when I believe the growth of this State will be such that we will be able to have a fair look at the position and to set about a redistribution. I make no apology for saying that. I do so because of what I have seen happening in Gladstone, what I have seen happening in North Queensland, and what is happening on the perimeter of Brisbane. If we have a redistribution within the next 12 or 18 months there will not be any settling down of population following the establishment of industry. For instance, the growth of Toowoomba is such—I say this particularly to the hon. member for Toowoomba East, who is smiling—that by 1970 it will have settled down and there will be an opportunity for the Government to consider the appointing of a commission to make a redistribution.

I am not prepared to support the motion now, and I reiterate that 1970 will be the approximate time at which a redistribution will take place.

Mr. LLOYD (Kedron) (2.48 p.m.): After listening to the Premier and the Deputy Premier, I think we can realise how desperately the Country Party is trying to hang onto the reins of government in Queensland. The introduction of this debate by the Leader of the Opposition was an indication that we on this side were prepared to accept that there should have been a redistribution of State seats during the past 12 months in order to be ready for the next State election.

To illustrate the bankruptcy of the claims made by the two leaders, let us take the Deputy Premier, Mr. Chalk, who opened his debate by making a statement that in 1950 the then Opposition parties in this Parliament —the Liberal and Country Parties—received 56 per cent of the votes in Queensland but were unable to win more than 30 seats. That is a completely erroneous and irresponsible statement, one that should have been checked by a man in the position of Deputy Premier before he made it. In 1950 Labour, in fact, won a majority in this House of eight seats, and, if the Deputy Premier casts his memory back, he will realise that a margin of somewhere in the vicinity of 1,700 votes swung those seats in Labour's favour to the extent that we won the Government with a margin of eight seats.

However, let us look at the percentage figures of all votes cast in 1950, a year in which the Hanlon Government was in office. Labour received 46.35 per cent. of the votes; the Country Party received 19.03 per cent. and obtained 20 seats. The Labour Party, with 46.35 per cent. of the votes, won 42 seats. With 29 per cent. of the votes the Liberal Party won 11 seats, far fewer than the Country Party. The picture has remained the same since that time, with the Liberal Party receiving a higher percentage of the votes than the Country Party but still winning fewer seats. The combined vote of the Liberal and Country Parties was as I have stated, and they lost the Government by a mere margin of somewhere about 1,500 or 1,600 votes. I think the hon. member for Wavell will agree with that.

In 1953, the second period of that redistribution, the then Premier stated very definitely that there was an attempt to compromise to give the country areas of Queensland greater representation. We subscribe to that point of view. Because of the vastness of the State it is very difficult in Queensland to apply the principle of one vote, one value. We have always appreciated the fact that members of Parliament represent people, not trees or acres of land. There is a very sound argument for some margin of movement in the quotas for country areas. We recognise that point, but not to the extent that the present Country Party recognises it in its attempt to hang on strenuously to the reins of Government. As a matter of fact this trend in recent years is the greatest threat we have ever witnessed to parliamentary democracy. It occurred in South Australia under Sir Thomas Playford and in other States of the Commonwealth. The attempts of Governments, by devious methods and manipulations, to retain control on a minority vote is the greatest danger we have to face in this Parliament. It is not one that should raise a laugh from the Deputy Premier, nor should it provoke a grin from the Premier. After all, we are supposed to be here to protect the very basis upon which we are elected as representatives of the people in a parliamentary democracy.

In the Premier's argument this afternoon, again we see a completely irresponsible and erroneous approach to the question posed by the Leader of the Opposition. The Premier stated that following our election in 1956 we made no attempt to have a redistribution of electoral boundaries. Our first election after our redistribution was in 1950. We had another election in 1953 and a further one in 1956. Three elections were held without a redistribution. It is useless for anyone to suggest that we should have had one between 1956 and 1957. We had enough troubles of our own at that time, without a redistribution.

Let us look at this Government's performance. Its first election after a redistribution was in 1960. Another election was held in 1963 and then another in 1966. Now we are being asked to accept the fact that there will not be a redistribution before the 1969 election. That period of time may allow the Country Party, with its very small minority of votes, to retain control of the reins of government over the Liberal Party, but it does not give the people any indication of the real electoral strength of the Country Party compared with that of the Liberal Party or the Australian Labour Party. Let those three parties enter into three-cornered contests, with the Country Party contesting metropolitan and provincial-city seats and the Liberal party contesting seats in the country areas. In this way let us all see clearly the popularity at the polls of each of the major political parties. I think it would be found that the Liberal Party would then be much happier than it is at the present time.

If we are to maintain a form of parliamentary democracy in this country, and Queensland in particular, there is a great need for a royal commission to consider the whole of the ramifications of the voting strength in all parts of this State, not from a Government point of view but on two separate quotas, on the basis of what will be the percentage of movement between city voting and country voting in an endeavour to provide for complete and adequate representation for industries and people, and members of Parliament themselves, so that justice may be provided for all. This cannot be done with the present system, which has been deteriorating in recent years.

Because of the failure of the Government to undertake the necessary task of redistribution before the next election, Brisbane electorates, on the basis of the present 28, will have a quota of somewhere in the vicinity of 15,000 electors, and country electorates, if retained at 38, will have a quota of 8,000 or 9,000 voters, and the provincial-city quota will increase to 15,000. In the provincial cities one member will represent 15,000 electors, in the Brisbane area one member will represent 14,000, and in the country areas one member will represent 8,000.

What is the reason for that if it is not an attack on the voting strength of Labour? It is an attack by the Country Party on the voting strength in Parliament of both the A.L.P. and the Liberal Party. It is only in the cities at the present time that it is possible for the Labour Party and the Liberal Party to secure full and complete representation. In other areas we hold some seats representing primary industry, and this has been the changed political trend in the last 10 years. Prior to that we had complete control over pastoral and sugar cities, and we had a form of redistribution to which there was great objection by the Country Party. That party now wants to perpetuate the redistribution that at the time it claimed to be unjust. We believed that the redistribution that we put into effect was based on reasonable premises, but that had to be decided in subsequent election years. We did not have an opportunity to put it to the test because a test cannot be made in three years; it takes a period of at least six years. The Government has had from 1958 to consider and analyse the movement in population and the trends of the various electorates. In all justice to the electors of Queensland, the Government should order a redistribution before the next State election.

(Time expired.)

Mr. HODGES (Gympie) (2.59 p.m.): We have heard a rather amazing debate on the motion. I am intrigued that the Leader of the Opposition and his supporters are now attacking something which they more or less put into effect in 1949. It appears to me to be a complete change of face—a reversal of form, a reversal of policy by the A.L.P. in Opposition. It was heartrending to hear the plea put forward by Opposition speakers. The plea for a return to the principle of one man, one vote, is really heartbreaking to me especially when I read some of the debates that took place in 1949 on the introduction of the Electoral Districts Bill on that occasion. The debate today is almost word for word in line with the debate on that occasion, when, among other things, this was said—

> "During and since last election attention has been called to the disproportionate representation in this House of various parts of the State. Basically, of course, in a democracy the ideal is equal representation for all people throughout the State, irrespective of class or calling, but it has been found that in a country such as this there is some need for a variation in the number of people a member represents."

And later—

> "The area covered by members of this Parliament is greater than that covered by members in any other State and it must be remembered that every acre of land in Queensland is held in occupation —great areas in many places—and in all parts of the State, even the isolated parts, people are living. Those people are entitled to at least the same services as those in the metropolitan area get; as a matter of fact, if there is to be any balance in favour of any section in this respect it should be in favour of the people developing the outback parts of this great State."

Further on in the debate there appears—

> "An Opposition Member: Do you propose extending the boundaries of the metropolitan area?
>
> "Mr. HANLON: No, the metropolitan area is the city of Brisbane. We propose to limit the number of members in the metropolitan area to 24."

The whole basis of the argument in this debate is along the lines of the policy enunciated by the A.L.P. when it introduced that electoral reform in 1949. Today the A.L.P. is opposing the policy it enunciated in those days. It is one of the greatest insults this House has ever witnessed. This has never been known previously in this State or this country or, for that matter, anywhere else in the world. Today the A.L.P., with all its arrogance, is attempting to bring a contemptuous state of affairs into the political life of this State. I say it is contemptuous and arrogant because it is opposing what it supported in 1949 and is getting up today, with tongue in cheek, talking about equality in electoral boundaries.

The Opposition's move is disgusting and contemptible. It is an act of rogues because hon. members opposite do not themselves believe what they are saying. It is not part of their platform or policy. They are trying to cast aspersions on the coalition Government and are not seeking electoral redistribution justice at all. If they want to discuss one vote, one value, or electoral boundaries or gerrymandering, I point out to them that there has been no greater electoral-boundary gerrymandering than that which took place in 1949 when the A.L.P. redistributed the boundaries of the electorate I represent.

Mr. Tucker: Did the Opposition vote against it?

Mr. HODGES: My word, because on that occasion the boundaries were altered to such an extent that the Gympie electorate took in more of Maryborough than Gympie and the electoral commission suggested that

it be called "Bidwell". The commission was so alarmed at the gerrymandering that it decided that the electorate could not be called either "Gympie" or "Maryborough", so it suggested "Bidwell". As that suggestion was objected to by the people, it was decided to call the electorate "Nash".

The boundary takes in a small section of the city of Gympie. I could stand in one street in Gympie and throw stones into three electorates. Not all the people in Gympie were represented in that electorate, and people within 100 yards of the city were not represented in it. The boundary had a little bulge at the bottom in Gympie, and then it took up a long narrow strip of coastline and wallum country a few miles wide in which there were no people at all—probably only a few bandicoots and kangaroo rats or similar forms of life. Excluded were the rural areas of Gootchie, Gundiah, Tiaro and Bauple. It took in the industrial suburb of Granville, the area of Bidwell, jumped the river north of Wilson Hart's sawmill, took in the industrial suburb of Aubinville, and meandered off down the coastline halfway to Pialba.

If that is not gerrymandering, I should like to know what is. It was the greatest piece of gerrymandering ever, and it was perpetrated by the Australian Labour Party whose members now get up and condemn gerrymandering. The boundary of Gympie is today a fair boundary. It is roughly a circle surrounding areas with a community of interest. Its representative is elected on a basis of community of interest, and the people have never complained about the boundary since it has been adjusted.

I condemn the motion. I condemn it as insincerity and hypocrisy on the part of the Australian Labour Party.

Mr. HANSON (Port Curtis) (3.7 p.m.): Many very pertinent facts have been canvassed by Opposition members today on the inequity of the present electoral distribution. Some speakers from the other side of the House have stated that we might have thought a little more about this matter when we were in Government. During the initiation in committee of a Bill for redistribution in 1958, the then Leader of the Government parties said that it was introduced because of a desire for a better distribution of electoral districts. Words to that effect were used in the motion for its initiation. On that occasion the Premier said that the desire was to obtain a "better and more balanced electoral representation". Surely the Country Party, which is the senior member of the present administration, should have no objection to endorsing the remarks of their Leader on that occasion.

We of the Australian Labour Party desire a better and more balanced distribution than we have now. I see no cause for objection by members of the Country Party, and it is passing strange that some of them have now come forward in opposition to the entreaties of the Leader of the Opposition and many other fine speakers from this side of the House. All that we want is some form of endorsement of what they required in 1958.

In introducing the redistribution bill in 1958, the Premier actually took to task the commissioners appointed by the Labour administration because, he said, they did not take into account possible growth in some areas.

Since I have been a member of this House, virtually every day statements and utterances have been made and propaganda has been disseminated about the grandiose schemes that the Government has initiated. Surely to God these involve some growth of population and movement of population in particular areas! This is exemplified in certain electoral districts. When the Premier says that there is no need for an electoral redistribution, he actually denies that the Government has initiated these schemes. He cannot make flesh of one and fish of the other. If he maintains, on the one hand, that the Government is responsible for the great development throughout the State and the great upsurge in population, surely he must, on the other hand, to be consistent, ensure that there is a more adequate and equitable distribution of electorates throughout the State.

I suggest that the initiation of a just electoral redistribution will rock the coalition government to its very foundations. One has only to look back over recent weeks and see the bickering and antagonism between the members of the coalition and members of a particular political party to come to that conclusion. The Government should end once and for all the game of political unders-and-overs that has been going on over the past few years relative to electoral districts and give the people a distribution of boundaries that is equitable, desirable, and necessary.

When members of the present Government were in opposition, they contrived schemes of many types in an attempt to get some form of equitableness. In his election policy speech in 1950, the then Leader of the Opposition, Mr. Nicklin, went so far as to suggest—this suggestion received the endorsement of the present Premier—that the New-State-Movement would be supported by a Country-Liberal Government. That was one of the promises made to the electors at that time—that the Country and Liberal Parties would ensure that the electors received a new form of electoral redistribution by the formation of new States. Hon. members opposite failed to carry out that promise after they became the Government of Queensland as a result of the greatest political fluke in history.

This year is Human Rights Year, and in a few months there will be a celebration of the Declaration of Human Rights under the United Nations Charter. I have no doubt that the Premier will be there in all his glory, as the political head of this State, professing and extolling the virtues of human rights and saying what a great defender of

human rights his administration is and how profoundly grateful he is to be present on that occasion to give his endorsement to the declaration. Article 21 of the Universal Declaration of Human Rights reads—

"(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

"(2) Everyone has the right of equal access to public service in his country.

"(3) The will of the people shall be the basis of the authority of government; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."

I contend that on this occasion the spirit of the Universal Declaration of Human Rights does not exist in this State; that what is happening relative to electoral redistribution in Queensland is certainly opposed to the Universal Declaration of Human Rights and is in direct opposition to the covenant on civil and political rights, which says that equal suffrage can be destroyed by numerous acts and procedures connected with the holding of elections and other public consultations, particularly the inadequate selection of electoral district boundaries. In my opinion, in this case there is an argument that will verify inadequate selection of electoral boundaries, and this has been brought about by many factors, including, as the Leader of the Opposition said, the movement of population.

Happily, throughout the world today laws and practices which directly accord unequal weight to votes of different elements of the population of a country are not very common and are being eliminated but there remains deliberate organisation of voting systems which is brought about by crafty manipulation of electoral procedures or district boundaries in such a way as to favour a particular policy or political party. As the coalition parties of this Government are very much divided on this question and are opposed to the United Nations Charter and the Declaration of Human Rights, I hope that the Premier, if he accepts the principle of human rights, will see to it that the people of this State have some confidence in the conscience of the administration by giving them a more equitable method of voting than they have at the present time. The present state of affairs is certainly not in the best interests of democratic government. Responsible members on the ministerial benches, I maintain, know full well that, in the interests of democracy, a more equitable distribution of electoral districts is necessary, but, because of the rancour, bitterness and antagonism within their own ranks they are prepared to sacrifice the principles we hold so dear in order to preserve their position on the Treasury benches, in the hope that they will remain the Government and live in oppulence on those benches for many years to come.

Mr. PORTER (Toowong) (3.17 p.m.): To understand this debate, I think one would have to consider the motion of the Leader of the Opposition not in the light of the arguments that he and his supporters have adduced in presenting it but largely in the light of its timing. One wonders why such a motion should be introduced at this particular stage. What is the urgency at this point of time? If it is urgent now, why was it not so urgent at some time during the session last year?

On the other hand, I point out that the Opposition is in the rather peculiar and unsatisfactory position of being somewhat like Satan reproving sin. I do not intend to go back into the past on this, but without doubt, as one who was responsible for the campaigning of one of the major parties when Labour was in power, I am very aware and can speak with deep personal feelings of the enormous obstacles we faced in trying to overcome the multitudinous fences that the Labour Party erected around itself in order to stultify any electoral opposition. However, in my view the important point is not whether we today are less wrong than hon. members opposite were when they occupied the Treasury benches in this House; the important point is how right can we be in the future. I am sure that we on this side think in that way, and I am forced to the conclusion that this motion is presented today in the form of a political gimmick.

In my view the motion arises out of the extraordinarily barren A.L.P. yield out of last Saturday's Landsborough by-election, and I believe that in order to obscure the dreadful drubbing they received they produced this motion. As far as the Labour Party is concerned, the Landsborough result proves once again something that I have said before, namely, that, by and large, in terms of political sophistication electorate voters are ahead of many of the politicians in this House, certainly the great majority of members of the Opposition, because this was a by-election fought in an atmosphere of great contention and rivalry—rivalry between the coalition parties and contention inside my own party. This was a mid-term by-election where it might be expected that the Government would suffer a rebuke. It might also be expected that the former Premier's undoubted massive personal following might evaporate under those circumstances and with new candidates.

Then, of course, there was the fantastic campaign that the Australian Labour Party waged. I should imagine that it was one of the most expensive, even extravagant, by-election campaigns that the Labour Party has ever conducted.

Mr. Houston: $40.

Mr. PORTER: Mr. Stanaway, who ran the A.L.P. campaign for five weeks, must have stayed at a very cheap hotel while he was there. It was a remarkably expensive campaign by the Australian Labour Party. The fact is that whereas the Government

vote for the seat dropped over 17 per cent. from 1960 to 1966, in this by-election and under all those circumstances the drop was held at less than 1 per cent. The Labour Party's increase will be minimal, if anything at all, when all votes are counted.

I have made a quick check back and, as far as I can ascertain, this is the best mid-term by-election result for any Government in Australia over the last 20 years, except for the recent Higgins by-election when the present Prime Minister won a resounding victory.

It is time the Opposition learned a lesson. If it thinks it is going to coast to victory because of so-called differences on this side of the House, I point out to hon. members opposite that the electorate is so far ahead of them that they will stay behind for the next decade or two.

I have never disguised my attitude to the problem of redistribution. I have said it several times previously: I do not like differential quotas. I believe substantially in the principal of one vote, one value. I am sorry that we are still using a system which substantially is based on one that was introduced by the Australian Labour Party to protect itself. I say again that we cannot fail to realise that today we have a sophisticated electorate, an electorate of younger, better-educated people; we have a more affluent community which expects more from its party and political personages than merely attempts to protect themselves. I think it is better to trust the people than to try to protect oneself against the chill winds.

What is happening in South Australia today—I, for one, do not condone it—is an indication of what can occur. A great many people, I think on both sides of politics, are concerned to find that a party, not with a majority of votes but with a majority of seats, can hold the reins of government. This is something that any party that wants to protect itself into the long term has to do something about. In other words, these days it pays to earn one's position in politics with the type of electorate we now have.

I do not think that many members on this side would oppose some of the arguments for a redistribution that have been put forward. The Treasurer indicated that he can see how this will be necessary at a point of time not too far ahead. It is quite true that the voting population in Queensland has risen by 7.7 per cent. since 1963. Of this 7.7 per cent., 7.2 per cent. of the increase has occurred in what might be called the South-east Queensland complex—Murrumba, Ipswich, down to Brisbane and the Gold Coast. In other words, almost the whole of the population increase has occurred in this small corner. I do not think there is any doubt that if there is to be a redistribution we must have seats where there are people. Undoubtedly any redistribution will cause some problems and heartaches, but I am quite sure that we on this side of the House can come through without any great problems. Most certainly we will want to see a system of some equity. At the present time we have seats with a variation of over 11,000—almost 12,000—votes. Balonne has approximately 7,000 voters and Salisbury is on the 19,000 mark. This is not desirable, and it is not good in the long term. At the present time we have 36 seats with over 12,000 voters and 19 with fewer than 9,000 voters, and the average differential between those seats is in the order of 80 per cent.

I emphasise the point that the inevitable growth factors associated with this State will mean that the pattern that we have seen over the last six years will be accelerated in the next three years. In other words, where there are more people now there will be still more people by the time we come to the next election and the period after it. I hold the strong view that because of the rapid changes in population, Governments must face redistribution probably every five to six years perhaps for the next 20 to 30 years. I believe we must all get used to that view. I think that the one vote, one value concept will be accepted by most hon. members of this House on a proper recognition of the effect of it. Empty electorates require special considerations. I have said before that in my view this could well be done by making them somewhat smaller and by giving those hon. members special allowances and making plane facilities available to them on a planned basis. In other words, we would make it quite feasible for a member with a large electorate to handle that electorate in the way that a person with a smaller and more compact electorate handles his.

I regard the Opposition's motion as a kind of political "come-on" and a trick—a very poor one at that. I think it is an effort to exploit the fancied problems they see on this side which quite obviously the Landsborough electors on Saturday did not see. It also has been used to obscure the very real defeat they suffered in that by-election. I certainly want redistribution, but I for one at this stage do not require the Opposition's help.

Mr. AIKENS (Townsville South) (3.27 p.m.): I regard this motion at this time as an example of party-political-propaganda hogwash. It shows the paucity of the Opposition's ideas. They have chosen to waste the time of this House when we have been told that we are sitting for only three weeks until Easter. This is one day completely wasted. I did not come down from Townsville for this. Some remarks made in the debate on the Bill introduced prior to 1950 for the redistribution of seats have been quoted, but one has been forgotten. It was made by the then Premier Hanlon and is pregnant with truth. He said, "All the

redistribution in the world will not save a party if the people want to throw it out of office." That was shown in 1929 when the people of New South Wales threw the Tory Government out of office and on the same day the people of Queensland threw their Labour Government out of office. Here in 1966 the A.L.P. in the State election could win only 10 out of 28 metropolitan seats and yet, with the same electoral boundaries, with the same voters voting in the following year, 1967, at the municipal elections, Labour won 23 seats out of 28. Any sensible man will see that whether an election is won or lost does not depend on the electoral boundaries. It depends on the quality of the Government, the sincerity of its policy, and the calibre of its candidates.

An Opposition Member: What about Townsville?

Mr. AIKENS: Last year we had a municipal election in Townsville and 22,000 voters out of 25,000, to a man, would not touch the Labour Party with a 40-ft. pole. The Labour Party polled the magnificent total of 3,000 votes average per candidate out of 25,000 valid votes cast.

I can speak purely and simply from an objective viewpoint because I do not care two hoots in hell what is done to the boundaries in Townsville. A bigger hash cannot be made of them than was done in 1959. When we look at the boundary between Townsville North and Townsville South we see that a snake could not run along it without breaking his back. It does not matter to me. I could have stood for both seats and won them both, but I received an assurance from the Government that I would not be paid two salaries, so I let someone else win Townsville North. Where could we get worse examples of electoral gerrymandering than what was done in the past by the Labour Party, so its attack today is purely and simply a case of Satan reproving sin.

In my early days I was secretary of the Cloncurry District A.L.P. The late Johnny Mullan, then Minister for Justice, held Flinders. I think there were 3,500 electors on the roll but only 1,200 ever voted because that was the total of those who were actually living in Flinders, and Johnny used to win 800 to 400. A.L.P. members should be the last people in the world to talk about electoral boundaries.

We heard a good speech from the hon. member for Toowong in his usual fatuously avuncular fashion. He said that something would be done in the sweet by and by. It was the sort of speech we expect from him. It reminded me of the famous prayer offered by St. Augustine when he was asked by the Pope to take the vow of celibacy: "Oh, Lord, grant me chastity. But not yet." That is the attitude of the Leader of the Liberal Party and the hon. member for Toowong. There is going to be redistribution in the sweet by and by and they hope it will be based purely and simply on numbers.

Let me give an idea of what this will mean in North Queensland where the number of seats has been reduced to 13. Draw a line from just north of Mackay, west to the Northern Territory border, and up to the shores of New Guinea. Out of 78 members in Queensland only 13 represent the whole of that area. I understand five of them are A.L.P. members and eight do not belong to the A.L.P. If there is a redistribution on the lines laid down by the hon. member for Toowong, the whole of North Queensland, which produces three-fifths of the wealth of Queensland—don't forget that—will have nine representatives out of 78. According to the plan of the hon. member for Toowong the number of metropolitan seats will jump from 28 to 32 and the number of provincial city seats will jump from 12 to 15. On the other hand the number of country seats will drop by seven. So the country where all the wealth is produced by those who do everything possible to put the State on a sound economic basis will become politically a desolate wilderness. Those people will be political outcasts and will be outside the pale in the control of their country.

The hon. member for Toowong said he believes some consideration should be given to large areas. He thinks they should be cut into smaller areas. Gregory is larger than the State of Victoria and has about 7,000 electors. Does the hon. member suggest cutting that into two electorates to be called North Gregory and South Gregory each with 3,500 voters? What would he do with Cook, Warrego, Tablelands, and all those far-distant electorates in which the wealth is produced?

He suggests, in this fatuous avuncular style of his, that some extra allowance should be made to enable those members to cover their areas. He was one of those responsible for the appointment of the Done Committee, which determined parliamentary salaries and allowances and slugged the country members. He proclaimed Mr. Done and other members of the committee as men of fairness and honesty.

It does not matter to me whether I have been in Opposition or in Government, because I have always been in Opposition. When the Labour Party was in Government there was a redistribution to suit the Labour Party—let us face up to that fact—and when the Country-Liberal Parties are the Government, there is a redistribution to suit those parties. If the Country Party were to agree to a redistribution of seats under the principle pronounced by the hon. member for Toowong, it would be lucky to finish with six seats. If its members want to commit political suicide, that is their business; it does not concern me. I will still be here when they are all gone.

Let us face up to facts. Despite all this talk about democracy, there is no such thing as true democracy where there are political parties and systems. Just as a lawyer believes that justice is a verdict in favour of his client, so do party political machines believe that

democracy is anything that suits them. Let us have an end to all this slobbering and sickening hypocrisy, and motions of this type brought forward by the Opposition.

I read in the Press and heard over the radio in Townsville that the Labour Party sat for five hours yesterday, not dealing with problems affecting the people or solving the various things that the people want solved or endeavouring to give the people a better deal but plotting and planning a programme during this session to embarrass the Government. In other words, they sat for five hours yesterday like a lot of school kids, or junior Soccer or Rugby League players listening to their coach telling them how to outwit the other side and, if possible, win the game by getting all the votes.

Let me again declare (I know all members are getting sick and tired of hearing it) that if ever there is a redistribution of electoral boundaries based purely and simply on the same number of electors in each electorate, there will be no true democracy or justice as I understand it, because the people here, who sponge, batten and fatten on the people in the country, will have the same voting strength per person as the people outback who are really developing the country.

(Time expired.)

Hon. P. R. DELAMOTHE (Bowen—Minister for Justice) (3.37 p.m.): As the debate has proceeded it has shown how unfortunate was the choice of subject for this adjournment motion. I should like to read the second point quoted by the Leader of the Opposition in presenting the motion. It is—

> "(b) the growth and shifts in population have resulted in the fact that quotas under the Electoral Districts Act of 1958 have been exceeded and/or are not now reached in many districts."

It is a great pity that the Leader of the Opposition came in "cold" without doing his homework. The quotas show that in the metropolitan zone in 1956 the quota was 12,566. At 31 December, 1966, it was 12,879. Those figures are almost identical. Allowing for the 20 per cent. up or down——

Mr. Houston: Where did you get those figures?

Dr. DELAMOTHE: The Leader of the Opposition could get them, too. That bears out my assertion that he did not do his homework.

Mr. Houston: It is a civil question.

Dr. DELAMOTHE: The hon. member is quite at liberty to look them up.

Mr. Tucker: Did you pluck them out of the air?

Dr. DELAMOTHE: My figures are from the 1957 annual electoral roll. Hon. members opposite have a former school-master over there to help them.

The total enrolment on the electoral roll at 31 December, 1956, was 301,596. There were 24 electoral districts, and a division sum will provide the answer. Allowing for the 20 per cent. up or down, a spread of 10,000 to 15,000 in round figures is obtained. At that time there were five electorates over the quota plus 20 per cent. There were nine below the quota less 20 per cent. Now, the figures for 1966 show that on 31 December, 1966, there were five above the quota plus 20 per cent. and three below the quota less 20 per cent.

Not only was the Leader of the Opposition unfortunate in choosing this subject on which to move an adjournment motion; I thought it was a very unhappy choice on his part to make the statement—I took a note of it at the time, and hon. members can see whether or not it was on a high plane—that it is a shocking situation that our electoral distribution is such that more up-to-date figures are not readily available to responsible people. That statement, of course, cuts out the adjective, because again he would know, if he had done his homework, that it takes some weeks after 31 December to adjust the rolls with those who are on the roll, those who are off, those who registered on 31 December, and those who died on 31 December, and that it takes a few more weeks to print the rolls. If he had inquired from the State Electoral Office, he would have found that the rolls are already in the printer's hands.

The Leader of the Opposition made this unwarranted attack—ignorant attack, one might say—upon the State Electoral Office; but the former Leader of the Opposition—I am sorry that he is not in the Chamber—went even further and said that not only had this happened but also that the Government was dominated by its bureaucracy. I do not know whether that was another backhanded attack on the Chief Electoral Officer, but I point out that, in any case, it was quite untrue, that the Opposition would know it was untrue, and that they should know, if they do not, that most of the so-called bureaucrats were appointed by former Labour Governments. Hon. members opposite are so used to having a bet on the T.A.B. that they are having "two bob each way" on this occasion.

Let me now make a comparison of the figures outside the cities. In 1956 the quota for the south-eastern zone was 10,339, and the number on the roll for the Landsborough electorate was 10,462. In 1966 the number on the roll for Landsborough was 10,430, so that, 10 years later, it was very much the same. To destroy the hope engendered in the hearts of the Opposition that any change would bring them greater success, I have only to repeat what the hon. member for Toowong pointed out: that the Labour vote was exactly the same last Saturday as it was in the last State election. So all the unfortunate remarks made by members of

the Opposition obviously have rebounded on their own heads. Their attack has been pusillanimous and the defence offered by hon. members on this side of the Chamber has completely overwhelmed it. The clearest indication of that is that hon. members opposite have sat quiet during the whole of my speech.

Mr. SHERRINGTON (Salisbury) (3.45 p.m.): I do not think the Minister for Justice should fool himself that because Opposition members remained quiet during his speech they were impressed by the strength of his debate. I think we all gave it away in the first 30 seconds of his enunciation.

In the debate on this motion I have had the opportunity of listening very carefully to the arguments in rebuttal of the points that our Leader raised, and so far I have not been able to deduce from any one of the Government speakers any basis on which they could justify the present unequal distribution of voters throughout the State. Firstly, we saw the Premier, in what I thought was splendid mediocrity, make an attack on the present Opposition and previous Labour Governments. He was followed by the Deputy Premier in the same strain. I am, of course, discounting the hon. member for Nash because I think he got off the rails.

Mr. Hodges: Where is the hon. member for Nash?

Mr. SHERRINGTON: His successor, then, the hon. member for Gympie.

We then saw an academic exercise by the hon. member for Toowong and, as a culmination, the Minister for Justice drawing his political stethoscope to examine the Opposition's arguments with a very negative result indeed. But despite all these tactics used by the Government in an endeavour to refute the Opposition's motion for adjournment and to hide its guilt in this matter, it cannot get away from the fact that if it fails to carry out a redistribution before the 1969 election then it is guilty of holding its own Electoral Districts Act in contempt.

The Premier this morning made great play of the fact that the Leader of the Opposition was apparently unaware that it did not need the introduction of a Bill to carry out a redistribution, but he very carefully avoided any mention of the fact that the Government itself has not honoured section 13 of the Electoral Districts Act of 1958.

When introducing the Bill on that occasion the then Premier had this to say—

> "The alterations that the Government proposes to make present a realistic approach to the rectification of anomalies which exist in the present distribution of electoral representation, and which have sprung from the manipulation of electoral boundaries by our predecessors. Might I say that the principles of this Bill are entirely in line with the principles of that introduced in 1949."

Here we have a succession of speakers on the Government side trying to justify the fact that there are lopsided electorates and lopsided representation in Queensland merely because, as they claim, the Act of 1949 was wrong, yet their own Premier stated that basically the 1958 redistribution Act retained many of the principles of the 1949 Act.

The Premier on that occasion spoke in terms of lofty ideals about electoral redistribution, that we had to get rid of gerrymandering, unfairness of boundaries, and so on. If it was right in 1958 to speak in terms of lofty ideals and if it was right to insert section 13 in the Act to provide for future redistribution, if what was said by the Premier on that occasion was right, it is equally right on this occasion when, not merely because of population growth but of population shift in numerous areas, many of the electoral districts have become completely lopsided and overloaded.

We heard the argument used today that many of the districts under Labour's legislation had no relevancy one to another. Let me draw attention to the position existing in some of the country electorates in the North. Cook, one of the very large country electorates, has 12,184 voters, whereas the adjoining electorates of Tablelands and Flinders have 7,628 and 7,862 voters respectively. Coming down the coast a little, we find that the two adjoining electorates of Cairns and Mulgrave have 13,837 and 7,039 voters respectively.

I have referred to the fact that if the Government does not carry out a redistribution it is holding section 13 of its own Act in contempt. Can we believe the sincerity of the former Premier when he expressed those lofty ideals, stating that he did not believe in gerrymandered electorates and was taking a step to prevent a recurrence of what some hon. members have spoken about today concerning some of the metropolitan electorates having 30,000 voters prior to the 1958 redistribution? Section 13 of this Government's Electoral Districts Act of 1958 provides—

> "If at any time—
>
> (a) The number of electors for any electoral district or the numbers of electors respectively enrolled for any two or more electoral districts as constituted for the time being (and whether, in the case of two or more electoral districts, situated within the same Zone as prescribed by this Act or within different such Zones) is or are so much above or so much below the applicable quota or the respective applicable quotas as ascertained under sections ten and eleven of this Act (after taking into consideration the applicable margin of allowance or the respective applicable margins of allowance provided for in the said sections ten and eleven); or

(b) The total number of electors within the State or within any locality or localities thereof, has increased or decreased to such extent,

that, in the opinion of the Governor in Council, it has become necessary to make—

(i) A complete redistribution. . .; or

(ii) A partial redistribution. . .".

I do not intend to recanvass all of the figures used to show to what extent the electorates in the State have become overloaded, but I do want to point out that in the metropolitan zone alone there are six electorates that are from 37 per cent. to 66 per cent. above the quota. In terms of the lofty ideals of the former Premier, the Act provides that when two or more electoral districts, whether situated within the same zone or in separate zones, become overloaded, the Governor in Council in his discretion may call for a partial or a total redistribution.

We have pointed out during the debate that in the country areas there is a far worse situation with overloading of the zones. In many cases, such as the electorate of Cook, we find that there are more people on the roll than in many of the metropolitan electorates. Yet in its own Act the Government wrote a provision that when one or two or more electorates became disproportionately loaded with voters, the Governor in Council could call for either a total or a partial redistribution. Let us look at the situation as we find it today. Despite the fact that they have gone along with the principle of these overloaded electorates, many members of the Liberal Party would welcome the opportunity for a redistribution. The Deputy Premier said, "Let me make my opinion on redistribution quite plain." In effect, he offered up a pious hope that electoral redistribution would come in 1970.

(Time expired.)

Hon. J. BJELKE-PETERSEN (Barambah —Minister for Works and Housing) (3.56 p.m.): I think we will agree that the Labour Party finds itself in a very strange and difficult position. We have had our attention drawn to the position that existed and the Opposition's attitude when it was in power. Those matters have been brought very clearly to the fore and emphasised by the Premier and the Deputy Premier. By its action today the Opposition has shown a change of attitude. I state definitely that we believe the A.L.P. is giving nothing but lip service to the general policy it is supposed to endorse and which the late Premier, Mr. Hanlon, introduced relative to various electorates and zones about which A.L.P. members are supposedly so concerned.

When we consider what we have heard about the electorates in the city which are comparatively small in number, but large in number of voters, we can but conclude that the Leader of the Opposition introduced this motion because he wants more seats in the city, and feels that the city should dominate the country areas.

In the past we heard a cry about minority rule and the hon. member for Toowoomba West again introduced this aspect with a great deal of apparent concern. In view of the statements by the hon. member for Toowoomba West I should like to know what is the attitude of the Labour Party to this matter. It is very important that we should get a clear picture of Labour's attitude to northern and inland electorates with smaller numbers. I should like to know the thoughts of the hon. member for Burke, the hon. member for Tablelands and the hon. member for Warrego on it. Do they support this great demand for a larger number of electorates in this State?

Mr. Houston: Who said that?

Mr. BJELKE-PETERSEN: I asked did they support the hon. member in this demand or request for more city seats.

Mr. Houston: You put a question on the notice paper.

Mr. BJELKE-PETERSEN: It would be very interesting to know because I would like to use this information at some of the meetings in the next election. I can see the hon. member for Barcoo smiling through the door. He is not prepared to come in here and commit himself because he represents some of these people.

If all things were equal we could have equal representation for all parts of the State —one man one vote.

Mr. Houston: Who said that?

Mr. BJELKE-PETERSEN: That is what the hon. member for Toowoomba West implied.

The hon. member for Toowoomba West spoke about a minority Government, but conditions are not equal; they are unequal. They are different because of industrial development and expansion in different parts of the State. If the rolls of the rural areas are examined it must be admitted that they are playing a vital part in the State's economy. It is not easy to do what has been suggested by the hon. member for Toowong. We must have a true appreciation of the problems and the impracticability of having tremendous areas with equal representation.

We must take into account what the rural areas represent. I stress this particularly because these are aspects that must be continued, carried on, and kept in mind. The people in the remote areas in the north and the west play a vital role in the production and the economy of our State. A comparison of the value to the State, in production, of 100 people in the city and 100 people in the country justifies a continuation of our present system, quite apart from the impracticability of expecting one or two members to represent vast areas of the State as suggested by various speakers and organisations in recent years. We must be reasonable.

It is understandable that there has been expansion in some electorates. I have no doubt that the hon. member for Port Curtis realises, in spite of the large number of electors he represents, that he has been very well treated and that his electors have been very well treated. The hon. member for Townsville North implied they had unequal representation and did not receive the amount of money they were entitled to.

Mr. Tucker: You starve me up there all the time.

Mr. BJELKE-PETERSEN: The hon. member should ask his colleagues who represent Salisbury, Belmont and Port Curtis. The accusation or insinuation that because of larger numbers they do not receive fair and just consideration with funds is entirely wrong. I am sure that the hon. members for Salisbury and Port Curtis would not claim that because of larger numbers their electors are not adequately represented. On the contrary, I am sure they say that all their electors are adequately represented, and I believe they are. They are also adequately catered for in the money spent by the Government in proportion to the other parts of the State, and no member with a large number of electors could prove otherwise. That takes the ground from under their feet and destroys their argument that there should be a redistribution at this time.

Mr. Houston: When is the right time?

Mr. BJELKE-PETERSEN: All Governments must accept great responsibility in the development and progress of the State and these things are dealt with at the appropriate time.

I support the remarks of the Premier, the Deputy Premier and other Government speakers. There is absolutely no justification for the motion before the House and no evidence to support it.

Mr. DAVIES (Maryborough) (4.4 p.m.): The fact that four Ministers of the Crown have joined in the debate is a clear indication that the Government is considerably disturbed at the scandalous situation that exists at the present time. The Premier and the Deputy Premier would have enhanced their political stature had they risen and said to the Opposition, "Yes, we realise the position as outlined by you and agree that a redistribution of seats is essential and necessary. It will be done as soon as possible." Instead, they spent their time drawing attention to what they claimed to be wrongs done in the past.

When we find the Government endeavouring to justify a wrong by pointing out a wrong perpetrated by opposing forces, we believe this shows some weakness in the case that it is presenting. This is 1968, and we are drawing the Government's attention to the fact that there are far too many electors in many of the electorates in this State. That is the purpose of the debate. The Leader of the Opposition clearly stated that we have no desire to go into past history. If we did, we might as well go back to 1883 when, under a Tory Government, in one electorate there were four candidates, 14 people actually voted, and 381 votes were counted. In another case there were 25 voters and 114 votes counted.

This is 1968, and whether the electorates be Salisbury, Aspley, Mt. Gravatt, Belmont, Mt. Coot-tha, or Wavell and whether they be held by Mr. Sherrington, Mr. Campbell, Mr. Chinchen, Mr. Newton, Mr. Lickiss, or Mr. Dewar, they are far in excess of what any member should be expected to represent. I claim that it taxes all the energy and resources of any person to represent an electorate of 10,000, 11,000 or 12,000 electors. Here we have electorates with 66 per cent., 64 per cent., 53 per cent. and 52 per cent. above their quotas. We are drawing the attention of the Government to this position; we are not discussing whether areas surrounding Barcaldine, Longreach, Mt. Isa, and Hughenden, for example, should have some special quota, as that presents a particular problem.

To correct the hon. member for Townsville South, who is always wrong and makes many statements that are glaringly untrue, Mr. Mullan, to whom he referred, secured 1693 votes in 1929, 1342 in 1926, and 1193 in 1923, against 863, 695 and 703 respectively obtained by his opponent. The Treasurer joined the Communist vote and the Independents' votes and added them all together and said that that was the vote for the Country-Liberal Parties in the 1950 State Election.

The motion moved by the Leader of the Opposition today and the argument presented by him was on a high plane. He stressed that this is 1968, and he pointed out the problems that presently exist. Of course, many Liberal members did not express themselves today any more than they did during the Landsborough by-election. No doubt they were called to heel and were obeying the outside dictatorship of Liberal leaders Hartwig and Robinson. Those members were not prepared to speak during the Landsborough election or hand out voting material because they were afraid of an outside dictatorship such as they say controls the Australian Labour Party. Again today they were afraid to express themselves, although frequently outside the House they have referred to the necessity for redistribution.

This is a matter of urgency, and I congratulate the Leader of the Opposition on the way in which he presented his case. Let us hope that the Government will not again take a seat from the country, as was done in 1963. The hon. member for Baroona said by interjection that at least on our commission we had a judge, whilst the Government was not able to find a judge who was willing to sit on theirs.

Mr. HOUSTON (Bulimba—Leader of the Opposition) (4.9 p.m.), in reply: To say the least, it has been a most interesting debate. We have seen all kinds of manoeuvring going on among Government speakers, and we have had about eight different lists of speakers starting with the Premier only and finishing with the Premier and three other Ministers, including the Deputy Premier and the deputy leaders of the Liberal and Country Parties. We feel quite pleased that we got them to their feet.

I have been in this House for a number of years, but never before in a debate in this Chamber have I heard such descriptions from Government members. The motion I have moved was called political humbug, political manoeuvring, a trick, hypocrisy, and finally there was the nice little comment that it was "odd". What was it? It was a deliberate attempt by the Opposition to show the Government its responsibility to the people of this State—nothing more or less. As I said at the outset, I did not intend to introduce the gerrymander, the value of the vote, or whether or not there should be more seats. I stuck strictly to the facts as given to me by the Electoral Office relative to the number of electors in each electorate.

What did the members of Cabinet who took part in the debate say? I will refer to the has-beens and the hopeless later. To begin with, neither the Premier, the Deputy Premier, nor his Cabinet colleagues gave even one piece of evidence to show that the figures I put forward were not accurate and correct. All that the Premier said was, "Because we think you gerrymandered in 1949, by God we have the right to gerrymander now! We have done it, and we will keep it that way." He rehashed the arguments of 1958; his colleagues rehashed the arguments of 1949.

The Premier quoted figures even more out of date than those that I quoted. He referred to the figures in April, 1966, at the State election. As I said earlier, it is regrettable that up-to-date figures are not available. The Minister for Justice, perhaps rightly, as the administrative head of the Electoral Office, came to the defence of the public servants. I have no fight with him for doing that, but I suggest that one should look at the facts. The letter that I received from the Electoral Office when I inquired about these figures is dated 31 January, 1968, and I reiterate that I think there is something wrong when the latest figures that the Leader of the Opposition can get from that office are those at 31 December, 1966.

Dr. Delamothe: The same as I got.

Mr. HOUSTON: I know they were. The hon. gent gave the same figures as I did. But is it right that we should have to use those figures?

Dr. Delamothe: You know very well that they are in the printer's hands now.

Mr. HOUSTON: I also know that the rolls are not the only thing. When the numbers are known and the cards come in, surely an up-to-date record is kept of the number on the roll at any particular time. I do not say that I should get the enrolment yesterday if I ask for it today; I say that if I asked yesterday for the enrolment, I could expect to get it at least as at December, 1967. I complained, and I reiterate my complaint. If the Public Service is doing this under the Minister's direction, then the Minister is the person who is entitled to bear any criticism.

The Premier suggested that there was no need for me to move for a Bill to be brought down. There most definitely is, because Part II of the Act set up, amongst other things, three zones, and only three zones. The figures that I gave for the provincial cities indicate that an amendment would be needed in relation to them. The Minister for Works and Housing said that there should be a low quota in the country, and I have not argued against that; but unless the Act is amended and some action is taken, the quota for provincial cities will be 2½ times the quota for a country area. The Opposition ask that a Bill be brought in not because we want something completely new, but because it is the only way in which to amend the existing legislation. My point is that the Act does not cover the present situation.

The Premier said also that the figures given to him indicated that there were only three electorates over the quota of 10,500 in the metropolitan area. There are four—Salisbury, Aspley, Mt. Coot-tha, and Belmont—that alone add up to 16,328 above the quota. Surely the Premier should not come into this House with figures so out of date that they make a farce of his whole argument?

Again one notices the split between the Country Party and the Liberal Party. When the Premier spoke, he gave no indication that there will ever be a redistribution. He said "The Act lays down that I can do it now if I want to". He did not give any indication when it would be. The Treasurer, of course, is tied to his party line and I have no fight with his being loyal to the party that put him there. He said there would be a redistribution in 1970. I say that if it is needed in 1970 it is needed now. Anyway, he need not worry, because we will make an honest redistribution in 1970.

The hon. member for Toowong brought in the subject of the Landsborough by-election. I am happy with the Landsborough result, because one thing it showed was the great breach in the coalition. Another thing it showed is that certain members opposite are willing to take directions from an outside authority whilst others are prepared to sit in the House and direct the campaign. We make no apologies at all in regard to Landsborough. If the Government thinks it was a great victory for the Country Party, it should have another look at the results.

The Independent candidate was reported in the Press as calling the Liberal Party executive a "spineless lot of oafs". This is the man they are now taking credit for. They are saying, "Hurrah, the Liberal Party got this," or "The coalition got this." In fact, the new member for Landsborough said that the Independent candidate would not even be allowed to sit on the Government side of the Chamber.

Mr. P. Wood: It was presumptuous.

Mr. HOUSTON: Of course it was.

The Deputy Premier said, "Let us wait for a Federal redistribution." The Premier had just stated that it was silly to ask for the bringing in of a Bill to do what was permitted by present legislation but the Deputy Premier said, "Let us wait for a Federal redistribution," which, of course, does not take in the same considerations in regard to electorates at all. How does that all tie up with what was said by the Deputy Leader of the Country Party? Here we have another split between the two parties.

Let us have a look at some of the things that were said by the Minister for Works and Housing. He complained that we were arguing against the country areas having lower figures than the metropolitan areas. That is complete nonsense; I did not argue along those lines at all. If the Minister wants to read something into what I said, that is his business. The figures show that Brisbane has 9,471 electors, Norman 9,807, reducing; Albert has 12,446, Cook 12,184, Burnett 9,972, and so we could go on—Cooroora, Gympie, Landsborough, Logan, all well above metropolitan seats, yet the Government talks about there being no need for a redistribution. The Government is supporting my argument. It believes that country figures should be less than metropolitan figures. That is not so at the present time, and therefore I think there should be a redistribution. The Minister for Works and Housing mentioned that Barambah has 9,452 electors for an area of 2,665 square miles. That is fair enough, but Mulgrave, with less than half that area, has only 7,039 electors. The hon. member for Mulgrave has only half the Barambah area and fewer electors than the Minister, but the Minister says that is all right. I do not know what his argument is.

Let me reiterate that we were not arguing whether the last Act was a good one or whether another Act that the Government might bring in would be acceptable to us: what we say is that in the interests of democracy and equal distribution throughout the State, there should be a redistribution to eliminate the difference existing between electorates within the same areas at the present time. So that there is some relativity between my electorate and my neighbour's electorate there should be a redistribution. A redistribution is necessary so that the people of this State can get some value for their vote.

(Time expired.)

Question—That the House do now adjourn (Mr. Houston's motion)—put; and the House divided—

AYES, 25

Adair	Jordan
Bromley	Lloyd
Byrne	Melloy
Davies	Newton
Dean	O'Donnell
Donald	Sherrington
Dufficy	Thackeray
Duggan	Tucker
Graham	Wallis-Smith
Hanlon	
Hanson	*Tellers:*
Harris	
Houston	Jones, R.
Inch	Wood, P.

NOES, 42

Armstrong	Low
Beardmore	Miller
Bjelke-Petersen	Muller
Camm	Murray
Campbell	Newbery
Carey	Pilbeam
Chalk	Pizzey
Chinchen	Porter
Cory	Ramsden
Delamothe	Richter
Fletcher	Row
Herbert	Smith
Hewitt, N. T. E.	Sullivan
Hinze	Tomkins
Hodges	Tooth
Hooper	Wharton
Hughes	Wood, E. G. W.
Jones, V. E.	
Kaus	
Knox	*Tellers:*
Lee	
Lickiss	Hewitt, W. D.
Lonergan	McKechnie

PAIRS

Mann	Houghton
Bennett	Rae

Resolved in the negative.

TESTATOR'S FAMILY MAINTENANCE ACTS AMENDMENT BILL

Hon. J. C. A. PIZZEY (Isis—Premier): I move—

"That the Order of the Day for the introduction of the Bill be discharged from the Business Paper."

Motion agreed to.

OFFENDERS PROBATION AND PAROLE ACT AMENDMENT BILL

INITIATION IN COMMITTEE

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

Hon. P. R. DELAMOTHE (Bowen—Minister for Justice) (4.29 p.m.): I move—

"That a Bill be introduced to amend the Offenders Probation and Parole Act of 1959, in certain particulars."

The purpose of the proposed legislation, which contemplates similar and complementary legislation in other States, is to provide a statutory basis for effective supervision of probationers and prisoners on parole who leave the State where probation or parole has been granted in order to reside in another State of the Commonwealth, and to extend the sanctions that operate in the State in which the probation or parole has been granted by providing for effective sanctions in the State to which the probationer or prisoner on parole moves.

On several occasions the chairman of the Queensland Parole Board, who is a judge of the Supreme Court, has drawn attention to certain limitations of the parole system in Queensland which appear to the Parole Board to be undesirable and which, in the opinion of the Board as constituted at the relevant time, imposed a limitation on the work of the Board.

On one occasion a prisoner on parole broke the conditions of his parole and departed for another State where, consequent upon the commission of 14 offences in that other State, he was sentenced to imprisonment and committed to gaol in that State. For reasons that seemed good to us the Queensland Parole Board felt that upon completion of the term of imprisonment in that other State this prisoner should be returned to Queensland to complete the unexpired portion of the sentence he was serving when released on parole by the Board. The Board cancelled the parole order and issued a warrant for the prisoner's apprehension and return to prison in Queensland.

The Board was advised that the warrant could not be executed in the other State and that the prisoner could not be extradited from that State on the warrant. The Parole Board felt that the absence of power to extradite such people impedes greatly the work of the Board and, if the view as to the effect of the warrant in another State was correct, that the situation seemed to call for amending legislation.

On another occasion the chairman of the Queensland Parole Board drew attention to certain difficulties of the Board with respect to habitual prisoners who had been released on parole. It has been stated that many habitual prisoners in Queensland prisons come from other States and will most certainly leave Queensland on release, whether on parole or otherwise. The Parole Board felt that whilst it was impracticable to effectively supervise these prisoners out of the State, it was unreasonable to expect them to stay in a State without the possible help of their relatives and friends who may live elsewhere. The position created by the release of habitual prisoners who immediately breach their parole by going interstate posed a problem for the Board in that it encourages any other parolees, whether habitual criminals or not, to do the same and this consequently damages the parole system as well as creates a difficult position in cases where the Board may seek the return from other States of persons who breach their parole while there.

It may readily be realised that the Parole Board may have considerable reluctance in releasing on parole a prisoner guilty of a serious offence if the Board, in the unfortunate event of a lapse by the prisoner, is powerless to secure his return from another State in which he may have the best chance of rehabilitation.

I point out at this stage that the disabilities that I have outlined above with respect to parole orders apply also to probation orders although in some aspects to a lesser degree.

Accordingly this matter was raised at meetings of the Standing Committee of Attorneys-General. The committee was of opinion that it was desirable that draft legislation be prepared for the implementation of an effective system of interstate enforcement of probation and parole orders made in the various States and territories of the Commonwealth. Hon. members can well understand that in order for this to function effectively all States and Commonwealth territories must have fairly identical Bills covering interstate enforcement. The consensus of opinion was that no probation or parole system is satisfactory unless it can have some real effect beyond the bounds of the State when it does seem on occasions desirable to allow the probationer or parolee to migrate to another State. When this happens, unless there are some reciprocating arrangements for guidance, supervision and sanctions in the event of failure to comply with the conditions of the parole or probation order, it would not appear that the probation or parole system is as effective as it might be.

At this point, let me remove a possible source of misapprehension. The interstate enforcement provisions envisaged in the Bill will not apply to all probation and parole orders. The only orders to which the reciprocal system will apply are the orders under which the probationer or parolee, as the case may be, is required or permitted to reside in another State. No-one will, in terms of any probation or parole, be forced to reside outside the State, as it is already a principle of the existing legislation that no requirement is inserted in the probation order unless the person whom it is proposed to release on probation undertakes to be bound by the requirements of the order.

A similar position will obtain with regard to any requirement in a parole order as to residence outside the State. Obviously the only ones who will be required to move interstate will be those whose homes, relatives and friends are in the other State and where it is felt that they will have a better chance of rehabilitation in the familiar surroundings of their family than in a strange State.

Mr. Tucker: Who will take over the responsibility there?

Dr. DELAMOTHE: I shall come to that shortly. Hon. members will readily realise the circumstances in which it may be desirable to require or permit a prisoner or probationer to live in some other State or territory, as I have just mentioned. The person concerned may be a person of immature age, and many of the people who get into trouble in Queensland from interstate are adolescents and young people. The court or the Parole Board may well consider

that such a person's best chance of rehabilitation will be for him to return to his family and a familiar environment where he will have the assistance and support of members of his family and his friends.

On the other hand, the court or the Parole Board may well consider that a requirement or permission to reside in another State or territory offers the best chance of rehabilitation by reason of a complete change of environment and escape from associates who are exercising a bad influence, or perhaps by the prospect or offer of suitable employment in another State. It could happen that the family of a prisoner on parole or a probationer moves to another State during the period of operation of an order. It may be felt desirable to permit the person the subject of the order to accompany his family to the other State, particularly if he is an adolescent.

The Bill deals with two well-defined aspects. Firstly, the present provisions relating to the release of persons on probation and parole in this State have to be amended to the extent necessary to cover the cases in which the probationer or prisoner on parole is required or permitted to reside in another State or territory and does so reside. The second aspect which is covered by the Bill is to make appropriate provisions to cover the case of a person released on probation or parole in another State who is required or permitted pursuant to the relevant order to reside in this State and does so reside. That is the reciprocal provision.

I now deal with the first aspect, which is the provision necessary to cover the case of a person released on probation or parole in this State who is required or permitted to reside in another State.

It has always been basic to a probation or parole order made in this State that the probationer or the prisoner in question remains in the State during the period of operation of the relevant order. This is presently secured by the requirement that he report at regular intervals to a probation or parole officer, as the case may be.

The proposed Bill will impose a specific requirement that unless the probation or parole order specifically permits or requires the person the subject of the order to reside or remain out of the State, he must remain in Queensland during the period of the order. The present provision is that he must remain here under all circumstances; under the proposed amendment he must remain unless he is permitted or required to go to another State. Provision for some elasticity in this respect is written into the proposed Bill.

Provision also is made for parole and probation officers of another State to act as such with respect to probationers and parolees who are living in that other State or territory pursuant to a parole or probation order made in this State. In other words, they are granted probation or parole here and a probation or parole officer is appointed to look after them; they then get a permit to go interstate and they immediately come under a probation or parole officer in that State.

Mr. Tucker: Whose decision is it?

Dr. DELAMOTHE: The Parole Board's.

Section 15 of the present Act has been rewritten to make a breach (otherwise than by conviction for an offence) of the requirements of a probation order a specific offence. However, a probationer who is residing in another State pursuant to the relevant order may not be dealt with both in that State and in this State for the same breach of the requirements of his order. In other words, if he has gone to New South Wales and he breaches the conditions of his order in New South Wales, he can be dealt with there or he can be sent back to Queensland and dealt with here for the breach of the order. He cannot be dealt with in both New South Wales and Queensland for the same breach. Where a probationer moves to another State without permission, it will be a breach of requirements of the order and an offence against this section for which the probationer may be brought back to this State.

The proposed Bill provides that where another State is entrusted with the guidance and supervision of a probationer or prisoner from this State, any action taken by a competent court of that State in relation to a probation order or by a Parole Board in that State in relation to a parole order by way of amendment, cancellation or variation of the order will be accepted in this State as an amendment, cancellation or variation of the original order. For example, take the case in which a lad has been permitted to live in New South Wales. If he has behaved himself and the Parole Board has a hearing and says, "Well, this fellow has done well. We will cancel his order", it is also cancelled in Queensland. He can come back to Queensland and he is not under an order.

It is pointed out that, of the six Australian States, Victoria, Queensland and Western Australia have statutory parole and probation systems and the relevant legislation of these States is to a great degree similar, save that in Queensland there is no provision for minimum sentences as there is in Victoria and Western Australia. However, in Queensland a prisoner may not be released on parole until he has served at least one-half of his sentence. It would appear from Press announcements that the authorities in New South Wales intend to introduce a statutory parole system similar to ours. In order to enable States which have not a statutory system of probation and parole to participate in the scheme, considerable elasticity has been incorporated into the Bill, particularly in relation to the definition of probation and parole authorities and the definition of parole and probation orders.

With regard to the second aspect of the Bill, that is, the operation in this State of probation and parole orders made in another State where the probationer or the prisoner resides in this State pursuant to the relevant order, the provisions of the Bill apply to such probationers and prisoners the principles which are presently embodied in legislation of this State with respect to prisoners and probationers who have been released on parole or probation in this State.

Of course, of necessity there must be some differences. For instance, due recognition must be given to the fact that the prisoner or probationer concerned was released in another State, and throughout this aspect of the Bill, when such a person breaches the requirements of his order, in the action taken by the authorities in this State to deal with such breaches due recognition is given to the fact that the other State or Territory has the paramount right with respect to its probationer and parolee, as we have the paramount right with ours in another State.

Apart from a minor breach which may be punished by a fine and which is not considered by the authorities in the other State to warrant the sanctions of the cancellation of the order, the probationer or prisoner must be returned to the other State or Territory to be dealt with by the authorities therein if those authorities so request. They will be notified and they may say, "No, you deal with him under your situation." Similarly, if one of our fellows creates a minor breach, they will let us know and, in many cases, rather than bring him back to be dealt with for a minor breach, we will say, "Will your Parole Board deal with him?"

Mr. Tucker: That is where the offence is punishable by fine?

Dr. DELAMOTHE: Where it is a minor offence punishable by a fine.

Mr. Tucker: He will still only be dealt with once?

Dr. DELAMOTHE: Yes, only once. It is only where the authorities do not require the return of the probationer or the prisoner and the court or the Parole Board of this State considers that the interests of the public of this State demand the imposition of a sanction that such sanctions will be imposed; that is, in the case of a probation order, the court of this State, of comparable jurisdiction to the court of the other State which made the original order, may deal with the probationer as though he had been convicted in this State of the offence in respect of which the probation order was made or in the case of a parole order, the Parole Board may commit the parolee to prison in this State to serve the balance of his sentence unserved when he was released on parole.

Following the lines as for locally made probation and parole orders, the person from the other State who resides here under the order made in that other State is subject to compulsory supervision by a parole or probation officer of this State, as the case may be, and provision is incorporated for the assignment by the appropriate authorities of this State of probation or parole officers.

It may well be that owing to the locality in which the probationer or parolee proposes to live in this State or because of the progress which the prisoner or parolee has made in the course of his period of probation and parole elsewhere, the authorities of the other State may feel that compulsory supervision is not required, and upon due notice given to us by such authorities, parole or probation officers will not be assigned. However, the guidance of the probation and parole services will be available to such persons if they so require it and at any stage the compulsory supervision may be imposed. If they feel naked and alone, and would like the fatherly advice of one of our officers, they will get it. If at any stage they play up a bit compulsory supervision can be reimposed.

The Bill is based on a draft Bill prepared for the Standing Committee of Attorneys-General and has been discussed at meetings of the probation and parole authorities of the various States, including Queensland. Meetings were held to work out administrative arrangements, and the principles of the Bill are acceptable to those authorities. In their opinion there is no obstacle to the successful implementation of the scheme.

The draft Bill also includes certain local administrative amendments. The Under Secretary, Department of Justice, and the Comptroller-General of Prisons are ex-officio members of the Parole Board. At times they are unable, either by reason of illness, absence on official duties, or on recreation leave, to attend meetings of the Board. In such cases it is proposed that they may be authorised to nominate a deputy in writing to attend a meeting of the Board on their behalf. At the present time, for example, my Under Secretary is absent as the result of a virus infection. He would not be able to attend a Parole Board meeting. Normally, in the case of the Under Secretary, he would probably nominate the Assistant Under Secretary.

At present meetings of the Parole Board are held at times and places prescribed or, in the absence of such prescription, as fixed from time to time by the chairman. The present chairman, as hon. members know, is the Hon. Mr. Justice Hoare, of the Supreme Court. On occasions, such as absence on circuit, or being engaged in a prolonged criminal or civil trial, the chairman has been unavailable for a meeting of the Board when it has been felt desirable as a matter of urgency that the Board should meet to deal with matters affecting a prisoner's parole, that is, whether it should be cancelled, amended or varied under the power conferred on the Board in respect of a parole order by section 35 (1) of the Offenders Probation and Parole Act. Accordingly it is proposed to cover this position by inserting a provision whereby, in the

absence of the chairman, where four members of the Board, other than the chairman, are of opinion that a meeting should be held as a matter of urgency to consider the exercise by the Board of the powers conferred on it by section 35 (1) in respect of a prisoner's parole, a meeting may be convened at a time and place fixed by the secretary, and a quorum will be constituted by any four members other than the chairman for the limited purpose of exercising the Board's powers under that section.

Section 22 of the present Act provides that a quorum of the Board shall consist of the chairman and at least three other members of the Board, so it can be seen that in the absence of the chairman a Board meeting may not be held under the present provisions, however urgent the matter may be.

The Bill will confer on the Parole Board power under section 35 to suspend a parole order. This course may, in certain circumstances, be preferable to cancelling a prisoner's parole pending the outcome of certain court proceedings. Cancellation may give the appearance of pre-judging certain matters. In other words, it may give the appearance that the parolee is considered to be guilty if his parole is cancelled before the court has given its decision.

Throughout my remarks where I have commented on provisions with respect to other States those provisions will apply equally to territories of the Commonwealth.

I commend the Bill to hon. members.

Mr. TUCKER (Townsville North) (4.55 p.m.): I listened to the Minister's introduction of the Bill and if in fact the Bill contains what he outlined, it appears to me that it is very humane legislation. It is indeed a pleasure to realise that the Attorneys-General of the various States and the Commonwealth have been able to get together and iron out this legislation to help those who sometimes find themselves in a very anomalous position. Coming from the northern part of this State I can say, as can the Minister, that I know of many young people who start off from the southern part of the continent, hoping to find their fortune in the North.

They read advertisements about the work available and what can be gained; they read of bonanzas and so on and come to Queensland with only a few dollars in the hope of finding work. Quite often they are unsuccessful and are stranded here. Sometimes they fall into bad company and then appear before a magistrate or in another Court. On occasions they are put on probation, and on other occasions they may go to prison. After a time they are let out on parole. Everyone in the far-flung areas of the State is aware that if these people are released in those areas they are virtually friendless, and very often they fall back on the company that got them into trouble in the first place.

If this legislation will enable the people to whom it applies to go back to the State from which they came so that they may be with their friends and relatives, there is a better chance of their being rehabilitated than if they are held in Queensland simply because we may not have the necessary enabling legislation for them to return to their home State.

I am wondering how these young people on probation or parole who are 1,000 miles or more from home and want to return to their own State to come under its parole board are to get back to that State. Will they have to get back under their own steam, or will we assist them in any way to get to their home State if they want to return to their friends and relations?

Dr. Delamothe: Until they cross the State border they will still be under the control and supervision of the parole officer to whom they are attached.

Mr. TUCKER: These provisions will certainly add to the administration work of the Parole Board. I hope that this will be taken into account and that everyone will realise that much more paper work is involved. There will be a great need for reciprocity and for increased liaison between parole boards in the various States. We must certainly be alive to the fact that unless the parole boards are right on the ball, incorrect action may be taken on occasions. I trust that the Board will be given the necessary staff to cope with the extra administration work involved so as to ensure that there will not be any slip-ups when a person moves from Queensland to New South Wales, Victoria or elsewhere.

This is a commendable step. I do not think this difficulty arises so much in city areas where these young people can find work readily and look after themselves, but sometimes when they have to travel long distances at some expense they arrive at their destination without any money and if they cannot find work immediately they have to use their own devices to look after themselves, and that is where the problem starts. This could happen quite often in Queensland.

If a young person asked to be returned to some little-known town in which there is not a probation officer or parole officer, would the local police officer look after him? It is not so long ago that a probation officer was first stationed in Townsville. Previously, all these matters were administered from Brisbane, nearly 1,000 miles away. This was not a very effective system. If somebody from Mt. Isa found himself in trouble in New South Wales and wanted to return to Mt. Isa, I presume that the local police would take over the care of that person. I do not know if the Minister has considered that matter; it crossed my mind a moment ago. There would be probation officers in the larger towns, but not in the western parts of Queensland or New South Wales, and there should be somebody to accept the responsibility of looking after these young people.

The Minister mentioned that if these people do not have to report or do not have a probation officer looking after them or

checking on what they are doing periodically and reporting on them to the appropriate authorities, they can in fact take the advantage of being able to go to a parole officer if they are in difficulty and want someone with whom they can discuss their problems. This would not necessarily obtain in some of the western areas. Those are the only points I wish to raise.

I reserve the right to examine the Bill. Generally speaking, on behalf of the Opposition, if what the Minister has stated this afternoon is all that is contained in the Bill, it is a good Bill and we are in favour of it.

Hon. P. R. DELAMOTHE (Bowen—Minister for Justice) (5.4 p.m.), in reply: I thank the Deputy Leader of the Opposition for his approach to the Bill. I can assure him that its contents are as I stated. He raised a couple of interesting points and I think I should, in all due courtesy, tell him a few things about them.

Nowadays, as well as probation officers stationed in many places, honorary probation officers in smaller towns act as liaison officers between the person and the probation offices.

On the interstate problem, the hon. member can rest assured that probation offices will work closely together on the proper disposal and care of people who are going to another State. We may run into a few "bugs" and teething troubles in the early stages, but the Chief Probation Officers in all States have got together and worked out what they consider to be a satisfactory routine to deal with the matter. No doubt in the light of experience changes will be made.

A very valid point raised was the probability of extra paper work in the office of the Chief Probation Officer. That is something that will have to be watched carefully so that the scheme does not bog down. The sheer humanity of this Act means that it deserves the best implementation.

Motion (Dr. Delamothe) agreed to.

Resolution reported.

FIRST READING

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

SUCCESSION ACTS AMENDMENT BILL

INITIATION IN COMMITTEE

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

Hon. P. R. DELAMOTHE (Bowen—Minister for Justice) (5.7 p.m.): I request leave of the Committee to move the motion in an amended form.

(Leave granted.)

Hon. P. R. DELAMOTHE: I move—

"That a Bill be introduced to amend the Succession Acts, 1867 to 1943, in certain particulars, and to enable adequate provision to be made from the estate of a deceased person for the proper maintenance and support of the family of that person."

The Bill seeks to amend those provisions of the Succession Acts, 1867 to 1943, relating to the competency of testators and to the Statute of Distributions, and seeks to re-enact in those Acts the provisions of the Testator's Family Maintenance Acts, 1914 to 1962, as amended by the Bill.

Generally speaking, every person of sound mind, memory and understanding has the legal capacity to make a valid will. For the purposes of this Bill, the relevant exception to testamentary capacity is set forth in section 37 of the Succession Acts which provides that no will made by any person under the age of 21 years shall be valid.

Section 43 of the Succession Acts as extended by the provisions of the Wills (Soldiers, Sailors, and Members of the Air Force) Act of 1940 provides that a soldier, sailor or airman while in active service can make a valid will for the disposition of his real and personal property even though he is under the age of 21 years. By section 3 of the 1940 Act, these provisions apply also to any females serving with the naval or marine forces as a medical practitioner, nurse, masseuse, or otherwise.

Hon. members are well aware of the considerations given recently to the question of the age of majority. Some months ago the Lord Chancellor's Committee in England, under the chairmanship of the Hon. Mr. Justice Latey, published its report on the age of majority. The basic recommendation of the committee is that the age of full legal capacity should generally be lowered from 21 years to 18 years. It seems to follow from the recommendations contained in the report that the essence of the committee's proposed reduction of the age of legal majority from 21 years to 18 years lies not in the removal of restrictions but in the granting of responsibility to young people at an earlier age.

Whilst it is true that in Queensland certain provisions of the law allow a person of the age of 18 years and upwards to deal with certain classes of property—hon. members will recall my having introduced that provision some years ago—it is equally true that certain other acts of adulthood are not granted to such persons. Hon. members who were present in 1963 will recall the legislation before this Chamber to amend the Real Property Acts, the principal amendment of which enabled persons of 18 years of age or over to hold and deal with land and interests in land under the Real Property Acts. A similar provision is contained in the Land Acts and provides that any person of the age of 18 years may acquire, transfer, mortgage or otherwise deal with any lease or licence under the Land Acts.

The enactments that I have just referred to recognise that persons nowadays marry and accept other responsibilities at an earlier age. This view seems now to be generally accepted.

The proposed amendment relating to the competency of testators has for some time received serious consideration not only in

Queensland but in other States of the Commonwealth and also overseas. It is considered that a person of the age of 18 years, or, if married, a person under that age, should be given the legal right to determine how his estate should be distributed. The proposed Bill therefore provides that a person of or over the age of 18 years, or, if married, a person under the age of 18 years, shall have the same capacity to make a valid will as a person of or over the age of 21 years now has.

Mr. Bromley: What if they are married and under 18?

Dr. DELAMOTHE: They can make a valid will.

The proposed Bill also contains transitional provisions that in effect provide that the substantive provisions of the Bill will apply to the will of all persons dying after the passing of the Bill, whether the will in question was made before or after the date of such passing. In the case of the person dying before the passing of the Bill, the existing rule will apply. That is, except in the case of a soldier, sailor or airman on active service, as at now a valid will can be made only by a person over the age of 21 years.

Mr. Tucker: Why would anyone make a will now—right up to this point, anyway—knowing that the will would not be valid? I do not quite follow you there.

Dr. DELAMOTHE: Well, troops make wills, normally, when they enlist. Like myself, the hon. member was in the services, and he would know that one of the early things they get you to do is make a will irrespective of what age you are.

Mr. Tucker: You are covered by law then.

Dr. DELAMOTHE: Only if you are on active service. As a matter of fact, an interesting situation has arisen as to when one is actually to be regarded as on active service. I had a case recently brought before me of a lad—a National Serviceman, actually—who belonged to one of the regiments and had received his posting to Vietnam, but was killed before he left. The question which the Public Curator cannot settle and which is going before the court, is whether this lad having made the will under the age of 18 some time before he became a National Serviceman, was on active service or not? He was posted for active service but did that constitute being on active service under this particular Act? It has been submitted to the court for a ruling. That is typical of the problems that arise.

The Statute of Distributions, as contained in the Succession Acts, relates to the succession to the real and personal estate of an intestate, that is, the distribution of the estate of a person who dies without leaving a will or the distribution of that part of the estate which, if a will has been made, has not been effectively disposed of by the will. That sort of thing often happens. A man makes a will in earlier life and forgets all about it. It is put away in the bottom drawer. Throughout life he accumulates assets, possessions and money, and then he dies. He has properly disposed of the estate about which he made his will, but the remainder that he has accumulated is not mentioned in the will. So far as that is concerned the estate is intestate.

The Bill, in proposing to amend that part of the Succession Acts relating to the Statute of Distributions has the following objects:—

1. To settle a definite limit to the classes of next of kin who are entitled to share in the distribution of an intestate estate. I will tell the Committee more about that later because it is a shambles;

2. To remove anomalies in the law relating to the distribution of an intestate estate;

3. To increase the share of the estate payable to the widow or widower where there are no surviving children or issue of those children; and

4. To increase the net value of certain small estates distributable by the Public Curator.

In Queensland the distribution of the residuary estate on intestacy is governed by sections 29 to 35 of the Succession Acts, and other enactments which either amend or are explanatory or declaratory of those sections. The residuary estate, of course, is the estate available for distribution after payment of all debts and duties, funeral and administration expenses. It is proposed to re-enact in a clear and concise form the provisions of sections 29 to 35 of the Succession Acts and other enactments which either amend or are explanatory of or declaratory of those sections, subject to the amendments to the existing provisions relating to the distribution of the residuary estate of an intestate which are considered necessary to achieve the objects of the Bill.

Generally speaking those statutory provisions to which I have just referred are substantially a re-enactment of the English Statute of Distribution of 1670. In other words, intestate estates are being distributed in Queensland in very much the same way as was laid down by statute in 1670, so it could be said that this law was well overdue for cleaning up. No doubt at the time of the enactment of the Statute of Distribution of 1670 the administration of its provisions was suited to the then mode of living in England. Travel was almost unknown and the members and relatives of a family generally resided and remained in the same closely-settled community. They did not move around much as people today do. The Statute of Distribution of 1670 was brought to New South Wales in 1788 when Governor Phillip

came out. It was brought to Queensland in 1859 when Queensland was established as a separate State. So for the main part it has gone on as it was, with some explanatory or declaratory provisions. However, in 1925 the Parliament of the United Kingdom repealed the English Statute of Distribution and made substantial changes in the law relating to the administration of intestate estates. These changes included a provision which set forth the classes of relatives who could share in the estate of an intestate as his next of kin, that is, those who are within the degrees of grandparents or descendants of grandparents. Under the English amendment of 1925, instead of all and sundry, even once-removed relatives, being considered next of kin in an intestate estate, and consequently having a claim as beneficiaries, the new English Act limited the next of kin to being as far as grandparents or descendants of grandparents. As no substantial change has been made to our succession laws since 1867 an administrator of the estate of a deceased person in Queensland, for the purpose of ascertaining the next of kin, is required to apply the rules that were applied in England prior to 1925. The rule so applied is a civil law rule, the effect of which is that the next of kin are ascertained by computing up from the intestate to the common ancestor, and then down again to the claimant. The next of kin of equal degree shared equally amongst themselves, for example, the aunt or uncle of an intestate was in the same degree as the nephews and nieces of the intestate. for each of them was three steps removed (namely in the case of the aunt or uncle up to the father, and grandfather and down to the uncle or aunt; in the case of the nephews or nieces, up to the father and down to the brother and the nephews or nieces).

Consequently an administrator of the estate of a deceased person in Queensland is sometimes placed in a ludicrous position because if there are no near relatives who were one, two or three steps removed from the intestate, the administrator is required at present to trace the relatives who were four steps removed, and if there were no relatives who were four steps removed, then trace the relatives who were five steps removed from the intestate, and so on. He may have to go back to the ninth and tenth generation until he finds the next of kin.

The result is that frequently the distribution of the estate is delayed for a long period of time and considerable expense is incurred in tracing remote relations of the intestate. In many cases even though the assets may be quite small, an administrator is required to conduct a search in overseas countries for distant relatives who have never heard of the deceased intestate and, in fact, there is often no means of properly proving that the remote relative is in fact the relative who is being sought by the administrator.

It is considered that there can be little justification either on principles of justice or expediency for granting rights of succession to relations more remote in degree than that of grandparents or descendants of grandparents.

Under the existing rules, if there were no next of kin, the property of the intestate devolved on the Crown as bona vacantia. However, if the administrator was aware of the existence of next of kin, but was unable to trace such next of kin, the part of the estate to which such next of kin would be entitled, would be treated as unclaimed property. These provisions are not altered by the Bill, and if there are no classes of next of kin as set forth in the Bill, the estate of the intestate will devolve on the Crown as bona vacantia. (Bona vacantia is property without an apparent owner to which the Crown only may make claim).

For the purposes of the distribution of the residuary estate on intestacy, the classes of persons who are within the degree of grandparents or descendants of grandparents and who will, after the spouse, issue and parents of the intestate, comprise the next of kin are set forth in the Bill as follows: first is the spouse, issue and parents of the intestate who are first in line as next of kin. Then will come—

(i) The brothers and sisters of the intestate;

(ii) The grandparents of the intestate;

(iii) The brothers and sisters of a parent of the intestate;

(iv) The children of any brothers or sisters of an intestate who predecease the intestate; and

(v) The children of any brothers or sisters of a parent of an intestate who predecease the intestate.

This sounds horribly complicated but it falls into line with the provisions in the Bill.

The manner in which it is proposed to distribute the residuary estate of the intestate is clearly and succinctly set forth in the Bill as a Schedule to the present Acts. I reiterate that, subject to the amendments considered necessary to achieve the objects of this Bill, the present manner of distribution remains unchanged.

As at present, where children of an intestate are entitled to share in the residuary estate, that share is divided equally between them. However, should any child predecease the intestate, that child's children share equally the share to which their parent would have been entitled had he survived the intestate.

For example, where the intestate has two children, one of whom died before the intestate leaving three grandchildren surviving the intestate the surviving child is entitled to a one-half share, and each of the three grandchildren is entitled to a one-sixth share, of the estate available for distribution to the issue of the intestate.

The same manner of distribution applies where brothers or sisters or uncles or aunts who are entitled to share in the residuary estate, predecease the intestate leaving a child or children who survived the intestate.

There is no limitation placed upon direct lineal descendants of the intestate who may share in the residuary estate, but collateral relations more remote than children of brothers or sisters or uncles or aunts who predeceased the intestate are not entitled to share in the residuary estate. We are compressing the field of next of kin into what is regarded as a sensible ambit.

Several anomalies exist under the present law relating to the distribution of an intestate's estate. Perhaps the gravest anomaly arises in the case of a married person dying without issue, that is, without children. A man and woman marry, they have no children, and one of them dies; in that case, under the present Act, the surviving spouse is entitled to a first charge of $2,000 and half of the balance of the residuary estate, or to the whole of the estate if the net value of the estate at the date of death of the intestate does not exceed $2,000, except where the intestate is survived by a mother who is a widow at the date of death. In the latter case the surviving spouse receives only half of the residuary estate and not a first charge of $2,000 as well. One could logically expect therefore that the share of the surviving spouse was reduced for the benefit of the widowed mother. You would think that is what the Act was written that way for. However, such is not the case. The other half of the residuary estate is distributed not to the widowed mother, but equally between the mother and all other next of kin.

If the deceased were survived by a father and a mother, or by a father alone, the surviving spouse would receive a first charge of $2,000, or the whole of the estate if the net value did not exceed $2,000, and the other next of kin would take no share, the remaining half of the balance of the residuary estate after provision for the surviving spouse going to the father.

It has been pointed out that in the case where there is a surviving spouse and a father and a mother, the mother gets nothing, but where there is no surviving spouse and no issue, and a father and a mother, the father and mother then share the estate equally between them. So you can see what an awful mess it is.

Again, if there is no surviving spouse and no issue and no father, then the widowed mother takes the whole of the estate to the exclusion of the other next of kin.

Another glaring anomaly relates to the rights of succession of nephews and nieces. In the case of a person dying intestate, and not being survived by a spouse, issue, or parent, then his estate will be distributed between brothers and sisters and the issue of deceased brothers and sisters, such issue taking the share their parents would have taken had he survived the intestate. In such a case—this is where at least one brother or sister survives—no reference is made to grandparents or uncles or aunts.

Yet where the intestate, dying without spouse, without issue, without parents, brother, or sister surviving, is survived by a child or children of any deceased brothers or sisters, the estate does not necessarily pass to the class of nephews and nieces, because grandparents, if any survive, are a degree nearer in kin to the intestate and take to the exclusion of the nephews and nieces. If no grandparents survive in such a case then uncles and aunts and nephews and nieces are in the same degree of relationship and share the estate equally amongst them.

Hence the anomalous situation arises that the right of children of deceased brothers and sisters to share depends upon whether any brother or sister survives the intestate. Furthermore, when nephews and nieces are entitled to share, the quantum of their share depends on whether a brother or sister survives; thus in a case where the deceased is survived by neither spouse, issue, parents, brothers or sisters, grandparents or uncles or aunts, but is survived by nephews and nieces, the estate is distributed equally among such nephews and nieces so that if there were 12 nephews and nieces, 10 of whom were the children of one deceased brother and each of the other two was the only child of other deceased brothers, they would receive a one-twelfth share each.

If, however, the deceased had been survived by one brother and by 11 nephews and nieces, 10 of whom were the issue of one deceased brother and one the issue of the other deceased brother, the distribution in the estate would be one-third to the living brother, one-thirtieth each to the 10 children of one deceased brother, and one-third to the only child of the other deceased brother.

The Bill proposes to remove these anomalies which presently exist in this field of the law.

In explaining the first of the anomalies, I stated that where the intestate is survived by a spouse but no issue, the surviving spouse is entitled, if the intestate is not survived by a widowed mother, to a first charge of $2,000 and one-half of the balance of the residuary estate, or, if the intestate is survived by a widowed mother, to one-half of the residuary estate, the other one-half of the balance of the residuary estate or the other half of the residuary estate, as the case may be, going to the other next of kin. However, should there be no other next of kin to take the remaining one-half of the balance of the residuary estate or the remaining one-half of the residuary estate, as the case may be, then the surviving spouse takes the lot.

In many cases, because of the present mode of distribution the surviving spouse is deprived of the matrimonial home and personal chattels. For example, where the residuary estate amounts to $14,000, the surviving spouse is entitled to a half, or $7,000, if survived by a widowed mother, or $8,000—$2,000 plus $6,000—if the intestate is not survived by a widowed mother. Should the estate comprise the matrimonial home and little else, the share of the estate to which

the surviving spouse is entitled according to the present mode of distribution of the residuary estate will not enable her to retain the matrimonial home which would have to be sold to provide for the share of the estate payable to the next of kin, even though they might not have a hand in it. If she and her husband worked hard to get the home and he died intestate, the home had to be sold so that the next of kin could get their share. All members have seen that happen over and over again.

It is therefore proposed in the Bill to increase the first charge payable to the surviving spouse in all cases where there is no issue so that the surviving spouse is entitled, irrespective of whether there is or is not a widowed mother surviving the intestate, to the first $20,000 or the whole of the residuary estate, whichever is less, and half of the balance remaining. In other words, the $2,000 is being increased to $20,000. The other half of the balance is distributed amongst the next of kin. The amount of increase to the first charge will, on present values, secure the home and personal chattels for the benefit of the surviving spouse. The amount of $20,000 as a first charge is not unreasonable when compared with the relevant figures in some other States and England. In England, a surviving spouse has a first charge of $50,000 and personal chattels. In the Australian Capital Territory the first charge is $50,000 and personal chattels. In Victoria the first charge is $20,000.

Mr. Bromley: Why can't you make some arrangements to have this uniform throughout the Commonwealth?

Dr. DELAMOTHE: It is not only succession that comes into it; there are Stamp Acts, probate, and different rates of taxation that determine that difference for the other financial Acts.

It is considered that the amendment is a desirable one, and one that would be more in keeping with the wishes of a deceased person to allow his or her spouse to have the option of retaining the matrimonial home and personal chattels.

A deceased person may leave a will but may not dispose effectively by the will of all his real and personal property——

Mr. Bennett: If he had a good solicitor, he would.

Dr. DELAMOTHE: Are there any good solicitors?

Mr. Bennett: There are one or two about.

Dr. DELAMOTHE: ——thereby creating a partial intestacy. The real and personal property that is not effectively disposed of by the will is distributed in the same manner as if the deceased person had not left a will, that is, distribution on intestacy. Of course, that applies only to the real and personal property that is not effectively covered by the will.

Provision has been made in the Bill to ensure that in all cases of a partial intestacy the surviving spouse receives the first charge of $20,000. For example, if the surviving spouse is entitled to $12,000 under the will, she will be entitled to the first $8,000 of the residuary estate which is distributed on intestacy, so that she will get her $20,000. However, where the surviving spouse receives more than $20,000 under the will, there is no first charge in favour of her on that part of the estate that is not effectively disposed of by the will.

Amongst other things, the present section 31B of the Succession Acts enables the Public Curator, in cases where the residuary estate of an intestate does not exceed $400 and where the intestate was not survived by a spouse or lawful issue but is survived by an illegitimate child, to distribute the residuary estate to the illegitimate child, or equally between the illegitimate children if there is more than one.

This provision was inserted in 1943 to obviate the necessity of expensive legal proceedings involving an application by an illegitimate child or children to the Supreme Court where the value of the estate was quite small. Having regard to costs and money values, the amount of $400 set in 1943 was then quite reasonable. However, it is considered that the figure is quite inadequate today, and it is therefore proposed in the Bill to increase the amount from $400 to $2,000.

As hon. members are aware, I had intended bringing before the Committee two Bills relating to the estate of a deceased person, one containing amendments to the Succession Act and the other containing amendments to the Testator's Family Maintenance Acts. Since both Bills deal with distribution, I have thought it desirable that they be found in the one enactment. This Bill, therefore, repeals the Testator's Family Maintenance Acts and re-enacts them with the amendments in the Succession Acts under the heading of "Family Provision".

The present provisions of the Testator's Family Maintenance Acts, 1914 to 1952, enable the Supreme Court of Queensland to make adequate provision for the proper maintenance and support of the wife or husband, child or children of a deceased person from the estate of that person, but is limited to those estates in which the deceased person has left a valid will.

These provisions followed closely legislation enacted originally in New Zealand in 1900 to give the Supreme Court of that country the power, subject to certain limitations, to vary the terms of a will after the death of the testator. In New Zealand after 1900 a testator was no longer able to choose the subject of his bounty freely, or even capriciously or spitefully, for the court might decide that he had failed in his moral obligation to his wife or children and order

provision to be made for them out of the estate of the testator at the expense of the beneficiaries nominated by him. Of course, it is not unknown that spouses do make wills with onerous conditions towards their surviving spouse. The New Zealand Act enabled the court to give assistance in many cases of real hardship and, in fact, proved to be such a desirable measure of legal reform that its operation has been widely extended.

Mr. Bennett: It was New Zealand which originally set the standards for the Testator's Family Maintenance Act.

Dr. DELAMOTHE: That is what I am saying. Consequently, the provisions of the New Zealand Act have been adopted by all of the Australian States, with more or less minor variations, and in 1938 the law of England was modified on similar lines, though with greater differences in detail.

I reiterate that the present provisions of the Testator's Family Maintenance Acts, 1914 to 1952, have been re-enacted as part of the Succession Acts, subject to four amending provisions which—

(1) Extend the application of those Acts to the estates of persons who die intestate.

(2) Remove the discriminatory provisions of those Acts which are applicable to children born out of lawful wedlock;

(3) Enable the court, at a date subsequent to the date when it has ordered periodic payments or has ordered a lump sum to be invested for the benefit of any person, to increase the provisions of the order. At the present time the court is only able to reduce it.

(4) Give a measure of protection to an executor or administrator in his distribution of the estate of a deceased person.

As previously stated, the estate of every person who dies without leaving a valid will is distributed in Queensland according to the provisions of the Succession Acts, as amended by this Bill, which determine the persons who are to share in the distribution of the estate and the amount of the share each person is to receive.

In applying those provisions, the particular problems of a widow, widower, child or children of the deceased person are not taken into consideration and it can be visualised that cases will arise when a widow, widower, child or children of the deceased person could make out a case for a greater share of the estate than would be received under the provisions of the Succession Acts.

In recent years the Parliaments of the United Kingdom, New Zealand and the States of the Commonwealth, with the exception of Queensland, South Australia and Western Australia, have seen fit to extend the right to seek an order for adequate provision out of the estate of a deceased testator to the estate of a person who dies intestate. In other words, they have the same right to go to the court for a greater share than is laid down in the Act as they have to go to the court for a greater share than is shown in a valid will.

Whilst the proportion of persons who die without making wills in relation to those who make wills appears to be decreasing each year, there are still instances of persons dying intestate and so causing hardship to their immediate family. If a person does not make a will, and a result of his failure is that adequate provision is not made for his widow, widower, or children, or some of them, that person has been guilty to the same extent of a breach of the moral obligation which he owes towards such widow, widower, or children as if he had made a will and did not adequately provide for them. In Queensland in the latter case there is a remedy but, apart from illegitimate children, up to date there has been none in the former case. This Bill will repair that deficiency.

It is considered that the power of the court to make adequate provision for the widow, widower or children of the deceased person, or some of them, should not depend on whether the deceased person has left a valid will or not, and it is now proposed to bring Queensland into line with the majority of the Australian States by removing this distinction.

As previously stated, the Supreme Court may, under the present provisions of the Testator's Family Maintenance Acts, order provision to be made out of the estate for the spouse and children of a testator.

The term "child of the testator" was defined in the Testator's Family Maintenance Act Amendment Act of 1943 to mean—

"(a) A legitimate or legitimised child; and/or

"(b) A step-child; and/or

"(c) An adopted child

of the testator and whether under, of, or over the age of twenty-one years at the date of the death of the testator."

The term also includes—

"(d) A child (not otherwise included in paragraphs (a), (b) or (c)), being a child of the testator born out of lawful wedlock, and under the age of 21 years at the date of death of the testator; and/or

"(e) A child (not otherwise included in paragraphs (a), (b) or (c)), being a child of the testator born out of lawful wedlock, and of or over the age of twenty-one years at the date of death of the testator, and being a person who, during the lifetime of the testator, has helped to build up and/or conserve the estate of the testator:

"Provided that the Court, before making an order in respect of a child born out of lawful wedlock as referred to in paragraphs (d) and (e) aforesaid, shall satisfy itself—

(i) That the evidence submitted to it on behalf of such child is reasonably

sufficient to establish that such child is the offspring of the testator concerned; and

(ii) That the evidence submitted to it that such child was acknowledged or recognized by the testator concerned during his or her lifetime as being his or her offspring is reasonably sufficient."

It will be seen from the definition that a lawful child (any child within the meaning of paragraphs (a), (b) and (c) of the definition) is in a far better position than the child of the testator born out of lawful wedlock. It is a reasonable provision that the court, before making an order in respect of a child born out of lawful wedlock, shall be satisfied that the evidence submitted is reasonably sufficient to establish that the child is the offspring of the testator. However, it does seem unfair that the child born out of lawful wedlock should be deprived of provision out of the estate on the ground that the court is not satisfied that the evidence submitted to it that the child was acknowledged or recognised by the testator during his or her lifetime as being his or her offspring, is reasonably sufficient.

An example of the injustice that can arise where the deceased person publicly refuses to acknowledge the child as his offspring is Re S., Deceased, 1958 Queensland Reports, 449. In that case Philp J. described the wording of the proviso as "peculiar" and refused to make an order for the benefit of the infant child born out of lawful wedlock on the ground that he was not satisfied that the evidence of acknowledgment or recognition of paternity by the deceased person was reasonably sufficient, even though the deceased person had been adjudged the father in affiliation proceedings and ordered to pay medical expenses and maintenance in respect of the infant illegimate child.

If the child born out of lawful wedlock is 21 years of age or older at the date of death of the testator, and can establish that he is the offspring of the testator, and is so recognised or acknowledged, then a further burden is placed upon him before the court can make an order in his favour. He must prove that he has helped to build up or conserve the estate of the testator, and in the vast majority of cases this additional burden is insurmountable.

Whilst it is proposed to remove the discriminatory provisions that exist between lawful children and illegitimate children, the provisions of the Acts which require the court to be satisfied that the evidence submitted is reasonably sufficient to establish that the child born out of lawful wedlock is the offspring of the deceased person will be retained. It is considered that this retention will adequately safeguard an estate against imposters claiming to be the offspring of the deceased person when, in fact, they are not.

Mr. Bennett: That is to cover the "ginger group".

Dr. DELAMOTHE: I am trying to bring the hon. member under my wing.

The Testator's Family Maintenance Acts presently enable the Supreme Court to order periodic payments, for example, annuities, and to order that a lump sum be invested for the benefit of any person. Whilst the court has no power to increase the provisions of such order, it has power to order some reduction where the person receiving the benefit of the order has subsequently become possessed of or entitled to provisions for his proper maintenance and support.

Once a court has decided that the deceased person has failed in his moral obligation towards his immediate family, the court, taking into account the number of applicants under the Acts, the value and distribution of the estate, and all other surrounding circumstances, makes a provision for the applicants which it considers to be adequate and proper in the circumstances.

It is obvious that with the continual rise in living costs, the amount of the annuities or other provision originally allowed by the court under the Acts several years ago may now no longer be adequate to provide a standard of living of the kind which the court then considered adequate. No good reason exists why the court should not be given the power to increase the provisions of its previous order. It is therefore proposed to enable the court to increase the provisions of its previous order where it has ordered periodical payments or has ordered any part of the estate or a lump sum to be invested for the benefit of the person concerned if it considers that the income of the estate or the capital or income of the part of the estate or lump sum invested for the benefit of the person concerned is sufficient to meet the increase sought.

However, should the court, subsequent to granting such increase, consider that the income of the estate or the capital or income of the part of the estate or lump sum invested for the benefit of the person concerned is not sufficient to pay such increase, it may make such reduction as it thinks fit. In other words, the court is given power to uplift or downgrade it depending on the estate.

Unless the court otherwise directs, an application under the Testator's Family Maintenance Acts must at present be made within six months of the date of the grant of probate in Queensland. No statutory protection is at present afforded a personal representative who distributes any part of the estate before the expiration of that period even though the distribution is made for the day-to-day needs of the immediate family of the deceased person.

A measure of protection is proposed to be given to a personal representative where the distribution of any part of the esate is properly made—

(i) for the purpose of providing for the maintenance or support of the widow, widower or children who are totally or partially dependent upon the deceased person immediately prior to his death,

whether or not the personal representative had notice at the time of the distribution of any application or intended application in respect of the estate;

(ii) after receipt of a written notification from any person, being of full legal capacity, who has made or may be entitled to make an application, that such person either consents to the distribution or does not intend to make any application that would affect the proposed distribution; and

(iii) after the expiration of six months from the date of the grant in Queensland of probate of the will or other authority to administer the estate of a deceased person and without notice of any application or intended application in respect of the estate.

The Bill provides that any distribution of interim assistance to the immediate family of the deceased person properly made under (i) above will not be disturbed by any application to or order by the court.

As the administration of an estate may be unduly delayed by the receipt of a notice of intention to make an application for provision out of the estate, the Bill provides that the notice of intention must be in writing, signed by the applicant or his solicitor, and shall lapse, be incapable of being renewed and will not be binding on the personal representative unless the intended applicant notifies the personal representative in writing, before the expiration of three months from the date of giving notice of his intention to make such application, that he has made an application or unless he has served the personal representative with a copy of his application to the court within that period.

The inclusion in the Bill of the proposed measure of protection will enable the executor or administrator to make a proper distribution of any part of the estate in appropriate cases where he may be otherwise reluctant to do so because of the likelihood of an action being instituted against him.

The ultimate benefit of including the proposed measure of protection in the Bill will, in the main, be derived by those persons who are placed in necessitous circumstances by the death of their breadwinner in that their urgent needs for maintenance or support can be met without undue delay.

Hon. members will appreciate that this introductory speech is more detailed than is necessary to outline merely the principles of the Bill. The Bill is a highly technical measure and I feel sure that the detailed explanation of the contents of the Bill and the reasons for its introduction will assist hon. members in their study of the proposed changes to this difficult and complex branch of the law.

I commend the motion to the Committee.

[*Sitting suspended from 6.2 to 7.15 p.m.*]

Mr. TUCKER (Townsville North) (7.15 p.m.): The Opposition realises that this is a very important and comprehensive Bill. I will not be able to speak on it at great length this evening, but I thank the Minister for giving such great detail in his introductory speech. This will obviously assist our committee who will spend many hours of work on it.

I must say that at times the Minister reminded me of a man walking in unfamiliar territory in pitch-darkness and hanging on grimly to the fence. I do not think he quite knew what was in the Bill, and nor did anybody else.

Mr. Smith: You do not even know where the fence is.

Mr. TUCKER: Possibly that is true.

The Minister raised the matter of 18-year-olds being able to make a valid will. In 1963 when amendments to the Real Property Acts were before the House I pointed out that while we were allowing 18-year-olds to acquire land we were not giving them the right to distribute it as part of their estate should they die before attaining 21 years of age. Quite obviously this anomaly will be corrected and I agree that it should be.

The Minister said that soldiers, sailors and airmen and their female counterparts on active service are able to make valid wills at 18 years of age. This Bill will correct something that I believe has needed correction for a considerable time. If we believe that our young people should accept all these responsibilities at 18 we should also allow them to make legal wills disposing of property, both real and personal, at that age.

In this regard I believe that the Minister has opened up a wide field. If 18-year-olds are to be allowed to make wills, to acquire land, and to accept responsibility in other ways, the Minister will, some day, have to grapple with the problem of 18-year-olds being able to drink alcohol legally. I am not pressing this thought, but if we allow them to do all of these things are we justified in saying to them that they are not allowed to walk into a hotel, as an adult, and drink alcohol? Every one of us will have to grapple with this problem sooner or later. It is being put forward in the Minister's party and every other party in the State; it was raised at our convention. We are aware of the English report on the question of the age of majority and the granting of responsibility to young people at an earlier age.

Mr. Dean: There is the question of being able to vote at 18, too.

Mr. TUCKER: Yes. As has been mentioned by interjection, the question of being able to vote at 18 also arises. I believe

that by this legislation the Minister is beginning to open the door on many other questions that will have to be resolved in the not-too-distant future.

If it is felt that people younger than 21 are sufficiently responsible to acquire land and to make wills, I believe that their ability to act as justices of the peace also requires consideration. At present it is stipulated that to be a J.P. a person must be at least 21 years of age. If it is felt that young people are sufficiently mature to undertake some responsibility at the age of 18, there are many other things that will have to be considered in the near future in connection with the age of majority or responsibility. The question seems to be this: when do young persons reach adulthood? In my opinion, many young people today are well able to handle themselves very well indeed. I have observed them in many places, and I think it can be said, generally speaking, that young people today at 18 years of age are responsible and conduct themselves very well indeed.

I realise that the administration of wills and intestate estates can produce many headaches. One case that came to my notice recently is complicated by the absence of a birth certificate. I have learnt of a number of cases—I think the hon member for Tablelands has, too—which show that in days gone by some people did not register births. The result is that some young men and women are later unable to produce birth certificates. I know of one such person who died and whose estate is being administered by the Public Curator. Because proof as to who were his brothers and sisters and his father is not available, the estate is still in the hands of the Public Curator Office in Cairns. I think the Minister knows of the case that I have in mind. I am also aware of other cases in which people have died and those administering the estate have been unable to establish who should be beneficiaries because of the lack of birth certificates or other records. That is another matter that the Crown will have to consider. Whether there is any alternative means of identification, I do not know. In the meantime, those who are morally entitled to the estate are unable to receive anything from it because of the absence of a birth certificate. Of course, everyone is quite aware who are the brothers, sisters and father of the deceased. I mention this to the Minister this evening because I believe it is something that he should consider.

There are a number of archaic provisions in the law, as was mentioned by the Minister this afternoon, and I am glad to see that he and his officers have been prepared to tackle the problem of simplifying the administration of intestate estates to avoid the need to chase round the whole world seeking beneficiaries and finally dissipating small estates by the cost of such efforts. This attitude to simplification is good. I have no argument against it, and I do not think the Opposition's committee will have any argument against it. It is a step in the right direction and probably will meet with the acclamation of all members of the Opposition.

Many of us know of instances in which a person has died intestate and his widow, who lived in the matrimonial home, was able to get only a partial share of the home and it had to be sold. Although some next of kin were co-operative and were prepared to sign the home over to the widow, others were unco-operative, and many widows found that the home was included as part of the estate and had to be sold to satisfy the next of kin. I have always believed that that was morally wrong, and, therefore, I am very glad to see this clause being introduced. I know that other members of the Opposition will be, too. It is a step forward and will ensure that some of the heart-rending scenes that have been seen previously will not recur. All hon. members will agree, I think, that such an alteration is long overdue.

Raising the amount to $20,000 assuredly will cover most ordinary homes in the community. In cases where the amount is larger than that, I suppose the estate could be of such a size that the widow may not be quite so involved or worried as would be the person whose home is worth $6,000 to $8,000 or perhaps a little more. In my opinion, $20,000 is adequate. It will ensure that widows will not be placed in the invidious position of being forced to dispose of their homes and lose their shelter because their husband died intestate or forgot to make a will.

In relation to the details of the proposed amendments of the Testator's Family Maintenance Act that the Minister outlined, I say, without wishing to be disrespectful, that it was almost impossible to follow them adequately at this stage. The best I can say is that I listened to them and that it appears to me at this stage that they will meet with the Opposition's approval. I reserve the right for the Opposition's committee to go through them in great detail and, as I said when I rose to my feet, this will involve many hours of work. After speaking to some of my colleagues about some facets of the question, I cannot see that anything has been brought forward that will meet with our disapproval. The effect of the proposed amendments seems to be fairly straightforward, although the details were so long and involved that one had to strain one's patience to listen and try to get a grasp of what was happening. I reiterate that I reserve further comment on those details until the Bill is in the hands of members of the Opposition who can study it carefully.

All in all, Mr. Hooper, the Opposition has no argument against the Bill, but we reserve the right to look at it in detail. Generally speaking, it meets with our approval.

Mr. SMITH (Windsor) (7.29 p.m.): In speaking to the motion before the Committee, I think that I can quite seriously reassure the hon. member for Townsville North on any apprehension he may have about the transfer of the provisions relating to testator's family maintenance matters from their own Act to this one. After all, the Testator's Family Maintenance Act was invoked only when a person felt that the provisions made by the testator were unjust. Now, the same remedies will no doubt continue in this Act as were previously obtained under the Testator's Family Maintenance Act, but I think it is much more sensible to have all the provisions relating to succession in the one Act. Of course, this is what I have been seeking very seriously for the last few years—the reform and tidying up of our laws.

One other matter about which I want to speak—it is a matter that I have spoken about in the past—is the antiquity of some of our provisions. This was demonstrated tonight in the Minister's remarks that whilst the Wills (Soldiers, Sailors, and Members of the Air Force) Act is taken into consideration—we have heard both from the Minister and the hon. member for Townsville North of the capacity of servicemen to make wills from the age of 18 onwards—it is worth noting that this provision, which was inserted first of all in the Statute of Frauds in 1677, was re-enacted in the Succession Acts in 1837 and has continued in that form. It contains power enabling a soldier on active service to dispose of personalty—not his realty, only personalty, and there is a big distinction to be drawn because personalty is only the chattels and odd effects which we might call movables, money and the like —but realty cannot so be disposed.

However, in 1940, the amendment of section 40 of the Wills (Soldiers, Sailors, and Members of the Air Force) Act was brought down to enable the disposition of property and it was a marked step forward. That legislation in 1940 gave to 18-year-olds testamentary capacity which they did not previously possess.

Since 1677 any soldier on active service has had testamentary capacity, but in 1940 the testamentary capacity to dispose of real estate was dispensed to any man who was on active service. However, the Act did not define "active service". It took decisions of courts to define what was active service and these decisions are fairly widespread. In the case of in re Wingham (1948 2 A.E.R. 908), a flying instructor, a Canadian, was held to be on active service, yet in the case in re Spann (1965 Q.W.N. 16), a judge of our Supreme Court, Justice Douglas, found that the will of a man in the Island Regiment, which had been told that it was going to the war—he was not 21 when he made it—was invalid. That is an example of inconsistency in the interpretation placed on "active service".

I do not think it can be safely contended that the amending Act of 1940 was the panacea of all laws for servicemen, particularly today, when the force is recruited at an early age. You, Mr. Hooper, will be familiar with the practice of making out a will form on enlistment and I am quite sure that the majority of servicemen in the last war felt that they had made a valid will. However, it was only valid if they were on active service at the time, and in many cases they were not on active service when they made the will.

The big difficulty is that in Spann's case, which was decided only last year, a will was dealt with which the man made in 1941. People who make these wills on entering the armed services do not check them to see whether they are valid or not until, of course, it is too late. They are then dead and it is their relatives who are looking at the wills.

I suggest that when we do give testamentary capacity to 18-year-olds it would be a fitting thing to look at the disposition of any member of the forces to ensure that those from this State at least are given testamentary capacity on enlistment. We might write into the Act a provision that a will made on enlistment in any of the forces, whether it be by a soldier, sailor, airman or member of the women's services, is valid.

Mr. Bromley: This Bill will make it valid whether they are on active service or not.

Mr. SMITH: I am not talking about 18-year-olds. Before the interjector came in I was mentioning that the armed services recruit people at an early age—earlier than 18.

Mr. Aikens: You are specifically referring to minors making wills while in the armed services?

Mr. SMITH: I am referring to persons under the age of 18 years. I am quite sure that would be in the minds of most people. We are allowing a minor to make a will. At present the legal age is 21. Contractual capacity is not conferred on anyone under 21 years of age although, because of the provisions in the Bill, it is likely that we will have to consider lowering the age of contractual capacity, which was what the hon. member for Townsville North was talking about. But at the moment we are only discussing wills, and I am speaking on that subject.

We have apprentices in the armed services; people enlist at Duntroon from the time they pass Junior. These lads are under 18 years of age, and they will make wills. They will go through their training and no doubt in the fullnes of time, serve in the defence of this country.

Mr. Newton: What about national servicemen?

Mr. SMITH: National servicemen do not come in until they are 20. I am not worried about national servicemen; they will be covered by this Bill.

Mr. Bennett: You don't worry about them in any event.

Mr. SMITH: Of course I do. I am more concerned about servicemen than is the hon. member for South Brisbane. I do commend to the Minister consideration for all members of the forces who enlist, irrespective of their age, so that whatever testamentary document they produce will be valid.

Mr. AIKENS (Townsville South) (7.38 p.m.): I do not want to have a legal clash with the hon. member for Windsor. Frankly, he is not worth my powder and shot when it comes to a legal argument. I know that many courts have held that irrespective of the age of a man or woman on active service his or her will is valid if he or she is killed on active service.

Mr. Bromley. Not while in Vietnam.

Mr. AIKENS: Maybe there is a discrimination because of the point of whether a national serviceman is actually at war. I know the case of a boy of 14 who made a will whilst serving with the Royal Navy. His will was declared by the High Court in England to be valid. I take it that the law would be the same here.

Mr. Smith: You are quite wrong.

Mr. AIKENS: Of course, we would not expect the hon. member for Windsor to know that. Somewhere in his well-coiffured head there is a legal brain about the size of a peanut. If anyone wants to know anything about the law at any time I suggest that he should come to me.

As this Bill proposes to reduce the age for valid will-making—if I can put it that way—from 21 to 18, we should take serious cognisance of where we are going with this matter and how far we intend to reduce, shall we say, the age of responsibility and age of adulthood. We must remember that we have to come down only one year to the age of 17 to boys and girls who are minors in the eyes of the law. As they are minors in the eyes of the law they are subject to special provisions, particularly under the Criminal Code, as to how they shall be tried or brought before courts, the publication of names and all the other ballyhoo associated with it.

Perhaps there are some hon. members in the Chamber who could advise me how originally this magic age of 21 was decided upon. What is its connotation? Where did we get the idea that a person is responsible and an adult at the magic age of 21? For all I know there may be some particular reason for it. Someone told me that at one time 21 years was regarded as a generation, but now 30 years is regarded as a generation.

I have long held the opinion, and I am sure it is shared by every other hon. member in the Chamber, that age is no criterion. Just as whiskers do not make for wisdom so, also, extreme youth does not always make for irresponsibility. There are some boys and girls 16 years of age who have more mental balance, more responsibility and more common sense than some men and women of 66 years of age. Where are we to strike the line of demarcation? No matter where we strike it we will have arguments for and against it. The hon. member for Townsville North raised the point that, in this Parliament, we have given boys and girls of 18 years of age the right to hold property and the right to be adults in other aspects of the law, and now we are to give them the right to make wills at the age of 18. I see nothing wrong with it, because some boys and girls of 18 are perfectly capable of making a coherent will whereas some people at 48 and 58 are as silly as beetles. However we are asked to agree with this magic age of 18, which replaces the magic age of 21 as the symbol of adulthood. If we are to give young people these privileges at 18, surely there should be no power to deny them other privileges that we now give them at 21. That must be faced sooner or later. I want to know whether boys and girls of 18 can marry without their parents' consent. So far as I know, the law still stands that a minor—anyone under 21 years of age is a minor according to this law—must receive his parent's consent before he can marry. The officiating minister or justice of the peace, or whoever marries a couple, must be particularly careful that there is no fraudulent representation, but we are giving these people, who cannot marry at 19 or 20 years of age without parental consent, the right to make a will, the right to own land and to do other things at 18 years of age. It should be realised that we must soon act like Alexander, who used his sword to cut the Gordian knot, in relation to this magic age of 21.

Unfortunately I was not in the Chamber when the Minister introduced the Bill, but I was told that he went on and on in that very careful dialectic way of his so that every hon. member would be in complete possession of every minor detail of the Bill. I understand that he dealt with the question of intestacy. Perhaps he can tell me—or I can look it up in the "pulls" in the morning—whether there is to be an appeal with regard to the law of intestacy just as there is with regard to an estate left under a will.

Dr. Delamothe: That is right.

Mr. AIKENS: If that is to be the case, I would say the Minister has drawn a pretty big hornet's nest around his head and I will look at the Bill very carefully.

When all is said and done with regard to intestacies, we must face up to the fact that in some respects we have not got very far out of the mist of ignorance and superstition that surrounded people for centuries. We

know of our own knowledge that there are many people who will not make a will because of the suspicious belief that if they do it presages their own death. They are afraid to make a will and, as a result, members of Parliament—I suppose every one of us has had this experience—have people coming to them in a foul tangle because someone died intestate because he was afraid to make a will and his estate has to be administered in intestacy.

We find, too, the frightful tangles that ensue and the extra work that has to be done in order to find the dependants or the descendants, not only to establish the fact that they are descendants but also that their births and the marriages are registered. More often than not, if the persons concerned go to a private solicitor for all this the whole of the estate is eaten up in legal costs before the unfortunate legatees, if I may call them that, get anything at all out of it.

I have a case I am trying to handle at present, and for sheer confusion it would take first prize. It is the case of a man who died intestate in 1909, leaving a large sum of money and a number of descendants spread all over North Queensland. His estate in intestacy was churned over by the lawyers, one after another, all of whom got a cut out of it as it passed through their hands. I now have the case of a very old woman, the daughter of one of those whose estate is still claiming against the estate in intestacy of the original man. Here we have an intestate beneficiary of an intestate account and now we have an aged daughter trying to come into it. I understand that it has been before the court for an order on how the intestate estate should be administered and of course, once it goes before the court, not only are the solicitors in, but the barristers are also in, and by the time the solicitors and barristers and court fees are paid the estate will probably end up in the Bankruptcy Court, although originally it was one of the most substantial ever left in North Queensland.

Mr. Bennett: Don't you believe in distribution of the economy?

Mr. AIKENS: I believe in a fair and equitable distribution of the economy, but anyone who cares to look at a solicitor's account or a barrister's fee does not believe that that is a fair and equitable distribution of the economy.

I put this forward in all sincerity. I do not want to overload the school-teachers, because, goodness knows, they have enough to do now, and they are being stirred into revolt by a man named Baldwin, who, incidentally, has been granted $300 from the Trades Hall as part of his campaign expenses for the presidency or secretaryship of the Teachers' Union. The Egerton boys at the Trades Hall—the "Moscow Mob"—granted him $300 as part of his campaign expenses to become secretary of the Teachers' Union.

Mr. P. Wood: Do you know what position it is?

Mr. AIKENS: He is running for a position of some authority, and I believe it is the presidency. It does not matter if it is for the humble position of committeeman; the fact is that he is being backed and financed by the "Moscow Mob" at the Trades Hall.

Mr. Bromley: You're a liar.

The CHAIRMAN: Order!

Mr. AIKENS: Listen to this skunk calling me a liar.

The CHAIRMAN: Order! I ask both the hon. member for Norman and the hon. member for Townsville South to withdraw the unparliamentary expressions they have used. The hon. member for Norman.

Mr. Bromley: You go first.

The CHAIRMAN: Order! The hon. member for Norman.

Mr. Bromley: I will withdraw the statement that he is a liar because that is an insult to a liar.

The CHAIRMAN: Order! I ask the hon. member for Norman for an unqualified withdrawal.

Mr. Bromley: I withdraw the remark.

The CHAIRMAN: Order! The hon. member for Townsville South.

Mr. AIKENS: In view of his magnanimous gesture, I withdraw.

It would be a good idea if, in our schools, churches, and even Sunday schools, children and adults, as quite a number of adults are remiss in this regard, could be told of the distress, sorrow, misery and domestic upsets caused when people die without having made a will. We should at least have the children going away from secondary schools with this knowledge. It would be useless trying to tell some of the fellows at the university, because they are incapable of absorbing any information at all—although some of them are all right. If only we could impress this upon people and give them instances of the tragedies that have occurred because people die without having made a will.

I think that making a will is one of the most important things that a person should do. At my public meetings I try to work in stories about intestate estates to impress upon my listeners the absolute necessity to make a will. As the hon. member for Burdekin would confirm, during my last State election campaign I dealt on television with the case of a person who did not make a will and the Government of the day estreated his entire estate. Finally I got the Government to waive the escheat so that the money concerned could be paid to two aged sisters of the man who died intestate. Because they were all illegitimate children of their mother and father (which they did not know till after the brother died) they had to pay probate and succession duty as strangers in blood, although they were the children of the same mother and father.

I directed my television speech particularly at old people, and, as a result of it, the Clerk of the Court at Ayr was very hostile towards me in the following week because 17 aged people called at the court-house at Ayr the next morning to make wills. Some members may possibly think that there is reason for doubting my veracity, but I do not think anyone would doubt the veracity of the hon. member for Burdekin, who is a man of probity and honour.

Mr. Bennett: He is not here now.

Mr. AIKENS: He would not let me down. He may take on the hon. member for South Brisbane, but he would not let me down.

The hon. member for Windsor dealt with soldiers' wills and made all sorts of irresponsible, generalised statements. I can remember a rather pathetic case in Townsville of a man who made a simple will leaving everything that he possessed to his wife. He went to the Second World War, and whilst there he made an Army will. The hon. member for Windsor told us that that would be invalid. When he returned from the war, knowing that his Army will was in exactly the same terms as the will that he had made previously, he destroyed the Army will by burning it. All people should be told that the destruction of a second or subsequent will does not, and cannot, revive the first will. Once a second will is made, the first will is irrevocably destroyed and can only be revived by a codicil or fresh will.

When the man to whom I am referring died and his wife went along to a solicitor and said, "Here is my husband's first will" and disclosed that he had destroyed by burning the later will that he made in the Army, the solicitor, being one of the rare honest ones, also disclosed that legally the husband had died intestate. In the meantime his daughter had grown to womanhood. He had only one daughter and, to use the vernacular, she had become a bit of a no-hoper, and someone to whom the dead father would never have left any money. But because he had destroyed his valid Army will, which the hon. member for Windsor said was invalid, he died intestate, and his wife got half the estate and his daughter got the other half under the law of intestacy. So much for the legal opinions expressed from time to time by the hon. member for Windsor.

I make an appeal to the Minister for Justice to do something about the very scurrilous stories widely circulated, mainly by solicitors in private practice and the trustee companies, about the way in which the Public Curator handles wills. These solicitors and trustee companies warn people not to make the Public Curator executor of their wills. They tell people that the Public Curator's charges are 10 times those of private solicitors or trustee companies. They also say that there is much delay associated with the administration of wills handled by the Public Curator. Every thinking person knows that that is a lot of bunkum.

In fact, quite recently two of Townsville's most prominent citizens, by no means associated with the Labour Party other than in terms of enmity, died and each of them named the Public Curator as executor of his will. I tell people who come to me, "There is one thing about the Public Curator that cannot be said about an estate company or about a private solicitor. The Public Curator cannot die and he cannot default, because, although a Public Curator may die in person, his office continues in perpetuity, and the moment that any person attached to the Public Curator's Office 'tickles the peter', if I may use the vulgar North Queensland vernacular, the money is immediately made good by the Government." I also tell them that if at any time a person is in doubt about the way in which a will is being administered by the Public Curator, if he thinks that the Public Curator is not moving with the celerity with which he should move, he can go to his member of Parliament. I have never known the Public Curator not to discuss with me the terms of a will, the way in which it is being administered, and what the particular hold-up is. I know that when one goes to a private solicitor and makes a statement that, according to a particular person, the will is being tied up, he immediately blames the delay on the Titles Office. They are the first people to get the blame; but if one checks with the Titles Office, one finds that the documents have never been lodged by the solicitor. I had a case recently in which I told the person concerned to go along to the solicitor and tell him that he was a plain and unvarnished liar, that the documents never went to the Titles Office. The solicitor said, "Why did you go to that so-and-so Aikens?"

Mr. Bennett: What solicitor is that?

Mr. AIKENS: I might tell the hon. member later. If I told him in public, the solicitor might think that the hon. member was getting at him through me and may not give him some of the briefs that he has for him.

I do not mind the Public Curator's coming in for criticism if he merits and warrants it, but I recently heard a story when I was at a gathering completely unassociated with politics—not even remotely connected with it. Two members of the organisation to which I belong came to me and they both told me impossible stories about the Public Curator. I said, "Will you come along to the office tomorrow morning? I will show you that you are wrong. I will demonstrate that you are wrong." They did not come. They had been fed this idea by the Queensland Trustees and the other trustee companies. Impossible stories of this sort should be struck at their source, and, if necessary, we

should tell the true story of the private solicitors and some of the tricks and fandangoes that they get up to.

I suppose I have a bit of an obsession about people dying without making a will.

Mr. Melloy: Have you made a will?

Mr. AIKENS: I have very little to leave. I have given nearly everything I possess to the poor and the needy.

Mr. Bennett: That was to dodge tax.

Mr. AIKENS: Yes, that had a big bearing on it. I do not see any reason why I should pay any more than I need to.

Mr. Bromley: You wouldn't give them a fright if you were a ghost.

Mr. AIKENS: The hon. member would not show his blind auntie the short cut to the "la-la".

The CHAIRMAN: Order!

Mr. AIKENS: Having said that I think we should try to devise ways and means of awakening young people and old people in the community to the need for making a will, I will resume my seat or subside, whichever you prefer to term it, Mr. Hooper.

Mr. HUGHES (Kurilpa) (7.54 p.m.): The amendments contained in the proposed Bill now before the Committee will, in time, overcome many difficulties. The provisions of both Acts will be embodied in the one Act, and this will facilitate the interpretation of the various sections under the Succession Act and the Intestacy Act.

Although many aspects of the making of wills, the age at which they may be made, intestacy, and the results flowing from them have been canvassed in this Chamber, there is another matter to which I would ask the Minister and the Committee to give consideration. It has been brought to my notice by practising solicitors as one that has given cause for concern in certain cases. I wish to deal with section 24 of the Intestacy Act of 1877.

There are many statutes on our books that go back very many years. Society changes with the passage of time, and some of the Acts have become outmoded and do not give people an opportunity to have matters dealt with in accordance with what we now believe to be fair and just practice. I know, Mr. Hodges, that the Minister and the Treasurer have listened quite sympathetically and I believe are likely to do something in relation to a matter raised in this Chamber by the hon. member for Windsor, namely, law reform. We look forward to the time when some of our Acts are brought up to date.

I do not see that Section 24 of the Intestacy Act has been amended in any way, and it has been brought to my knowledge that this section has caused hardship in some cases. It reads—

> "Land not to be sold without order—No land passing under this Act shall be sold by any administrator without the consent of all persons beneficially interested or the order of the Supreme Court or a judge thereof for that purpose first obtained. And, no such order shall be made without such consent before the expiration of one year from the date of the letters of administration."

In effect, it has been put to me that that means that after a period of time and the necessary applications and paper work associated with the estate have been carried out, and after letters of administration have been granted by the court, the administrator then having proper authority to deal with the estate—and it could be an intestate estate which might involve children and others—cannot make any sale for 12 months because it is beyond the discretion of the judge, by virtue of this Act, to grant such an order. In other words, he shall not give consent to the sale of property prior to 12 months after the date of letters of administration.

As we know, in this day and age—1968—very many properties are purchased on terms bearing high interest rates. It seems to be quite a respectable trading practice today, because of the limitation on finance, for people to borrow money from finance companies which lend at somewhere about 13 per cent. per annum. This, of course, is a heavy burden if the money is not being serviced. We can readily understand that if a property was carrying such an interest rate and that property could not be sold for at least 12 months after letters of administration were granted, it could be to the detriment of the beneficiaries in the estate. This would be quite a burden. Although some persons might be prudent and businesslike and pay the taxes, a penalty could possibly be incurred if taxes, probate and other duties were not paid on time. It might be very beneficial to those interested in the estate if moneys could be released a bit sooner.

However, in the terms of this Act it can be held by solicitors—it certainly is by some of them—that their hands are tied and that they are not able to deal with any matter associated with real property in an estate until at least 12 months after letters of administration, and that a judge has not the power to give them authority to deal with the property. This can easily be seen to be a burden. Whilst originally this provision might have been inserted as a protection against an administrator dissipating an estate, thereby depriving children or others of benefits they might otherwise receive, it is not being taken as such by a number of legal practitioners in this State today. This, of course, acts to the detriment of beneficiaries in certain intestate estates. I believe that if that is the actual case the court should have a discretion. It may be

that during the passage of this Bill or at some future time there may need to be further amendment to the Act if the hands of the administrator or solicitor acting for the estate are tied. I discussed this matter with the hon. member for Windsor for whose opinion I have a great respect. I believe him to be of the opinion that the court can give consent; it may automatically rule in favour of allowing a sale if consent is forthcoming from the trustees of the beneficiaries. However, that is not the interpretation that a number of practising solicitors in Brisbane place on this matter. I would be very appreciative of advice and guidance on this. As I said earlier, if, as section 24 appears to read, it is mandatory that a judge shall not allow the sale of property in an intestate estate before 12 months following the granting of letters of administration, in certain cases it could act to the detriment of the beneficiaries. If that is so I believe the 1877 law which I have quoted is long overdue for amendment in terms of the needs of modern times.

I would hope that the Minister, for whom I have a tremendously high regard both personally and in an administrative capacity, will be able to advise me here, and that now that I have brought the matter forward in the debate he will give some advice on it in his reply or at some future time. The section either requires amendment or it does not; if it does not, certain solicitors of this city are misinterpreting it to the detriment of estates they are administering on behalf of administrators, trustees or beneficiaries.

Mr. BENNETT (South Brisbane) (8.8 p.m.): I suggest it would be fair to say that there is quite a bit of bastardy being covered in this legislation. At the commencement of my submissions tonight I must say that I never cease to wonder at the audacity of the hon. member for Windsor who seeks to claim credit for every piece of legislation passed through this Chamber which he believes to be of some value. The position is that I was the first in the Chamber to urge for a law reform committee. I could quote articles I submitted on that matter. I was the one who originally argued for testamentary capacity of youths 18 years and over. Hon. members will well remember the specific arguments I advanced in that regard. I well remember the present Minister for Justice complimenting me on my submissions at the time. That appears in "Hansard". Of course, when these matters were being voiced in the Press for political purposes the Minister gave credit merely to the hon. member for Windsor. However, I have been in public life long enough, and have acted as a lawyer long enough, not to let these things seriously concern or worry me. But I do feel that when hon. members speak in this Chamber they should have some regard for the truth, and should acknowledge what is actual history in the debates here. It is very easy for one hon. member to plagiarise the submissions of others and get up after a certain period of time and adopt their arguments, and then claim credit for being the proposer of particular proposals. That applies to free legal aid, for which I have argued in the past, and which I say quite categorically has got hopelessly bogged down now because of inefficiency in the implementation of the scheme.

The TEMPORARY CHAIRMAN (Mr. Hodges): Order! I ask the hon. member to come back to the matter before the Committee.

Mr. BENNETT: We are now dealing with the Succession Act, the Testators' Family Maintenance Act, and the making of wills, and so on. I listened attentively to the Minister's introduction, and I endorse the remarks made by the Deputy Leader of the Opposition who said that if the proposals in the main are as the Minister indicated they are desirable. However, I have heard the Minister say frequently that he is introducing a Bill to simplify the legal procedure in this State, and it has been followed by a spate of litigation in the courts on the meaning of the legislation or attempts to punch holes in its weaknesses. I sincerely hope that in this case a genuine attempt at simplification has been made.

After listening to the Minister's introduction I think it is fair to say at this stage that all hon. members who were in the Chamber at that time would agree that the proposals as outlined by the Minister seemed to be, to say the least, rather complicated and complex. In an attempt at simplification, it could well be that further difficulties will creep into the Succession and Probate Law and that more litigation will follow on the interpretation of this legislation.

If the Testators' Family Maintenance Act can be suitably written into the Succession Act without making complications and without creating discrepancies and confusion, that is all to the good. However, when they are in proper compartments, suitably described, one would think it is preferable to have two separate pieces of legislation unless the draughtsmanship is such that there is no confusion in the amalgamation of the two sets, none the least of which is the Wills Act which will be involved in intestacies, and so on. It could well be that we may get into difficulties.

The Minister said, in effect, that he is trying to do justice to those who are ill-affected by intestacies, by poor wills, or uncertainty in the law. It must be conceded that for generations this has given rise to a lot of difficulty and weeping of tears. I say categorically and confidently that the main reason for the heart-burning, difficulty and confusion of illegal and invalid wills has been that in this State there have been people drawing and drafting wills who have no legal qualifications or experience whatsoever. For many years this Parliament

has accorded them statutory protection. I say quite categorically that by this legislative protection they have been given the green light to charge enormous fees for unskilled work, which would not be tolerated in any professional field, trade, or calling. I refer in particular to the two real enemies of fairness and justice in the testamentary field, namely, the Queensland Trustees Limited and the Union-Fidelity Trustee Company.

Mr. Aikens: The biggest villains of the lot.

Mr. BENNETT: I concede to the interjector that they are the biggest villains of the lot in the field of wills and the doubts and difficulties in estates.

Although there may be delays at the Public Curator's Office brought about mainly by lack of staff—staff which this Government will not provide—I concede that at least the Public Curator has professional and skilled men. They have an office which has permanency, and they have a system that can safeguard the interests of the average man—in fact, of all men. Of course, their tasks relate mainly to the less privileged in the community, because, generally speaking, although there are those who do not engage in artificial hypocrisy or snobbery and who go to the Public Curator, there are others who will not. We have, for instance, the so-called enlightened graziers and other wealthy sections of the community who think it is only right and proper to go to Queensland Trustees and Union Trustees. Their forebears, if they have been on the land for a succession of years, from generation to generation, will bear with me in saying that the treatment they received from those two companies was most unsatisfying and costly. But the new grazier, the man who becomes suddenly wealthy, thinks it is the right thing to do to go to those particular companies, not knowing their history.

I can say this without trying to conceal the identity of the person concerned because he would be quite proud to be associated with my remarks. I refer to a man with whom I read in my early days in the law. For half a century he was the leading equity lawyer in this State. He appeared in every big case, equity and otherwise, for half a century, at the Bar in Queensland and before the High Court and all other courts in this State. I refer to the late Bartley F. Fahey, whose skill, knowledge and experience in the equity field was never challenged in a half century during which he practised and whose submissions to the court are still relied on in cases where the law is still the same. He was regarded in those days as having one of the top incomes at the Bar; it compared more than favourably with that of any other practising barrister of his time. He told me that he made most of his money from the mistakes made by Queensland Trustees and Union Trustees. He had no hesitation in saying that, and I was not the only one to whom he said it. Looking at the briefs in his chambers one could only say that he was being briefed by people who were dissatisfied at the treatment they received from those companies or alternatively by those companies themselves to try to get them out of their difficulties.

The Minister has referred to partial intestacy. Quite frankly, if a will is drafted by a skilled lawyer the question of partial intestacy should never come up for consideration in normal circumstances. The only reason it does come up for consideration is that we have unskilled men preparing and drafting wills. For some reason or other we have that section in the community who have been referred to already, namely, those who believe it is unnecessary to make a will, not knowing the damage they are doing their prospective widows and family. I say categorically that in this enlightened age, leaving out the pioneers of the State, many of whom are still living, our younger generation who have had the opportunity of a fair and decent education, provided by Labour Governments over the years, have no excuse for not being aware of the wisdom in making a will and the necessity for it. I have little patience or tolerance for the man who will not do so after he has been advised. The person who refuses to do so is plainly pigheaded. No person has anything to gain by refusing to make a will. Unfortunately we still have those who will not do it. If it is brought about by superstition, it is idiocy. If it is brought about because he believes he is not going to die, he is a plain impostor. If it is brought about because he thinks his estate will be wound up more cheaply and fairly, his family is certainly in for a rude awakening. So I have no patience with people today who refuse or fail to make a will. They should know that it is their moral and bounden obligation, particularly if they are married men with families.

Mr. Carey: In your opinion there are not many sensible people in Queensland.

Mr. BENNETT: I do not say that at all. Quite frankly that inane interjection is typical of what is frustrating Arthur Calwell. The hon. member is trying to get me to make an observation about one section of the community and then he will apply it generally. That was not the purport of my argument. Although the suggestion made by the interjector might express his sentiments, it does not express mine. The person who these days refuses to make a will is the exception. I am prepared to go on record as saying that those who refuse to make wills after being properly advised to do so either have no conscience or are plain fools. One has to reach the age of testamentary capacity to make a will. It seems to me that the hon. member who interjected has not reached the age of puberty.

The next point that I wish to make is that there are in the community people who think they are quite capable of making their own wills. If they could only realise the difficulties that that will create following their deaths, they would see how absolutely foolish they are. There are certain technical and legal formalities to be followed in the execution of a will which, in the main, are not known by those who make their own wills. No doubt the holograph will-makers in effect write a letter setting out their desires, but they do not effectively dispose of their estates. That leads to much legal argument because in those memoranda, which is the best that they can be called, they no doubt express their sincere intentions and desires but merely cause heart-burning in their families between those who are left out and those who are granted some alleged preference by the expressions used in the wills. All that is produced is argument, because the estate has still to be administered as an intestacy. Those who come in this category of will-maker should be well warned of the foolishness of their actions.

The next section that should be warned is those who go to Queensland Trustees Ltd. and Union-Fidelity Trustee Co. Although their officers have had more experience in this matter than have those who have never made wills, people who go to such companies are dealing with unskilled tradesmen who have never served apprenticeships. I am sure that no member of this Committee, or of the community in general, would have his home constructed by a man who had never served an apprenticeship. I am sure that no-one would have a tooth pulled by a man who used a pair of pliers and had never been to a dental school for training. No-one would submit himself to an operation for the removal of his appendix by anyone other than a qualified doctor. Yet when dealing with their life's savings and their whole life's work, and putting their family's future "on the block" and deciding what is to happen to their properties and holdings perhaps for the next century, there are people who are prepared to go to half-baked craftsmen.

Unless the position has changed radically very recently, it will be found that there are no qualified men in such companies, and that those who do go there allegedly to practise the law are those who cannot qualify to practise privately. They are in effect given, through a company, the statutory right to private practice which they cannot acquire by their own qualifications. I think it is sad to see men who have slaved all their lives having dealings with these people.

I am not critical of those who accumulate reasonable assets for the use of their family at the end of their lifetime, provided they acquire them honestly. But I think it is distressing to see half the money that they have acquired over their lifetime, money that they have worked and slaved for, dissipated in legal costs, not because of the difficulty of the law as such, not because of the Succession Act or the Testator's Family Maintenance Act, but because of the unskilled draftsman who drafted their original will. I cannot speak too strongly or too loudly about this fact. I concede that there are exceptions in the legal world, too, but the ordinary solicitor does not get an opportunity to make very many mistakes in relation to the drafting of wills. The majority of them are drafted by the trustee companies, and the majority of the ones that are "mucked up" come from those companies.

The difficulty with inaccurate wills does not end there. If a close examination were conducted, it would show that, in administering an estate over the years, these companies will, if possible, help fellow members of the companies. There is delay in the administration of the estate—in some instances I am satisfied that it is deliberate delay—so that more fees can be earned by the company if the estate is a large and wealthy one. I could name one estate in North Queensland well known to the Minister —a big cattle property—that was being administered for years and years by one of the trustee companies. It had been one of North Queensland's, if not Queensland's, wealthiest grazing and cattle properties, and the stage was reached in the hands of the trustee company when it was administered almost in bankruptcy. Quite frankly, although I have not been associated with that particular estate for a while now, I was called upon as a parliamentarian and public man, not in my professional capacity as a lawyer, to see how this trustee company had frittered away the funds of the estate and the family. The poor man who had worked for so long to accumulate his goodly fortune, as far as one can accumulate it, would have turned over in his grave if he had known how his testamentary intentions had been thwarted by the activities —I will say the questionable activities— of this company. I could provide all the figures to substantiate my argument on this point. Any North Queenslander who has mixed in public affairs well knows the company to which I am referring, and if I had had sufficient time to prepare for this debate I could, perhaps, have given hon. members the full figures.

Mr. Aikens: As a North Queenslander, I can say that you are right for once.

Mr. BENNETT: Thank you. Although it is a notorious example, it is typical of the many cases that have taken place over the years.

There is a fourth aspect to which the Minister should give careful consideration. I refer to the printed form of will. I say with due respect that I certainly have no impatience or intolerance with the poor unskilled men who use this form of will. When they see something in print, they think it has been approved by Parliament or by the Government. They think it is legitimate and legal and are prepared to

rely on it. People are still using the printed form of will, which invariably gets them into trouble. In the first place, they do not understand what is in the print; in the second place, the printed form of will does not adequately make provision for their intentions; in the third place, even though the print might in some instances suit the testamentary disposition of the testator, invariably the will is not executed according to the technicalities of the Wills Act and the Succession Act and becomes invalid. I have genuine sympathy for those who rely on the printed form of will, which I think can at times be bought from the Law Book Company. I do not know whether they still can, but some persons when they can buy a document in print fully believe it has the imprimatur of the authorities, and that otherwise its sale would not be allowed. I think that section of the community is entitled to protection and I think the Minister should give serious consideration to making it illegal for any body or authority to sell printed forms of wills.

The Minister has said also that for household furniture and effects, particularly in the matrimonial home, suitable provision will be written into the Act to preserve a widow's claim. I am pleased about that. I feel that something should be done to stop the Stamp Duties Office or the Succession Office, whatever it is called, insisting on technical demands as to the ownership of furniture as between husband and wife. When a wife dies that department will not accept the husband's statutory declaration that he is the owner of the furniture, that he purchased it perhaps 50 years previously and has not kept the receipts, not anticipating the sorry day of the sad disunion. The office says, "If you cannot prove that the furniture is yours, if you have no documents to show it is, you have to pay stamp duty on half its value because we believe you owned it jointly with your wife, splitting it 50/50." What right it has to say that, I do not know. What right a State instrumentality has to regard a surviving widow or husband as being untruthful in making a statutory declaration in these matters, I do not know, particularly when there is complete trust and faith between the husband and wife. It should be prepared to accept the declaration as to the ownership of the furniture.

(Time expired.)

Hon. P. R. DELAMOTHE (Bowen—Minister for Justice) (8.32 p.m.), in reply: This indeed has been a most intelligent, rewarding and helpful discussion, and, as I did with the Leader of the Opposition, I have to thank the Deputy Leader and other hon. members opposite for their commendation. This is indeed a red-letter day, because it is the second Bill today in relation to which I have received commendation. May I also say at this stage that I believe that the contribution by the hon. member for South Brisbane was the best I have ever heard him make in this Chamber on any of my Bills. I have deplored the impulse and urge that he has to be something of a mountebank, but I have always believed that he has the capacity and the knowledge to be most helpful to Parliament, and to myself as the Minister introducing the Bill, and I hope that in the future he will more often entertain us and help us with similar contributions.

Whilst I am speaking thus, I should like particularly to add to the urging note and prayers of the hon. member for South Brisbane and the hon. member for Townsville South on the necessity for everybody to make a will, and not only to make it but to have it made properly for them. A great deal of my work is made up of diverting to the sources of the best possible advice people who have got into trouble because their parents, their cousins or their aunts have tried to write their own wills. There could be no greater anathema than this delusion on the part of some people that by going to a stationery shop and buying a printed will form all they have to do is fill it in and their followers are right till the end of time. I cannot add to the submissions of those two hon. members more strongly than to appeal with all the sincerity I have for everybody to have a will properly made.

Mr. Aikens: They can go to the Public Curator and get a good will made for nothing.

Dr. DELAMOTHE: That is true. I thank both hon. members for bringing this matter to the public gaze and giving me an opportunity to say something about it.

The Deputy Leader of the Opposition referred to the difficulty of this gradual introduction to doing things at the age of 18 years. In this affluent society it has become customary for young people to become possessed of real wealth. In the light of the situation five years ago I eased the Real Property Act to allow 18-year-olds to hold and deal with land. As hon. members will remember, prior to that trustees had to hold land on their behalf. That had proved unsatisfactory and unnecessary. It has taken a long time to move along to the next stage of allowing 18-year-olds to make wills, which is a natural sequence or corollary to holding and dealing with land. How long it will take, or whether one should take, the further step of allowing young people to enter into contracts I do not know at this stage. Perhaps education has not proceeded far enough yet to allow that. The other matters of voting, drinking, and all the other things require mature consideration by all of us. This will be necessary, as the hon. member for Townsville North pleaded for. I agree with him on that point.

The hon. member for Windsor foreshadowed the possibility of the introduction of an amendment, which I believe to be a good one. He suggested that people under 18 years of age who join the armed services should be able to make a valid will. I

believe that the reasons he gave are good ones. A lad may join one of the armed services at 16 years of age as an apprentice. On his enlistment he makes a will as part of the routine of entering the service. Once he has made a will he believes it to be a valid one. Ten or 20 years later, perhaps it is the only will he has made. Should he die then the will would be held to be invalid because he made it at 16 years of age.

Mr. Aikens: I would not mind betting that if he made it while on active service it would still stand up.

Dr. DELAMOTHE: As long as he is on active service. The hon. member for Windsor wants any serviceman under 18 years of age to be able to make a valid will. I believe that is a good idea.

The hon. member for Townsville South asked how the age of 21 years was originally selected as the age of majority or the age of adulthood.

Mr. Aikens. The magic number.

Dr. DELAMOTHE: The magic number, 21. Perhaps his memory does not go back quite as far as would enable him to recall that it goes back to the age of chivalry when there were various degrees of people who went to war. There were men at arms who walked and carried bows and arrows. Perhaps the hon. member for Townsville South might remember that. Then there were the squires and so on up to the knight at the top who rode a horse because the armour he had to carry was too heavy. Having experimented with various ages between 15 and 18, and then up to 19, gradually it was accepted that up till the age of 21 a man was not strong enough, or sufficiently capable, to bear the heaviest armour. The bearing of the heaviest armour became the badge or the hallmark of adulthood. That is the origin of the age of 21 for adulthood.

In reply to the hon. member for Kurilpa, I point out that having looked at the section of the Intestacy Act of 1877 I have not quite grasped the point he was getting at. If he is prepared to have his particular problem raised by his solicitor or friend and have it put down on paper, we will have a look at it to find the right answer for him. At the moment, I think that possibly he is not arriving at the right answer.

Motion (Dr. Delamothe) agreed to.

Resolution reported.

FIRST READING

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

PUBLIC ACCOUNTANTS REGISTRATION ACTS AMENDMENT BILL

INITIATION

Hon. J. C. A. PIZZEY (Isis—Premier), by leave, without notice: I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to amend the Public Accountants Registration Acts, 1946 to 1963, in certain particulars."

Motion agreed to.

INITIATION IN COMMITTEE

(Mr. Hodges, Gympie, in the chair)

Hon. J. C. A. PIZZEY (Isis—Premier) (8.44 p.m.): I move—

"That a Bill be introduced to amend the Public Accountants Registration Acts, 1946 to 1963, in certain particulars."

I assure hon. members that amongst the "certain particulars" there is not one demanding that, upon registration, accountants appear in their sartorial splendour such as the learned gentlemen at the Bar. The hon. member for Rockhampton North suggested such a thing today.

One of the principal amendments proposed is to afford recognition to the Diplomas in Accountancy of the Queensland Institute of Technology. Another amendment is designed to vary some of the disciplinary powers of the board. These will provide for persons who have been convicted of crimes and misdemeanours or who have been made bankrupt to be heard by the board in deciding whether disciplinary action should be taken against them. At present they have no right to be heard, the board being able to deal with these cases ex parte. The Bill also proposes to eliminate the need for partners of local accountancy firms who are resident overseas to be registered in Queensland and to delete the necessity for the name of the public accountant in charge of a place of business to be shown in all advertisements, invoices, etc., relating to the business. Authority is sought by regulation under the Acts to control the extent of advertising by public accountants. There are also other minor amendments of a general nature.

Current developments in the accountancy profession make it clear that accountants of the future will need to have a much broader education than was previously required. Our educational system in Queensland is keeping pace with these advanced ideas and it is worthy of mention at this stage that the University of Queensland has created a Chair in Accountancy, which indicates the greater importance being attached to this field. The chair is at present occupied by Dr. R. S. Gynther, who is recognised as one of the leaders in accountancy education in Australia. The creation of the accountancy diploma course at the Queensland Institute of Technology is also part of this development.

The Australian Society of Accountants, which is to discontinue its own examinations after 1971, has recognised the standard of the Queensland Institute of Technology by provisionally adopting its Diploma in Accountancy examination as a basis for admission to the society. The society also recognises the degrees in Commerce or

Economics of Australian universities for admission purposes where stipulated accounting subjects have been undertaken. Students could do those degrees without taking those subjects, but if they take them they receive recognition for them.

The basic qualification for acceptance for accountancy diploma examinations of the Queensland Institute of Tehnology is five passes, including Mathematics I and English, in the Senior Public examination.

Mr. Hanson: A Senior pass is needed now to matriculate.

Mr. PIZZEY: That is right.

Mr. Houston: What will it be?

Mr. PIZZEY: Five passes, including Mathematics I and English. It is the old C grade, which is now 4.

The Institute of Chartered Accountants in Australia, the other professional body, which is to continue its own examinations, now requires matriculation to an Australian university standard as a basic examination entrance requirement.

When the Institute of Technology was in the formative stages, the Public Accountants Registration Board expressed its willingness to accept the Diploma in Accountancy as a suitable examination qualification for registration as a public accountant, and to give effect to this it will be necessary to amend section 17 of the Acts. At the same time it is proposed to rearrange this section in order to clarify certain aspects, but the bulk of the new section contains the same principles as the existing section.

Requirements for entitlement to registration which are unchanged include that the applicant must—

(a) be of good fame and character and be over 21 years of age, and

(b) be engaged or about to engage in the practice of public accountancy, or be an employee of a public accountant.

It is proposed to add that a person who has the actual supervision and management of a company which practises as a public accountant is also entitled to be registered. This was previously covered by regulation 23 but it should properly be in the Act.

The requirements regarding examination qualifications have been brought up to date, and the following examinations are intended to be recognised for registration of public accountants:—

1. Examinations conducted by the University of Queensland for the Public Accountants Registration Board.

2. Examinations for the Certificate in Accountancy of the University of Queensland.

3. Examinations in prescribed subjects for the Degree in Commerce of the University of Queensland.

4. Examinations for the Diploma in Accountancy of the Queensland Institute of Technology.

5. Examinations for the Diploma in Accountancy of the Department of Education. (Some of these are being phased out, whilst others are being brought in.)

6. Examinations of any other Australian university, college, or other educational institution approved by the Board as being equal to similar approved examinations in Queensland.

7. Examinations of approved accountancy bodies—at present the Chartered Institute of Accountants and the Australian Society of Accountants.

8. Examinations of an accountancy body previously approved for the purposes of the Act but no longer in existence.

In regard to approved accountancy bodies, an applicant for registration must also actually have become a member of the accountancy body before being entitled to registration.

In addition, it is necessary that every applicant must satisfy the board that he has acquired sufficient practical experience in order to qualify for registration. This requirement has not been altered.

The subsections of the Act providing for the transitional period at the commencement of the Act in 1947 are still operational and are preserved in the Bill. We do not want to take from anyone something to which he is already entitled.

Some subsections of the present Act give the board power and authority to remove from the register the name of every public accountant who is convicted of a crime or misdemeanour under certain circumstances, or who has been made bankrupt. As there is no provision for the public accountant to be heard, or to appeal or to be punished other than by such removal, it is proposed to delete this subsection and to insert a new subsection of section 25, setting out that a complaint or charge may be preferred to the board in respect of a public accountant who has—

(i) been convicted of an indictable offence which is punishable by imprisonment for 12 months or upwards;

(ii) been convicted of an act or omission which in the opinion of the board renders him unfit to practice as a public accountant;

(iii) committed an offence against the Act;

(iv) been made bankrupt in the opinion of the board by reason of circumstances not beyond his control.

The new subsection will be a new paragraph to enable the board to inquire into breaches of the Acts and regulations.

Section 25 already provides for the hearing of complaints or charges against a public accountant on the grounds of discreditable conduct or incapacity.

It is also proposed to clarify the provisions relating to penalties to give the board authority to combine the penalties provided. For example, a public accountant found guilty of discreditable conduct could be ordered by the board to pay the costs of the inquiry as well as being fined. Also, a penalty of $10 a day for continuing offences is provided for where an accountant does not observe an undertaking to abstain from some specific conduct.

Another subsection of the Act now gives a public accountant dealt with under section 25 the right of appeal only from an order of the board suspending his registration or removing his name from the register. A new subsection extends the right of appeal against any decision of the board, including the imposition of a fine or of costs or the requirement of the board to abstain from some specific conduct. The right of appeal is to the Supreme Court, as is the case in the Companies Acts.

The Act also provides that it shall not be lawful for a firm to carry on the practice of public accountancy in Queensland unless all members of such firms are registered as public accountants. It is found that many firms have overseas associations and may include partners resident outside Australia. It is considered unnecessary that such persons should be registered as public accountants whilst continuing to reside overseas, and an amendment is designed to eliminate this necessity. This is in line with the provisions of the Companies Act and will apply to approximately 70 accountants now resident overseas.

Another part of the Act is proposed to be amended by the deletion of subparagraph (3) (e), which requires that every advertisement, signboard, label, invoice or other document used in relation to a place of business should contain the name of the public accountant under whose actual personal supervision and management that place of business is. This provision has proved to be quite impracticable. With the advent of the larger firms into the public accountancy business in this State, the change-over of the persons in charge would impose a hardship if all of a firm's stationery had to be altered every time there was some change of representation.

The provisions of the proposed subsection have also been extended to bring companies within the requirement that every place of business of a public accountant shall be carried on under the supervision and management of a registered public accountant. This is already applicable to firms, partnerships, and trustee companies.

It also is proposed to amend subsection 38 (1) by extending the regulation-making power of the Act to include the regulation and control of advertising by public accountants. At present, advertising by members of the Chartered Institute of Accountants and the Australian Society of Accountants is strictly limited by the by-laws of the respective bodies and it is proposed to extend control of advertising to all public accountants. There have not been any examples of major misuse of advertising by public accountants, and the provision is mainly a precautionary one. Of the 2,069 public accountants registered at 31 December, 1967, 207 were not members of the society or the institute. This provision brings those 207 into line.

Those are the major changes. There are one or two minor machinery changes in words, and a definition is brought forward from section 31 without any alteration.

The Government believes that these few amendments are necessary, and I commend the motion to hon. members.

Mr. HOUSTON (Bulimba—Leader of the Opposition) (8.57 p.m.): This is the type of Bill on which the Opposition cannot give a definite answer at the introductory stage. Naturally, we will allow it to pass the first reading so we can study all the amendments proposed in it and compare the clauses in detail with the sections of the Act. It is worth mentioning, I think, that when legislation such as this is introduced, time is required to allow those of us who are not experts in the field to seek advice from those who are associated with the calling and whose livelihood could be affected by the amendments proposed. I understand that that is why the Premier has introduced the Bill as soon as possible.

It may be said that this is an attempt to modernise the registration of public accountants, and I think it is absolutely necessary to review from time to time the law covering those who set themselves up as experts in the field of finance. The public as a whole accept them as experts and follow their advice and suggestions as if they can do no wrong, and I think it is important that certain laws should be brought into being and kept up to date in order to protect the public as a whole.

The Premier made several points in his introductory speech. I do not propose to go into them all at this stage, because some of them require more investigation. However, I believe that he indicated that a higher educational standard will be demanded in future, either through the university or the Institute of Technology. This follows the trend in many other professional callings. Some years ago the professional standing of dentists and chemists was upgraded through the raising of the qualifications required. I suppose it can be said that this would be a follow-on of that general principle with the passing of time.

I wish to mention one matter which perhaps the Premier, as a former Minister for Education, can answer. It is the entry

standard to the university as compared with the entry standard to the Institute of Technology, and I am thinking now particularly of adult matriculation. The university expects a person to pass the five subjects required for a particular course, but allows him to do so in three consecutive years. I do not think anyone has any great fight with that, but there are many facets of people's capacities. The Institute of Technology requires five subjects also—in this case I imagine it would be the same five subjects—but it requires the person to complete them in two consecutive years. It is now a recognised fact—and I am sure the Premier realises it—that it is not recommended that an adult who has been away from school for some time, should attempt three matriculation subjects in one year.

However, in regard to the current two methods of obtaining either an accountancy diploma or degree, it is crazy that we have the higher education body, the university, allowing people to do it over three years whereas our own State institute, which issues only a diploma rather than a degree, demands that a student should complete the course in two years.

The position could arise of a student passing two subjects in the first year, two in the second year, and having one to do in the third year, and he cannot go to the institute but is accepted at the university. If the Minister does not know the answer to that differentiation, he might look at it.

Mr. Pizzey: He has to be much older before he gets adult matriculation.

Mr. HOUSTON: In one case he cannot qualify for the institute but he does qualify for the university. To my way of thinking, the institute, in the final result, is of a lower standard. I do not think that the Premier has ever claimed that a diploma is equal to a degree.

Mr. Pizzey: Quite the equal.

Mr. HOUSTON: In this case the Premier is saying that the diploma standard will be exactly the same as that of the degree.

Mr. Pilbeam: In some respects it will be better.

Mr. HOUSTON: Fair enough. If the Premier does not know the answer, perhaps the hon. member for Rockhampton South might agree to answer my query on the difference of the extra year. What I am interested in—and I suggest that the Premier might give me the answer at the second-reading stage—is the length of the university course and the length of the diploma course. The hon. member for Rockhampton South has indicated—and I take it it is the Government's view—that he believes the two final results will be of equal status.

Mr. Pizzey: It depends on the subjects taken in the commerce degree.

Mr. HOUSTON: That would have a bearing on the course, naturally.

Mr. Pizzey: It may be necessary to do a subject beyond the degree.

Mr. HOUSTON: For accountancy a student can qualify by taking certain university subjects. I am trying to point out that at that stage they are considered equal, so I consider that the entry to the course should also be equal.

Let me point out that this variation between three years and two years does not apply only to this course, but I think this is an appropriate time to mention it. Unfortunately it applies to all callings, and I do not think it is in the interests of education in the tertiary field.

The Premier mentioned five subjects, each with a four-point pass. I hope that this is made very clear to the public. Unfortunately in the last Senior Public examination many people were confused about the points system. What is required should be made very clear in notices to prospective candidates. They should be told that they must qualify with four points or better for each of the five applicable subjects.

The Premier said that 21 years of age would be the minimum age. It seems strange that he should say that when only a few minutes ago we were debating a Bill which virtually opened the door, as the Deputy Leader pointed out, for 18-year-olds to do almost everything except vote and drink legally. Now by this Bill we are saying that they are not mature——

Mr. Pizzey: We are not saying that. They have to matriculate first and then have so many years' experience.

Mr. HOUSTON: They matriculate today at 15.

Mr. Pizzey: No.

Mr. HOUSTON: Yes, they do. It is quite common. Many young people today matriculate at 16. I will throw in an extra year.

Mr. Herbert: It is a three-year course and then they need to have so much commercial experience before they qualify. That gives a five-year minimum before they can become public accountants.

Mr. HOUSTON: The Minister for Labour and Tourism is telling me that now. The Premier did not say that.

Mr. Pizzey: Most people matriculate at 18.

Mr. HOUSTON: I cannot accept that. Apparently there are quite a few members on this side whose sons and daughters are well above the average. Many of them matriculated at 16 and were well on the road to further progress at that age. However, I do not want to go into the personal abilities of members' children. It is a

fact that there are those who matriculate at 16 and then go on. The main point I am concerned about is the inclusion of the 21-years-of-age provision when it is obvious from what the Minister for Labour and Tourism has said that they would be 21 years of age before they were qualified. If that is so, why put it in the Bill? Why include this provision after saying that 18 years of age is old enough for most things? The Minister in charge of the previous Bill indicated that in a short time many other matters would have to be looked at as far as permissible age is concerned. I think it is a completely unnecessary provision that would tend to put an obstacle in the path of a person who happened to be qualified at a younger age. Statistics prove that some students matriculate at as young an age as 15 years. Perhaps the Premier will have a look at that matter.

The other point I wish to deal with concerns the restriction on advertising. I do not know why accountants and certain other professional men are not allowed to advertise. In today's world it seems that advertising is part of the progress of industry. Most successful firms and people have advertised in one way or another. What struck me forcibly as the Premier was talking was that this ban on advertising would certainly help the established accountant. There would be no interference with the progress of his business, but it would make——

Mr. Pilbeam: Would you have doctors and solicitors advertise?

Mr. HOUSTON: What is wrong with that? At least we would know the fellow who professed to be an expert. We could judge him by what he professed to be, as against the fellow about whom we knew nothing.

Mr. Pilbeam: Would the hon. member for South Brisbane uphold this?

Mr. HOUSTON: That is a matter for Mr. Bennett and his profession. The point is that I cannot see any reason at all why we should so restrict by legislation or by regulation. I am not happy with the provision in so many Bills for action to be taken through regulations. If a matter is sufficiently important, it should come back to this Chamber for general debate in the terms of a Bill rather than being enacted by regulation.

At this point of time, when advertising is considered to be the normal means of making oneself known in the community when one has something to sell, be it his labour, skill or anything else, I can see nothing against it.

Mr. Pilbeam: I can assure you that the various institutes would regulate advertising.

Mr. HOUSTON: The hon. member is not telling me that any institute is superior to Parliament? If Parliament says it is all right to advertise, that should be it; that is all there is to it. I would be quite happy if the Bill said that advertising was permissible, and then the institutes could please themselves.

Mr. Pilbeam: It would not carry any weight, because the institutes would not sanction it.

Mr. HOUSTON: How is the fellow who is just starting out to become known as an accountant? He might put his name up on some small office on the south side but no-one would hear about it.

Mr. Pilbeam: He can still advertise, but but only to a certain degree.

Mr. HOUSTON: I have not yet been presented with any good or logical reason to satisfy me that there should be a restriction on advertising. There are plenty of examples of people advertising. The hon. member and I advertise whenever we get the opportunity. I do not know that lowers our standing in the community or affects our ability to do the work we are here to do.

With those remarks, the Opposition will certainly allow the Bill to be printed so that we can consider it in detail.

Mr. PILBEAM (Rockhampton South) (9.12 p.m.): It is with a great deal of gratification that I rise to support the Premier on this measure. It marks a forward step in the advance of the accountancy profession to the standards imposed on it by modern commerce and industry. I support all the provisions of the Bill, and particularly the one relating to the recognition of holders of diplomas from the Institute of Technology. If I did not believe that it carried just as much weight as a degree from the Queensland University I would certainly be speaking with a double tongue from the point of view of the people of Central Queensland. I believe that the institute's diploma course is just as good as the university course, and in some respects could be considered even a little better than it, because it recognises modern trends and concentrates more on a study of modern trends in the profession than does the university course.

Mr. Houston: Do you think the university course is a little out of date?

Mr. PILBEAM: No, but it may include some academic studies that would not be wanted and would not have special application to industry.

I will not debate other aspects of the Bill such as the right of accountants to be heard in an appeal over disciplinary action, the exclusion of the need for overseas partners in local accountancy firms to be registered in Queensland, and the necessity for the name of the public accountant in charge of a place of business to be shown in all advertisements, invoices, and so on, of the business, because I fully support all those provisions. I think the necessity for them is that they have a sound basis in fact. As with other professions, I believe there must be authority to control the extent of advertising by public accountants.

I appreciate the worth of the remarks of the hon. member for Bulimba about advertising, but I think the hon. member for South Brisbane will agree that these would apply to ordinary commercial houses.

Mr. Bennett: I do my best to keep out of the Press. The Government knows that.

Mr. PILBEAM: The hon. member advertises in this Chamber, and nobody cavils at that. Advertising in any profession should be guided by the ethics of the profession, and the profession imposes strict limitations on the extent of advertising that can be undertaken.

I think that the accountancy profession is reaching the stage where it should rank equally with the legal and medical professions. It is becoming a most important profession indeed. Possibly it does not attract the lucrative remuneration of the other two professions but it is becoming just as important by reason of the demands imposed by modern commerce and industry.

Before 1952 there was a great need for this profession to be put into some sort of order because up till then there were four main accountancy institutes, namely, the Commonwealth, the Federal, the A.A.A., and the Chartered Institute, as well as the courses provided by the university. In 1952 the first step was taken to regularise the profession. The Commonwealth and Federal Institutes amalgamated and became the Australian Society of Accountants. The A.A.A. joined it in 1953. The Institute of Chartered Accountants has always remained separate from the A.S.A. and although the A.S.A. has taken a distinct new line on future examinations the Institute of Chartered Accountants is still carrying on the same system of examinations and is imposing the same conditions on people seeking entry; they must serve five years in the office of a chartered accountant and must be in the office of a chartered accountant during the course of their examinations.

As a result of scholarly lines of research, one specifically directed to these accountants' examinations by Professor William Vatter and the other generally into tertiary education by the Commonwealth committee chaired by Sir Leslie Martin, the Australian Society of Accountants adopted a new approach to accountancy education. The A.S.A. accepted that its then current course was outdated. As a temporary measure the society re-vamped the existing course to make it more acceptable as an academic preparation for a career in accountancy until October, 1971, when the A.S.A. will abandon the present system of stage-by-stage examinations. That means that people who are striving to obtain membership of this association have until 1971 to complete the examinations as presently constituted. The Society closed its register to new candidates in October, 1966, and handed over education of all new candidates after October, 1966, to the universities and institutes of technology. The society ruled that all new candidates for accountancy education after October, 1966, must study a tertiary level programme with matriculation at entry level. That was dealt with by the Minister.

By these measures the Australian Society of Accountants has recognised, for the purpose of professional recognition, a university degree in commerce with a major study in accounting and a diploma in accountancy from the Institute of Technology as equivalent qualifications. That is the point I wish to make, because many people in this State insist on thinking of the Institute of Technology as inferior in this modern course to the university. With technical subjects this is not the case.

The society of which I am a member has recognised that the diploma course at the Queensland Institute of Technology is the equivalent of the university course. Furthermore, both the university degree and the institute diploma will, after 1971, replace and supersede the present system of qualifying as an accountant. Therefore the associate diploma course must be regarded as superior to the present A.A.S.A. qualification. That is the point that I make when I say that the level of the profession is being upgraded by these new provisions.

Although no-one would presume that the new Associate Diploma in Accountancy course is superior to the university course, it is in many respects more up to date than its university counterpart. A few points of comparison between the Associate Diploma in Accountancy course and the university degree course in Commerce, with a major study in accountancy, are relevant at this stage—

(1) The three years' study of accountancy in each course is almost identical in content and difficulty.

(2) All students must study a two years' post-Senior course in mathematics and statistics in the associate diploma course, compared with two subjects in first year in the Bachelor of Commerce degree course. Inclusion of the large quantitative element in the diploma course rests upon the premise that decision-making based on quantitative evidence derived from mathematical models is without doubt more reliable and useful for business forecasting, planning and controlling than decisions based upon the old-time businessman's rules of thumb and "intuition" and "hunches."

(3) The world of commerce and industry is becoming increasingly dependent upon all forms of speedy processing and transmission of data, including electronic computers. It is therefore essential for accountants to be well acquainted with their characteristics, uses and operation. That is a recognition of the modern needs of the profession. In the second year of the associate diploma course, all students

take a full subject called Data Processing, whereas only one small part of a second-year subject provides an optional data processing topic in the degree course. That bears out my point that in some respects the course at the Queensland Institute of Technology is a little more valuable to the profession than is the university course.

(4) The associate diploma course recognises that an understanding of human behaviour, interpersonal relations and organisation theory are part of the essential equipment of the accountant in the modern world. Students of the associate diploma course must take Psychology I in first year and Management I in second year, whereas students of the university course have optional subjects in psychology and public administration, but no general administrative studies.

(5) In both the associate diploma and the degree courses legal studies, taxation and auditing carry roughly equivalent weights in the total programme.

From the foregoing statements it is obvious that the new Associate Diploma in Accountancy course offered at Queensland's three Institutes of Technology is certainly not a rehash of the old A.S.A. course, nor is it a watered-down version of the university commerce degree. It is a new course designed to produce accountants who will be attuned to the needs of the 70's, and who will be sufficiently adaptable to meet the new challenges of the 80's and 90's. In no way is this course inferior to any course already acceptable to the Public Accountants Registration Board.

I think members of the board will agree with me on this point. The inclusion is recommended in the list of recognised qualifications, and I am speaking in this debate principally to stress the value of the course at the Institute of Technology and to bring home fully the point that, as far as the needs of the modern accountancy profession are concerned, it is in no way inferior to the university course. It marks a really substantial step forward in the recognition of the institute, because the proposed Bill will provide that recognition can be given to persons holding diplomas from the institute. What concerns me to some extent is that, although the recognised accountancy associations are moving to close the profession and raise standards, there appears to be an effort by some of the old correspondence schools to induce the public to take their courses with the idea that they will still qualify them as accountants. Although people probably could call themselves accountants after taking a correspondence course based on entrance from the Junior Public examination, they could never be registered as public accountants by the board, nor could they come under most of the State Acts, which specifically set out the members of the institutes or associations who can do auditing work or work under the Act.

Mr. Houston: Could the institute have a correspondence course?

Mr. PILBEAM: It could have a correspondence course, or a partial correspondence course. But that course is based on certain procedures, and it certainly is based on the student's acquiring matriculation standard.

One still sees correspondence schools advertising, as one did in "The Courier-Mail" this morning, and telling the public that they can become accountants if they take their course after passing the Junior examination. I commend the chairman of the Public Accountants Registration Board, Mr. Kropp, who is in the lobby this evening, for writing this letter, which was published in "The Courier-Mail" of 2 February, 1968—

> "The Public Accountants Registration Board of Queensland has become aware of advertisements in the press indicating that coaching courses are available to candidates for the examinations of several bodies, with the aim of providing some form of qualification in the field of accountancy.
>
> "The Public Accountants Registration Acts, 1946 to 1963," and Regulations thereunder provide that, of the currently functioning accountancy or related Institutes or Societies, the only two whose examination standards are at present recognised for the purposes of registration as a public accountant are—The Australian Society of Accountants and The Institute of Chartered Accountants of Australia."

The proposed Bill will take another step towards closing and raising the standards of the profession, and I think it should be emphasised to the public that this is the only way in which full status as an accountant can be acquired by any student. It should be pointed out to them that the provisions of the proposed Bill recognise that accountancy qualifications cannot be obtained by anyone unless he first advances his studies to matriculation standard and then takes the examination with either one of those bodies or completes a course at the University of Queensland, the Townsville University College, or one of the three Institutes of Technology in this State.

Motion (Mr. Pizzey) agreed to.

Resolution reported.

FIRST READING

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

AUDIT ACTS AMENDMENT BILL

INITIATION

Hon. J. C. A. PIZZEY (Isis—Premier), by leave, without notice: I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider introducing a Bill to amend the Audit Acts, 1874 to 1967, in certain particulars."

Motion agreed to.

INITIATION IN COMMITTEE

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

Hon. J. C. A. PIZZEY (Isis—Premier) (9.32 p.m.): I move—

"That a Bill be introduced to amend the Audit Acts, 1874 to 1967, in certain particulars."

It is proposed to amend the Audit Acts, 1874 to 1967, in respect of two sections only. The first is to give the Auditor-General the power to audit store transactions and stocks in Government departments and other offices. The second is to vary the present requirement that Government accounts in Brisbane be audited once in every three months and in the country once every six months and to give the Auditor-General authority to dispense with detailed audit at his discretion.

Up to 1951 the Audit Acts provided for an inspection of the books and accounts of the Colonial Storekeeper. That was in the old days when we were a colony. The original section 32 took into account the fact that goods were held under bond until customs or excise duties were paid. This section was deleted by an amending Act in 1951 as being out of date but a new section was not substituted.

There is now no specific authority in the Act for the Auditor-General to examine store accounts of the various Government Departments and other bodies subject to Government audit or to report thereon, although in practice he does so.

It is proposed to insert a new section giving the Auditor-General or officers of his staff the necessary authority to audit the accounts and records of all officers in charge of stores or other property under the control of the State or other instrumentality and to satisfy himself that they have been properly accounted for.

The present section 35 of the Acts requires that accounting offices in Brisbane shall be visited and accounts audited once at least in every three months and the many offices elsewhere in the State not less frequently than once in every six months. This is not practicable. In the larger departments in Brisbane progressive audits are carried out but the smaller offices in Brisbane and offices outside Brisbane are audited only once a year unless circumstances demand additional visits.

The proposed amendment provides that the Auditor-General or officers of his staff shall visit and inspect the Treasury and the various public accounting offices in Brisbane and throughout the State as often in each year as circumstances permit and shall carefully examine and audit the books, accounts and vouchers in such offices. This is in accordance with the practice adopted in the Auditor-General's Department for many years.

Under the existing section 35 the Auditor-General or his officers are required to examine every account and voucher in every public office through the State. With the advent of automatic data processing systems into Government accounting and the accounts of some statutory bodies, this detailed system of auditing is no longer necessary. Teachers' salaries were always audited in great detail; now the whole thing is processed.

The highest degree of co-operation exists between the various departments operating data processing units and the Auditor-General's Department to ensure that audit requirements are met. Under these systems it is possible to create inbuilt controls which, together with internal check, relieve much of the necessity for detailed audit check of each item.

Apart from computer installations, the volume of accounting work in departments and other bodies has increased tremendously over the years and has required the institution of comprehensive systems of internal check and internal audit. In view of these developments, and in accordance with modern auditing techniques, a full and complete external audit examination of every item is not necessary.

Accordingly, it is proposed to amend the Acts to give the Auditor-General authority at his discretion to dispense with all or any part of the detailed audit in respect of any accounts or stores. This follows the audit legislation in all other Australian States and the Commonwealth.

I commend the Bill to the Committee.

Mr. HOUSTON (Bulimba—Leader of the Opposition) (9.36 p.m.): It would appear that this change of circumstances is brought about by the advancement of computer systems and also the practicability of the Auditor-General's obtaining the staff required for auditing outside the metropolitan area. If the sole purpose of the Bill is to keep pace with modern trends and changing times, as long as its provisions do not in any way interfere with the efficiency of the department and adequately safeguard the affairs of the State, the Opposition has no objection to it.

Motion (Mr. Pizzey) agreed to.

Resolution reported.

FIRST READING

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

The House adjourned at 9.39 p.m.