Queensland

# Parliamentary Debates
[Hansard]

## Legislative Assembly

### THURSDAY, 14 MARCH 1946

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## THURSDAY, 14 MARCH, 1946.

Mr. SPEAKER (Hon. S. J. Brassington, Fortitude Valley) took the chair at 11 a.m.

### QUESTIONS.

#### LOANS TO SOLDIER SETTLERS.

**Mr. NICKLIN** (Murrumba—Leader of the Opposition) asked the Treasurer—

"1. On what date did the Co-ordination of Rural Advances and Agricultural Bank Acts and Other Acts Amendment Act of 1945 come into force?

"2. How many applications have been received to date from discharged members of the forces?

"3. How many of such applications have been (*a*) approved, and (*b*) rejected?

"4. What is the total amount of advances approved to date?

"5. What is the highest advance for which approval has been given?"

**Hon. J. LARCOMBE** (Rockhampton) replied—

"1. October 25, 1945.

"2. Six hundred and forty, exclusive of applications that may have been lodged with local inspectors and not yet reported to head office.

"3. (*a*) Approved, 240; (*b*) rejected, 198; 202 applications in abeyance, pending investigation and receipt of inspectors' reports.

"4. £290,000.

"5. £5,000."

RURAL TRAINING OF SOLDIER SETTLERS.

**Mr. EDWARDS** (Nanango) asked the Secretary for Public Instruction—

"1. What are the details of the Gatton College course for discharged members of the forces?

"2. How many applications have been (*a*) received and (*b*) approved for agricultural training at (i) the Queensland University, (ii) Gatton College, and (iii) with farmers under a subsidised wage scheme?"

**Hon. T. L. WILLIAMS** (Port Curtis) replied—

"1. The courses of instruction available for ex-servicemen at the Queensland Agricultural High School and College include the diploma courses and a special refresher course in the principles of agriculture and farm management.

"2. Applications from ex-servicemen received and approved for agricultural training are as follows:—(i.) At the Queensland University, seven applications have been received and seven applications have been approved. (ii.) At the Queensland Agricultural High School and College, 43 applications have been received and 37 applications have been approved. (iii.) With farmers under a subsidised wage scheme, nil."

COST OF HOUSES, STAFFORD.

**Mr. BRAND** (Isis) asked the Secretary for Public Works—

"1. How many of the houses being built at Stafford have been completed?

"2. What price was paid for the land on which those houses are being constructed?

"3. What has been the cost to date of the land improvements, exclusive of buildings?

"4. What is the average number of squares per house, and what has been the average cost per house, exclusive of the land but including all services?"

**Hon. H. A. BRUCE** (The Tablelands) replied—

"1. With the exception of odd minor external finishings, 16 houses have been completed and are tenanted.

"2. The price for the land (52 sites) was £4,875.

"3. £250.

"4. (*a*) The average number of squares per house is 9.95. (*b*) In accordance with the Commonwealth-State Housing Agreement Act of 1945, the average cost of a house included in a project 'shall be the quotient obtained by dividing the capital cost of the housing project by the number of dwellings included therein.' The project comprises 52 houses, of which 16 are completed, three are more than 90 per cent. complete, six are more than 75 per cent. complete, 10 are more than 50 per cent. complete, 11 are less than 50 per cent. complete, six have not yet been started. Expenditure to date, exclusive of land, but including all services, is £36,283 9s. 2d."

BUILDINGS ON SOUTH COAST.

**Mr. MORRIS** (Enoggera) asked the Treasurer—

"1. Is he aware that many buildings are at present being or have since 1 December, 1945, been erected in the South Coastal holiday resorts?

"2. Will he advise this House of the number of permits issued for such buildings since 1 December, 1945?

"3. Are all these buildings being erected in accordance with the housing legislation passed last year?"

**Hon. J. LARCOMBE** (Rockhampton) replied—

"1. Yes.

"2. Since the passing of the Act 165 approvals have been granted by the respective local authorities for new dwellings as permanent residences in the towns of Southport and Coolangatta and the Shire of Nerang. Seven permits have been granted by the State in the abovementioned areas for buildings other than new houses.

"3. Permission to continue work has been refused in a number of cases. Frequent inspections are carried out with the object of preventing evasion of the Act."

SPREAD OF BUFFALO FLY.

**Mr. BRAND** (Isis) asked the Secretary for Agriculture and Stock—

"1. What solution is being used at Isis Junction for spraying cattle during railway transit for the purpose of combating the spread of Bufflalo Fly?

"2. Is he aware that similar measures taken at Bororen have completely failed and that the fly is now prevalent in that area?"

**Hon. H. H. COLLINS** (Cook) replied—

"1. A heavy tar oil emulsion has been used at Isis Junction for the spraying of cattle. It has been in use for six years in the various spraying plants used in fly control.

"2. No. Although many thousands of fly-infested cattle have passed through Bororen en route for the Brisbane market, they have all arrived at Brisbane fly-free. The spread of the fly now taking place south of Bororen merely represents the normal infiltration which will take place anywhere where suitable climatic conditions prevail, and where cattle, which are the normal hosts of the fly, are numerous."

VALUATIONS OF FARMS FOR SOLDIERS.

**Mr. NICKLIN** (Murrumba—Leader of the Opposition) asked the Treasurer—

"1. How many valuations have been made by the Agricultural Bank on behalf of discharged members of the forces purchasing farming properties?

"2. Have any cases been found of prices being asked substantially in excess of the bank valuations?"

**Hon. J. LARCOMBE** (Rockhampton) replied—

"1. Approximately 500 valuations have been made in respect of applications from discharged members of the Forces for advances under the Agricultural Bank Acts. About 80 per cent. of the applications were for assistance towards purchasing farming properties. Further valuations may have been made by district inspectors, whose reports have not yet been forwarded to head office and the number of which is not known.

"2. Yes."

SUPPLIES OF MATERIALS, HOUSING COMMISSION.

**Mr. NICKLIN** (Murrumba—Leader of the Opposition) asked the Secretary for Public Works—

"What stocks of the following materials are held by the State Housing Commission in excess of requirements for houses now under construction, namely, fibrolite (flat), fibrolite (corrugated), iron (corrugated), timber, and timber substitutes?"

**Hon. H. A. BRUCE** (The Tableland) replied—

"The Housing Commission is holding sufficient stocks of materials for present requirements and anticipated increased activities in the housing programme if and when private enterprise is prepared to co-operate in meeting the State housing shortage."

INFERIOR RUBBER, MILKING MACHINES.

**Mr. NICKLIN** (Murrumba—Leader of the Opposition) asked the Secretary for Agriculture and Stock—

"In view of the inferior quality of rubber used on milking machines and its detrimental effect upon production and quality, will he make representations in the proper quarter with a view to having this serious defect remedied as quickly as possible?"

**Hon. H. H. COLLINS** (Cook) replied—

"Yes."

EX-PREMIER'S OVERSEAS TRIP.

**Mr. LUCKINS** (Maree) asked the Premier—

"What was the actual total costs of the ex-Premier's recent trip overseas, including salary and all expenses of himself and his staff, showing the total in respect of each individual member of the party?"

**Hon. E. M. HANLON** (Ithaca) replied—

"The accounts are not yet finalised, certain debits and credits from the Agent-General's Office being outstanding. Full information will be contained in the Auditor-General's report to be presented to Parliament in due course."

COMMONWEALTH-STATES LAND SETTLEMENT SCHEME.

**Mr. PLUNKETT** (Albert) asked the Secretary for Public Lands—

"How many of the applicants for land under the Commonwealth-States Land Settlement Scheme (*a*) have had previous farming experience, and (*b*) are inexperienced?"

**Hon. A. JONES** (Charters Towers) replied—

"It is not possible to furnish this information until all applicants have been interviewed and examined by the Classification Committee. As already announced in the House, forms of application have been forwarded to the 2,039 Service personnel who have made inquiries at the Department regarding land settlement under the Commonwealth-States Scheme, and up to the present the number of completed applications received is 969. It would appear from information supplied by applicants that a large majority of them are experienced in farming."

PRIORITIES, HOUSING COMMISSION.

**Mr. WANSTALL** (Toowong) asked the Secretary for Public Works—

"What is the formula according to which priority points are calculated to decide the allocation of homes by the State Housing Commission, and what credit is given in such formula for an applicant's war service?"

**Hon. H. A. BRUCE** (The Tableland) replied—

"1. Families facing ejectment from present dwellings and families living in tents, huts, or similar unsuitable premises, 100 points; (2) families living in buildings condemned by local or State authorities, 80 points; (3) families separated owing to lack of accommodation, 60 points; (4) families sharing houses with other families, 40 points; (5) a further three points shall be added for each child; (6) an application received during the period of four weeks immediately prior to date of an allotment of houses shall not participate in such allotment, unless there are no other applications. Provided always that 50 per cent of each allocation of houses shall be made to members of the Forces."

FLOOD RELIEF, NORTH QUEENSLAND.

**Mr. PATERSON** (Bowen) asked the Premier—

"1. Will the Government appoint a Royal Commission for the purpose of determining what compensation should be paid to persons who have suffered damage as a result of the recent floods in North Queensland?

"2. Will the Government appoint competent valuers to go to the affected areas immediately to report on the damage?

"3. Will he take up with the Prime Minister and urge him to grant temporary relief in the matter of taxation payments to persons who have suffered flood damage?

"4. In view of the fact that the stocks of black barbed wire available for fencing can be used only as a stop gap owing to its poor quality, will he, in cases where galvanised barbed wire is not available, take the necessary steps to have these stocks supplied free of cost to farmers and others whose fences have been destroyed or damaged by the floods?"

**Hon. E. M. HANLON** (Ithaca) replied—

"1. No.

"2 and 4. I refer the hon. member to the full statement on the Government's action in regard to floods in North Queensland, which I gave to Parliament on Tuesday, 12 March, in answer to the question by the hon. member for Herbert.

"3. I am advised by the Deputy Federal Commissioner of Taxation that the Federal Income Tax Acts contain the necessary provisions to deal suitably with cases of this nature."

STICKFAST FLEA.

**Mr. MULLER** (Fassifern) asked the Secretary for Agriculture and Stock—

"1. What has been the cost to date of measures adopted by his department to control the Stickfast flea in the present quarantine area?

"2. What progress, if any, has been made towards the eradication of this pest?

"3. Is it a fact that the flea has now been found outside the control area? If so, in what other places does it now exist?"

**Hon. H. H. COLLINS** (Cook) replied—

"1. £5,681.

"2. The total number of farms found infested in the two shires of Normanby and Boonah was 319. Of these, 60 properties have been released from quarantine. In addition, 129 properties have been found, on inspection, to be apparently free from the pest, but have not yet been released from quarantine. Officers are now concentrating on infested farms, and it is anticipated that before very long a number of these will also be declared free from the pest.

"3. Yes, on one farm in the parish of Purga."

WEIRS, WARRILL AND REYNOLDS CREEKS.

**Mr. MULLER** (Fassifern) asked the Secretary for Public Lands—

"1. What was the cost of the weir at Warrill Creek, near Aratula?

"2. Is it proposed to construct additional weirs in Warrill and Reynolds Creeks and other watercourses in the same district?"

**Hon. A. JONES** (Charters Towers) replied—

"1. The cost of Aratula Weir to date—£4,638.

"2. Provision has been included in post-war reconstruction plans for two weirs on the Bremer River, four on Warrill Creek, and one on Reynolds Creek."

## PAPERS.

The following papers were laid on the table:—

Proclamation under the Diseases in Plants Acts, 1929 to 1937 (7 March, 1946).

Regulations under the Local Government Acts, 1936 to 1945 (20 December, 1945).

## AUCTIONEERS AND COMMISSION AGENTS ACTS AMENDMENT BILL.

INITIATION.

**Hon. D. A. GLEDSON** (Ipswich—Attorney-General): I move—

"That the House will at its present sitting resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the Auctioneers and Commission Agents Acts, 1922 to 1940, in a certain particular."

Motion agreed to.

INITIATION IN COMMITTEE.

(The Chairman of Committees, Mr. Mann, Brisbane, in the chair.)

**Hon. D. A. GLEDSON** (Ipswich—Attorney-General) (11.18 a.m.): I move—

"That it is desirable that a Bill be introduced to amend the Auctioneers and Commission Agents Acts, 1922 to 1940, in a certain particular."

This Bill contains only one principle. It provides for reciprocity in respect of registered auctioneers and commission agents between Queensland and New South Wales. Some time ago the New South Wales Parliament passed legislation providing for reciprocity as to auctioneers and commission agents of New South Wales and any other State that had on its statute-book legislation providing for similar reciprocity. We in Queensland have no power to grant that reciprocity without first passing an Act of Parliament making provision for it. This measure is similar to legislation of its kind in operation in New South Wales.

The reason for this Bill is that a number of our own auctioneers and commission agents in towns on the border of New South Wales and also in Brisbane have been prohibited from registering as auctioneers to carry on business over the border of New South Wales because there is no reciprocal arrangement with Queensland. They therefore cannot register as auctioneers or commission agents in New South Wales unless they live in that State. This Bill will enable them, although living in Queensland, to register in New South Wales and carry on business as auctioneers and commission agents in that State. In addition it will enable auctioneers and commission agents

registered in New South Wales to apply for registration in Queensland to enable them to act as auctioneers in this State as well as New South Wales if they so desire.

**Mr. Decker:** Does New South Wales require auctioneers and commission agents to find a fidelity bond?

**Mr. GLEDSON:** Yes. New South Wales makes provision for a guarantee bond by compelling registered auctioneers and commission agents to contribute to a special fund, which takes the place of a fidelity bond. It does not actually provide for a fidelity bond as Queensland does, but the auctioneers contribute so much per annum to this fund, which is used for the same purpose as our fidelity bond.

**Mr. Decker:** A separate trust account?

**Mr. GLEDSON:** Yes. Instead of providing a fidelity bond each auctioneer and commission agent pays something like £3 3s. per annum into the fund, which is used for the same purpose as our fidelity bond. Restrictions on registration, such as those as to character and fitness of the applicant, will apply with respect to any application for registration made from New South Wales. The conditions in New South Wales are practically similar to those of Queensland. Before being registered by the board each applicant must possess specific qualifications.

**Mr. Luckins:** That will apply to all New South Wales auctioneers?

**Mr. GLEDSON:** Yes, to the whole of New South Wales and to the whole of Queensland.

For some time auctioneers and commission agents in our border towns have complained that although business has been offering over the border in New South Wales they were unable to undertake it because of the absence of reciprocity between the two States. This Bill will remedy that complaint. If the board thinks that any applicant is not fit for registration he will not be registered, the same as in Queensland. In Queensland if the board thinks that a local applicant is not a fit and proper person his application for registration is rejected.

**Mr. NICKLIN** (Murrumba—Leader of the Opposition) (11.24 a.m.): From the explanation given by the Attorney-General this would appear to be a common-sense measure, a measure that will help in the transaction of business between New South Wales and Queensland, and vice versa. At the present time all along the border of these two States businessmen do business in both States. The effect up to the present time has been that the border has made the Queensland auctioneer almost a foreigner in New South Wales, and the same applies to the New South Wales auctioneer in Queensland. New South Wales has offered reciprocity to States adjacent to it, and Queensland apparently is now falling into line and returning that offer of reciprocity made by New South Wales.

I take it from the explanation of the Attorney-General that all necessary precautions will be taken by the States in regard to registrations. Under our Auctioneers and Commission Agents Act certain conditions are laid down in regard to the character and standing of persons who apply for registration. We have fidelity bonds and other precautions of that kind to protect people doing business with auctioneers or commission agents, as the case may be. In New South Wales similar provisions obtain, although they are not quite the same as in this State. It seems that if a person is qualified to register under the New South Wales Act he will be qualified under the Queensland Act, and vice versa. I take it that an auctioneer who is registered in this State as an auctioneer or commission agent will be able to act in that capacity in New South Wales, and vice versa. Apparently the Attorney-General has taken all necessary precautions to maintain the standard of integrity of persons who may be registered from New South Wales.

As the Bill seems a common-sense measure to facilitate the transaction of business between the States, particularly along the border—and that should not be a bar, as it is now—it is one that we can agree to and I look forward to seeing the details of the measure.

**Mr. LUCKINS** (Maree) (11.28 a.m.): Like the Leader of the Opposition, I believe that reciprocity is very desirable in this matter. The Minister should take care to see that the auctioneers who pay taxes will have their rights fully protected in this State, and that the New South Wales auctioneers cannot over-ride the conditions laid down under the laws of the State.

It will be necessary to provide for a bond in keeping with the Queensland Act. These men associated with the border trade may confine themselves to trade in that area without having the whole of Queensland as an avenue for auctioneer's work. I think it is necessary that we should show some consideration in this regard. I await the Bill in order to see what it contains.

**Mr. DECKER** (Sandgate) (11.29 a.m.): On the explanation given by the Attorney-General, I feel that the reciprocal arrangement is a good idea. I know the difficulties associated with the work of agents and auctioneers on the border, which constitutes a fence so that in order to operate in New South Wales our men must register as agents or auctioneers in that State. It seems extraordinary that a boundary between two States should be such a bar to the work of auctioneers and agents, when a reciprocal arrangement could be entered into that would at the same time give protection to the public by making the same qualifications apply in both States.

The main thing we have to consider is whether the auctioneers and commission agents in New South Wales are as closely bound as the auctioneers in this State. If what the Attorney-General says is correct the public are protected by a bond in New South

Wales, the same as in Queensland, and auctioneers are compelled to keep separate trust accounts for clients' money, the same as in Queensland. Protection therefore is given to the public in both States and I see no reason why a reciprocal agreement cannot be made.

We could go further. We now have a reciprocal arrangement in regard to motor compensation. In my opinion that was a great and very desirable advance, but there are other avenues in which we could usefully have such reciprocal arrangements. For instance, a Queensland dentist is afraid to go over the border and attend to the teeth of a man in New South Wales because, if something should happen, he would be liable as he is not registered as a dentist in that State. The qualifications of the Queensland dentist are exceedingly high—higher than those of the New South Wales dentist or at least as high. I could quote numerous businesses and professions in which the boundary of one State with the other is a barrier or bar. In Victoria and New South Wales, I understand, practising solicitors of those States can practise in either State by reciprocal arrangement. I believe a Queensland solicitor can be admitted to practise in New South Wales on application, but I think we should try and arrive at some system of reciprocity, providing conditions in either State are equal and that the public is amply protected. Any such measures having that aim as their object will receive my support.

Motion (Mr. Gledson) agreed to.

Resolution reported.

FIRST READING.

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

## LOCAL GOVERNMENT ACTS AMENDMENT BILL.

Assent reported by Mr. Speaker.

## LEGAL PRACTITIONERS ACTS AMENDMENT BILL.

INITIATION.

**Hon. D. A. GLEDSON** (Ipswich—Attorney-General): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the Legal Practitioners Acts, 1881 to 1938, in certain particulars."

Motion agreed to.

INITIATION IN COMMITTEE.

(The Chairman of Committees, Mr. Mann, Brisbane, in the chair.)

**Hon. D. A. GLEDSON** (Ipswich—Attorney-General) (11.37 a.m.): I move—

"That it is desirable that a Bill be introduced to amend the Legal Practitioners Acts, 1881 to 1938, in certain particulars."

This measure deals with two principles, the first of which provides that a barrister in his official duties as a State or Commonwealth officer shall be able to act as a solicitor in Queensland. In 1928 the principal Act was amended so that a barrister could not act as a solicitor and vice versa a solicitor could not act as a barrister. That is all right ordinarily, but as the years have passed we have found that there was some doubt whether a person holding the position of Crown Solicitor in Queensland, being a barrister, could retain his position as Crown Solicitor. Several opinions have been given. One opinion is that the Act does not bind the Crown and that a barrister can hold the position of Crown Solicitor of Queensland.

Another position arises in connection with the official solicitor to the Public Curator. The point was raised whether a barrister could hold that position or whether he must become a solicitor. Barristers have been acting as official solicitors at the Public Curator's Office and barristers have acted as Crown Solicitors. This Bill will amend the Act but will not interfere with the ordinary work of barristers and solicitors. It will apply only to official business. The amendment will not apply to the work of such a man outside his official capacity.

The other principle deals with officers working in the Supreme Court Registry and the Crown Law Office, and provides that they shall be eligible to sit for the solicitors' examination after they have worked for a stated time in those offices, and if they pass the examination can apply for admission as solicitors. There is also in the Act a section enacting that persons in an office of a clerk of petty sessions, in addition to passing the solicitors' examination, have to pass what is known as the C.P.S. examination. We provide that the same rule shall apply to them as to those who are in the office of the Public Curator. This amendment will delete from the Act the provision that the officers in the Public Curator's Office shall have to sit for the C.P.S. examination in addition to the solicitors' examination. They are to be placed on the same footing as men in the Supreme Court Registry, the Crown Law Office, and outside. The work in the Public Curator's Office is purely of a legal character, but at present these officers have to pass not only the solicitors' examination but also the C.P.S. examination. It is considered that that is not necessary, that the C.P.S. examination is merely an additional examination. This amending Bill will remedy the position and such men now have to sit for the ordinary solicitors' examination and be admitted without having to take the C.P.S. examination.

That is all that is in the Bill.

**Mr. WANSTALL** (Toowong) (11.42 a.m.): The measure as outlined by the Attorney-General appears to contain only two principles. As I understand him, the first is limited in its operations to officials of the Crown Solicitor's Office and it is designed apparently to correct any doubt that may exist as to the right of a barrister who holds the position of Crown Solicitor to be regarded as a solicitor, and vice versa. I am glad to see that the amendment goes no further than

is strictly necessary to clear up that doubt. I think it is one of the outstanding features of the legal system of this State that the two branches of the profession are separate. It has operated very favourably to the public and any change in that system would be undesirable, although at the same time I can quite see the necessity for the minor amendment referred to by the Attorney-General.

There is one point in connection with the second principle that the Attorney-General did not make quite clear and that is whether he is cutting down the period of service in the Public Curator's Office that is required under the present Act.

**Mr. Gledson:** That will be considered later on if you suggest it.

**Mr. WANSTALL:** I am not suggesting that. I merely want information as to whether it is touched upon in this Bill.

**Mr. Gledson:** It is not. We can go into that later on if it is desired.

**Mr. WANSTALL:** I am not asking the Attorney-General to make any change in that direction. I quite agree that it seems unnecessary for the Public Curator's clerks to sit for the clerk of petty sessions examination while at the same time his colleague in the Crown Solicitor's Office does not have to sit for it. It is obviously desirable that clerks of petty sessions offices should pass it but as between officers of the Public Curator and officers of the Crown Solicitor the conditions should be made similar, although there should be one safeguard, in that it must be remembered that all officers of the Crown Solicitor's Office who would be covered by this provision that they need not pass the examination would necessarily be in close contact with legal work because of their duties, but it does not follow that an officer of the Public Curator's Office would be in the same close contact. For instance, in the Public Curator's Office there may be an officer whose only duties are to keep accounts or to sell properties, so that there is some distinction. However, I am not sufficiently concerned about it to speak long about it at this stage.

The two simple principles mentioned appear to be entirely innocuous and I look forward to reading the Bill.

Motion (Mr. Gledson) agreed to.

Resolution reported.

FIRST READING.

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

## INDUSTRIAL AND PROVIDENT SOCIETIES ACTS AMENDMENT BILL.

INITIATION.

**Hon. D. A. GLEDSON** (Ipswich—Attorney-General): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the Industrial and Provident Societies Acts, 1920 to 1935, in certain particulars."

Motion agreed to.

INITIATION IN COMMITTEE.

(The Chairman of Committees, Mr. Mann, Brisbane, in the chair.)

**Hon. D. A. GLEDSON** (Ipswich—Attorney-General) (11.49 a.m.): I move—

"That it is desirable that a Bill be introduced to amend the Industrial and Provident Societies Acts, 1920 to 1935, in certain particulars."

This Bill is only a small but nevertheless a very important one. It provides for additional safeguards for members of industrial and provident societies. The Industrial and Provident Societies Acts was first passed for the purpose of providing for the more efficient working of the co-operative societies, particularly in connection with bookkeeping and administrative methods. As time has elapsed, it has been found necessary to have certificated persons appointed as auditors. Most of these societies are now doing a fairly big business. The first provision of this Bill is to ensure that a certificated accountant is appointed to audit the books of these societies.

**Mr. Pie:** Was that not so before?

**Mr. GLEDSON:** It was not. Any unqualified person could be appointed to audit the books of these societies. This Bill provides that any such person so appointed in the future must be a certificated accountant. There are a number of machinery clauses making that provision and also prescribing how the books shall be audited.

At 11.50 a.m.,

Mr. DEVRIES (Gregory) relieved the Chairman in the chair.

**Mr. GLEDSON:** Another provision deals with the amount of capital or interest to be held by the individual members of these societies. Under the present provision the maximum amount of each member's holding is £100. This Bill provides that the maximum shall be increased to £300. It has been found under present conditions that money is now available for carrying on this work, and that while each member was restricted in the early days to a maximum holding of £100, many are now prepared to increase their holdings. The business of these societies today is expanding, and it is necessary that they should have additional stock. If they are able to raise the capital to buy additional stock, they will have an opportunity of competing with businesses with unlimited capital. They will thus be able to buy on the market in the interests of their members.

We are also providing that an individual member of a society who objects to any resolution to increase the shareholdings need not be bound by such resolution. That is to say, if he does not desire to increase his holding beyond the present maximum of £100,

he need not do so. But any member joining after the passing of a resolution to increase the shareholding maximum shall be so bound by it.

**Mr. Luckins:** That will not restrict that member's membership rights in any way?

**Mr. GLEDSON:** No. If he holds £100 and the society decides to increase its share capital, perhaps doubling it, it may allot him another £100. If he holds £10 it may say, "We allot you another £10." This provision, however, gives him the right to say "I don't want it."

**An Opposition Member:** They have that right now.

**Mr. GLEDSON:** The Act gives them the right to increase their capital. This gives them the right to refuse that increase. Under this provision if you do not want the £5 or the £100 shares allotted to you, you are not compelled to accept them.

**Mr. Luckins:** I do not think there is any law to compel them to take it.

**Mr. GLEDSON:** I am told there is. I have had some experience in co-operative societies and I know what happens.

The next provision is that which provides for the amalgamation of societies. Under the law amalgamation is limited to two societies, but this Bill provides that additional societies can be included. A society at Nambour and one at Childers may decide to amalgamate. They can do so under the Act, but in future if they want to amalgamate with a Maryborough society or any other body this Bill will give them that power.

In addition the Bill provides that the limit to banking deposits and withdrawals are slightly increased.

Another provision is in respect of the closing of the books on 31 March. The Bill enacts that the societies shall close their books at the end of a calendar year, because the closing in March or June creates a difficulty for the auditors. The societies must close at the end of a calendar year. They have, however, three months' grace.

**Mr. Pie:** At the end of December?

**Mr. GLEDSON:** At the end of their financial year.

**Mr. Pie:** That is different from the calendar year.

**Mr. GLEDSON:** The end of their financial year will be the calendar year.

**Mr. Pie:** That means the end of December.

**Mr. GLEDSON:** It will be at the end of the calendar year instead of 31 March.

**Mr. Luckins:** Some close on 30 June.

**Mr. GLEDSON:** They can close at the end of December and they will have from that time to the end of March to square up their books.

**Mr. Luckins:** They will have to make the necessary returns by the end of March?

**Mr. GLEDSON:** Yes, they have three months to complete their annual reports.

At 12 noon,

The CHAIRMAN resumed the chair.

**Mr. GLEDSON:** Another very important clause is that providing for the federation or combination of agents, so that they can form a trading society. If a number of societies wish to combine they may do so for trading or manufacture. This will enable them to operate on similar lines to what are known as wholesale societies in New South Wales, which are a combination of trading societies. The wholesale societies are a combination of societies for the purpose, perhaps, of manufacturing their own goods. They have their own boot and shoe factories for example; in fact, they manufacture quite a lot of things. This amending Act will enable societies registered under the Industrial and Provident Societies Acts to federate and operate in the interests of each individual society.

Those are the provisions contained in this measure. The societies want them, particularly the clause relating to the amalgamation of societies. The increase in capital is provided in order to bring the Act up to date.

**Mr. NICKLIN** (Murrumba—Leader of the Opposition) (12.1 p.m.): I am extremely disappointed with the amendments that have been outlined by the Treasurer. I thought when he gave notice of this measure yesterday and said that he was going to amend the Industrial and Provident Societies Act he was tackling the job of bringing the Acts of this State applicable to co-operation up to date. Instead of doing that by the amendments he has forecast this morning, he is going to make confusion worse confounded than at present.

I do not say the provisions he has enumerated are not necessary for the improvement of the principal Act, but instead of patching it up why did he not tackle the whole problem of legislation dealing with co-operation in this State? He should have brought it right up to date and made it more workable than it is now.

Let us examine the position in regard to co-operative societies operating in this State. We have societies operating under the Primary Producers' Co-operative Associations Act. We have societies operating under the Industrial and Provident Societies Act. We have societies of a more or less co-operative nature operating under the Building Societies Act. When we examine this Queensland legislation we find that it is miles behind the legislation enacted in some of the other States, notwithstanding a claim made by the Premier during the recent East Toowoomba by-election that the co-operative legislation of Queensland led the way in Australia. I say it lags behind the legislation enacted in New South Wales. Instead of being of assistance to the co-operative movement in this State it is a hindrance.

Actually there are only eight or nine co-operative societies operating under the Industrial and Provident Societies Act. Quite a number of friendly societies are registered under it, but there are only eight or nine co-operative societies. That is accounted for by the limiting factors contained in this legislation. One limiting factor is that no member other than a society can have an interest in shares exceeding £100. The Attorney-General has recognised the limiting effect of that provision because he has forecast an amendment of it in the Bill he proposes to introduce. It is true that the societies registered under the Act may not be truly co-operative but when a comparison is made with the New South Wales legislation we find that the provisions of our law are very limited. The New South Wales Co-operation Act of 1923 to 1942, not enacted by a Labour Government, is much more extensive and is better fitted to extend the operations of co-operative societies than the legislation on the Queensland statute book.

Our Primary Producers' Co-operative Associations Acts, under which a number of co-operative societies are registered, is limited by the fact that such societies must confine themselves to dealing solely with the primary products of their members and providing requisites for their members. Although the Premier contended during the East Toowoomba by-election that some hundreds of societies were registered under the Act, comparatively few are actively engaged in trading operations.

Most of them are registered without capital and really are not associations of primary producers formed for the purposes of trading or marketing and selling their goods.

These are the reasons why I say I am disappointed that the Attorney-General did not take this opportunity to overhaul the co-operative legislation of this State completely and make it useful and valuable to those who wish to carry on the co-operative movement in Queensland.

The very few co-operative societies registered under the Industrial and Provident Societies Act at the present time comply almost in toto with the provisions that the Attorney-General is inserting in the Act this morning. For example, their books must be audited by a certificated accountant. The eight or nine societies registered under this Act have certificated accountants and auditors as their official auditors. Some of the minor provident societies in association with friendly societies may not have that provision. However, that is not a provision I am objecting to; I am pointing out that the practice is being already carried out by those societies that are endeavouring to carry on co-operative activities under this Act.

The increase in the limit to the share capital to be held by an individual member from £100 to £300 should have been made before. The Bill will help the operations of the co-operative societies to that extent. However, it will not help the movement as we should have liked to see it helped had comprehensive legislation been introduced by the Attorney-General. I was particularly surprised—and no doubt all hon. members on this side had the same feeling—to hear the Attorney-General say that under the present Act if a society decided to increase its capital the members had to take up the increased shares allotted to them whether they desired to do so or not. I am associated with a society registered under this Act and I am sure that that is not the way we have done business. When we have increased our capital those members who wished to take additional shares allocated to them took them but those who did not want them said so and the shares were allotted to other members. The hon. member for Windsor reminds me that that is the way in which all businesses allocate share capital. If societies registered under the Act have been foolish enough to incorporate such a silly provision in their rules as that members have to take up any increase in share capital whether they want it or not the system is better eliminated, as it will be by this Bill.

The provision dealing with banking transactions must obviously refer only to small provident societies because even with the increase in the limits now imposed, from what I could gather from the Minister's statement, it would not in any way help co-operative societies carrying on big business under the Act. Obviously it must be for the small provident societies. The provision in regard to the amalgamation of co-operative societies under this Act is desirable but I repeat that it would have been much better to scrap all co-operative legislation and bring forward a comprehensive measure on the liberal lines operating particularly in New South Wales. At present there is in this State a movement for the federation of co-operative societies and the very limited provisions of our legislation have made it necessary for the Attorney-General to bring down this amending measure this morning.

In other States these things can be brought under existing legislation and much more effectively than will be possible under the amendment now to be inserted in the Industrial and Provident Societies Acts, which definitely provides that co-operative societies registered under its provisions need not carry on their activities in a truly co-operative manner.

I do not think any great objection will be lodged by societies carrying on activities under this legislation to the provision with regard to the closing of the books, although at the moment I know of my own personal knowledge that they do not all close their books at 31 March. One society in particular of which I have knowledge, closes its financial year on 31 January, but I do not think anyone will object to making the financial year uniform or to the setting down of a date by which societies shall furnish their reports and copies of balance sheets as required under the Act to the Registrar of Industrial and Provident Societies.

Another serious deficiency in this legislation that I am sure hon. members would have liked to see remedied is the omission of an amendment dealing with taxation; alternatively we should have liked to have some indication from the Attorney-General that he and his Government appreciated the disability under which co-operative societies are operating in this State because of the taxation schedules imposed on them by the Commonwealth Government. I will say that when the Queensland Government had charge of taxation they did recognise the need for helping co-operative societies by extending certain taxation concessions to them. These concessions have now been withdrawn by the Commonwealth Government, and I should have liked to hear the Attorney-General make some reference to this fact and to hear him say that he would make strong representations to the Commonwealth Treasurer, that when he is reviewing taxation rates in the future he give some consideration to co-operative societies, a consideration similar to that which the Queensland Government extended to them when they had charge of taxation collections.

This taxation provision is one of the most serious limitations on co-operative societies in this State, as they cannot build up their capital reserves because of the method of taxation used against them. We all know that co-operative societies as a general rule are built up from small beginnings by small individual contributions from the various members. As most members of co-operative societies, which have given great service to primary producers in particular in this State, have not a great amount of capital at their disposal, the method of building up the financial strength of the co-operative society has been to allow it to put its profits on one side into a reserve and later issue them as bonus shares to suppliers. That privilege has now been withdrawn by the savage taxation imposed by the Federal Government. Now, co-operative societies must either return that money to their suppliers or members or bear heavy taxation rates running up to 12s. 6d. and 15s. in the £1. That is one of the most serious limiting factors to the advance of co-operative societies in this State, and I am sure all hon. members interested in co-operation would have liked the Attorney-General to recognise that fact by making some reference to it in his speech this morning.

There are ways and means, however, by which the Queensland Government could help these societies with respect to their taxation commitments. At the moment, the Queensland State Government have control of registration fees and stamp duties. In New South Wales co-operative societies receive some concession in this respect. That should also be done by the Queensland Government if they are sincere in their efforts to foster the co-operative movement in this State.

However, as I said previously, even though the provisions contained in this amending Bill may be desirable and may help the limited number of co-operative societies registered under its provisions I again emphasise that it would be far more beneficial to the co-operative movement in this State and primary producers in particular who are interested in co-operation if the Attorney-General, instead of touching up the Act as he has done, had brought down comprehensive legislation dealing with the whole subject of co-operation. Had he done so he would have given some real aid to the co-operative movement instead of simply giving the slight amount this measure provides.

**Mr. PIE** (Windsor) (12.20 p.m.): As the Attorney-General said, this is a small but important Bill. The Leader of the Opposition pointed out more than one fault in it, inasmuch as it does not go far enough and fails to recognise the general principles of co-operative trading as they exist throughout the rest of Australia. I am strongly in favour of co-operative trading in every way. I want to make that quite clear because it was stated in the recent by-election for East Toowoomba that I had made the statement repeatedly that I was not. That is not so; I am in favour of co-operative trading. In fact, I am a member of a co-operative trading society. There are certain principles in co-operative trading with which I do not agree but it does not follow that I do not believe in co-operative trading; I do, otherwise I should not be a member of a co-operative society. I wanted to take the first opportunity to deny on the floor of this House the allegation made against me in the East Toowoomba by-election.

If the existing Act does not require that the auditor of the books and accounts of these societies shall be a properly-certificated accountant, the Government have shown laxity in not previously remedying that defect. Surely it is only right that under such circumstances the auditor should be fully qualified in his profession.

This measure provides also for an alteration of the present financial year of the societies to the calendar year. That wipes out completely the power of any society to close its financial year on 30 June. In other words, all co-operative societies will now close their financial year on 31 December. Is that right?

**Mr. Gledson:** No. We are deleting 31 March from the present Act and giving societies the right to close their financial year at any time, as long as it is a calendar year.

**Mr. PIE:** I am very glad of that explanation. I had gathered from the Attorney-General that the year must be closed at the end of the calendar year, but my impression was not literally right.

**Mr. Gledson:** No, it was not. The present provision says that the books of each society must close on 31 March. We are taking out that provision and making it a calendar year.

**Mr. PIE:** That calendar year is 31 December.

**Mr. Gledson:** No, the fixing of the calendar year is left to each society.

**Mr. PIE:** All accounts must be in within three months of the end of the calendar year?

**Mr. Gledson:** Yes.

**Mr. PIE:** My first impression of the Attorney-General's explanation of this measure was that the Government wanted to make the financial year of all societies uniform.

**Mr. Gledson:** No, each society can fix whatever calendar year it thinks fit.

**Mr. PIE:** I think the Leader of the Opposition also understood that there was a desire to make a uniform calendar year for all co-operative societies.

**Mr. Nicklin:** Yes.

**Mr. Gledson:** That is not intended.

**Mr. PIE:** I wanted to clear that up.

I do not think I misunderstood the Leader of the Opposition and I do not think I misunderstood the Attorney-General because we asked by way of interjection whether all the societies were to have a uniform calendar year.

**Mr. Gledson:** No, each society can close its books at the end of a calendar year.

**Mr. PIE:** That in practice means that a society can close its financial year at 31 July and then not put in a return until the following March?

**Mr. Gledson:** No, it must make its return three months from the date of closing its books.

**Mr. PIE:** We have got that clear.

I do not know whether co-operative societies that desire to increase their capital will come under the same provisions as ordinary trading companies, which under similar circumstances must apply for permission to the Federal Capital Issues Advisory Board.

**Mr. Gledson:** That will have to be done. They will first have to amend their rules.

**Mr. PIE:** They will still be subject to the National Security Regulations and authority to increase capital must be made to the relevant Federal authority.

**Mr. Gledson:** Yes.

**Mr. PIE:** We all agree that the business of co-operative trading companies is expanding. I understand there is a movement afoot to federate all co-operative societies and thus bring about one big co-operative movement.

I understand the Communists are thinking of developing a co-operative society and I was wondering whether this Bill will restrict the formation of any further co-operative societies in any way. Is this Bill brought in to stop the Communists or anybody else from forming a co-operative society? The Attorney-General has not explained that. Is this legislation brought in to restrict the formation of further co-operative societies?

**Mr. Gledson:** This Bill is not restrictive; it is a widening Bill.

**Mr. PIE:** In regard to the amalgamation of co-operative societies the Attorney-General told us that at present two and no more can amalgamate.

**Mr. Gledson:** That is so.

**Mr. PIE:** I take it when two amalgamate and become one there is nothing to stop them from amalgamating with another.

**Mr. Gledson:** There is until this Bill goes through.

**Mr. PIE:** Therefore this Bill makes it possible, first of all for two co-operative societies to amalgamate; when they do that and become one they can absorb another and when they become one again they can absorb another; so there is no restriction of absorption once they become one.

**Mr. Gledson:** That is the result when this Bill is passed.

**Mr. PIE:** The reduction of the allotment of shares is rather amusing. I do not think the Attorney-General really believes he was right, because it is the general practice, in any business or society, when a fresh issue of capital is made, to give existing shareholders the right in proportion to the shareholding to take up any shares they desire.

**Mr. Hiley:** But not the obligation.

**Mr. PIE:** Not the obligation; they are not obliged to. Again and again I have had shares offered to me that I was not in a position financially to accept. Surely no-one would expect this Bill to make it compulsory for me to accept those shares whether I could pay for them or not.

**Mr. Gledson:** Not at all. The Bill gives you the right to refuse them. If they alter their rules to provide for additional share capital the Bill gives you the right to refuse to be bound by that new rule.

**Mr. PIE:** Every co-operative society in the past has been breaking the rules if that is so, therefore, the hon. gentleman has not been administering the Act correctly. If this provision makes it optional to accept shares whereas previously you were forced to accept shares, then I say—and I think the Leader of the Opposition will say—virtually every co-operative society has been breaking the law of this country. That is a matter we should view very seriously, and that applies to the Attorney-General in particular.

**Mr. Gledson:** If you give me one instance of a breaking of the law, we will take it up.

**Mr. PIE:** I take it this Bill will enable any co-operative society to enter the manufacturing field.

**Mr. Gledson:** They have that right now.

**Mr. PIE:** I want to make the point there—I do not wish to harp on it—that I believe individual enterprise can stand up against any competition from anyone. In my opinion it may sometimes be unfair if people competing one against the other are not put on a uniform basis in regard to

the charges. I refer to the right to hand back profits that are free of tax in the case of a co-operative society but which are taxed in the case of an individual firm. That is the only thing I have against co-operative societies—if they are placed in a favourable position in relation to private competitive ventures. That is not a party thought.

**Mr. Brand:** Where does that apply?

**Mr. PIE:** In relation to virtually every co-operative society. Any profits made that are handed back to the shareholders are not taxed in the hands of the co-operative society.

**Mr. Brand:** The shareholders pay?

**Mr. PIE:** Take a company. If dividends are handed back to the shareholder the dividends are taxed as a profit in the hands of the company and again in the hands of the individual shareholder. I am not expressing a party thought on that point—I believe I might be in conflict on it with other hon. members—that is my own individual belief. I have always believed that I as an individual in enterprise can compete with anyone as long as I am on level terms. That is why I complained against the principle of freedom from taxation of the Canberra Hotels, which are allowed to acquire a monopoly of accommodation and expand their business without paying a penny in tax because under the law they are supposed to be using any profit they make for educational purposes. They are not. They are using it to acquire a monopoly of accommodation and the boarding-house opposite cannot compete with them because it has to pay taxes. The Sanitarium Health Food Company is in exactly the same position. It does not pay any tax because it is a religious organisation.

**The CHAIRMAN:** Order!

**Mr. PIE:** I want to stress the point that I have nothing against co-operative enterprise, but if it is to expand, let it expand on the same basis as anyone else.

I take it from the Attorney-General's remarks that the voting power of members of co-operative societies will be based on the amount of capital invested in them. That would mean that if a man had £1,000 in a society he would have a greater voting power than a man who had contributed £10.

**Mr. Nicklin:** It depends on the rules of the society.

**Mr. Gledson:** No, there is nothing at all about that.

**Mr. PIE:** I think that if it depends on the rules of the society an amendment should be introduced to cover that position and this may be an appropriate time to do so. A group of strong men, having £7,000 or £8,000 under the rules of the society may get control of it, thereby controlling its policy. I am reminded that they can only have £300 under this Act, but according to the Leader of the Opposition, under the rules of the society, the voting can be increased further. Is that not so?

**Mr. Nicklin:** The voting varies according to the capital invested.

**Mr. PIE:** If the voting varies according to the capital invested in the co-operative society then I feel that the small man should have as much right to a say in the policy of that society as the big man. The idea of the co-operative movement is that one man shall not have an advantage over another. I feel that the Attorney-General might try to make it the law in this State that the little man shall have a say in the policy of a big co-operative society.

**Mr. Nicklin:** That is one of the weaknesses of the Act. The society might not be co-operative.

**Mr. PIE:** That is so. I hope the Attorney-General will take some notice of what has been said and that provision will be made to give the small man an equal voting power with the big man.

Generally speaking, at this stage it is hard to say much because we have had the experience of seeing the Attorney-General introduce innocent little Bills and finding afterwards that they were political dynamite. Therefore, we cannot at this stage say much more than that we will wait and see what the Bill says. What he has outlined will get support, but I feel certain that the Leader of the Opposition and other hon. members will make suggestions to amend the legislation to bring it up to date and in conformity with what a measure dealing with co-operative societies should be.

**Mr. MULLER** (Fassifern) (12.32 p.m.): I commend the Minister for introducing this amending Bill, but I think it a great pity that he did not investigate the problems surrounding co-operative enterprises before he did so. We appreciate the Minister's sincerity, but I feel he is not conversant with the whole of the problems confronting us.

Let us go back to the time when the Industrial and Provident Societies Act was introduced some 20 years ago. It was then intended to protect the producer-shareholders or the consumer-shareholders, as the case might be. We want to be quite clear that there is a distinction between producer co-operation and consumer co-operation. I believe both are necessary, but in application they are slightly different.

Producer co-operation was never introduced or never intended to exploit anybody. It was intended to protect the members of the co-operative societies. The same argument applies to consumer co-operations. However, let me deal first with the subject from the angle of producer co-operation at the time the Act was introduced. The purpose of its introduction was to protect co-operative societies against undue taxation. At that time, a society in which I am interested—Queensland Farmers Co-operative Society—was registered under the old Companies Act relating to joint-stock companies. Portion of the shares held by the members were regarded as bonus shares—we were receiving a dividend from

the society. The Act at that time wiped out any dividends members might receive and I think that was only fair and just. Under that Act we were entitled to certain tax concessions so long as we distributed the profits among the people who really earned them. That was just as it should be. Time has gone on and the Commonwealth has entered into the field of taxation. Today we have to submit to a system of uniform taxation and those benefits have gone. We are now asked to distribute the whole of our profits or so allocate them within three months that they may be distributed to members over the ensuing 12 months.

I think one of the things prompting the Government to amend this Act is the fact that no procedure is available today to extend and develop the business of a society. We simply cannot sell additional shares. The only way we can increase the share capital is to take that capital out of the profits from time to time. Under the old system we could set aside a sum of money to pay dividends on those shares. That is not desirable and we do not wish to do it, but the moment we set aside a sum of money for the purpose of reserves, which would increase the capital, that amount becomes taxable. The P.D.S. Society, of which I am a director, this year set aside £20,000 or endeavoured to set aside £20,000 for the purpose of increasing the capital.

The £20,000 attracted an additional £9,000 in taxation. In other words, we had to find actually £29,000 to provide the £20,000 additional capital.

Nearly all of our co-operative producing societies in this State in the past few years have adopted the other plan. Instead of setting moneys aside for reserves they have distributed their profits to their members by way of share capital, and the effect is that many of our shareholder members today are holding the maximum amount of capital, which is in the vicinity of £100. Our co-operative societies cannot pursue that policy further without committing a breach of the Act. Before very long we shall find that a number of the members have more shares in the society than they are entitled to hold under the Act. The Minister has probably grasped half the problem, but he has failed to understand the other half. He is now amending the Act to enable shareholders to hold more than £100 worth of shares. Under the amending Bill they will be entitled to hold up to £300 worth of shares, but in the Bill he is making a provision to give a shareholder the right to refuse or accept the additional share capital.

**Mr. Gledson** interjected.

**Mr. MULLER:** I have been endeavouring to explain while the Attorney-General was speaking to the Secretary for Public Works. If our larger co-operative societies wish to provide additional capital it becomes imperative for them to set aside money from reserves for that purpose. There is no other channel from which to draw. We cannot sell additional shares and we cannot set aside money by way of reserves for the purpose. Therefore we can do it only by issuing further shares. If it is enacted that a member can please himself whether he accepts these additional shares it means that we are prevented from increasing our share capital and the willing horse is to be asked to bear the additional burden. If the other member can say that he will not carry his share of the load, that will seriously embarrass co-operative societies. It means that they will not be able to increase their share capital and this is a very serious matter. If the Minister can tell us of a way out of the difficulty, I shall be very pleased to hear it. What is the use, in the first place, of increasing the share capital, i.e. from £100 to £300, if the shareholder has the right to say whether he will or will not accept? What will be the position of the directors? We must first realise that under our present laws business is carried on in a very democratic way. No directorate can merely throw shares on the shoulders of a member whether he likes it or not. All the business is submitted to a properly convened meeting of shareholders and the action is endorsed or not endorsed. If the proposal in the Bill is put into effect, in plain English, it will mean that some of the shareholders will carry an additional load and some will not. That is where difficulty will arise. I feel sure that the Minister has not studied this problem. If he had, he certainly would not have introduced the Bill in these terms. It might be a success with some of the smaller societies, which probably are not so much concerned about the amount of capital required, but it must be remembered that as business grows so must capital increase. I question whether anyone can give me a more democratic and fairer method of placing share capital than basing it on the contributions of individual members.

Let me make my point clear by way of illustration. A man with five cows is a member of a dairy association. There is no reason why he should make the same contribution to the maintenance of that association as the man with 100 or 200 cows. Under this system the larger the amount of produce that is handled the greater must be the contribution. I feel that is a democratic and fair system of carrying out the business. We also must not forget that there are thousands of members in co-operative societies who never attend a meeting. They become members and take the benefits that fall their way from time to time but are not sufficiently interested and leave it to the few to carry on the business. That applies to all our societies.

Unless a company is to be permitted to expand its business in that direction there will be no room for further expansion. Under the old order of things this amendment might have been quite satisfactory because, instead of allotting shares to members, it was possible to set aside part of the profits each year and so increase the capital at once. That is virtually impossible today or at least very costly in that the present rate of taxation is prohibitive.

I endorse the remark of the hon. member for Windsor that it is not a question of trying to escape taxation responsibility. I believe

that each one of us should bear our proper share and should be willing to do that but it is wrong to tax the profits in the hands of the company first and then tax them again in the hands of the member. That is nothing more nor less than dual taxation. We have not formed co-operative societies for the sole purpose of making large profits; our chief objective was to establish machinery for the purpose of converting our raw products into a salable article. We cannot sell milk or cream in its raw state. It must be converted into a salable article, such as cheese or butter, and the same applies to sugar and other primary products. In order to make that conversion we must have capital, and if the man who is creating the capital is taxed and then the board that sets aside a certain amount of money for that purpose is taxed, and the individual shareholder is taxed on the profits in his possession the position becomes intolerable.

I believe that many people expect more than it is possible to get from co-operative effort. Co-operative effort should be fostered in all walks of life and I believe that the only way in which we can solve many of our industrial problems today is to give our workers a co-operative interest in the production for which they are responsible. In the future everything should be done with a view to bringing about a feeling of satisfaction in the industry. That can be done if these societies are formed on sound, democratic lines, but if we are to create a barrier from the beginning and to make it impossible for these things to become established our industrial troubles will be with us for all time.

At this stage I do not wish to deal any further with the Bill. I have endeavoured to grasp what the Minister was aiming at although I cannot help feeling that he is not cognisant of the real needs for amending this legislation. He certainly has grasped part of the story but where he lacks information most is on the question of shareholder capital. If he is proposing to increase the amount of share capital that a member may hold from 100 to 300 shares and then later give the shareholder the right of saying whether he will accept or refuse those shares he is really serving no purpose by increasing the amount a shareholder may hold. If it is to be purely a question of voluntary effort on the part of the members no good purpose will be served because there is always a section of people in this or any other business who are willing to accept benefits that might be provided for him by others while at the same time they are unwilling to make any contributions themselves. I feel that before the Bill is accepted finally by the House that provision should be examined thoroughly with a view to arriving at a more satisfactory solution of the difficulty.

**Mr. BRAND** (Isis) (12.47 p.m.): It is very interesting to find the present Government becoming interested in the co-operative activities of the people. Only recently a former Premier intimated that his Government had done more for co-operative effort than any other Government. That statement was not true. It could not be borne out by facts. We know perfectly well that the Government are lined up with nationalisation and socialisation.

**Mr. Macdonald:** And Communism.

**Mr. BRAND:** We find now that Labour is finding—and in this respect it is following the Communists—that after all co-operation is what we want in this country. When we know that men like Lord Nuffield, who is a great industrialist, find that profit-sharing and co-operative effort is the best thing for industry, and when we know what it means to the workers in their undertakings we must recognise that the workers of this country, whether they are industrial workers or farmers, have nothing to hope for except through co-operative effort and profit-sharing. It is interesting to find that the Attorney-General has been instructed to bring down a measure that will do something to help the co-operative effort in Queensland.

**Mr. Power:** Did you speak in the East Toowoomba by-election?

**Mr. BRAND:** The hon. member was the last to go to East Toowoomba.

**Mr. Pie:** He is too much of a "Com."

**Mr. BRAND:** They did not want him there. They knew he would not talk as the Premier did on co-operative effort.

**Mr. POWER:** Mr. Mann, I rise to a point of order. The hon. member for Windsor by way of interjection said I did not go to East Toowoomba because I was too much of a "Com," implying that I was a Communist. I say that statement is untrue and I ask for it to be withdrawn. I have never been associated with the Communist Party and that statement is offensive to me.

**Mr. PIE:** I withdraw.

**The CHAIRMAN:** Do I understand that the hon. member for Windsor interjected implying that the hon. member for Baroona was too much of a Com. If so, I ask him to withdraw.

**Mr. PIE:** I withdraw that interjection. I was misled by the Premier.

**Mr. BRAND:** I am very sorry that that interlude occurred because I do not think we can rightly accuse the hon. member for Baroona of that and therefore his denial is true.

It is a very healthy sign in the political life of this State to find the Government interesting themselves in co-operative undertakings. This measure when it becomes law will help co-operative undertakings a little, not much. The Industrial and Provident Societies Act needs amending but I believe that the whole matter should, as the Leader of the Opposition stated, be tackled in a big way to give hopes to the many thousands of people in Queensland, both in the farming community and workers, some benefit for their industry in the way of increased wages or profits. It is needed today.

**Mr. Pie:** Hear, hear!

**Mr. BRAND:** I believe industry as a whole acknowledges that the whole future of industrial development, not only in this country but throughout the world, hinges on whether we foster and help the many activities engaged in co-operation and profit-sharing and extend them. We have no legislation on the business paper that will give great hopes to the great bulk of the people. Governments throughout the ages have recognised that some attention should be paid to improving the conditions of the people by co-operative effort. We find that in the last century Governments have all recognised the need of co-operative legislation to be placed on the statute book. Indeed, some of the greatest and most beneficial co-operative activities in this State were established as a result of legislation placed on the statute book over 35 years ago. Our great co-operative dairying companies operating throughout the length and breadth of Queensland—our dairying industry is almost 100 per cent. co-operative—sprang from co-operative legislation passed 35 years ago. The same can be said of our sugar industry. We have co-operative sugar mills operating throughout the length and breadth of the State. Practically half of the sugar-milling industry is co-operative. They were practically established long before Labour came into office.

**Mr. Theodore:** No.

**Mr. BRAND:** I say yes. Many of these sugar mills carried on by the corporation of the Treasury for a number of years, actually as State enterprises until another Government other than Labour elected to hand them over to the canegrowers as co-operative undertakings, and since then they have proved to be very successful. The hon. member for Herbert knows that the Tully mill did very well for the canegrowers in the Innisfail district; it was passed over to them by the Moore Government and they made a profitable undertaking of the sugar factory. It is only to be expected that Governments will continue to follow that principle, which will make for the benefit of co-operative development in Queensland. I do not know whether the time is not opportune to do something more really useful in regard to the co-operative development by providing that our workers in those industries should benefit by the profits that members of co-operative societies enjoy today.

**Mr. Pie:** There is no reason why they should not.

**Mr. BRAND:** There is no reason why they should not. I see no hope for the workers other than the wage system unless they are able to benefit by their industry through some form of profit-sharing. Why should we not make a measure like this wide enough to enable those industries that can profit by some form of profit-sharing to do so? We find the legislation is so crammed that it does not permit those engaged in industry to give those benefits that should go to the people who are so much in need of them. This legislation is of benefit in the direction indicated by the Minister, but we feel that in some cases it is being too harsh, particularly in forcing members to take up increased capital whether they desire it or not. Hon. members who have been associated with co-operative activities will know that it is not right to force upon members of the society the obligation to take up new capital when it is decided to increase the capital of a company. Some of the sugar factories do provide for that but it is in an industry in which the profits made in the factory are paying for the increased capital and for the shares granted to the members. Generally speaking, it is not right they should be forced to take up shares if they cannot afford them. I feel that the principle of facilitating capital issues was not correctly stated by the Minister.

I agree with the Minister that it is only right and proper that certificated auditors should audit the accounts of the industrial and provident societies of this country. That is carrying out what Parliament has already recognised as a principle in these undertakings—that they should be properly audited so as to ensure that the accounts are kept in the proper way.

So far as the amalgamation of co-operative societies is concerned I am satisfied that the widening of the law will be an advantage to many co-operatives operating in Queensland. I do not say that it would be altogether a good thing for co-operative societies to amalgamate under a federation, but the opportunity for that to be done is provided, and it will enable those engaged in co-operative industry, in industrial and provident societies, to meet and discuss whether it is wise to become federated.

Motion (Mr. Gledson) agreed to.

Resolution reported.

FIRST READING.

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

## PICTURE THEATRES AND FILMS BILL.

COMMITTEE.

(The Chairman of Committees, Mr. Mann, Brisbane, in the chair.)

Clauses 1 to 4, both inclusive, as read, agreed to.

Clause 5—Picture Theatres and Films Commission—

**Mr. MARRIOTT** (Bulimba) (2.16 p.m.): On behalf of Mr. Aikens, hon. member for Mundingburra, who is unable to be here for this session, I move the following amendment:—

"On page 3, line 47, after the word 'name,' insert the words—

'One member of the Commission shall be so appointed on the nomination of the Local Authorities Association of Queensland.'"

It will be noted that the following part of the Bill distinctly deals with local authorities. In fact, practically the whole of Part III.

of the Bill deals with local authorities and their powers to investigate and determine applications in relation to the establishment of new or additional picture theatres. The local authorities of the State will be expected to do so much, and they are expected to do so much at present in respect of picture-show buildings, location of sites and other things, that it is only reasonable that they should have direct representation on this commission. They have an important job to do, but their powers to some extent will be overridden by the commission. Any objection lodged by a local authority to an application for a licence must be considered by the commission. I submit that the amendment is reasonable. In the opinion of the hon. member who submitted it and myself, the local authorities are entitled to direct representation on this all-powerful commission.

**Hon. H. A. BRUCE** (The Tableland—Secretary for Public Works) (2.22 p.m.): No body or no representative of any body has been considered up to date so far as the commission is concerned. I do not say that he will but it is possible that a member of a local authority may be appointed. I will not accept the amendment, which would make it mandatory that a member of a local authority should be appointed as a member of the commission.

Amendment (Mr. Marriott) negatived.

**Mr. HILEY** (Logan) (2.23 p.m.): I move the following amendment:—

"On page 3, after line 52, insert the following paragraph:—

> 'Each member of the commission shall retire and cease to hold office upon attaining the age of 65 years; nor shall any person be capable of being appointed a member of the commission after attaining the age of 65 years.' "

The State, apparently, has two standards which vary, on which it relies for the administration of its laws. The great bulk of its laws are administered by State public servants whose occupany of office is governed by the provisions of the Public Service Act. In accordance with the recognised policy of this and previous Governments the principle of retiring officers generally when they reach the age of 65 has become very well recognised in this State. Another practice is commonly observed; that is, that members may be appointed to a commission such as this and in their case the common rule laid down to apply to the vast body of public servants is of no effect. This office on the commission may be a physically onerous one. There are picture theatres in every corner of this vast State and I should imagine that the proper discharge of the duties of the commission may very well require the occupant of the office to travel to far northern and western parts of this State and in a year travel not hundreds but thousands of miles. On the side of physical capacity alone, this amendment would be wise and should commend itself to the Minister. On the side of general Government policy, it is entirely in accordance with what I understand is the accepted policy of this Government.

There is a further and more cogent reason that gives particular point to this suggestion today. There is in this community today a vast flood of returning servicemen. During the period of their absence this community, of necessity, allowed itself to retain in office a great number of over-age servants. Today, with the unemployment of servicemen commencing to be far more frequent, I suggest that there is a particularly pressing and urgent reason why this policy of retiring all men at the age of 65 and especially not appointing men over 65 to public office should be fully implemented, without exception. I think we shall experience in many directions an increasing pressure from unemployed returned soldiers that over-age men be retired to make some small contribution towards their rehabilitation.

I thus commend this amendment for the consideration of the Minister. He should accept it favourably because it is entirely in keeping with the declared policy of the great trade-union movement of this country and it has been a policy that has been generally accepted by this and preceding Governments.

**Hon. H. A. BRUCE** (The Tableland—Secretary for Public Works) (2.27 p.m.): No doubt all of us have heard of that famous reply by William Pitt when taunted concerning his youth, "Youth, Sir, is not my only crime." We know that in his youth Pitt committed a number of indiscretions but in later years as a result of the experience that he gained he was a much better man than in the days of his youth.

I refused to accept a previous amendment because I explained that no-one had yet been considered for the position, and we cannot at this stage consider the age, creed or colour of any person who is to be appointed to these positions. There is no doubt that onerous duties will have to be performed by the commission. We know that the hon. member for Windsor entered this House as a young man and we also know that at times he is apt to become very excited and exhibits terrific signs of blood pressure. I am just afraid that one of these days he will go off in a paroxysm of excitement.

There is something to be said for the amendment on the score of making room for younger people but there are quite a number who retain their ability plus the experience they have gained when they reach a ripe age. For instance, William Morris Hughes, M.P., is fairly ancient, so is Senator Joseph Silver Collings and so is the hon. member for Hamilton, but no one would say that we could wipe them off on that account.

**Mr. Luckins:** Give the boy a chance.

**Mr. BRUCE:** The hon. member is now touching on a very dangerous subject. It was another Government who promised to give the boy a chance and then kicked him from pillar to post when they were returned to power. I cannot accept the amendment.

**Mr. HILEY** (Logan) (2.30 p.m.): I cannot resist completing the famous quotation by William Pitt that was begun by the Secretary for Public Works. It was the occasion upon which Walpole, a grey-headed man in his physical and mental decline, taunted the young Pitt with the crime of youth.

**Mr. Bruce:** That is correct.

**Mr. HILEY:** The hon. gentleman began the quotation and I should like to complete it. Pitt said in his reply in the House of Commons—

> "The atrocious crime of being a young man, which the hon. gentleman (Horace Walpole) has with such spirit and decency charged upon me, I shall neither attempt to palliate nor deny, but content myself with wishing that I may be one of those whose follies may cease with their youth, and not of that number who are ignorant in spite of experience."

That was the quotation that the Secretary for Public Works was indiscreet enough to begin.

It is quite true that there are some extraordinary and notable exceptions to the general rule that age takes its toll, but are we in this Committee to be governed by those rare exceptions or are we as sensible men to realise that when men reach the age of 65 years they wish to steady down? Are we going to proclaim to the State that the great trade-union movement, which has accepted the policy of retiring men at a certain age, is wholly wrong? Because that is what the Government are doing.

**Mr. PIE** (Windsor) (2.32 p.m.): The Secretary for Public Works has said in effect that the Government have no uniform policy. The Government demand that public servants should retire at the age of 65 years. They also have the problem of unemployment on their hands. The amendment by the hon. member for Logan will give young men a chance on the proposed commission but the Government will not allow good public servants who have not reached the age of 65 years to take the positions.

**Mr. Theodore:** They have not said that.

**Mr. PIE:** I say very sincerely that when a man reaches the age of 65 years he wants, or he should want, to have a rest in his declining years and enjoy the pension that the Government say they provide for their public servants who retire at 65. However, it is very doubtful whether they are good pensions. I support the amendment because I am satisfied that the case made out in support of it by the hon. member for Logan cannot be resisted. The Government had laid it down as a policy that public servants shall retire at 65 years but here again they are knocking that principle head over heels and they are likely to appoint men to the commission who are over 65 years of age. Surely the argument is all on our side and the Minister should accept the amendment!

**Mr. DECKER** (Sandgate) (2.33 p.m.): I support the amendment. I believe every hon. member should support it. We have come to that stage when we must recognise that youth must have a chance, particularly from the angle of ex-servicemen. Quite a number of ex-servicemen are returning to their positions in the Public Service and will naturally be seeking promotion. How can they hope to climb the rungs of the ladder of promotion unless the plums in the service are open to them? If this amendment is not accepted by the Government they must have in mind for the position some aged men who would be affected by it. We shall ultimately see the result but I am making that prediction.

Let us look at the trend of things today. Who were the people who won this war? Was it the old men? No, the young men. Even the age of officers was considerably reduced in World War II. In our future we must look to the youth and our youth must occupy at least some of our high positions so that we may benefit from their knowledge and experience, an experience that was denied to the older generations. There are exceptions—men who notwithstanding their age can continue in their occupations for longer than most of their generation, but having due regard to these exceptions here we have an opportunity of laying down a policy that if carried to its logical conclusion in the future will enable these jobs to be filled by younger men and ensure that they will not be regarded as perks for older men in their declining years.

**Hon. H. A. BRUCE** (The Tableland—Secretary for Public Works) (2.36 p.m.): It is pure assumption by the Opposition that it is the intention of the Government to appoint men of 65 years and over as members of this commission. The hon. member who has just resumed his seat made a plea for our young men and said they won the war. Certainly our young men did the fighting but there were old chaps like Churchill, Roosevelt and Stalin who played a prominent part in planning to win the war. Their experience, knowledge and co-operation did quite a lot to bring about a successful conclusion to the war. They could not go and fight, nevertheless they helped very materially in winning the war. It is pure assumption on the part of anybody to suggest that the Government intend appointing anyone over 65 years of age to this commission. As I said on an earlier amendment, which asked that a member of a local authority be placed on the commission and which I refused, I cannot accept an amendment making it mandatory for the Government to appoint anybody. I cannot accept one requiring them not to appoint someone over 65 years of age. What would the position be if a person of 64 or 64½ years was appointed? There is no solid argument why it should be done. I can assure the Committee—I hope it is not in the mind of the Opposition—that no Minister is going to retire to get this job. (Opposition laughter.) I am possibly one of the oldest members of the Ministry and I am not going to retire and accept the job. I will give a written guarantee on that. There is no merit in the amendment. As I stated no individual has been thought of for the posi-

tion. We have decided that owing to the numerous legal questions that will arise that a representative of the legal profession will be appointed to the commission but apart from that no individual and no section has been promised representation. One women's association wrote to me asking that it should have representation on the commission. I do not know whether the Opposition intends moving an amendment for the appointment of a lady to the commission. All I can say is that the personnel of the commission has not been decided.

**Mr. NICKLIN** (Murrumba—Leader of the Opposition) (2.39 p.m.): The Minister has taken up rather an extraordinary attitude on this amendment in that he says he does not propose to accept any amendment dealing with the constitution of the commission. Until just a moment or two ago he had never given hon. members any indication whatsoever as to what the Government's intentions were in regard to the commission's personnel.

Now one of them at least will be a member of the legal profession. I think the Minister should have given this House some indication as to his intention on the constitution of this commission. He contents himself with the bald statement that he is not going to tie himself down to a member of the Local Authorities Association or any other association.

There is a considerable amount of merit in the amendment moved by the hon. member for Logan in that it is Government policy. I am not arguing the question whether a man is capable of carrying out his duties as a member of the commission when he is over 65. Many men are, many men are not. The point in connection with this amendment is that it does represent general Government policy, in that public servants are retired at 65. Many of the unions that support the Government have stated that men should be retired at an earlier age, that it should be 60. However, the point is that Government policy is that 65 should be the retiring age. Why have the Government such a rooted objection now to making it apply to men under 65 years of age?

**Mr. Foley:** The Government can conform to their policy without having it in the Bill. You do not want to clutter up the Bill with a lot of things.

**Mr. NICKLIN:** If the Government do intend to conform to their policy of regarding 65 as the retiring age, they should have no objection to the amendment. Yet they seem to be bitterly opposing this amendment moved by the hon. member for Logan.

Also bound up with this question is the question of preference to returned servicemen. After all, if we are going to follow the principle of preference to returned servicemen, would it not be preferable to give it to a suitable serviceman? I think all hon. members will agree that many returned servicemen could be found rather than give it to a man in his 70's or 80's, as the case may be, if this amendment is not agreed to. The Minister and members of his Government will find it very hard to justify the policy that they have laid down in regard to the retiring age of 65 if it is left open, and they should give consideration to this amendment.

**Mr. PIE** (Windsor) (2.43 p.m.): I want to press the point a little further. Ministers by interjection have said they will carry out Government policy. If the Government are prepared to give that assurance that they will not appoint a man over 65 to the position, then there is no need for the amendment. If the Minister is prepared to give that assurance we will not press the matter any further—that is, that the Government intend to carry out their policy.

Question—That the words proposed to be inserted in clause 5 (Mr. Hiley's amendment) be so inserted—put; and the Committee divided—

AYES, 11.

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|---|---|
| Mr. Hiley | Mr. Sparkes |
| ,, Luckins | ,, Wanstall |
| ,, Macdonald | |
| ,, Maher | *Tellers:* |
| ,, Morris | ,, Decker |
| ,, Nicklin | ,, Kerr |
| ,, Pie | |

NOES, 27.

| | |
|---|---|
| Mr. Bruce | Mr. Healy |
| ,, Clark | ,, Hilton |
| ,, Collins | ,, Ingram |
| ,, Davis | ,, Jones |
| ,, Devries | ,, Larcombe |
| ,, Duggan | ,, Power |
| ,, Dunstan | ,, Theodore |
| ,, Foley | ,, Turner |
| ,, Gair | ,, Williams |
| ,, Gledson | ,, Wood |
| ,, Graham | |
| ,, Gunn | *Tellers:* |
| ,, Hanlon | ,, Farrell |
| ,, Hanson | ,, Moore |
| ,, Hayes | |

PAIRS.

| AYES. | NOES. |
|---|---|
| Mr. Plunkett | Mr. O'Shea |
| ,, Edwards | ,, Walsh |
| ,, Clayton | ,, Jesson |
| ,, Chandler | ,, Smith |

Resolved in the negative.

**Mr. HILEY** (Logan) (2.46 p.m.): Clause 5 is the one that establishes the commission and in the course of the second-reading debate yesterday I presented to the Assembly some information that had come into my possession concerning the position of a licence at Moorooka. I want to tell this Committee that I was telephoned last night by Mr. Halbert, to whom I referred in the course of that speech. Mr. Halbert has made an explanation to me and I told him I would convey it to this Committee this afternoon. Mr. Halbert told me that it was quite true, as I informed the Assembly yesterday, that he had been telling people, including other applicants, that it was no use anyone else's applying because the licence was to go to Gray.

Mr. Halbert informs me, and I am prepared to accept his assurance, that he had information to that effect at the time he was saying it and that he genuinely believed it was so. Mr. Halbert tells me he has just learned that

it is not so and he now knows that the information or the story he was spreading was incorrect. To the extent that I did make mention of this matter yesterday and that I did so in a manner which attracted considerable publicity I consider it is fair that I should convey to hon. members the message which Mr. Halbert gave me last evening. On the information which he gave me it appears that there is not yet any decision as to who is to receive the Moorooka licence, that the position is completely open, and that he was in error in believing and asserting that it was going to Gray.

**Hon. H. A. BRUCE** (The Tableland—Secretary for Public Works) (2.47 p.m.): Mr. Gray was actually promised the licence and paid £5 to the Brisbane City Council in 1941. I have made inquiries about this position; probably the man who raised that question knew that when he raised it. That is where he got his information. The National Security Regulations came in and prevented the enterprise from being carried out, but actually it appears that the Brisbane City Council had granted it. I am informed that Mr. Gray has the receipt for the £5 he paid for it.

For a man to come into this House and suggest, as was suggested, that Mr. Halbert and Mr. Gray had a licence sewn up under this Act—that was the inference, that they had the licence sewn up under this Act—was a piece of gross injustice to me and to the members of this Government.

On more than one occasion the hon. member for Logan stated that he also had an interest in an exhibitor company and this was also mentioned by several members. There is no argument about that and we might easily infer that by mentioning Halbert and Gray the idea would be that the commission would say they cannot have it and it would automatically go to some company in which the hon. member himself is interested. I know there are cunning ways of doing business by implication and eventually your own representatives get the licence indirectly. But to suggest that a commission that has not been appointed is implicated is a disgrace.

I do not know whether the hon. member has some man under 65 years of age wanting to get on this commission but there remains the clear inference that this commission and incidentally the Minister, to whom the commission is responsible, had promised Gray this particular licence. The hon. member had more information than I. He had the information that Gray had been granted a licence by the Brisbane City Council. That had nothing to do with us and knowing that, to infer that this commission and I as Minister in control of this commission——

**Mr. HILEY:** I rise to a point of order. The Minister has said that I, knowing the Brisbane City Council had granted a licence to Gray inferred certain things. I did not know the Brisbane City Council had given any licence to Gray. It was not my source of information and I ask the Minister to accept my correction and to withdraw the statement.

**The CHAIRMAN:** Order! I ask the Secretary for Public Works to accept the denial of the hon. member for Logan in respect of the statement about Gray.

**Mr. BRUCE:** I accept his statement as to his lack of knowledge. I will quote from the "Courier-Mail"—

> "A certain gentleman who is one of the members who waited on the Government and asked it to bring in this Bill is the man who can tell you who is going to get the licence."

What is the definite inference? The inference is that either I or members of my department had told this man Halbert, Gray would get the licence. You cannot expect me to accept that the hon. member is so simple or so sadly lacking in knowledge.

The article in the paper proceeds—

> "Already he has been offering gratuitous advice to other applicants, saying, 'You have no chance, old man; postpone your application, you have no hope of getting it.'"

It was implied that the Minister had been bribed or corrupted and it had been promised by the Government that this licence would go to Gray.

**Mr. Hiley:** Halbert said that is what you did do.

**Mr. BRUCE:** We have no knowledge what Halbert said. It is only the hon. member's statement.

The article proceeds—

> "It is not my habit to mention matters of this nature in the House in general terms. The man who is one of the supporters of this Bill, and who has been engaged in warning off other applicants, is a man named Halbert.
>
> "Halbert openly has asserted the licence at Moorooka is going to be given to an applicant named Gray."

The hon. member said he had no knowledge of Gray's having had it but he stated that Halbert openly had asserted that the licence at Moorooka was going to be given to an applicant named Gray. The hon. member must have known that our department had no power whatever to grant a licence. Only the Brisbane City Council has the power to grant a licence. If Halbert said Gray was going to be granted the licence the inference was that the Brisbane City Council had been corrupt. The hon. member brings it forward here and suggests that this commission to be appointed has been corrupt.

He goes on—

> "It is an easy name to remember, treasure it in your memory, and see what sort of nonsense is this."

**Mr. Sparkes:** Who is going to get it, anyhow?

**Mr. BRUCE:** It is nonsense! I will draw the attention of hon. members to the discrepancies in the case. For the moment, accept Halbert's statement that Gray is going to get it. Halbert presumably is interested. The hon.

member for Logan is interested in an exhibitor company that has fairly large ramifications. The idea could well be to embarrass the Government and the commission to decide that Halbert or Gray would not get it and then it might be given to his organisation. The commission will have a very difficult job indeed in finding out the ramifications and the tricks of private enterprise when it is creating assets in a particular line of industry.

**Mr. Sparkes:** Would not Gray have a leg in?

**Mr. BRUCE:** According to the hon. member for Logan Gray has both legs in. I do not know but, incidentally, his own organisation might have its head and shoulders in somewhere. I am not worried so much about that side of it but I do resent the suggestion that an unborn commission has already been corrupted. No person has yet been considered by the Government. The only name mentioned so far is that of Gray and that was mentioned by the hon. member for Logan. No names have been discussed by Mr. Chuter and me in regard to the commission, yet this unborn commission already is said to be corrupt. The charge is much more serious than that. The suggestion is that the Government have been corrupted and as the Minister in charge of the Bill I strongly resent the suggestion in the statement by the hon. member for Logan.

**Mr. POWER** (Baroona) (2.59 p.m.): A firm by the name of Harrison and Bothwell have been hawking a brief around for some weeks in connection with the Bill and evidently they got the brief into the hands of the hon. member for Logan because the statements that have been made in this Chamber by the hon. member for Logan have been made in other places by a gentleman named Harrison.

At the present time the allocation of these licences is in the hands of the local authority. I have had some knowledge of this subject because for a period I was chairman of the committee of the Brisbane City Council that dealt with it. The procedure is that applications for a picture-theatre licence must first be submitted to the council. Then the fact that the application is made must be advertised in the Press and invitations invited from those who desire to object to its being granted. Messrs. Harrison and Bothwell were refused a licence because they proposed to erect a picture theatre on a 20-perch allotment.

The hon. member for Logan admits that his assertion is based on an ex-parte statement, on the statement of a man named Halbert. We are not compelled to accept his statement concerning Halbert and Gray. In 1941 Gray applied to the Brisbane City Council for the right to erect a picture theatre on a certain site. It was impossible for him to build a theatre at that time.

Remember that these matters are still controlled by local authorities, not by the Government. The proposed commission has not yet been set up and nothing in that respect can be done until the Bill becomes law. The local authorities receive numerous applications for the right to erect picture theatres. As a matter of fact, an application was made for the right to use the Baroona Labour hall for the purpose of showing pictures but the local authority refused the application. I thoroughly agreed with its decision. The Brisbane City Council decided that it would do nothing in the matter pending the decision of the Government concerning the introduction of this Bill.

That is the position in regard to Gray at the present time. He was told to renew his application and I understand that an advertisement relating to it will appear in the Press in the usual way. Gray has not been granted any licence and no licence has been granted to any picture-theatre proprietor since the introduction of the Bill. And so it is quite unfair and quite wrong to say that the Government have already agreed to grant a licence for a picture theatre to a certain person, especially as the commission has not yet been set up. It is only another way of getting in a little cheap political propaganda against the Government, aided and abetted by the anti-Labour Press of this State.

I have another case in mind, that of Howes and Ware. They applied for the right to conduct a picture theatre but again the Brisbane City Council refused to entertain it pending the action of the Government in connection with this Bill. It is quite useless to suggest for one moment that any such licences have been granted. The Government have nothing whatever to do with the granting of these licences; the matter is entirely in the hands of the Brisbane City Council.

I agree with the Minister that if anything corrupt has been done it has been done by the local authority because it at present controls the issuing of licences. I have no evidence that anything corrupt has been done by the local authority. I am sorry that the hon. member for Logan accepted the bad brief handed him by Harrison and Bothwell because he has made a very bad job of his case. He made misstatements that cannot be justified as they are without foundation or fact.

Clause 5, as read, agreed to.

Clause 6—Use of new picture theatres to be determined by commission—

**Mr. HILEY** (Logan) (3.4 p.m.): I move the following amendment—

"**On page 6, after line 5, insert the following new sub-clause:—**

'(4) In addition to the powers and authorities imposed upon the commission by this Act, the commission shall have power and authority and jurisdiction to order a local authority (including Brisbane City Council) to cancel any licence in respect of the use of a picture theatre on the following grounds, namely:—

(*a*) That the standard of building of the picture theatre does not comply with the by-laws of the

local authority, or with a standard which the commission is of opinion should be complied with in the public interest;

(*b*) That the standard of comfort is not adequate and does not conform to a standard which the commission is of opinion should be complied with in the public interest;

(*c*) That the standard of safety in respect of the building does not comply with the by-laws of the local authority or with a standard which the commission is of opinion should be complied with in the public interest;

(*d*) That there has been a change of ownership in respect of the licence concerned and such change is not considered desirable in the public interest;

(*e*) That the standard of entertainment is not of the standard which the commission is of opinion should be the standard in the public interest.

Before any such recommendation shall be submitted to any such local authority, the commission shall call upon the licensee concerned to be heard in the matter of the issue of any such order of the commission.

On any such hearing the commission shall permit the local authority concerned to be also heard.

Upon the hearing and determination, the commission shall forward the order to the local authority, and such order shall have the force of law and be obeyed by the local authority and all persons concerned.' ''

In commending this amendment to the Minister and the Committee, I remind hon. members that in the course of the debate yesterday it became clear that this suggested close-licensing system could contain a great element of public danger unless it had added to it certain essential safeguards of the public interests. One of those safeguards that caused a good deal of discussion yesterday is not included in my amendment, that is, prevention of price exploitation, but the other safeguards are, including the standard of the building, the standard of comfort provided for patrons, the standard of safety provisions to avoid any public scandal similar to what occurred in England on the football field recently, and provisions to avoid the evils resulting from the fact that combines and monopolies and distributing interests may buy up a great number of theatres once this close-licensing system gives them the necessary encouragement. Further, the amendment seeks to guard against an exhibitor's sheltering behind the monopoly that the operations of this Bill will give him and instead of providing the public with an up-to-date entertainment may content himself with merely giving the public a lot of stale films at high prices. In all these five cases we say that the commission should properly have a right to annul a licence. The failure in this Bill to provide any power whatever to cancel a licence is one of its marked weaknesses.

I am encouraged to believe that the Minister will agree with the principles of this amendment, because in the course of his speech and by way of interjection he showed that he recognised the need for some of these safeguards. He showed that he was very conscious of the need of safeguards for a standard of building. He himself pointed out in the course of his remarks that local authorities have such a varied interpretation of their requirements as regards standards that it is not sufficient to rely merely on varying local authority standards. It is possible under the amendment for the commission to say, quite apart from a local authority, ''We will have certain building standards; we must have certain safety standards, and we must have certain standards of comfort and entertainment.'' To guard against that great evil of monopoly that is inherent in this Bill, it it is necessary for us to impose safeguards. I ask the Minister what safeguard has the commission under this Bill to meet the case where some vast southern combine or overseas interests set about to acquire a great chain of theatres in this State?

Through such handling, this association on the distributing side of the film world, with its newly-acquired interest on the exhibiting side, could operate to the detriment of the industry generally. It would be too big a thing to graft onto this measure anything comparable to what they are doing in America in what they term their Divorcement Bill, which will divorce for all time the producing interests from the exhibiting interests.

**Mr. Foley:** They have not gone on with that in America; they have established arbitration.

**Mr. HILEY:** My information is that they have. I gather from the Secretary for Health and Home Affairs that he recognises the desirability of guarding against it, and he commends an alternative method of doing so.

I do suggest the Minister should accept the amendment, especially paragraph (*d*) guarding against monopoly in exhibition. I do not think there is anything in the amendment that was not foreshadowed in what I had to say yesterday. I am encouraged by the attitude of the Minister to hope that the amendment will find favour in his eyes.

**Hon. H. A. BRUCE** (The Tableland—Secretary for Public Works) (3.12 p.m.): Right throughout the debate there have been, not what you might call inferences but statements by members of the Opposition that we are going to create a monopoly. Probably one of the reasons for the success of the Labour Party is that they look to the welfare of the public generally; and creating monopolies is not for the welfare of the public. I am giving my own personal view when I say that my inclination would be to be liberal in the matter of granting licences rather than create a monopoly. Apparently some

members of the Opposition have assumed that we are going to create a monopoly. They are continually reiterating that statement. I cannot help that. If they want to carry on in that way I suppose they will.

The powers suggested are largely in the hands of the local authorities at the present time. The addition of this suggested sub-clause would only be supplementing those powers by putting similar powers in the hands of the officers who may be appointed under this Bill; but I do not know that it would mean much further power than that already enjoyed by local authorities. I am one who does not believe in revolution; I believe in building up gradually. I believe with the hon. member for Logan that we should have these improvements—these alterations structural and otherwise—but I do not believe that a man who is struggling along should be wiped out because he cannot have them carried out in 24 hours. If you want to create a monopoly, bring in powers that say to a man, "You must alter your picture show in such-and-such a time and spend so much money on it immediately," and you will create a monopoly in the interests of the big people. I do not suppose there is a member here, particularly Country Party and Labour Party members, other than Q.P.P. members, in whose electorate some man is not running a picture show who has struggled and battled to get it started. If this provision was inserted it would mean the immediate demand on that man to carry out alterations in a limited period. The result would be he would have to sell at a lower price than he would be entitled to receive or alternatively would have to close.

I repeat what I implied by way of interjection and by statement yesterday. I speak now of Brisbane theatres. Tens of thousands of pounds have been spent on outside and inside ornamentation, but the seats provided for patrons are not large enough for the average-sized Australian to sit on. That is done in order that more people may be got into the picture show. The space between the seats and between one row and another, and the aisles between the rows are not sufficient to allow people to move about easily and comfortably. That is done to allow more people to be crammed into the show. The number of fire escapes is inadequate, although in the bigger cities probably there are more than in the smaller country towns.

The very object of this Bill is to get at the source of the trouble—the distributors—and to provide a fair and equitable price to the exhibitors. In turn we shall be able to demand from the exhibitors that the public shall be called upon to pay only a fair and equitable charge and that they shall provide comfortable seating and safe conditions. I also made the statement yesterday that as the Bill had reached the first-reading stage, we had decided to get this measure passed by the Assembly and that amendments along the lines I have just briefly mentioned will be introduced later after mature consideration. Architects would have to be consulted on the matter in relation to the particular position of a particular theatre in order to carry out improvements to make it conform to a certain standard. There will be difficult problems in each case. Do not forget also the question of finding men to do the work and materials enters into the problem. I do not visualise picture shows being permitted to spend a lot of money until the housing problem and the re-establishment of businesses neglected during the war have been attended to so why the haste to introduce these amendments when they could not be put into operation, even if I accepted them this afternoon? It is much wiser and better to have time to consider the whole question with a broad outlook.

I am not an advocate entirely of private enterprise, but I realise that private enterprise must work with governmental enterprise. Many small people have invested their money in these picture shows and it would create a tremendous upheaval and the destruction of the savings of those people and their work over the years if these suggested amendments were incorporated in the Bill at present. We shall have to have a very careful, logical, and calm survey of the whole position, having as our objective the giving to the general public of better pictures at a lower price. One of the main clauses of the Bill provides that the exhibitor shall get a better and more equitable price from the distributor.

**Mr. POWER** (Baroona) (3.18 p.m.): I do not think there is any necessity for the amendment. I propose to dissect it and deal with its parts seriatim.

The first provides that we shall give the local authority power to cancel the licence of any picture theatre if it does not conform to certain building standards. The local authorities already have that power, while provision is made in the Bill that no licence shall be granted for a building that does not conform to the ordinances of the Brisbane City Council or any other local authority throughout the State. Therefore, I contend there is no necessity for the amendment.

Let me deal with some of the actual conditions local authorities lay down. In the first place, the building must conform in all respects with the ordinances or the by-laws. We find that not only in picture theatres but in boarding houses too adequate fire escapes must be provided. Adequate fire escapes must be provided by every picture theatre in operation throughout the length and breadth of the State. Periodically, in Brisbane, inspections are made by an officer of the Metropolitan Fire Brigade, on which I am a Government representative, to see that escapes are in order.

Further, the ordinances of the local authority provide for the number of exits that must be maintained and they must be kept clear at all times.

An inspector is continually employed policing the various picture theatres in Brisbane, seeing that there is no overcrowding and that stairways are kept clear. These provisions have been made and the local authority has already powers in that direction.

The hon. member for Logan objects to the present building standards of the various local authorities, and has asked for some better standard of building. That has been ably dealt with by the Minister. The hon. gentleman pointed out that if we were to enforce the building of new theatres it could not be done at present because of the shortage of building material and we should not be justified in doing it when so many people require homes. It would be unwise to impose any greater hardship on these people in the way of getting materials to build homes.

The standard of comfort must receive some consideration. I believe that proprietors who have licences will as a result of competition do their utmost to provide adequate comforts for their patrons.

Another part of the amendment deals with change of ownership in respect of licences, and provides that if it is not in the public interest the local authority may cancel the licence. Who is to be the judge of public interest? For example, it may happen that a good Labour man buys a picture theatre. He may display pictures that may be in the nature of propaganda in the interests of the Labour Party. If a local authority was anti-Labour it would have the power to cancel this man's licence simply because it set itself up to be a judge of what was best in the public interests. The position might be the other way round, but who is to determine that matter?

**Mr. Hiley:** The commission.

**Mr. POWER:** But the hon. member asks the local authority.

**Mr. Hiley:** On the order of the commission.

**Mr. POWER:** I am not in favour of it. It is entirely wrong. If there is anything shady, it can be investigated.

The State Government have no power of control over the censorship of films. That is entirely a Commonwealth matter. Irrespective of what we may include in the Bill, we cannot take away from the Commonwealth Government something that is entirely within their power. It is therefore useless to insert that amendment. It may be argued that some of the films shown may not be up to standard, but provision has been made for the proprietor of a picture theatre who has a licence to reject any number of films that he may consider are not suitable. Is it not reasonable to assume that a man running a picture entertainment in a district will not show inferior films, thus losing his trade?

There is no necessity for the amendment. The local authority has the power. It has been conferred on it by charter given by this Government. The Minister is very wise in not accepting the amendment.

Amendment (Mr. Hiley) negatived.

Clause 6, as read, agreed to.

Clause 7—Application for determination of commission,—as read, agreed to.

Clause 8—Determination final and conclusive and without appeal—

**Mr. NICKLIN** (Murrumba—Leader of the Opposition) (3.26 p.m.): I move the following amendment—

"On page 8, lines 7 and 8, omit the words—

'final and conclusive and without appeal'

and insert in lieu thereof the words—

'subject to an appeal by any applicant or by the local authority concerned to the Supreme Court.'"

During the course of the second reading I commented very strongly on the tendency that has crept into Government legislation of late of appointing commissions, committees and other bodies to make judicial decisions or other vital decisions without giving the parties affected any right of appeal from them.

That is entirely wrong, and one that should not be supported by anyone who stands for the democratic principle. This clause deals with the power of the commission to issue, grant, and confirm licences—a very vital power indeed and one that may have the effect of depriving a man of his livelihood. It may also have the effect of being in direct conflict with the best public interests and in view of those facts alone the commission should not have the final say on such vital matters. There should be a right of appeal by the parties concerned from any decision of the commission. If such a right is conceded, it will have the effect of making the commission much more circumspect and much more particular in the decisions that it makes. At the moment, the commission has absolute power and its decisions cannot be questioned in any way. That may have a tendency to carelessness and a lack of proper consideration perhaps of some of the claims that might come before it. Once it has made its decision it cannot be revoked and the parties concerned have absolutely no redress whatever. That is directly opposed to the main principles of British law, that any person who comes before a court shall have the right of appeal against the decision of that court to a higher court.

**Mr. Foley:** That would involve very high litigation costs.

**Mr. NICKLIN:** After all, we are not particularly concerned about costs in this instance, we are concerned about giving justice to everyone. If a man feels aggrieved or feels that he has been placed at a disadvantage by a decision of the commission, surely the Secretary for Health and Home Affairs would not take from him the right given to him in accordance with the principles of British justice generally, the right of appeal against a decision of a judicial tribunal? Surely he does not stand for that? May I remind hon. members that when the hon. gentleman was speaking yesterday he gave the indication that possibly the decisions of this commission might be of a restrictive nature and that they might have the effect of eliminating competition in the entertain-

ment world. I am prompted to say that by his remarks concerning the Carlton newsreel theatre in this city. In the Minister's opinion apparently there should not be another newsreel theatre in this city.

**Mr. Foley:** I did not say that.

**Mr. NICKLIN:** That is exactly the effect of his words because he said that at the moment there was a combine that was endeavouring to get a licence to start another newsreel theatre in this city and that the granting of such a licence would have the effect of taking from the existing theatre some of the films that it is showing at the present time.

**Mr. Foley:** They did it right through the southern States.

**Mr. NICKLIN:** May I point out to the hon. gentleman that in the southern States and in the big cities in particular there is more than one newsreel theatre. In Sydney there are quite a number, and in Melbourne two or three, I think. They can all get enough films to show.

**Mr. Foley:** And they have their population too.

**Mr. NICKLIN:** Undoubtedly. If the commission is of the opinion that there is room for another newsreel theatre in this city, why should it not grant the application? According to the Minister's views expressed yesterday, no additional licence should be granted because some of the films now shown by the existing theatre might be required by the combine that wants to set up another theatre in competition with the existing one. That is the point. It indicates that perhaps the policy of the commission in carrying out the policy of the Government is to see that there are restrictive decisions in regard to the issue of fresh licences.

However, quite apart from all these points the main principle is that we must not deny anyone the right of appeal against any decision that the commission may be called upon to make in pursuance of the powers conferred upon it by virtue of this clause. That is the paramount reason for moving the amendment. The justice of the amendment is backed up by the many instances quoted during the course of the second-reading debate and the debate on the introduction of the Bill. I commend the amendment to the Committee. I do not think that the Government if they stick to their principles can refuse to accept it, but when we think of their attitude of late in sending commissions all over the place clothed with restrictive powers from which there is no appeal they will probably turn the amendment down because it will strip these commissions of their dictatorial powers and deny the people that inherent right of appeal which is the basic principle of British justice.

**Mr. PIE** (Windsor) (3.35 p.m.): Any right-thinking person with backbone and a sense of justice must support the Leader of the Opposition's amendment. It is the inherent right of every British subject to be allowed to appeal from the decision of a commission or even the High Court of Australia. What did we establish the Privy Council for? To appeal to from the decision of the High Court of Australia. The other day I had something "put in" on my company under the Commonwealth National Security Regulations that I thought was wrong. Had I no right of appeal to the High Court, where should we have been? We had the right of appeal from those regulations and we were able to force that appeal through. The same principle is at stake here. If an injustice is done an individual because the commission was not aware of the full facts that could be brought in evidence before a court, surely the Government would not deprive that individual of the right of appeal? Why you might as well go back to Germany where the basis of Nazi-ism and Fascism was always the principle that there was no right of appeal from any commission set up by the Government or the Government itself.

I do appeal to the Minister who has been brought up with that outlook of the right of appeal from an injustice. He himself could appeal against a decision of his own union. The other day we had it illustrated in a case in which several members of the Boilermakers' Union appealed to our Industrial Court against a fine inflicted on them by that body. Was that not their right? Would the exposures have been made through the public Press had this right of appeal not obtained?

Every right-thinking hon. member must support the amendment because the principle that the determination of a commission should be final and conclusive without the right of appeal is wrong. Our party supports the Leader of the Opposition right up to the hilt.

**Mr. MAHER** (West Moreton) (3.37 p.m.): I have time and again expressed my opposition in this Parliament to the constant extension of the principle of the restriction of free enterprise. It seems to be developing to an ever-increasing extent not only in the Federal sphere but also here, sponsored by the State Government. When one looks round the whole industrial scene today it is obvious that it is becoming increasingly difficult for those who wish to embark on business enterprise to break through the commissions and the controls and the system of licensing that is being applied more and more to industry in every direction. Every hon. member has heard me declaim from time to time against the licensing system, whereby only those who are privileged to hold a licence in different forms of industry are able to operate or commence a business activity. That is true of many industries today. The system of licensing obtains in the coal industry and the sawmilling industry and it has the full backing and approval of the Government.

Here we have the extension of this system of rigid control to make it difficult for anybody who wishes to take a risk with his money to

start any business at all. The day is fast coming when as the population grows and the State expands, as production increases and the wealth of the country increases, only those within the protected circle of industry who hold permits and come under the control of the commissions will be able to derive profits from the expanding wealth of the State; and all those outside the circle of licensed and commission-controlled industry will really have no chance to make a livelihood. That is a wrong principle. I stand four-square for the principle of free enterprise: the giving of opportunity to men of ambition, to men who have the necessary ginger to promote enterprise and are willing to risk their money.

In this picture industry why should not a man have the chance to start a picture show enterprise in this or any other city or town? Why should he not have the right to bring up his £10,000, £15,000, or £20,000 and erect a modern picture theatre, conforming to governmental standards by all means, and show good pictures for the entertainment of the people? Why should he have to go cap in hand to a commission or invoke the aid of some member of Parliament to get him introduced to the commission so that he can get his case before the commission to decide whether he shall have the right to start in the business which he understands and in which he is willing to risk his money?

**Mr. Foley:** That principle is not wrapped up in the amendment.

**Mr. MAHER:** The principle is wrapped up in the clause, and the clause is relevant to the amendment. That is one of the Minister's old-time tricks of drawing a red herring across the trail in order to divert attention from the salient points of criticism that hurt the hon. gentleman. We are going crazy in this country with controls, and we are making it difficult for people to get into industry. I was in the electorate of the Secretary for Health and Home Affairs last week and I met a man who has the money and the necessary experience to start a sawmilling enterprise. There is hardwood timber—some of the finest stands in Australia—in this electorate, but this poor fellow cannot get a permit although he has the experience and the money needed for such an enterprise.

**Mr. Foley:** Neither can I get a permit to compete against you on your block of land.

**Mr. MAHER:** The hon. member can buy a block of land without consulting any commission at all. Why should these restrictions be imposed on men who wish to realise their ambitions and to make progress in the business world? I say it is altogether wrong. At one time a man could come along and put his money into a picture show in any district he chose and the onus of success or failure rested on himself. If he has to invest money he will step very carefully and if he puts his money in without having made the necessary investigation he deserves to lose; but that is his risk and it is a very substantial one; there is no better control than that.

**The CHAIRMAN:** Order! I draw the hon. member's attention to the fact that clause 8 relates to objection to applications, and the amendment seeks to widen it.

**Mr. MAHER:** We stand for the principle of appeal in order to get away from any unjust decision of the commission. The commission may make an erroneous and unjust decision, and if there is to be no appeal from Caesar, where is the justice of it? I do not think any hon. member can uphold the principle that an applicant is to be denied the right of appeal from a decision that he regards as erroneous or unjust. Therefore the Leader of the Opposition has taken the opportunity of submitting this amendment providing for certain powers that would give to those people who feel aggrieved about any decision the right of appeal. Why should there be any quibbling over such a rightful principle as that? I support the amendment and I hope the Minister will look on it reasonably, as it deserves to be looked on.

**Hon. H. A. BRUCE** (The Tableland—Secretary for Public Works) (3.45 p.m.): Persons affected by the decisions of the commission have the right of appeal on questions of law but not on questions of fact. The inference all along has been that the moving of this amendment was in the interests of the little man, but I want to point out what would happen if you could go to the higher courts. Suppose a little man was appealing against some decision. What chance would he have of going to a higher court? Even your prosperous lad who is starting off with £5,000 or £10,000 or £20,000—I was wondering where he got the money and I think he has been on the black market——

**Mr. Maher:** Who is this?

**Mr. BRUCE:** You started a lad with £5,000, or £10,000 or £20,000.

**Mr. Maher:** No, I did not.

**Mr. BRUCE:** Yes, you did.

**The CHAIRMAN:** Order! Order!

**Mr. Maher:** I am not speaking about myself.

**Mr. BRUCE:** You said, "Why shouldn't he establish a picture show if he wanted to"?

**Mr. Maher:** No, not a lad of mine. I am not advocating anything personal.

**Mr. BRUCE:** I thought may be it was on the black market. Nevertheless, if he had £5,000 or £10,000 or £20,000, it would be very difficult for him even to fight a case right through the higher courts. He would not have any chance at all. On questions of law every facility for appeal is given. Someone interjected the other day that it was difficult to decide the difference between what was law and what was fact, but the difference between law and fact is very clearly laid down.

**An Opposition Member:** Who is prompting you? Whose is the legal mind?

**Mr. BRUCE:** I have not a legal mind. I just go along and I get there. I do not propose to accept the amendment because it would not improve the Bill. I want to say quite frankly, but not because the Leader of the Opposition mentioned it, that I met a deputation from the distributors and this was the major point in the Bill so far as they were concerned. I had their case taken down. I placed it before Cabinet and Cabinet decided to leave the Bill as it stood so that it would not give an unfair advantage to the man who had a large amount of money over the other man with a lesser amount of money by allowing him to appeal to a higher court.

Question—That the words proposed to be omitted from clause 8 (Mr. Nicklin's amendment)—stand part of the clause—put; and the Committee divided:—

AYES, 27.

| | |
|---|---|
| Mr. Bruce | Mr. Hilton |
| ,, Clark | ,, Jones |
| ,, Collins | ,, Larcombe |
| ,, Davis | ,, Moore |
| ,, Dunstan | ,, Power |
| ,, Farrell | ,, Theodore |
| ,, Foley | ,, Turner |
| ,, Gair | ,, Walsh |
| ,, Gledson | ,, Williams |
| ,, Graham | ,, Wood |
| ,, Gunn | |
| ,, Hanlon | *Tellers:* |
| ,, Hanson | ,, Devries |
| ,, Hayes | ,, Ingram |
| ,, Healy | |

NOES, 14.

| | |
|---|---|
| Mr. Decker | Mr. Pie |
| ,, Edwards | ,, Plunkett |
| ,, Hiley | ,, Sparkes |
| ,, Kerr | ,, Walker |
| ,, Macdonald | |
| ,, Maher | *Tellers:* |
| ,, Morris | ,, Luckins |
| ,, Nicklin | ,, Wanstall |

PAIRS.

| AYES. | NOES. |
|---|---|
| Mr. O'Shea | Mr. McIntyre |
| ,, Jesson | ,, Brand |
| ,, Smith | ,, Clayton |
| ,, Slessar | ,, Chandler |

Resolved in the affirmative.

**Mr. HANSON** (Buranda) (3.53 p.m.): I desire to draw your attention, Mr. Mann, to Standing Order 158, regarding the pecuniary interest of members in Bills or questions that come before this House. The Standing Order reads—

> "A member shall not be entitled to vote either in the House or in a committee upon any question in which he has a direct pecuniary interest, and the vote of any member so interested shall be disallowed."

Yesterday the hon. member for Logan admitted that he had interests as an exhibitor in the picture industry, and as he has voted twice this afternoon I ask you, Mr. Mann, to put the question to the hon. member for Logan, "Has he a pecuniary interest in the provisions of this Bill?"

**The CHAIRMAN:** Order! As the hon. member for Buranda has raised the question I propose to ask the hon. member for Logan: has he any direct pecuniary interest in picture shows affected by this Bill?

**Mr. HILEY** (Logan): Yes, Mr. Mann, I hold some shares in a company that exhibits films, the Ritz Theatre, Ipswich. The name of the company is Queensland Theatres Ltd. and I ask you to inform me whether the holding of shares in such company is a direct pecuniary interest within the meaning of the Standing Orders.

**Mr. Sparkes** interjected.

**The CHAIRMAN:** Order! I ask the hon. member for Aubigny to obey my call to order and behave in the Chamber in a respectable manner. My ruling on this question is that the holding of shares in a picture theatre would be a pecuniary interest and in my opinion would debar the hon. member for Logan from voting.

**Mr. HILEY:** I accept your ruling, Mr. Mann. I now ask your direction as to whether I am to understand from that that I should take no further part in the debate or vote on any further issues, and I also seek your direction as to whether I should remain in the Chamber or should leave.

**The CHAIRMAN:** Order! The hon. member has asked for a ruling and I intend to give my ruling. If any hon. member objects to it of course he can by motion disagree. The hon. member is not debarred under the Standing Orders from taking part in any debate. He is not debarred from being in the House while the debate is in progress, but he is debarred from registering a vote.

**Mr. PIE** (Windsor) (3.56 p.m.): That may be all right, but I remember in this House——

**Mr. HANSON:** I rise to a point of order. The hon. member is challenging your ruling without giving notice of motion to that effect.

**The CHAIRMAN:** Order! I uphold the point of order raised by the hon. member for Buranda; it is too late to question my ruling now. Objection should have been taken at once.

**Mr. DECKER:** I would ask, Mr. Mann, if any other members in this Chamber have a pecuniary interest in the picture-show business?

**The CHAIRMAN:** Order! It is not in my power to answer that question.

**Mr. NICKLIN** (Murrumba—Leader of the Opposition): I rise to a point of order. In view of the ruling given by you, anybody holding a shareholding interest in any company or co-operative association, for that matter, would be debarred from voting upon any subject that deals with such concerns.

It means that you have very considerably taken away the powers of hon. members of this Chamber. In view of your ruling, therefore, I think there is nothing else for each and every hon. member to do but to notify Mr. Speaker of any holding that he may have in any company or any co-operative association, because that is the only way in which we can decide whether an hon. member is entitled to vote in this Chamber. This

morning we were discussing co-operative associations. I am a member of several co-operative associations but according to your ruling I hold a pecuniary interest in them and consequently I am debarred from voting on any legislation concerning them. I should like to have your ruling on that point, Mr. Mann.

**The CHAIRMAN:** The subject of co-operative associations does not arise in this debate. The matter on which I was asked to give a ruling and accordingly gave it was whether an hon. member had any direct pecuniary interest in the legislation before the Chamber that would debar him from recording a vote on the matter.

**Mr. NICKLIN:** In view of your ruling, Mr. Mann, I have no alternative but to move that your moving be disagreed with, otherwise the rights of hon. members will be nullified. You will be denying hon. members the right of free debate.

**The CHAIRMAN:** I have to inform the Leader of the Opposition that it is too late to question my ruling now. He should have given notice of his motion in writing to disagree with my ruling before I gave my decision on the further point raised by the hon. member for Buranda.

**M. NICKLIN:** I rise to a point of order! I ask for your ruling on the question whether I and other hon. members interested in co-operative societies will be debarred from discussing and voting upon legislation dealing with co-operative organisations because we have a pecuniary interest in them.

**The CHAIRMAN:** Order! That question does not arise. We are now dealing with a Bill relating to the film and picture industry but when the question does arise I shall give my ruling on it.

**Mr. WANSTALL** (Toowong) (3.58 p.m.): I rise to a point of order. The point raised by the hon. member for Buranda and upon which you gave your ruling, Mr. Mann, was completely out of order. The only way in which a matter involving a pecuniary interest may be raised is on a substantive motion; it cannot be brought forward on a point of order. I would refer you to May's Parliamentary Practice at page 373 which says—

> "An objection to a vote, on the ground of personal interest, cannot be raised except upon a substantive motion, that the vote given in a division be disallowed, and cannot be brought forward as a point of order."

And then it refers you to page 271, which says—

> "Certain matters cannot be debated, save upon a substantive motion which can be dealt with by amendment or by the distinct vote of the House. Among these may be mentioned the conduct of the Sovereign . . ."

Then it goes on to say that for the same reason, no charge of a personal character can be raised, save upon a direct and substantive motion to that effect.

**Mr. Hanson:** This is a pecuniary, not a personal matter. I thought you were a lawyer.

**Mr. WANSTALL:** I have referred to the relevant passage in May's Parliamentary Practice, which says quite clearly that no question of a personal interest can be decided except on a substantive motion. Then it refers the reader to page 271, which I am now quoting. If the hon. member for Buranda would look at May's Parliamentary Practice he would learn that.

**Mr. Hanson:** I know more than you will ever learn.

**Mr. WANSTALL:** That is the hon. member's opinion. This is a charge of a personal nature that cannot be raised except upon a direct and substantive motion. The matter is dealt with fairly at page 373 and so I draw your attention to it, Mr. Mann, and ask that the question be dealt with in a proper way.

**Hon. J. LARCOMBE** (Rockhampton—Secretary for Public Instruction) (4 p.m.): I rise to a point of order. May's Parliamentary Practice cannot override a specific Standing Order.

**Mr. Pie:** I thought this matter could not be discussed.

**Mr. LARCOMBE:** Of course it can be. A Standing Order is definite and specific and where it is so any appeal to May's Parliamentary Practice does not arise. It cannot override a Standing Order, and it is ridiculous to suggest otherwise. The Chairman was asked for an interpretation of a Standing Order and he has given it. No appeal to May's Parliamentary Practice can override that definite and specific Standing Order. May is called in at times where there is silence or uncertainty concerning the Standing Order, but where the Standing Order is definite the authority of May's Parliamentary Practice is not relevant.

**The CHAIRMAN:** Order! Let me put the matter right. Standing Order No. 158 says—

> "A member shall not be entitled to vote either in the House or in a Committee upon any question in which he has a direct pecuniary interest, and the vote of any member so interested shall be disallowed."

Immediately upon the completion of the division the hon. member for Buranda drew my attention to a statement by the hon. member for Logan.

He said that he had an interest in a certain company interested in picture shows. He rightly drew my attention to that matter. I then put the question to the hon. member for Logan, "Did he have a direct interest in that company?" He said he had and because of the fact that he admitted he had a direct interest I then ruled he was not entitled to vote. If the hon. member sells shares and had no direct interest, and no direction in the matter, I might have given a different ruling, but the point is that the hon. member for Logan admitted that he had a direct interest.

**Mr. Pie:** No, shares.

**The CHAIRMAN:** Order! I am stating the question before the Committee, in the course of which I do not want to be interrupted. I asked the hon. member for Logan directly and to the point, and he stated quite frankly and openly that he had a direct interest. If he has a direct interest in the company he is not entitled to vote. I did not at that juncture say that I disallowed his vote, but after the direct admission by the hon. member for Logan that he had a direct interest and a pecuniary interest in the business I ruled that he was not entitled to vote any further on this matter. If the hon. member for Logan can prove that he has not direct interest in that business, then my ruling may be on a different basis.

**Mr. MAHER** (West Moreton) (4.5 p.m.): I rise to a point of order, Mr. Mann. I was very pleased to hear you express yourself as you did, because an important principle is involved. In the interpretation of the Standing Orders there is a difference between a direct interest and the mere holding of a few shares. A direct interest would, as you have stated, be a controlling interest. In this case I understand that the hon. member for Logan is merely a shareholder. I take it that it is for him to say, Yea or Nay, whether he has not a controlling number of shares. If he has a controlling number of shares he may be subject to the Standing Order, but if he has not a controlling number of shares I submit that it is a case where it would be unwise to restrict the right of the hon. member in this Chamber in respect of his right to vote—either to disallow his vote already given or to restrict any vote he might give during the course of this debate. The hon. member for Logan might clear that point up —whether he has a controlling interest or holds merely a minority of shares.

**The CHAIRMAN:** Not a controlling interest, but a direct pecuniary interest. That is what the Standing Orders state.

**Mr. HILEY** (Logan) (4.6 p.m.): In this matter, Mr. Mann, I am entirely in your hands and in the hands of the Committee. So that you may be better able to judge—and I am prepared to follow whatever ruling you give—I wish to state that the shareholding of that company is approximately £25,000 fully paid-up shares. My holding in that company is somewhere in the neighbourhood of 10 shares. (Opposition laughter.) But let me add this, I am also a director of that company on a fee voted by the shareholders, which is not in any way related to the profits earning capacity of the company. There is no other fact that should properly be brought before the Committee. As I said at the outset, I place myself in your hands.

**The CHAIRMAN:** I should like to take hon. members back to some years ago in this Chamber, when the then hon. member for Oxley, the late Mr. Nimmo, took part in a discussion on the City of Brisbane (Stanley River Dam Electricity Supply) Bill. He was speaking on the introduction of the Bill giving the Brisbane City Council authority to supply electricity to the Stanley River Dam when the Premier interjected, "Are you not a shareholder in the Ipswich concern?" Mr. Nimmo replied, "No." The Premier said, "If you were it would have a bearing on your vote in this Chamber." Later, Mr. Nimmo admitted that he had a few shares in the City Electric Light Co. The Premier said, "The Ipswich concern is the same." Mr. Nimmo replied, "All right. I refuse to vote on it." During Mr. Nimmo's speech on the second reading of the Bill Mr. Brown, the then hon. member for Logan, asked the Speaker whether Mr. Nimmo was in order in discussing the Bill, seeing that he was a big shareholder in the City Electric Light Co. During Mr. Brown's speech, Mr. Speaker Pollock said that if a vote was taken Mr. Nimmo would be debarred from voting. That was Mr. Speaker's ruling. Mr. Speaker Pollock on that occasion said—

> "If an hon. member has a direct pecuniary interest in any question before the House he is not eligible to vote on it, but that does not debar him from participating in the discussion."

I take it if the hon. member for Logan has shares in this company—and he admits that he has—he has a direct interest in the company. Then I would rule on his own admission that he is not entitled to vote in this matter.

**Mr. Hiley:** Thank you.

**Mr. PIE** (Windsor) (4.8 p.m.): I want to make the matter quite clear. I remember an earlier case in this Parliament when the Liquor Bill was being considered. The then hon. member for Oxley, the late Mr. Nimmo, was involved in the point of order. I was then an independent member. I remember that the then Premier, the Honourable W. Forgan Smith, took the point that Mr. Nimmo could not vote or take any part in a discussion because he held a pecuniary interest in Castlemaine Perkins. It was afterwards proved that he had. The hon. member for Buranda was then in the chair and nothing was decided that the late hon. member should not take part in the debate.

**Mr. Hanson:** I was not asked for a ruling.

**The CHAIRMAN:** The hon. member for Logan in my opinion has admitted that he has a direct pecuniary interest and I have ruled that he is not entitled to vote.

Clause 8, as read, agreed to.

Clauses 9 to 18, both inclusive, as read, agreed to.

Clause 19—Hearing and determination of disputes between distributors and exhibitors—

**Mr. HILEY** (Logan) (4.11 p.m.): I move the following amendment—

> "On page 13, after line 4, insert the following new sub-clause—
>
> '(2) Notwithstanding anything to the contrary contained in this Act or in any other Act or law, the Commission shall have power and authority and jurisdiction on reference by a party to any such

contract to declare that such contract is harsh and unconscionable and against the public interests.

The Commission in the event of any such declaration may order—

(i) That the contract shall be amended on such terms and in such manner as it shall seem to the Commission to be fair and equitable; or

(ii) may declare that such contract shall be null and void.' ''

I commend the amendment for the Minister's consideration. This clause (19), which provides for the reference of disputes to the commission for adjudication, severely limits the power of the commission in determining those matters. The commission is merely entitled to interpret the strict terms of the contract before it. If the terms of the contract are such the commission quickly forms the opinion that they are onerous and harsh to the point of absurdity and they deserve the application of the term ''unconscionable'', the commission has no alternative but to interpret the contract, harsh and unconscionable though it may be.

There is an excellent precedent for this amendment, and it is to be found in the legislation that the Government have enacted in relation to the control of money-lending in this State. In money-lending contracts the Government have laid it down that the court may, when a money-lending contract is being referred to it and it discovers the terms of the contract are harsh and unconscionable, order either of the alternate remedies suggested in this instance. It may substitute just and equitable terms for the harsh and unconscionable terms, or it may on the other hand declare the contract to be null and void. There is, I believe, a certain degree of analogy between the need for this remedy in this class of contract in comparison with the remedy provided in the legislation on money-lending contracts. In the latter case I suggest to the Committee that that power exists as a defence against the money-lending Jews of the community. In this case I suggest that this remedy is needed to protect the community against the Hollywood Jews. I pointed out in the course of the second-reading debate that not infrequently contracts are imposed upon an exhibitor who is not in a position to make a free contract, and it virtually is in fact a harsh and unconscionable contract made under duress. I suggest that such a person should be entitled to go to the commission and seek its help to free him from that contract if the commission thinks it is harsh and unconscionable. I commend the amendment to the consideration of the Minister.

Amendment (Mr. Hiley) negatived.

**Mr. NICKLIN** (Murrumba—Leader of the Opposition) (4.15 p.m.): I move the following amendment—

''On page 13, line 33, omit the words—

'Such decision shall in respect of the facts, if any, in dispute be final and without appeal to any court or tribunal whatsoever,'

and insert in lieu thereof the words—

'Such decision of the Commission shall be subject to an appeal to the Supreme Court by any of the parties to the dispute in question.' ''

The purpose of the amendment is similar to that in the case of the amendment I moved earlier on clause 8. I desire to give to the parties who may be concerned in any reference to the commission the right of appeal. This clause deals particularly with contracts. As I pointed out during the course of the debate on the second reading, contracts made between distributors and exhibitors may run into fairly considerable sums of money as it is the general practice in the film trade to enter into contracts for lengthy periods. If the theatre happens to be of a high standard in a large centre of population the amount of rent involved in obtaining those films is very high. When we think that any amount involving a sum of £200 in a legal dispute can be taken to the competent higher court, is it not right also that we should give the right of appeal to the parties concerned when the amount of money involved may be considerable? We do not know exactly whether the commission will be comprised of men capable of giving a judicial decision, although the Minister did tell us that he had in mind the appointment of a man with legal training. However, the real question involved is the right of appeal.

**Hon. H. A. BRUCE** (The Tableland—Secretary for Public Works) (4.17 p.m.): I have said all that is necessary in regard to a similar amendment moved by the Leader of the Opposition on another clause, but I want to point out the position I should have been in or this Government would have been in had I accepted the amendment that was moved by the hon. member for Logan, and if I accepted this proposed amendment moved by the Leader of the Opposition. They are diametrically opposed to one another.

**Mr. Nicklin:** But you did not accept the other one.

Question—That the words proposed to be omitted from clause 19 (Mr. Nicklin's amendment) stand part of the clause—put; and the Committee divided—

AYES, 27.

| | |
|---|---|
| Mr. Bruce | Mr. Hilton |
| ,, Clark | ,, Ingram |
| ,, Collins | ,, Jones |
| ,, Davis | ,, Larcombe |
| ,, Devries | ,, Moore |
| ,, Dunstan | ,, Power |
| ,, Farrell | ,, Theodore |
| ,, Foley | ,, Walsh |
| ,, Gair | ,, Williams |
| ,, Gledson | ,, Wood |
| ,, Gunn | |
| ,, Hanlon | *Tellers:* |
| ,, Hanson | ,, Graham |
| ,, Hayes | ,, Turner |
| ,, Healy | |

NOES, 10.

| | |
|---|---|
| Mr. Decker | Mr. Nicklin |
| ,, Edwards | ,, Pie |
| ,, Kerr | |
| ,, Luckins | *Tellers:* |
| ,, Maher | ,, Clayton |
| ,, Morris | ,, Macdonald |

PAIRS.

| AYES. | NOES. |
|---|---|
| Mr. O'Shea | Mr. McIntyre |
| ,, Jesson | ,, Brand |
| ,, Slessar | ,, Chandler |

Resolved in the affirmative.

Clause 19, as read, agreed to.

Clauses 20 to 22, both inclusive, and schedule, as read, agreed to.

Bill reported without amendment.

THIRD READING.

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

## SPECIAL ADJOURNMENT.

**Hon. E. M. HANLON** (Ithaca—Premier): I move—

"That the House, at its rising, do adjourn until Tuesday, 19 March."

Motion agreed to.

The House adjourned at 4.29 p.m.