

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**FRIDAY, 28 MARCH 1952**

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## FIRST READING.

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

The House adjourned at 10.8 p.m.

## FRIDAY, 28 MARCH, 1952.

Mr. SPEAKER (Hon. J. H. Mann, Brisbane) took the chair at 11 a.m.

## QUESTIONS.

## WOODSTOCK-GIRU MAIN ROAD.

Mr. COBURN (Burdekin), for Mr. AIKENS (Mundingburra), asked the Treasurer—

“In view of the fears being expressed by the farmers in the Major’s Creek area and other settlers living along the Woodstock-Giru road that the construction of the proposed Townsville-Giru road through the Gap will result in the virtual scrapping by the Main Roads Commission of the present Woodstock-Giru main road, can he give these people any assurance that their fears are unfounded and that the Woodstock-Giru road will be maintained and improved irrespective of any action taken with regard to the Gap road?”

Hon. E. J. WALSH (Bundaberg) replied—

“The fears alleged to be expressed by the farmers in the area referred to appear to have originated in the fantastic imagination of the hon. member. The case regarding the area has already been effectively represented by the hon. member for Haughton.”

## RAILAGE OF READING MATTER, EVENTIDE HOME, CHARTERS TOWERS.

Mr. AIKENS (Mundingburra) asked the Secretary for Health and Home Affairs—

“In view of the fact that a Townsville newsagent, acting in conjunction with the Townsville Branch of the Pensioners’ Association, is prepared to regularly donate large parcels of reading matter to the Eventide Home at Charters Towers for the inmates of that institution, will he grant free railage for such parcels?”

Hon. W. M. MOORE (Merthyr) replied—

“If the newsagent or the Townsville Branch of the Pensioners’ Association make application to my department the application will receive consideration on its merits, in accordance with the usual practice.”

## STATE OF PORT DOUGLAS HARBOUR.

Mr. WORDSWORTH (Cook) asked the Treasurer—

“In view of the fact that Port Douglas harbour has so deteriorated that last season even lighters taking Mossman sugar out of

the harbour had occasionally to be lightly loaded, what action (if any) is proposed in order to overcome such difficulties for the purposes of the next sugar season?"

**Hon. E. J. WALSH** (Bundaberg) replied—

"During the sugar season of 1951, no complaints regarding the depth of water in Port Douglas Harbour were received. The port is due for sounding next month, and the adequacy of the depths to meet the forthcoming sugar season will be considered."

#### ELECTRICITY SUPPLY FOR PORT DOUGLAS.

**Mr. WORDSWORTH** (Cook) asked the Secretary for Mines and Immigration—

"Will he kindly ascertain and advise whether the near future plans of the Cairns Regional Electricity Board include a supply of electricity for Port Douglas and, if so, when is it likely that the work in question will be commenced?"

**Hon. E. J. RIORDAN** (Flinders) replied—

"I am informed by the State Electricity Commissioner that the Cairns Regional Electricity Board has made several investigations into the possibility of making a supply of electricity available at Port Douglas, but this has not been found practicable up to the present time. However, the board has recently accepted a tender for the construction of a transmission line from Mareeba to Mossman via Mount Molloy, and when this line is nearing completion the board will re-examine the question of extending supply to Port Douglas."

#### STATE OF POLICE RESIDENCE AND CELLS, PORT DOUGLAS.

**Mr. WORDSWORTH** (Cook) asked the Secretary for Health and Home Affairs—

"In view of the fact that the police residence and cells at Port Douglas are in an extremely dilapidated condition because of the ravages of white ants and borers, will he kindly give consideration to the inclusion in the forthcoming estimates of an appropriation for the purpose of either (a) the reconstruction of the building or (b) at least adequate temporary repairs?"

**Hon. W. M. MOORE** (Merthyr) replied—

"Provision has already been made in the Estimates for the financial year 1951-1952 for the erection of a new police residence at Port Douglas at an estimated cost of £3,000. The District Supervisor of Works at Cairns, having made a survey of the present Police Reserve at Port Douglas, does not consider the Police Reserve at Port Douglas suitable for the erection of a new police building and at the present time action is being taken with a view to securing a suitable site for the new building. In the interim a single member of the Police Force is

in charge of the Police Station at Port Douglas, and he administers the Port Douglas Police Division from the Police Office situated in the courthouse building."

#### ROCKY PONDS CREEK BRIDGE.

**Mr. COBURN** (Burdekin) asked the Treasurer—

"1. When is it expected that work on the bridge over Rocky Ponds Creek will be resumed?"

"2. When is it expected that the bridge will be completed?"

**Hon. E. J. WALSH** (Bundaberg) replied—

"1. and 2. The resumption of work and the completion thereof will depend on the necessary material being available."

#### ALLOWANCES FOR SCHOOL BUS TRANSPORT

**Mr. NICHOLSON** (Murrumba) asked the Secretary for Public Instruction—

"1. When was the system of free motor vehicle transport for school children instituted?"

"2. What were the initial mileage allowances for the various kinds of vehicles?"

"3. From what dates have increases since been allowed and what were the increased amounts, respectively?"

**Hon. G. H. DEVRIES** (Gregory) replied—

"1. Prior to 1 May, 1945, the assistance granted by the Government towards motor vehicle transport of children to and from State Primary Schools was in the nature of 'subsidy' only according to the extent of funds appropriated annually for such purpose. On and from May 1, 1945 however, the Government has paid, for approved owner/driver school transport services established under the prescribed conditions, a mileage rate for the full distance travelled twice daily in the transport of the pupils to Primary Schools. The mileage rate paid is related to the registered tonnage capacity of the motor vehicle employed on a particular service and represents the full cost of operation of such vehicle for the casual service required. In effect, therefore, the department provided free transport from the date mentioned. On and from the same date and where the prescribed conditions obtain the Government has paid the full rate of fares as approved by the Department of Transport for pupils travelling to and from Primary Schools on licensed passenger-carrying buses where such facilities exist.

"2. (a) For vehicles of tonnage capacity not exceeding one (1) ton—sixpence (6d) per mile travelled. (b) For vehicles of tonnage capacity exceeding one (1) ton and not exceeding two (2) tons—sevenpence halfpenny (7½d.) per mile travelled. (c) For vehicles of tonnage capacity in excess of two (2) tons—tenpence (10d) per mile travelled.

“3.—

“ From	Per mile for (a).	Per mile for (b).	Per mile for (c).
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
1 July, 1945 . . . . .	0 8	0 10	1 0
27 January, 1948 . . . . .	0 8½	0 11	1 2½
24 January, 1949 . . . . .	0 9½	1 0	1 3½
31 October, 1949 . . . . .	0 10	1 0½	1 4½
31 July, 1950 . . . . .	0 10½	1 0¾	1 4¾
1 December, 1950 . . . . .	0 10¾	1 1¼	1 5
30 April, 1951 . . . . .	0 11	1 1½	1 5½
1 August, 1951 . . . . .	1 1	1 4½	1 9”

MANUAL TRAINING AND DOMESTIC SCIENCE,  
COUNTRY SCHOOLS.

**Mr. NICHOLSON** (Murrumba) asked the Secretary for Public Instruction—

“In reference to the curtailment of the hours of instruction in manual training and domestic science under the new syllabus, as the reduction to suit city classes has meant that in country schools the teachers concerned are working only part-time will he kindly give consideration to a restoration of the former hours of teaching of these subjects in cases where, particularly in country schools, teaching time is available for that purpose?”

**Hon. G. H. DEVRIES** (Gregory) replied—

“The new syllabus provides for an allotment of half a day per week for instruction in vocational training. In the case of country children who have to travel to vocational centres and who are unable to return to their own schools by mid-day, vocational instruction will be given as before for one whole day per week. The teaching hours of teachers of vocational subjects will be investigated when vocational returns reach the department.”

CHARGES TO CABINET MINISTERS IN  
REFRESHMENT ROOMS.

**Mr. AIKENS** (Mundingburra): I should like to ask you, Mr. Speaker, following my question yesterday—

“Is it not a fact that Ministers charge the cost of meals, afternoon and morning teas, etc., at Parliament House, for themselves and friends, to Minister’s expenses, which the people pay, instead of paying for their ticket out of their own pocket as other members do?”

**Mr. SPEAKER:** All meals and afternoon teas or refreshments at the bar are paid for by everyone at the same rate.

**Mr. AIKENS:** Do they—

**Mr. SPEAKER:** Order!

**Mr. AIKENS:** Do they pay it out of their own pockets instead of taking it out of the pockets of the people?

**Mr. SPEAKER:** Order! I have already warned the hon. member that if he does not obey the Chair steps will be taken to make him obey it.

PAPERS.

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

Report by the Commissioner of Irrigation and Water Supply on the Mareeba-Dimbulah Irrigation Project, together with his recommendation regarding the establishment of the Mareeba-Dimbulah Irrigation Undertaking.

The following papers were laid on the table—

Orders in Council under—

“The Landlord and Tenant Acts, 1948 to 1950” (3) (20 March).

“The Aliens Acts, 1867 to 1948” (3) (20 March).

“The Succession and Probate Duties Acts, 1892 to 1948” (20 March).

ELECTIONS ACTS AND THE CRIMINAL  
CODE AMENDMENT BILL.

INITIATION.

**Hon. W. POWER** (Baroona—Attorney General): I move—

“That the House will, at its next sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the Elections Acts 1915 to 1948, and the Criminal Code, each in certain particulars.”

Motion agreed to.

GIFT DUTY ACTS AND OTHER ACTS  
AMENDMENT BILL.

INITIATION IN COMMITTEE.

(The Chairman of Committees, Mr. Farrell, Maryborough, in the chair.)

**Hon. E. J. WALSH** (Bundaberg—Treasurer) (11.15 a.m.): I move—

“That it is desirable that a Bill be introduced to amend the Gift Duty Acts 1926 to 1948, the Succession and Probate Duties Acts, 1892 to 1948 and the Income Tax and Succession and Probate Duties (Sailors, Soldiers and members of the Air Force) Exemption Acts, 1940 to 1944, each in certain particulars.”

This is a simple measure covering one or two amendments that are thought to be necessary. In the first place an exemption will be granted to donors of gifts to local authorities. In this connection I might mention that the late Mr. Gould made a gift of a very substantial art collection to the Toowoomba City Council, which eventually was assessed for duty in accordance with the Act and something like £6,000 was required to be paid. The art collection had been valued by the person concerned at about £20,000. The Government, on representations by the hon. member for Toowoomba and the hon. member for North Toowoomba, have conceded that there should be some amendment to the Act to enable such gifts made to local authorities to be exempt from the Gift Duty Acts. That may tend to encourage some of the wealthy friends of hon. members opposite to make very substantial gifts to local authorities

and other local-governing bodies. At the present time the exemption extends only to gifts made to charitable institutions, educational institutions and the like but the Governor in Council may name similar bodies to which the exemption will apply. The legal interpretation of the Act is that it is doubtful whether the exemption can be extended to local authorities and local-governing bodies and the Government have therefore thought it wise to make this statement so that the matter will be free from any misunderstanding later on.

**Mr. Kerr:** It will exempt this gift?

**Mr. WALSH:** It will exempt the gift given by the wealthy section of the community to Lord Mayor Chandler which I understand will be handed over for some memorial. That will be subject to the same exemption; we are not making any discrimination.

The other amendment proposed is in accordance with Government policy over the years where substantial assistance has been granted to members of the Services in World War II. It is proposed to extend that concession to members of the Services engaged in Korea and elsewhere. They will be exempt from death duties on a sum not exceeding £5,000, on such part of the estate as will pass to the widow, children, grandchildren, parents, brothers, sisters, nephews and nieces of the deceased. A similar concession was granted to members of the Services who lost their lives in world war II.

**Mr. Morris:** Will it extend to parents?

**Mr. WALSH:** I do not know whether I am not speaking loud enough for the hon. member or whether it is because of the noise that hon. members opposite are making that the hon. member did not hear me. No-one can complain that he cannot hear me in this Chamber. I just read the list when I said that it applied to that part of the estate that was passed to the widow, children, grandchildren, parents, brothers, sisters, nephews and nieces of the deceased. In order to extend this exemption to persons who may be fighting on numerous war fronts power is taken in the Bill to declare by way of proclamation that it extends to "any other area."

Those are the principles of the measure and there is nothing controversial about them.

**Mr. MUNRO (Toowong) (11.20 a.m.):** Having read the very imposing title of this Bill, I must confess to a considerable measure of disappointment after hearing the Treasurer's explanation. These various Acts have been in operation for a considerable number of years and they contain a considerable number of defects. When we had notice of the Bill we thought we should have some improvement in the position, but according to the Treasurer's remarks we are not. I feel—although I am speaking at short notice—that it is my duty and responsibility, on behalf of members on this side, to draw attention to some of the points that I have in mind. As a matter of convenience, I think

I will deal with the matter of probate and succession duties first because, of the two taxes that are within the subject matter of this legislation, that is undoubtedly the more important. We must all agree that succession or death duties in some form are a very necessary tax, although we cannot expect any tax to be popular. But probate and succession duties become a bad tax instead of a good one if the incidence becomes too severe. The first point I refer to is the exemption from succession and probate duties and the graduation of the rates. The present position in Queensland is that succession duty is collected from all estates of a total value of £200 or more. That figure of £200 was fixed very many years ago, and this Government—and I say this quite kindly; I do not want to be unduly critical—have been very neglectful of their responsibility in not making some extension to that exemption. Hon. members know as well as I do that the purchasing power of the £1 today, compared with what it was when that figure was fixed, is certainly not more than 8s. I emphasised this point when dealing with a similar matter, exemption from land tax. The Government did do something in reference to land tax; they increased the exemption from £300 to £500, but the case put forward from this side clearly showed that it should be increased from £300 to not less than £750.

**Mr. Walsh:** On your argument the rates of tax should be increased.

**Mr. MUNRO:** Not at all; I will deal with that later. I am dealing now with the question of the exemption from succession duties. In order to retain substantially the same parities as we had when those present exemptions were introduced this exemption figure should be increased from £200 to a figure not less than £500. If, instead of taking that basis for comparison, we considered the matter entirely afresh, I am confident that anybody who has any experience of the pin-pricking and humbug associated with the collection of these amounts of duty from small estates would agree on a figure even higher than £500.

The Treasurer has said that if my argument was correct we should increase the rate of duty. That is entirely fallacious.

**Mr. Walsh:** How would you maintain your revenue?

**Mr. MUNRO:** It is true that by reason of the inflation that is taking place the Treasurer does in fact get very greatly increased revenues, not only from succession duty and gift duty, but also from land tax.

**Mr. Walsh:** To meet the increased charges on the Budget.

**Mr. MUNRO:** I am not quarrelling with that. He is getting greatly increased revenue under these headings but we must not confuse the total amount of revenue received with the graduation of the rate. When we apply that argument to the graduation we must agree that the rate should be less. For instance, in the succession duty scale there is a certain rate for estates varying in value from £201 to £500. Those estates should be

completely eliminated. There is a slightly higher rate applicable to estates in the range from £501 to £1,000. To be consistent with my argument, the Treasurer should not only increase the amount of statutory exemption from £200 to at least £500 but he should also apply a lower rate to the estates that come within the field of taxable value ranging between £501 and £1,000.

**Mr. Aikens:** We should all do the same as Artie Fadden and dodge gift duty altogether.

**Mr. MUNRO:** I should expect even the hon. member for Mundingburra to understand my reasoning.

The reason for that is very clear. The idea of the graduated rates is simply to ensure that the larger estates, those with the greater taxable capacity, shall carry a higher rate. The estate worth about £505 today is nowhere near equal in taxable capacity to an estate that was worth £505 20 years ago. Twenty years ago, £505 would buy a reasonable kind of suburban cottage—

**Mr. Walsh:** A mansion.

**Mr. MUNRO:** It would buy a cottage that the worker would be very happy to live in. In fact, 20 years ago it would have bought a very decent kind of house, one perhaps that even the Treasurer or I should have been very happy to live in, but in these days £505 is just a flea-bite compared to the price the worker has to pay for his home. I should say it would cost approximately three times as much as pre-war and possibly four, five or even six times as much today as it would have cost at the time these rates were fixed, because they were fixed very many years ago indeed.

**Mr. Aikens:** At a time when £200 was a lot of money.

**Mr. MUNRO:** Exactly. I am glad the hon. member for Mundingburra is following this argument because I realise his sincerity in wanting always to put up a case for the under dog. I should say that in these matters the Government have been neglectful of the interests of those people who are interested in small estates and who are called upon to pay duty when in fact duty should not be levied at all.

I have not the time to develop the argument but the same argument applies to every grade of taxable value. Twenty years ago an estate of £5,000 was a really big estate, but at the present time it has nothing like the taxable capacity, and so I say these exemptions and the graduation of rates of tax should be adjusted to take care of that phase of the question.

**Mr. Walsh:** Actually the same position applies to commission agents' fees.

**Mr. MUNRO:** I am not arguing about commission agents' fees. I pass on to another very important question, the double taxation that takes place in relation to succession duty on deceased estates, and I refer to the double taxation as between one State and another. My submission is that on the

death of a testator domiciled in this State his assets wherever situated, including realty, are aggregated to form one estate to determine the rate of succession duty payable on all personalty wherever situated and on all realty situated in Queensland without any regard to the duty payable in other States or countries on such assets. Queensland allows no rebate whatever for duty levied elsewhere on assets out of Queensland, and obviously this results in double taxation on the same assets. You have the converse position affecting people domiciled in other States with investments in Queensland, and this has been a very disturbing factor affecting investments by southern people in Queensland industries. It is something that the Government should consider.

**Mr. Walsh:** You are not suggesting that we have not?

**Mr. MUNRO:** I am sure that they will have considered it, but I am disappointed with the Government's action because the remedy for it should have been in this Bill. This State in the past has been considered a highly taxed State and so a marked reluctance was created on the part of investors to bring capital into Queensland to establish or expand industries. The advent of uniform income taxation has helped materially to overcome this reluctance against investment in this State by residents of other States, but there still exist serious anomalies and inequities in regard to the assessment of death duties.

I do not think I shall have the time to say very much more with regard to succession duty, although there are quite a number of other technical points; I pass on to gift duty. Gift duty is a tax of an entirely different nature from succession duty. Broadly speaking, succession duty is a good tax and I should say that gift duty is a bad tax, in broad principle. I will tell the Committee why. Gift duty is a bad tax in broad principle because it is taxing something we want to encourage.

**Mr. Aikens:** If you had no gift duty tax it would allow people to avoid succession duty.

**Mr. MUNRO:** I realise that, but I say that in broad principle it is a bad form of taxation, because we should encourage the making of gifts rather than discourage it.

**Mr. Walsh:** We do to charitable bodies and educational institutions.

**Mr. MUNRO:** As the hon. member for Mundingburra has pointed out, the reason for the increase in gift duty is not the desire to get the little bit of revenue that comes in but the desire to protect the source of revenue in regard to succession and probate duty, to prevent avoidance—

**Mr. Aikens:** To stop a man who thinks he is going to die from giving his money to his relatives instead of willing it to them.

**Mr. MUNRO:** Quite so. I accept gift duty as right in principle for that purpose. However, I am using that merely to introduce my argument, because I say that if that

is the fundamental reason for having gift duty it should exist only so far as is necessary for that purpose and should go no further.

The Treasurer has said that exemption is granted under this Bill in respect of gifts to local authorities. That is undoubtedly a good move and I support it, but in this question—and I am not now referring particularly to the Government—I think we should all do more to encourage the making of gifts to worthy institutions. It is a fact that Queensland has lagged behind almost every other State of Australia in the public-spiritedness of its citizens.

**Mr. Power:** You should have a word with your wealthy friends.

**Mr. MUNRO:** I shall come to that point later.

As I say, Queensland has lagged behind the other States in the public-spiritedness of its citizens in making gifts for worthy objects. For instance, in Adelaide there are magnificent buildings and magnificent equipment that have been given to the city by leading citizens. In the small town of Ballarat in Victoria, too, it has become almost a practice on the part of leading citizens to make some provision in their wills for bequests for public purposes.

**Mr. Walsh:** Probably many of them made their money in Queensland.

**Mr. MUNRO:** They may have, but I will tell the Treasurer one reason—and it is only one reason—why that does not apply to a similar extent in Queensland. During the past 25 or 30 years, Queensland, through its successive Labour Governments, has earned the reputation of being the most highly-taxed State in Australia. Unfortunately, that has created a spirit of resistance on the part of wealthy people and they are inclined to say, "We have been taxed to the hilt during our lifetime; in some cases we have been taxed under measures that have not been equitable," and so they are disinclined to be as generous in making gifts or bequests for public purposes as they would be if they felt they had been a little more equitably treated during their lifetime. I am not saying that is the only reason by any means, but I ask the Government to give it very careful consideration, because I know it is very important.

Apart from that, my arguments on the case for an increase in the statutory exemption from succession duty apply with exactly the same force to gift duty. The present exemption of £1,000 is far too low, whether it is judged on the basis of a comparison of the economic value of £1,000 with what it was when that figure was first fixed, or by reference to the economy of taxation and the principle of obtaining a reasonable measure of tax without making its incidence too high.

There are one or two principal sections in the Gift Duty Act that I should like to mention as requiring consideration. Unfortunately, it appears that they have not been

amended in this Bill. The first one is section 14, which says—

"When any gift is made in consideration or with the reservation of any benefit or advantage to or in favour of a donor, whether by way of—

(a) Any interest in any other property; or

(b) Mortgage or charge; or

(c) Any annuity or other payment, whether periodical or not; or

(d) Any contract for the benefit of the donor; or

(e) Any condition or power of revocation or other disposition; or

(f) In any other manner whatsoever;

whether that benefit or advantage is charged upon or otherwise affects the property the subject of the gift or not, no deduction or allowance shall be made in respect of that benefit or advantage in computing the value of the gift, and the gift shall be valued and gift duty shall be paid as if the gift had been made without any such consideration or reservation."

I am going to give hon. members a similar example from another section of the Act, Section 15 (a) and (c)—

"For the purpose of computing the value of a gift—

(a) No allowance shall be made in respect of any contingency affecting the interests of the donees or any of them.

(c) No deduction shall be allowed in respect of any mortgage, charge, encumbrance, or liability affecting or incident to the property comprised in the gift existing at the time of the making of the gift, if and so far as the donee is entitled as against the donor or any other person or as against any other property to any right of indemnity or contribution in respect of that mortgage, charge, encumbrance, or liability."

I think I have been very fair in my presentation of the case for amendments of the Gift Duty Act that should make it a little more equitable. If we as reasonable-minded men accept the principle that there should be a duty on gifts, surely the Government should be prepared to agree that it should be paid only on the net value of the gift, and that where you have a property subject to a mortgage the gross value of the property shall not be taken.

**Mr. F. E. Roberts:** How are you going to measure the rate when a donee has the right to live in premises until she dies?

**Mr. MUNRO:** I am just at the end of my time and I am sorry I am not able to deal in detail with that question. Those details can be worked out; I am endeavouring to confine myself to the general principles.

As the Treasurer has said, the other amendments in the Bill are very simple, and I do not think they require much discussion. I do say, however, that I think it would be an advantage in this Parliament if, when

any measure of this kind, which is to some extent technical, is being dealt with, we could have the details a little earlier in order to allow us time for more consideration.

**Mr. Walsh:** This is only the introduction.

**Mr. MUNRO:** I realise that but I do think that in measures of this kind, which affect the commercial community and a wide body of taxpayers outside, it would be a good idea if the Bill could be introduced at an earlier stage in the session and then circulated amongst members. It could then be considered by people who are in a position to make constructive suggestions and we should have the benefit of their views on the matter before the Bill is finally passed.

**Mr. RASEY (Windsor) (11.44 a.m.):** The provision in this Bill that grants exemption to citizens desirous of making gifts to local authorities is very welcome, because we should give an inducement to successful citizens to make donations to their cities, towns and shires.

During the 7½ years I was in the Brisbane City Council I took a very keen interest in the affairs of other cities and municipalities, and during my travels I was very observant, and I know, as the hon. member for Toowong said, that wealthy and public-spirited citizens have made magnificent donations to such cities as Adelaide and Ballarat.

My mind goes back, too, to the 1914-18 war when I was over on the other side in the city of Glasgow. It is a pity that the hon. member for Somerset is not in the Chamber at the moment to hear what I have to say. The Scot is generally reputed to be very close-fisted financially but I always remember the magnificent and wonderful buildings and other cultural centres I saw in Glasgow that were the result of the generosity of Glasgow citizens.

When I was a member of the Brisbane City Council I appealed to people who had been successful in the financial and commercial world to consider their city, to take a pride in it, and to make donations that would be of value culturally to the younger people of the nation. During the past few years we have spoken in this country about the need to build a nation, to make it worth while so that we may withstand an aggressor and be proud of our position in the world, in commercial and international affairs. If we want to set an example to the young people of the country we cannot do better than set an example of citizenship in some tangible form, in the form of a building, a park, or lovely memorial gates, something really worthwhile and something that will cause the young people to be proud of our nation, proud of our city and State.

The hon. member for Toowong said that many people who had become wealthy in this State declined to make gifts or donations because they felt that they had been highly taxed during their lifetime. I am sure that my friend the Treasurer will be able to deal with that contention. Whether they were taxed heavily or not, the fact remains that these people were able to become wealthy

in this State and they therefore owed a further responsibility to their city and State. Certainly, the material resources of the country help to make the State but it is the people in the State and the city who really create the wealth for the people who eventually become wealthy. Many employers feel that when they invest their capital, abide by the award conditions and observe the law, they have discharged their responsibility to the State and the city and need to do no more, but I have always felt that as a matter of decency any man who acquires wealth, whether in the city or country, has a responsibility to that part of the State where he acquired it. If the position is as the hon. member for Toowong has described it, then the people concerned were not good citizens, they were not people who would build a virile nation here.

During the last session of Parliament there was a discussion about country hostels. I have travelled throughout Queensland and I have observed certain things, especially in connection with small townships and hamlets. There come to my mind at the moment places like Amby, Ambathalla, Thallon, and places up in the Far North too. There may be 20 to 30 stations in a certain area but I found that over a period of 50 years few amenities have been provided. If you inquired of the people what the man of the area, the man who had become wealthy there, was noted for you would probably be told that he owned a particularly famous racehorse or something like that.

**Mr. Pizey:** Can you name them?

**Mr. RASEY:** I could name people in Longreach, Townsville, Charleville and elsewhere, and they would fit into the class to which I have just referred. I could mention certain people in town councils or shire councils who did give great public service. In some of these areas a wealthy person is only famous because of a horse that he owns, but he has not given anything tangible that would be of benefit to the people in that area in which he made his money.

The other day I was speaking to the hon. member for Condamine, and in referring to the Wilson Ophthalmic Hostel he mentioned that it would be a great thing if the children in the outback were able to attend such a hostel and at the same time receive their education. It would be a great benefit if those who could afford it made a substantial donation for the benefit of the area in which they live. As I have said, I was a member of the Brisbane City Council for 7½ years and I know that local-authority work is the greatest of work; it touches every aspect of the domestic life, whether in the shire or in a large city.

I believe the exemption of gifts from gift duty will be productive of much good. Donations for the building of hostels for sick children who require specialist treatment will be exempt, and that will be a great benefit to the people generally. The area of this State is so great that it is almost impossible for any Government to be able to do all the things that are necessary. We hear the Opposition clamouring for this



and that when the Estimates are under review, but the Opposition have not the responsibility of making the appropriations for the different departments. I was 7½ years in opposition in the Brisbane City Council, and I know what the tactics of the Opposition are. I suppose it is the job of the Opposition to endeavour to belittle the Government.

If the wealthy people made generous donations to worthy objects in the various parts of the State it would be a great help. It is only right that a gift to some worthy object should be free from tax. When the people realise this, they will be more ready to make these gifts. It is only right that the whole amount of the gift, whether £1,000 or £100,000, should be handed over free of tax. As a result of this amendment people who wish to do something that will be a monument to them and set a good example to the younger generation can do so without fear that any of the money will be taken in gift duty.

**Mr. HILEY (Coorparoo) (11.55 a.m.):** So far as it goes, this Bill will receive the complete acceptance, I am sure, of every hon. member. It does strike me that in dealing both with the estate of a person when he dies and gifts he might make during his lifetime, we should remove all possible impediments that might deter him from making gifts for public use and benefit. To the extent to which the Treasurer is seeking to widen the scale of exemption to include gifts to local authorities I think he is following a perfectly correct principle but I should like to know whether he is in a position to tell us later whether this exemption will cover one or two instances I have in mind.

We still have in the community a number of schools of arts. They are sometimes conducted in conjunction with local authorities, but I do not think they would come within the narrow definition of a local authority. I should like the Treasurer to consider whether a gift to a school of arts would be eligible for exemption.

**Mr. Walsh:** The amendment will be wide enough to allow for the issue of an order in council declaring exemption for any public body that might be so named.

**Mr. HILEY:** Does that mean that the order in council will refer to a class, or will it be an order in council for a specific gift?

**Mr. Walsh:** It will be for a particular body, but it will have to be proved that the gift is for public purposes.

**Mr. HILEY:** I am glad to hear that. Let us suppose an order in council was issued exempting gifts to university colleges. That would be a broad category of exemption and it would not be necessary to have a separate order in council for each particular college.

**Mr. Walsh:** They are provided for already under the existing Act.

**Mr. HILEY:** That is so. I merely cited them as illustrative of my point. I take it that it will be possible for an order in council to be issued to take in donations to schools

of arts for either additions to the building, extensions to the library, or whatever they might be.

**Mr. Walsh:** That is so, but always on the understanding that they would not be sold for the purposes of private profit.

**Mr. HILEY:** I agree, and I am very glad to have the Treasurer's answer. It will now mean that the exemption will not have narrow application to local authorities but will be capable of being widened to apply to those things that are proved to be for public use and benefit.

I was very interested in what the Treasurer had to say about the gift by the late Mr. Gould to the Toowoomba City Council. The deceased gentleman was a very old friend of my wife's family, and I came to know him exceedingly well. I saw that collection year after year when it was in his home at Toowoong. In fact, it was such an extraordinary home and such an extraordinary collection that many a time, if I had a visitor from the South who was interested in that sort of thing, I would ring Fred Gould and say, "Fred, can I bring someone out to see what you have?" Out we would go and the visitors would go from room to room marvelling at the extraordinary collection he had. In those days I used to ask what he intended to do with it and he would say, "I have in mind leaving it to the city of Toowoomba in which I grew up and for which I have always retained a particularly soft spot." Then, after his death, I happened to be in Toowoomba and called at the Toowoomba Town Hall just at the time when the clerk was busy opening the cases that enclosed this collection. It was a tremendous collection of furniture, antiques, paintings, jewels, and all sorts of things. Many men, when they become collectors, become narrow in their collections. A man might become a keen collector of paintings and that hobby swallows the whole of his interests; another man might collect antiques and that takes up all his energies; but this man to whom I have referred collected a great range of things and the Toowoomba City Council is indeed fortunate in receiving this magnificent gift.

**Mr. Walsh:** Under existing law the Commissioner has no alternative but to assess duty.

**Mr. HILEY:** The Treasurer's action to take care of this collection is appreciated.

As to the giving of gifts to ex-service men, I gather that it will no longer be necessary to pass Acts of Parliament because by an order in council it will be possible to declare other theatres of war and I think that provision will commend itself to all hon. members. I have come across several instances in which the power we give a father to give so much money or property to his son for his rehabilitation after his return from war has been a very useful provision. I have seen men set up on the land and others started in business. It was one of the most useful things this Parliament did, to help the returned men of the last World War. I am

sure the projecting of that feature and the widening action to be taken will commend themselves to hon. members.

I reinforce what has been said under the heading of the case for a review of exemptions in relation both deceased estates and gift duty. The arguments are abundantly clear and, as a matter of fact, the Treasurer has already himself paraded the argument in other matters he has brought forward and I venture to suggest that if he examines the arithmetic of it he will find that where inflation does occur and values move up he can well afford to increase exemptions, because so much of the tax is not only levied on the basis of value but projected by the graduated scale into the rate of tax. On the sheer arithmetic of things if a property once worth £5,000 becomes worth £12,500, the widening of the tax at the same rate of tax should leave the Treasurer compensated. That is to say, if the purchasing power of money goes down 40 per cent. he is collecting  $2\frac{1}{2}$  times the amount of tax, and he collects far more, because the rate that applies to £12,500 is higher than the rate that applies to £5,000. Actually, the Treasurer benefits once by the widening of the basis of value and a second time by the raising of the rate, because of the effect of the graduated scale. I think the Treasurer will find it a reasonable thing that the exemption should be reviewed to reflect the changed value of money and I should say that the £200 exemption, above everything else, calls for review. Everyone of us has had experience of a wage-earner who dies leaving a tiny estate, an estate that contains virtually nothing in the form of money, but merely furniture and things like that. To ask the widow, or the widower, in those cases to find money to pay duty when the total amount of property left is worth only £200, often operates in a way that can only be described as cruel. The exemption of £200 was fixed years ago when £200 would represent much more than the value of a houseful of furniture; in those days a houseful of furniture could have been bought for something less than half that amount. Today, however, £200 does not go far. If there is a piano in the house and a houseful even of ordinary furniture, you are up to £200 before you know what you are about. It would be very hard to find a family, even in rented premises, who would not possess £200 worth of furniture. There is no money in the house, and all they have is a few sticks of furniture. It is rather cruel to ask those people to find money with which to pay duty. They have to sell some of their furniture in order to find the necessary cash.

I think there is a very strong case for increasing the exemption in that instance, and I think the Treasurer should give some thought also to whether the exemption from gift duty of £500, which was fixed in 1926, should be reviewed today.

Another matter about which I think the Committee should have a declaration from the Treasurer is that of double taxation. Some of his predecessors in office, I presume after Cabinet consultation, made very open

pronouncements about the intention of the Government to correct that matter. When the hon. member for Rockhampton held the Treasury portfolio he indicated through the Press and in letters to members of this Assembly—and I think in reply to questions asked in this Chamber—that he was fully aware of the problem and that corrective legislation would be introduced. It is not my intention to labour this question; I merely put it to the Treasurer on the basis that the Government, through the then Treasurer, did make an announcement that was widely noticed. The result is that many people in the community have been wondering when the Government will carry into effect the indication the then Treasurer gave. It may be that there are very good reasons why the Government have found it impossible to do anything, but if that is so, I am sure the Treasurer will agree that it is his duty, if he finds the position is different now from what it was when his predecessor made that announcement, to take the public into his confidence and let them know the true position as it exists today. At some stage during the passage of this legislation, I hope the Treasurer will find it possible to give us a clear indication of whether the Government's policy is as was published by his predecessor some years ago, or whether it is now different.

**Mr. Walsh:** I can say quite definitely now that if any definite promise has been given, it will be carried out.

**Mr. HILEY:** I thank the Treasurer for his assurance.

I repeat that so far as the Bill goes, both its principles are completely welcome. The only faint regret I have is that the Treasurer has not taken the opportunity to tidy up some of the other matters to which I have referred. I hope that is a pleasure he has reserved and that he will present such amendment to this Chamber in due course.

**Mr. SPARKES (Aubigny) (12.9 p.m.):** When I first heard that this Bill was to be introduced I had rather high hopes. Of course, I naturally had my doubts whether very much would be given away when I knew that the Treasurer would be introducing the Bill, particularly after his magnificent gift of 7s. 6d. last night. However, I thought, "There is no telling; even the greatest sinner will repent at some time or another," and I thought the hon. gentleman might at last have felt the washing of the water and taken a new view of life.

The speeches by the hon. member for Toowong and the hon. member for Coorparoo were both very interesting, and no doubt will give the Treasurer much food for thought. They were speeches by men who handle these matters, and were made from the accountant's point of view. Those men are both very good accountants and they understand the whole subject. They were in a position to speak very fully on the measure, and I think the Minister will agree that they made very good speeches. I see the question as an ordinary layman, one who,

like many other people in the world, are affected by it, and I should like to see the total abolition of gift duty and probate duty.

**Mr. Walsh:** Why?

**Mr. SPARKES:** I say they are unfair and there are hundreds of instances of the unfairness. These duties were introduced at a time when there was virtually no income tax in this State. Surely, if you pay a very high rate of income tax, you should have the right to do what you like with the money you have left? If I wish to say to one of my boys, "I will give you a couple of thousand pounds" why should I not be able to do so? It is hard enough, as the Minister knows, to get money under present taxation conditions.

**Mr. Walsh:** I could not imagine you being so generous.

**Mr. SPARKES:** Well, make the law for the people who are generous. Do away with probate duty and gift duty and help the generous people and not the hard person like me.

**Mr. Aikens:** Taxation is assessed only on what you tell the Government you earn; probate duty is assessed on what you actually have.

**Mr. SPARKES:** The hon. gentleman has a smattering of some things, but he knows nothing at all about what he is talking of now. Let him come into the pastoral industry and he will find, as hon. members on that side of the Committee know, that very grave hardships are being created by the imposition of probate duty.

**Mr. Aikens:** In some cases, yes.

**Mr. SPARKES:** Very hard. I will give an instance that I think even the hon. member will appreciate. I knew of an old gentleman who had a son. Unfortunately, the son did not follow in his father's footsteps. When the old man got old he thought he would clean up everything, and he gave his home and property to his son. Naturally, most sons would have allowed their father to continue to live in the home—any decent son would—but after this son got married he decided that there was no place for the old fellow and the old fellow had to get out. Had that old fellow not been forced by the fear of probate duty to do what he did, he would have retained his interest in that home.

**Mr. Aikens:** In other words, he tried to dodge probate duty and caught himself.

**Mr. SPARKES:** That is the way the hon. member appreciates being "caught." I could give a number of cases, but I do not want to embarrass anybody on that side of the Committee.

**A Government Member:** You would not embarrass anybody.

**Mr. SPARKES:** I certainly would not embarrass anybody if I could help it. It is not my nature to do that. I would much rather give him a punch in the nose and be done with it.

**A Government Member:** If he guaranteed not to punch back.

**Mr. SPARKES:** That is all in the game. He could punch back if he wanted to.

If a man accumulates any money under present-day conditions and meets all legitimate taxes in his lifetime he should be able to do as he likes with what he has left. The time has arrived when these taxes should be abolished altogether.

I was really amused to hear what my friend the hon. member for Windsor—and I regard him as a friend—had to say. He was sincere—he always is—but he said these people should give. How often have we heard hon. members opposite refer to the man with money and describe him as being someone who is no good and say they do not want him? Now the hon. member for Windsor says that these people should give some of their money away. It is very easy to suggest what the other fellow should do with his money, but let the hon. member do something like that with his own.

**Mr. Aikens:** I suggest that you give me a bit of yours.

**Mr. SPARKES:** The hon. member would be the last person in the world to give his money away but the first to suggest that someone else should give it to him. It was amusing to hear the hon. member for Windsor say that people should give their money to the local authorities. Heavens above, who are the people who keep the local authorities going and who find the sinews of war for them? It is these very people who provide the money. I have been chairman of my local authority for 27 years.

**Mr. Aikens:** And don't the ratepayers know it!

**Mr. SPARKES:** They do, and they still have me there as chairman. I invite the hon. member for Windsor to have a look at these people. He says that they pay very little. Let him have a look at what they do pay and compare that with what they get in return. I know of some who pay over £1,000 a year in rates and perhaps have about £50 spent on the roads in their area.

**Mr. Walsh:** You should be ashamed of yourself to say that.

**Mr. SPARKES:** If we spent a considerable amount on their roads the hon. gentleman would be the first to say, "What the devil do you mean by spending all this money on that road just because he is a big man?" The hon. gentleman wants to have a bit both ways. Hon. members opposite talk about private enterprise. They ask why the private banks do not do this and private individuals do not do that, and then we have the hon. member for Windsor saying that the private individual should give money to some institution or other.

The proposal now is not to charge any gift duty if a person will give, say, £4,000 or £5,000 to a local authority. The hon. member for Windsor referred to hostels. I agree that they do a wonderful job in the country but

the Government themselves have some obligation to country children. The people in the country have to run all the risks of nature, bush fires and drought included, in carrying out their occupations. The hon. member knows that. If they are successful hon. members want to take it away from them and if they are not successful and go broke as a result of drought or fire, that is too bad.

I agree that the State should provide hostels in the country districts and it is a reflection on the Government that these amenities are not provided for the western children.

**The TEMPORARY CHAIRMAN** (Mr. Graham): Order! The hon. member is getting away from the question before the Committee.

**Mr. SPARKES:** The hon. member for Windsor wants people to make gifts for the building of hostels, which is a very laudable object. I believe that the Gift Duty Act should be wiped out completely.

**Mr. Walsh:** When your party was in power for three years you did not do it.

**Mr. SPARKES:** No-one is convinced by being told of what somebody else did not do.

**Mr. Walsh:** You were a member of the party.

**Mr. SPARKES:** I was not a member of the party in power. Let the hon. gentleman get that idea out of his head; he makes enough mistakes as it is.

**Mr. Walsh:** I said you were a member of the party.

**Mr. SPARKES:** The hon. gentleman said I was a member when it was in power.

**Mr. Walsh:** I did not say anything of the sort.

**Mr. SPARKES:** That argument carries no weight. If something should be done, it is no use saying that somebody else had the opportunity to do it but did not do so. If a man comes to me and says, "I am sorry I killed that horse but Smith killed two the week before," would that be any reason why I should let him off? Is there any reason why this Government should not do what is right?

The hon. member for Toowong gave information about the hardships these taxes cause to very poor people.

**Mr. Walsh:** That is not right.

**Mr. SPARKES:** When the hon. member for Toowong spoke for quite a while and during that time the Treasurer—this is something very unusual for him—never made one interjection; in fact, I thought he was not well because he sat there like a dummy, although he seemed to be listening. These taxes certainly affect every person within the State or the Commonwealth and the sooner death duties and gift duties are done away with the better it will be for the State.

**Mr. LLOYD ROBERTS** (Whitsunday) (12.23 p.m.): When notice was given of the Bill I was hopeful that it would give some

alleviation in probate and succession gift duties. Although the Treasurer has made no reference to those duties, I am still hopeful there will be something of that kind in the Bill.

**Mr. Walsh:** I outlined it very fully.

**Mr. LLOYD ROBERTS:** There are occasions when you get the impression from the introductory remarks of a Minister that a Bill will contain certain things, but after you get the Bill you find it does not contain those things. If the Bill does not contain provision eliminating gift duties in the case of husband and wife or husband and children, I shall ask the Minister to amend it to do so. At the present time these duties apply frequently in agricultural areas and in connection with the transfer of small businesses. I think the Treasurer will agree with me that although a small business may be in the husband's name, the husband would not have been able to build it up without the help of his wife and children. We all know what a tower of strength the wife is to the husband in the dairying industry during their battling days. We know how much time these women give to milking and separating, just as we know how a great many of the children help in the same way as they grow up. The Treasurer knows also what great help the women give in can-growing and other primary industries. I have even seen women cutting cane. It is not uncommon even now to see them driving tractors, and in the Bowen district at the moment they may be seen helping with the picking and packing of tomatoes and fruit. In such cases, if the property happens to be in the name of the husband only, the wife, who has played an equal part in building up the estate, is penalised by having to pay probate duty on the death of her husband and that duty is levied on the whole value of the property. Even though her name might not be shown as an owner, I suggest that some consideration might be given to reducing the present charge perhaps to half.

People are becoming wiser nowadays and in many cases hold a farm, home or business in joint tenancy. In that way the interests of both the wife and the husband are protected. Under the Act dealing with advances by the Agricultural Bank to ex-service settlers it is not possible for the farm to be held in joint names of the husband and wife. The husband must hold the property in his name only because he, not the wife, is the person who has seen service and so become entitled to benefits under the Act. The same thing applies to ex-service men and ex-service women in connection with war-service homes. In some cases the wife might be the one who has seen the service and so become entitled to the benefits of the Act. Until these people take themselves outside the provisions of those Acts, they cannot become joint tenants. If they do become joint tenants at some later date, they are required to pay stamp duty, and that is hard enough, but if, because they are unable to afford the stamp duty, the property remains in the one name the survivor is penalised later in having to pay probate duty on the full value of the estate.

Another matter that I was pleased to see was the extension of relief to members of the Australian Army and other forces who are on active service. The Treasurer went so far as to mention fighting in Korea and other places.

There is a point on which I should like further enlightenment from the Minister, and it is this: will this exemption be confined to ex-service men and women who are actually in a fighting area or will it apply to all ex-service men and women who would, I should say, be away on active service? The words "active service" can mean several things, because quite recently we learned of the intention of sending a squadron or two of the R.A.A.F. to the Middle East. To all intents and purposes they are on active service; and the same thing applies to an occupation force in perhaps any country in the world. We do not know that we might not be called upon to put an occupation force into Germany, and I should like enlightenment from the Minister as to whether these exemptions will apply to all members of the forces whether they are actually in a fighting zone, such as Korea or Malaya, or elsewhere outside Australia on active service.

I was very interested to hear the Treasurer, in his usual inimitable style, endeavouring to mislead the Committee and the public generally when he referred to the donation to the Toowoomba City Council by saying, "Yes, all your donations to the Sir John Chandler Fund will come in also; they will be exempt." I should like to say that not one penny of this fund, to the best of my knowledge, would have been eligible for gift duty because there are exemptions, and it is the donor who pays any gift duty and not the recipient. I do not know of any particularly big donation to the fund that would come under the gift duty tax maximum, and I should say therefore that not one penny of the fund subscribed for a testimonial to Sir John would be subject to gift tax under the existing legislation apart from the amendment.

**Mr. BURROWS** (Port Curtis) (12.33 p.m.): The concluding words of the hon. member who has just resumed his seat were to the effect that the donor and not the recipient pays. If there was no gift duty it is obvious that in 99 cases out of 100 the recipient would receive more than otherwise. I think that answers the absurd statement made by the hon. member.

It is marvellous to note how hon. members opposite react to anything that is brought forward in this chamber. The hon. member for Windsor gave credit to philanthropists and spoke of examples of philanthropy he had come across in the course of his travels in Glasgow and other parts of the world. The hon. member for Aubigny rose and took him to task and ridiculed the statements he made.

I remember reading on one occasion that a tourist asked who had built St. Paul's Cathedral in London. The reply he received was, "The Bible built it." I think that was a very apt reply. It may, of course, be too

subtle for the understanding of those members who, to the exclusion of all the decent and better thoughts of life, have allowed their greed for money to take the place of such thoughts as that in their minds.

**Mr. Sparkes:** I bet you were sore that they did not put the salaries up.

**Mr. BURROWS:** The hon. member for Aubigny would be regarded as the Jimmy Tyson of Queensland. During the last 50 years we have seen examples of two people who made money in this State. I have in mind the late Walter Hall, of Mt. Morgan, and the late James Tyson. The memories of those two men will, I suppose, live for ever in the history of Queensland, but let us compare the monuments that they have left behind. If we compare what Walter Hall did with his money and what Tyson did with his millions, more than likely much greater than the Walter Hall estate, we all know whom we admire the most.

**Mr. Sparkes:** What became of Jimmy Tyson's millions? Tell us that.

**Mr. BURROWS:** Judging by the hon. member for Aubigny, I should say that if we could examine his horde, we should find quite a lot of sovereigns with Jimmy Tyson's brand on them.

Anyone who has a Christian outlook on life cannot help but admire a man who, although he may have been regarded as a miser during his lifetime leaves some of his money to a charitable or educational institution. Such an act immediately lifts him in our estimation and leaves a monument to his memory.

The hon. member for Aubigny thinks that we should be denied the right to give people credit, as the hon. member for Windsor did, for being decent and for practising the teachings of the Sermon on the Mount and the Bible as a whole. He thinks that a man to whom a large amount of money is left—money that he played no part at all in accumulating—should receive it completely free of taxation and of any encumbrance. I subscribe to the theory that if a man earns money he is entitled to—I have never denied any man the right to accumulate money that he has earned honestly—but there is a vast difference between a person who earns money and a person who gets it for nothing, which is what it really amounts to in many cases. Of course, there is a vast difference too between leaving money to a widow and children and leaving it to a stranger. In my opinion, if a man does not leave his money to his widow or a member of his own family or a charitable institution, that money should automatically pass to the State.

That is the theory I subscribe to, and I make no secret of it. When the earth was created I do not think it was ever intended that anybody should get anything for nothing.

**Mr. Sparkes:** How did you get onto it?

**Mr. BURROWS:** The hon. member may still have a shadow of a conscience hidden

in that head of his, and if I have touched it I think I have accomplished something by rising here today.

**Mr. PLUNKETT (Darlington) (12.41 p.m.):** This Bill seems to have some very good features in it, but there is one important thing to which I should like to draw the Treasurer's attention. For many years I have thought that gift duty is wrong in principle inasmuch as it does not take into consideration the value of land. Many districts in our State have been settled and built up by succeeding generations. A father has been able to give part of his land to his son; the son has got married and settled on the land and become a producer also.

When the Act was brought in the government of the day showed wisdom by enabling a certain amount, £1,000, to be given without attracting gift duty. You could give £999 worth of your land to your son and it did not attract any gift duty at all, but once you went over the £1,000 you were involved in gift duty.

**Mr. Walsh:** Anybody who can afford to give a gift of £999 is not too bad.

**Mr. PLUNKETT:** The land that was worth £1,000 when this Bill was originally brought in is today worth four or five times as much as that.

**Mr. Walsh:** It is worth that much more?

**Mr. PLUNKETT:** Yes, it is worth that much more. A son may have helped to develop the land, and if his parents want to give him some of that land, why should he have to pay gift duty on it? I do not think it is fair unless you take into consideration the fact that land values have risen. As I have said, when this Bill came into force £1,000 was the minimum that would attract gift duty, and I suggest to the Minister that he give consideration to increasing that figure because of the greatly increased value of land today.

We have to consider the difficulty there is in keeping people on the land. I know of cases where parents have offered their sons a part of their land but they have turned it down and gone away to do other jobs. Gift duty is hindering men from giving land to their sons because if the sons accept it they have to pay gift duty on it. Now is the time to increase the exemption from gift duty beyond £1,000. Land values have been increased, values and costs everywhere have been increased and so the present exemption should be increased too. You must encourage people who will clear the land, develop it, and make it available for production. That is one way in which you can help the farmers. They will be in a position to give their sons land exceeding the value of £1,000 if the exemption is increased accordingly. It does not require many acres of land to run into £1,000. I make that suggestion for the earnest consideration of the Treasurer.

**Mr. NICHOLSON (Murrumba) (12.47 p.m.):** There are many things in the Bill

that are worthy of every commendation. I was particularly interested in the provision to exempt from duty gifts to local authorities.

Private forestry plantations and reforestation projects are of national importance but at the present time they are subject to probate duties on transmission by death. These matters have been raised with me by owners of forestry plantations who have responded to the appeal of the Government to help in reforesting the country. Everyone here knows that that work is of national importance and we should encourage private people to carry out reforestation plans by announcing that there will be a generous rebate in probate duties in respect of the transmission of this property on death. That would encourage more people to carry out forestry schemes than there are today. It is work that is undertaken by people who are inclined that way, and wish to help the country by this means and at the same time have something in perpetuity for their relatives. The work is of national importance and they should be encouraged but naturally they take into account the fact that the undertaking will be subject to death duty. I have been approached on quite a number of occasions on this matter. Some of the younger people, 35 to 40 years of age, who are desirous of putting in these plantations are rather reluctant to do so because of the probate duties that will be applied on the value of their properties after death. The view of these people is that if they are going to be taxed on it, and considering the long period of time trees take to reach maturity, the probate duties on the various plantations would probably exceed the value they may get from them. I believe due consideration should be given to that point. I should like to hear the opinions of members of the Committee and the Treasurer's comment. I have heard the owner of a plantation say that if he had to pay probate duty he would rather cut the trees down. Reforestation is of national importance, and in order to give encouragement to the cheapest form of reforestation—private plantations—I believe my suggestions have everything to commend them.

**Mr. LLOYD (Kedron) (12.52 p.m.):** On previous occasions I have raised the question of reforestation, and how taxation affects it. When speaking on this matter on a previous occasion I said that the Federal Taxation Department should take this matter into consideration from a national viewpoint.

The hon. member for Murrumba said that the main thing that is militating against the encouragement of reforestation is the fact that probate duty must be paid on such plantations. The actual fact is this: any company or individual embarking on reforestation must pay for that project out of income on which taxation has already been paid to the Federal Government. On maturity the timber would again be subject to Federal taxation. If the owner of the plantation died after a period of 10 years the property would go to the next of kin, and the value of the timber would be assessed on the stage of maturity at which the timber had

then arrived, and the probate would not be heavy. When the timber reached full maturity the income from the property would exceed by far the value upon which probate was paid.

**Mr. Nicholson:** How long do you say it would take for maturity?

**Mr. LLOYD:** I was stating a hypothetical case. I said that the individual who planted the forest may die 10 years after, at which time probate would be charged on the value of the property. The timber may not mature for 20 years, but on maturity the value of the property would exceed the value upon which probate was paid. The fact remains that probate is not the factor that is mainly militating against the practice of reforestation. The main factor is the burden that is placed on individuals or companies who intend to embark upon reforestation projects by the Federal Department of Taxation.

**Hon. E. J. WALSH (Bundaberg—Treasurer) (12.55 p.m.):** I have nothing much to say in reply. Hon. members generally have accepted the principle that I outlined in my introductory speech and then gone on to refer to many other aspects of the Gift Duty Act, and the Probate and Succession Duties Act. I do not intend to elaborate on the points that have been raised by hon. members generally, beyond saying that their remarks will be duly noted and if there are any points that merit serious consideration with a view to amending the Act, that consideration will be given by the Government.

**Mr. H. B. Taylor:** What about the promise you gave the hon. member for Coorparoo this morning?

**Mr. WALSH:** I do not know what the hon. member for Clayfield is trying to do, but by way of interjection I did say to the hon. member for Coorparoo quite emphatically that if a promise had been given that promise would be carried out.

The hon. member for Whitsunday dealt with many irrelevancies. At no stage did I make any reference whatever to the fact that the donations to Sir John Chandler would be subject to gift duty. What I did say was that the amount that was collected from the wealthy citizens of this city and which was given to the Lord Mayor would be subject to the same exemption as applied in the case of the Gould donation to the Toowoomba City Council, once the money was handed over to the Brisbane City Council. I understood that it was going to be used for some memorial to the Lord Mayor, but the hon. member for Whitsunday overlooked the fact that if the Lord Mayor had retained the money that had been contributed in his favour and it was part of his estate when he died it would be subject to gift duty.

**Mr. Lloyd Roberts:** It would be probate duty then.

**Mr. WALSH:** Under the present law, if the Lord Mayor makes that gift to the Brisbane City Council for any public purpose, it

is subject to gift duty. At no stage of my remarks have I said that any contribution to that fund was subject to gift duty. What we are doing by the amendment is relieving gifts such as that of Mr. Gould from the assessment that would be made if the law remained as it is.

**Mr. Pizzey:** A good point was made about soldier settlers.

**Mr. WALSH:** The hon. member for Isis is not going to make my speech for me.

**Mr. Pizzey:** You said there was nothing worth while.

**Mr. WALSH:** I said the hon. member for Whitsunday had introduced many irrelevancies, but let me deal with them in my own way as I go along. The hon. member for Whitsunday also wanted to know whether the soldiers who are being sent to the Middle East will benefit under this Bill. I remind him that concessions have always been extended to any person, once he becomes subject to military law, whether it is inside or outside Australia. That would appear to include any forces that go to Malaya or the Middle East. I have already explained that the soldiers engaged in those theatres of war will benefit. On the other hand, there is provision that if it becomes necessary to withdraw the concession from any of those soldiers who may be engaged in any particular theatre of war it can be done. For instance, it may become necessary if those soldiers become enemies of the United Nations or the British Commonwealth of Nations.

The principles I outlined are very simple and, generally speaking, I should say they have been accepted by the Opposition. I can only repeat that their other remarks on matters generally relating to the Act have been noted and will be considered.

**Mr. H. B. TAYLOR (Clayfield) (2.15 p.m.):** There is only one point I wish to mention, because I think the Treasurer did not realise what I was getting at when I made an interjection whilst he was speaking. I am only hoping that he will honour a promise made in the past about the relaxation of probate duty, and I want to tell him something about an incident that is probably not recorded. He will probably have records in the shape of newspaper cuttings but I want to tell him that some three years ago, at the request of one of my constituents, I submitted a case to the then Treasurer, the hon. member for Rockhampton, pointing out that the position was decidedly unfair in Queensland in comparison with other States in that when a Queenslander dies and leaves estate in Queensland and New South Wales, probate is assessed on the assets in each State and both amounts are collected. On the other hand, if a person domiciled in New South Wales or Victoria leaves estate in Victoria and New South Wales both those States assess the duty in the same way but the State in which the lesser amount is assessed remits it. My representations to the then Treasurer were that Queensland might consider doing the same thing. I was well

received by the hon. gentleman and shortly afterwards, whilst I was in the House one day, the then Under Secretary to the Treasury rang me and told me that he had been asked by the Treasurer to get in touch with me and tell me that the matter would be attended to by way of amendment.

**Mr. Walsh:** Who was the Under Secretary?

**Mr. H. B. TAYLOR:** The present Auditor-General. The matter has been in my mind and I recall the incident. The Treasurer will have records on his files, particularly Press statements that this was going to be done. I accepted it as a promise by his predecessor in office and I hope that that point will be taken into consideration when he investigates it further.

Motion (Mr. Walsh) agreed to.

Resolution reported.

#### FIRST READING.

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

#### WORKERS' COMPENSATION ACTS AMENDMENT BILL.

##### INITIATION IN COMMITTEE.

(The Chairman of Committees, Mr. Farrell, Maryborough, in the chair.)

**Hon. E. J. WALSH** (Bundaberg—Treasurer) (2.23 p.m.): I move—

“That it is desirable that a Bill be introduced to amend the Workers' Compensation Acts, 1916 to 1951, in certain particulars.”

Again I present a Bill that will extend considerable benefits to a large section of the community, and one that deals with a very important principle in the Labour Party's platform, that of workers' compensation.

Three principles are involved in the Bill. One is in the definition of “worker.” At the present time the Act provides that anybody in receipt of a salary or wages in excess of £1,250 a year shall not be eligible for the benefits under this legislation. It is proposed to eliminate the maximum remuneration and from now on, if this amendment is accepted by Parliament, no maximum salary or wage will be stated. In other words the maximum remuneration now laid down in the Act in the definition of “worker” will be entirely eliminated.

The second principle—and it is a very important one—aims at providing some cover for those employees who may be called upon to attend prearranged pick-up places to be selected for employment. I might illustrate a number of those classes of workers to indicate the extent of the amendment. For example, waterside workers, by virtue of their award and, I take it, the Federal Stevedoring Act, have to attend certain pick-up places to be selected for employment on the wharves. We have also the example

of numerous workers throughout the State who are employed by the Department of Main Roads, the Railway Department, and several other Government departments—and, for that matter, private employers—who may have to attend a State employment exchange at pre-arranged advertised times.

That has been the custom and policy over the years. They likewise will be covered by the amendment that is proposed. Also, where industrial awards require a man to attend at a certain place, he will be covered on the journey to the place and during the journey therefrom. It is provided in the proposed amendment that any accident that is met with arising out of any considerable interruption or deviation from the normal route to the pick-up place will not be regarded as coming within the scope of the Act.

**Mr. Hiley:** That is the same as for existing employees.

**Mr. WALSH:** That is so. Hon. members will appreciate that these people are not really employed at the time, they are going to a place of selection.

**Mr. Hiley:** Supposing a labour agent sends a man to a particular employer, what will be the position?

**Mr. WALSH:** It covers a central pick-up place as generally accepted by any Act of Parliament or industrial award that lays it down that an employee or worker shall attend at these places for the purpose of being selected.

**Mr. Kerr:** Suppose he goes to the Labour Bureau.

**Mr. WALSH:** Well, I have already pointed out that the proposed amendment will provide for those who are selected for employment, and will cover them on their journey thereto and their journey therefrom. I think the hon. member's Deputy Leader has already tried to point out that once a man is selected for employment a contract of service is entered into.

**Mr. Kerr:** But selection has not taken place.

**Mr. WALSH:** The practice, particularly where governmental activities are concerned, is for an officer of a particular department to attend at the place of selection and he is responsible for selecting his labour at the source. I do not think we can very well arrange to cover the position where people might be directed to catch a train to go to Mackay to cut cane.

**Mr. Hiley:** Suppose a man was sent by the Labour Office to Evans Deakin & Co. to get a job there.

**Mr. WALSH:** Once he is engaged he enters into a contract of employment.

**Mr. Hiley:** If he is injured on his way there?

**Mr. WALSH:** If he has not been engaged for labour that would be regarded as a deviation from his normal route. You cannot select a man on the off-chance. There must



be some arrangement by the employer that he is prepared to select a man at the point of selection. We should be taking considerable responsibility if we set out to cover people who might catch a train for Mackay or Townsville on the chance of getting a job there.

**Mr. Hiley:** Take the case of a man who is on his way to the wharf pick-up shed. He may not necessarily be engaged for employment. Will he be covered on his way to the shed?

**Mr. WALSH:** Yes, if he attends the pick-up place.

**Mr. Hiley:** Suppose he is on his way there.

**Mr. WALSH:** Under the Stevedoring Act they have to attend the pick-up place to obtain their appearance money. That is Point 1.

Two hundred may attend and only 80 may be required but every one of the 200 could possibly be selected and therefore they are covered on their journey to the pick-up place and on their journey back to their homes.

**Mr. Hiley:** Let us suppose that a worker is injured on his way to the pick-up place and consequently cannot finish his journey to that place. He would be covered?

**Mr. WALSH:** Obviously he is covered because he is on his journey to the pick-up place. The Bill provides that any worker who is expected to attend at any place mentioned in any Act or in any industrial award will be covered on his journey thereto and his journey therefrom.

The third principle is rather an unfortunate one but it has to be covered and to some extent it reflects on a very small minority of employers—and I emphasise “very small minority.” It provides for the payment of wages up to the day on which each injured worker ceases work irrespective of the day of injury. Hon. members will realise that this position may arise: a worker may meet with an accident on Monday but being conscientious he does not feel disposed to cease work and it is not until, say, three days later that he reports the injury. The question then arises between the employer, the insurance office, and the employee whether the employer is liable to pay him his wages up to the Monday, or, say, up to the Wednesday when he reports the injury.

**Mr. Hiley:** He has worked on Tuesday and there should be no doubt about the payment of wages for that day.

**Mr. WALSH:** The hon. member may think so but the point has arisen and it has been asked whether it is sufficiently covered by the existing Act.

**Mr. Hiley:** I should have thought that the compensation would extend back to the day of the injury.

**Mr. WALSH:** It is contended that he should get compensation only from the date on which he reports the injury.

**Mr. Nicklin:** Then the last amendment of the Act was not effective.

**Mr. WALSH:** That would appear to be so. However, we are clarifying the position. The employer will be responsible for the payment of wages until he reports the injury and the Commissioner will pay compensation only from the date on which he reports the injury.

Those are the principles in the Bill.

**Mr. MORRIS (Mt. Coot-tha) (2.33 p.m.):** I cannot cavil at any of the amendments in the Bill, but there is one point that interests me very much. It is illuminating to think that the Treasurer and the members of his party are at last realising that everyone within the State should come within the definition of “worker.” For a long time we have been trying to tell him that we are all workers but it is only now that our idea is receiving official recognition in this amendment.

I do not think that any other law comes so consistently before Parliament for amendment as the Workers' Compensation Act and I am disappointed to think that it is still necessary to amend it. Last session, when the present Premier introduced an amending Bill, he told us that it was to clean up any possible doubt about this question of payment, about the responsibility for payment as between the Insurance Commissioner on the one hand and the employer on the other. We believed that that amendment would have cleared up the point and if it did not I am glad that it is being cleared up now.

I wish to refer to another point, one concerning the employees who attend pick-up places. I do not feel that the Treasurer has clearly explained the position. We know that it is the practice for men to attend the Commonwealth Employment Office that exists, or did exist, in Creek Street. Employers phone to that office and say that they want a certain number of employees. They may say that they want four employees to do a labouring job at Sandgate. The Commonwealth Employment Office issues to each of these employees a card on which is written an introduction from the office to the prospective employer, and it states the name of the man and one or two other particulars. The employee goes from there to his employer at Sandgate, still without a contract having been entered into. I should imagine that in 99 cases out of a 100 that employee is in fact employed; although in law it may be that that prospective employee is in fact employed when he arrives at the place to which he is directed.

**Mr. Walsh:** If the employer authorises the department to enter into a contract on his behalf he is selected, I take it.

**Mr. MORRIS:** The man who receives the card from the Commonwealth Employment Office and is directed to a certain employer at any specified place comes under the contract?

**Mr. Walsh:** I take it he is selected if he goes to his place of employment.

**Mr. MORRIS:** I assume from what the Minister said that he was in effect covered. No contract exists between employer and employee. On certain occasions the employee turns up at the employer's place to which he is directed but when he arrives there his services are not required. I have known of such cases. An employer has asked for four labourers for three or four days and he is not able to get them from the bureau. Three days afterwards he manages to get somebody apart from the bureau, and on the same day four men turn up from the bureau; having engaged one man already, he only engages three from the bureau and he tells the fourth man that he does not need him, and the latter travels back to the city and during the journey he is injured. Would such a man be covered?

**Mr. Walsh:** The hon. member is obviously raising hypothetical cases. What I said is clear: anyone governed by an industrial award that provides for attendance at a pre-arranged pick-up place is covered.

**Mr. MORRIS:** The Treasurer says it is hypothetical; it maybe, but similar cases have happened on many occasions. That being so, surely it is our responsibility to recognise it and, if we can, tidy that up? I cannot see why a man could not in fact be covered under those circumstances.

The old subject that has been discussed on many occasions when a similar Bill has been before the Committee is the conflict between the common law and payment under the Workers' Compensation Act. In view of the constant pleas that have been made from this side of the Chamber on this very subject I am rather surprised that the Government have not seen fit to include in this Bill some provision that would remove the unfairness of that aspect of the operations of the Workers' Compensation Act.

I am quite sure that it would be superfluous for me to attempt to improve the arguments used in this Chamber by the former hon. member for Toowong, Mr. Waustall, who spoke on this subject on many occasions. I do wish that the Treasurer would make some effort to clear up the position. I recall that last year the present Premier said it would be unfair to allow anybody to benefit both from workers' compensation and damages under common law, because under the common law the injured employee would be paid damages by his employer and if he received also workers' compensation it would mean that he would be being paid twice by the employer. This, according to the present Premier, would be unfair to the employer. I must confess that I feel there is some truth in what he says, but there is no measure of justice in preventing a man who pays workers' compensation premiums to the Insurance Commissioner for a number of years and whose employee succeeds in obtaining damages from him by civil action, from drawing any benefit from those premiums. I think that there is some weakness there and I am sorry the Minister has not done anything to tighten it up.

I believe that the removal of the maximum wage that may be received by a "worker" as defined in the Act is a good provision. I would not attempt to disagree with that, because we think it is good, but I do feel that the Minister should tidy up the point I mention about employees who attend the pick-up place and subsequently are not in fact employed.

**Mr. RASEY (Windsor) (2.43 p.m.):** This amendment will give security as far as workers' compensation is concerned to workers who were previously at a disadvantage compared with the men in permanent employment. I refer to those who usually follow casual employment. For instance, waterside workers are required to attend a pick-up shed to be selected for work. They must attend each morning and incur a fine if they are absent from that pick-up shed on a certain number of mornings in any one week or fortnight, as the case may be. It is almost mandatory on them to attend there each morning. After sitting about at the pick-up shed for some time, those men who are not selected return home. On many occasions men who were injured whilst travelling to the pick-up shed by some means other than public transport received nothing at all. As they were not travelling by public transport they were not covered by accident insurance that might apply to that form of transport and no provision was made for them under the Workers' Compensation Act. This Bill will cover such people.

The union with which I have been associated for many years, the Transport Workers' Union, sometimes has greater calls for transport drivers than normally because ships come and go at varying times. The employers have come to use the union office at the Trades Hall as the selecting point for drivers. It is to the advantage of the workers and the employers if the latter are able to ring up the union office between 4 and 4.30 o'clock in the afternoon and have men sent to their place of employment the next morning. The office of the union can be called a place of selection and I am sure this amendment will confer upon these men a security that should be theirs.

Storemen and packers, meat workers and many other workers in different parts of the State will feel that they have a degree of security hitherto denied to them. It would be bad for any industry if the men in it were labouring under a disadvantage, particularly in comparison with colleagues working alongside them. There are casual transport workers and casual meat workers; and waterside workers are all casual men. In many industries the men selected for a day or two or three days work alongside permanent employees and these permanent employees are covered by insurance from their homes to their place of employment and on their return home. If one man is covered and a man working alongside him is not, there is at once a differentiation. During the last year or two the general cry has been to create contentment in industry wherever possible.

The Government are to be commended for their action session after session—and they have been in power for some time—in correcting anomalies that crop up. To use an expression that I have often quoted, we should have the greatest amount of progress and reform with the minimum amount of disturbance to the community. The Opposition and our critics are always saying what the Government should do; they expect them to do everything at once. The Government have, from time to time, made amendments to the Workers' Compensation Acts and I have often heard it said that it is hoped that the amendment then being considered is the last amendment. As matters arise between employer and an employee and something is found to be wrong with the Act, it is to the advantage of industry and the State that these little matters should be tidied up by amendment of the law.

The proposed amendment to the definition of a worker is a good one. There are men who although they may be on high salaries are rearing and educating families and have commitments that prevent them from bearing the cost of a long illness or the burden of being in hospital for six or seven months with broken limbs or other results of a major accident. Irrespective of whether they are on £1,375 or £2,000 a year the amendment is timely, because it gives them security. A man on such a salary who is injured may have a good home and the amendment will ensure that he will not have to mortgage it or put anything in pawn to provide for the education of his children or to lower his standard of living should he meet with an accident going to or from his place of employment. This amendment also will be welcomed.

Speaking for various unions with which I have been associated for many years and knowing the men engaged in the various trades, their thoughts and aspirations, it is pleasing to me to know that they are now getting something for which they have been agitating for years.

**Mr. HILEY (Coorparoo) (2.49 p.m.):** The principles outlined by the Treasurer are likely to command acceptance by all hon. members. The first, the extension of the limit of salary past £1,250 and the other the provision for casual workers, both impress me as being satisfactory approaches to what is desired.

There are, however, a couple of cases that I should like to put to the Treasurer so that they can be borne in mind, if not now, at least on some future occasion. I ask the Committee to observe that the Treasurer is now seeking to take care of casual workers who are forced to attend a central picking-up place. It is true that those workers represent a considerable section of employees, and I commend and approve of what is proposed. However, we get other individual cases that are under some similar degree of compulsion. The first I want to deal with is one about which I have had some correspondence with the Premier. It concerns a constituent of his who is a crane-

driver. On the law as it stands, this man is out—I have not the slightest doubt about that—and I make it quite clear that I have had nothing but courtesy and a full explanation from the Premier, and I have not the slightest complaint about the way in which the department has examined this case.

**Mr. Walsh:** They have interpreted the law correctly?

**Mr. HILEY:** I am quite satisfied that they have interpreted the law correctly. This crane-driver sought employment at the Commonwealth Employment Bureau, which gave him a card to take to a place where a crane was in use so that he could seek employment there. Under the regulations concerning the use of machinery, before a man can accept a job as a crane-driver he must possess the appropriate union ticket. In addition, he is compelled to inspect the crane and see that it complies with the requirements of the Act before he can accept employment to operate it.

**Mr. Walsh:** Somebody else had actually been employed in that job before he got there.

**Mr. HILEY:** That is not right; in any case, that is not the issue. Even if that was right, it would not affect the analogy that I am going to draw in respect of what the Treasurer is now doing for casual workers as a class.

This man inquired about the job and was asked to inspect the crane, in the course of which he fell from a platform. As a matter of fact, I think he has ruined himself to some degree for life in that he has damaged his leg so badly that never again will he be able to exert pressure with his right ankle and operate the foot controls; I think he can hang up his ticket as a relief. On the law as it stands, that man has no claim to workers' compensation. He had not been engaged and was therefore not an employee. Under this Bill casual workers are to be protected in the course of going to a central point of engagement. Those men are not engaged at the time, but the cover travels with them. I ask the Treasurer to consider seriously whether the principle he is now introducing for casual workers going to a point of engagement is not a challenge to us to see whether there are not some grounds for covering individuals going to points of engagement.

I realise, of course, that you could not throw the thing wide open because any man who was injured anywhere could quite easily say, "I was on my way to get a job." However, in the case of a man who has gone to a labour bureau and has been given the appropriate card by the labour bureau directing him to report with the prospect of engagement, at least we have some supporting circumstance that would narrow the matter down and provide some safeguard for the department.

It is clear that the Treasurer is well acquainted with the case I have mentioned, and I do not think it is right that this

legislation should be influenced by the sympathy that we have for the tragic consequences of an individual rare case. This man, I repeat, is entitled to the sympathy of each of us. The accident occurred when he was inspecting a crane to decide whether it would be suitable for him to drive. He fell and damaged his leg, and never again will he be able to use the qualifications that he possesses. Examined purely on the basis of sympathy, such a case would touch the heart of anyone. We have to be governed by the basic principle, and I think the Treasurer does admit the principle that certain classes of people who are going to be engaged deserve and require cover. I think there is a great deal in that principle, and perhaps we might find it possible to look after some of these other people, if not every one of them.

The second thing I bring to the knowledge of the Treasurer is in relation to clearing and grubbing work carried out by casual workers using a spade or hoe. To some extent these people can be regarded as contractors and to another extent they are regarded as workers, and the Insurance Commissioner has laid it down in his regulations that in the case of clearing and grubbing under contract, the owner of a property is called upon to pay a premium based on half the value of the contract.

**Mr. Walsh:** Have you any particular instance in mind?

**Mr. HILEY:** Yes.

**Mr. Walsh:** One in North Queensland?

**Mr. HILEY:** Yes.

**Mr. Walsh:** Abergowrie?

**Mr. HILEY:** Yes. In clearing new cane land in the Abergowrie area and elsewhere a number of contractors are using, not hoes and shovels, but bulldozers. These men are employers of labour and they use this mechanical plant. Every man working for a contractor is covered by workers' compensation and the contractor has to put in a return to the Commissioner every year setting out the cost of the work performed, and the wages paid, and a premium is assessed on that. That goes onto the contractor's price for clearing the land. He includes amongst other things the workers' compensation premium he has to pay to cover his employees for carrying out the work.

Then the Commissioner looks upon this work as clearing and grubbing, and although every man on the job is already covered by a premium, the Commissioner says "I want to collect under the 'clearing and grubbing clause' a premium relating to half the value of the contract." It does seem to me to be a double charge.

**Mr. Burrows:** What about the premium rate? The risk would be much greater with mechanical clearing than clearing in the ordinary way.

**Mr. HILEY:** The rate paid by the owner of the plant is that applicable to clearing and grubbing with the use of explosives. The contractor does not get any consideration

because he is clearing cane land, he pays the rate applicable to work where explosives are being used. I think that if the Minister examines the arithmetic of the matter, he would find that the Commissioner is being paid twice. I do ask that if he has not already done so he examine the position carefully. There may be something that has not come under my notice. I suggest that it is something well worthy of examination. I believe that the distinction arises from the complete change in the nature of the clearing and grubbing operations. That clause was designed for the purpose of dealing with people employed on orchards, say in the Stanthorpe district, where casual men were engaged in clearing and grubbing with a hoe. It was casual labour and it was hard to catch up on these men so as to collect the premiums. Therefore the Commissioner quite properly said, "I will make the owner of the land responsible and I will draft a clause to be written into the Act." In the case of the contractor, where it is not casual labour but permanent labour, the employer is paying the full premium on every penny of the wages paid, and I cannot see why the payment in respect of the clearing and grubbing clause should come on top of the payment of the full rate. I hope that the Treasurer will give us some information on this point. I hope that the Treasurer will look into my third question also. He has removed the limitation in respect of the application of Workers' Compensation and I am glad he has done that. It is a progressive move forward.

**Mr. Walsh:** We are always progressive.

**Mr. HILEY:** All I can say now is that I hope we shall always be able to say so. I hope that the Government will take an equally progressive step and consider whether it would not be better to remove the optional right at common law and common-law practice and substitute for it compulsory workers' compensation cover. I ask hon. members to consider the adoption of an extra rate to cover rights of common law and common-law practice. Let us suppose that I am paying £1 of ordinary premium and I am asked to pay 6d. extra for common-law cover and 3d. extra for common-law practice cover. The first one covers me in respect of my full civil remedy and the second covers my dependants should I be killed. That means that for 9d. extra in premiums on wages every employer is presently entitled to say to the Commissioner, "I will pay the extra premium to cover the employee and myself, with full protection in common law and common-law practice." We have frequently in this Committee discussed the conflict and the need to decide between workers' compensation benefit on the one hand and common-law benefit on the other. We have pointed out that the decision has to be made while the worker is in receipt of benefit. If he has no cash fund behind him there is no use in his deciding to explore his common-law rights and so he often accepts the advice to take the money paid to him by the Government. He accepts workers' compensation and

so deprives himself of any right under common law or should he die any right for his dependants under common-law practice cover. One cannot expect to get under statutory cover benefits that are as high and as unlimited as are sometimes given in awards at common law.

I think the Minister and the department have done the right thing in pushing the benefits up and in pulling the top limit off. What they have done has been right. If the Commissioner would accept the full common-law obligations for 6d. extra and the full common-law practice obligations for 3d. extra, would it not be the appropriate thing to ask that an extra premium be paid, pull the statutory limit off and give every person who is injured the full measure of benefit that he could obtain under common law or common-law practice?

The trouble is that in benefits of this kind there should be some differentiation. Under the law, if a single worker is injured and if a man with a wife and family is injured, the same common limit is applied. We know that when a serious injury occurs the need of the worker should at least have some bearing on the benefits. If he has access to common law, obviously a jury would give a married man with a family an infinitely greater benefit than they would give to a single man; and rightly so. The measure of his damage is much greater, owing to his family obligations. I do ask the Minister to give serious thought to whether there is not some way of bringing the full common law and common-law practice benefits right through the whole section of workers' compensation. It may make some adjustment of premiums necessary, but if it is no more than the Commissioner seeks now the extra amount of premiums would not worry the average employer. If doing that will help to overcome some of the tragedies that come under the notice of every member, much good will result. Everyone has met with cases in which, although they receive all the benefits, workers were still in great financial difficulties. I think it is something that justifies examination.

I repeat that as far as the major clauses of the Bill are concerned, it seems to me the principles are acceptable. When we have examined the details I think it will be approved of by hon. members.

**Mr. TURNER** (Kelvin Grove) (3.7 p.m.): The hon. member for Mt. Coot-tha prefaced his remarks by saying he was sorry that it was necessary to amend the Act any further but he went on to praise the provision that sought to cover people who previously did not come within the ambit of the Act.

Members on this side of the Committee have at all times contended that employees, irrespective of whether they occupied managerial positions or not, fell within the category of workers and should receive the benefits to which they were entitled under the Acts. I am happy that the Government have decided to eliminate the limit. The hon. member for Mt. Coot-tha seemed to express surprise at the amendment, but if things had

been left stationary the workers would be in a sorry position. It was the Tory Government who introduced workers' compensation, and under Tory Governments when a worker was injured he had to engage counsel to sustain his claim. One of the first claims—and I have stated this before, but it is worth repeating—was instituted by a brick-layer's labourer, who was injured by a piece of brick that was chipped off by the brick-layer who was working above him. He engaged counsel and he was awarded £108 damages. When he went to get his money from his counsel he was handed £67. He looked at it and his counsel said to him, "What is wrong?" He said, "I was wondering whether it was you or I who was hit with the piece of the brick." I believe the Act was deliberately framed so that counsel could get something out of it. That has been eliminated.

Today, if a worker thinks that he has a chance of getting something more by taking civil action he is entitled to do so; but he is not entitled to collect both. I think hon. members will agree that that is right. For instance, if an employer continued to pay an injured employee his full wages just as if he were still working, that employee would not be entitled to compensation. On the other hand, the employer can claim for the amount of compensation allowed to the injured worker. I do feel, however, that when a worker is injured permanently and his prospective working life is adversely affected he should be able to take legal action and obtain compensation at least equal to the sum he might reasonably be expected to lose as a result of that interference with his normal prospective useful working life. Age should be taken into consideration and if a man has a likely useful working life of another 20, 25 or 30 years, he should be able to obtain compensation from the court. On that basis it would be difficult for the Workers' Compensation Office to discriminate between workers in paying compensation and I hope that we shall continue amending our legislation until every injured worker receives at least what he would have earned had he been able to work.

The provisions dealing with the maximum wage or salary an employee can receive and still be entitled to workers' compensation have been varied from time to time. Originally compensation was limited to employees in receipt of income not exceeding £400 a year. That was increased to £650, then to £800, then to £1,000 and finally to £1,250. It is now proposed to abolish the limitation. This will mean that every person who is employed, whether he is manager or dustman, will be entitled to compensation for injury.

One of the greatest benefits conferred by the Bill is the provision covering casual workers or what we might term the spare parts of industry. These casual employees are essential to the successful functioning of industry but, unfortunately, cannot be employed for the whole year. For instance, a shearer is essential to the wool industry. Not every man can shear. A shearer is a specialist who has attained his skill only

after years of experience in the industry. He is as essential a part of the wool industry as a crown wheel or pinion is a part of a motor-car. Just as some people specialise in supplying parts for motors so the shearer is a specialist in supplying a need in the wool industry.

Again, labourers are men of a certain amount of skill. It is not every man who can do certain labouring work. One has only to go and inspect a main road under construction or pass through a railway cutting to appreciate the amount of skill required by the man who batters down the banks. No matter how well endowed a man may be with brains, no matter how efficient he may be as a business manager, it often happens that if he was given a pick and shovel and was asked to batter down a bank he would not know the first thing about the work.

Again, we have the butcher. How many people could cut a pound of steak? How many would know from which end of the beast to cut that steak? Although these workers are looked upon as labourers, they all require to have some degree of skill.

I was associated for many years with the Storemen and Packers' Union. There are certain sections of storemen and packers who are skilled in the requirements of the oil industry. Others are essential to the successful conduct of the wool industry, while still others are essential to the hide and skin section and still others are required to be skilled in the dumping of wool for shipment overseas. There is a certain amount of skill in all these callings. Skill is required of the man who classes hides and skins and skill is required of the man who sets the wool up according to catalogues. They all have to possess a certain amount of skill and when there is a rush period in their calling the employer can ring the Trades Hall and get a storeman and packer of a certain type or even a certain individual. A room is set aside in the Trades Hall and unemployed storemen and packers assemble each morning at this place and when the employer wants labour he rings the office and asks for one or a number of employees to start work at a particular time. The employers themselves agreed to do this; this arrangement is set out in the award and it was by conference between the parties. To the employers it is a far better arrangement than having men come to their place of business every day to see whether there is a possibility of a day or a couple of hours' work. Every time a worker goes onto a job seeking employment he takes up the employer's time for a minute or so or, for the amount of time it takes to say, "Nothing today, thanks, Jack." This interruption takes the employer's mind off his work and to that extent interrupts industry. The men assemble each morning at 8 o'clock at the Trades Hall, bringing with them a small snack for the midday meal and expecting to start work say at Bulimba or some other place at a given time.

I am pleased that the Commissioner has been able to provide workers' compensation for that type of worker. They go to the Trades Hall every day; their economic

means force them to go every day to get employment, to get something in the cupboard. They go to the Trades Hall seeking employment and whilst waiting for engagement they play cards or wall quoits or some other form of amusement to while away the time whilst waiting for the employer's call for them to start work.

The position is the same for meat industry employees and road transport workers. The meat workers' gathering place is opposite that of the storemen and packers and quite often one might hear an official of the union call for mutton butchers or boners or calf butchers or some such employee. Each worker in every section of the industry is a specialist and everyone has acquired a certain amount of skill. I am sure every one of those three sections, the butchers, the storemen and packers, and the road transport workers will appreciate this amendment to the fullest, knowing that they will now be covered by workers' compensation in the way the Treasurer described.

It is to be remembered that it is not always at work that the worker is injured; he is injured frequently on his way to and from work. I remember an instance of a man working for one of the oil companies. He had a little hut at Darra—he was a casual worker—and he used to get old kerosene tins and during the lunch hour flatten them out and take half-a-dozen or so home and by this means he built a little hut in the bush for himself and his wife. On the way home one Friday night from his job he went to sleep in the train as he was very tired. The train was pulling out of Oxley and as he thought he had overslept his destination he jumped out but fell between the train and the platform and was killed. A certain amount of compensation was paid to his widow; it was a very small amount at that time, and to show the humanitarian spirit that exists amongst workers most of the girls at the factory and storemen and packers contributed to a fund for his widow. She got a little piece of land at Lewin Street, Bardon.

Members of the Storemen and Packers' Union, the Carpenters' Union and the Butchers' Union went out there on Saturdays and Sundays and built a home for the widow and her three children, and handed it over to them free of all encumbrances. The girls in the factories made clothing for the young children, who had only what they were running around in when their father was killed.

The payment of compensation to casual workers will be of great benefit to them. Previously they received compensation only when they were injured whilst actually working, but this amendment will cover them from the time they leave their homes, on the journey to the Trades Hall, and till they return to their homes, irrespective of whether they are employed. I think every member will agree that that is a very humanitarian amendment.

I have always looked upon the Workers' Compensation Act as one of the Government's most humanitarian measures, and thousands of casual employees throughout the

State other than those I have specifically mentioned—the shearer, the meat worker, the storeman and packer, the butcher—will express their appreciation to the Government for bringing down this legislation.

I am very glad, too, that the Minister has introduced an amendment regarding the time of injury. There is always the employer who tries to dodge his obligations about payment to the worker on the day he meets with an accident. I thought the amendment introduced last year would have set the matter beyond all doubt, but we still found that some employers were trying to avoid their obligations for the sake of a few shillings. For example, if a man was injured early in the morning the employer would try to avoid paying him for that day, and if he was injured in the afternoon the employer would argue that he should pay him only for half a day. Some employers got up to all sorts of dodges like that. Of course, it is quite possible that an employer may find a loophole in this amendment, but I am quite sure that the Minister will not hesitate to bring down a further amendment if he finds that employers are trying to get round this one.

I express the hope that this legislation will continue to be amended till every worker, irrespective of the industry in which he is engaged, will be paid compensation for injury equivalent to the wages he was receiving whilst in employment. Each industry pays a premium according to the element of danger existing in that industry. In other words, in an industry where the risk of accident is great, the premium is higher than where the risk is not as great.

I look upon this legislation as one of our socialised projects, in that all those associated with it receive a share of the profits. The Commissioner sets aside a portion of his income to cover emergencies and epidemics—he has always safeguarded himself against an epidemic—and then he decides where he will distribute the benefits. Some people say he should reduce the premiums, whilst others say that a portion of the premiums paid by employers should be returned to them. If that was done, however, the Commissioner would need some sort of a machine that could work out to a decimal of a penny the amount to be refunded to each employer. It is far easier and better to distribute whatever benefits there may be among the injured workers. I am one of those who have a full realisation of the fact that when the breadwinner in the family is injured, his income is reduced just at a time when he is more in need of financial help than ever, and I hope that the benefits under this legislation will be increased so that a man who is injured will be paid the same amount whilst he is unable to work as he was earning when he was in employment.

**Mr. DECKER (Sandgate) (3.25 pm):** In my opinion the Workers' Compensation Act as it is operated now by the State Insurance Commissioner is not in the full interests of the working man. As a matter of fact, I think there is a definite tendency in that office to take away the workmen's rights under this Act, if it is possible to do so.

**Mr. Walsh:** To prove your case tell us some examples.

**Mr. DECKER:** In the case of external injuries there is very little trouble with the State Government Insurance office, but I have had brought to my notice, and I am certain other members have too, cases in which men have been injured internally and the office has sought to reject their claims.

**Mr. Turner:** That is not right.

**Mr. DECKER:** I will give a recent case in my electorate. A carpenter was lifting timber one afternoon. Six years previously he had been passed as fit by the Military authorities and he had not missed a day's work since. In lifting this heavy timber he felt something go inside. He mentioned it to his offsider, who was an old man, and then he went on working without any ill effect.

**Mr. Turner:** That is all the evidence he needed.

**Mr. DECKER:** That man was absolutely well up to that point, but when he was on the bus going home he became ill, he became cold. A doctor was summoned that night, and the following afternoon the doctor recommended him to go to hospital. In the hospital they diagnosed his trouble as heart strain and some other internal injury. That man put his case before the Commissioner and for more than eight weeks he got no word as to whether he had been granted compensation or not. He was led to believe that everything was all right except that they wanted to interview a witness, the old man who was then away on holidays. Apparently the witness was not satisfactory because in ten weeks' time when he eventually got a decision from the office they told him they could not grant him compensation.

**Mr. Walsh:** They rejected his claim?

**Mr. DECKER:** Yes. I happen to know that man. I know his character and in my opinion there is no more conscientious man alive. His name is Anderson. He came to me and explained his case and I wrote to the Commissioner, giving him a recommendation as to the man's veracity. In my opinion there was no doubt about the case.

**Mr. Walsh:** Did he exercise his right of appeal to the industrial magistrate?

**Mr. DECKER:** I got word back in a few days that they would review the case, and a very short time after that they wrote saying that they would not alter their previous decision, and that his claim was rejected. This man had no money with which to go to the court, and his wife during that ten weeks had to go out working to get money to keep the house. When he came to me he asked what he should do. He had no money to fight the case.

I recommended him to see the secretary of the union to see whether the union would take up his case for him. He is not fit to go back to his old occupation; he is still a sick man. However, through the action of a friend he was able to get another job and

has changed his occupation from that of a carpenter, I understand, to that of a night watchman. We have the Workers' Compensation Act, which is for the benefit of the workers, and if there is the slightest doubt at all it should be given to the worker.

**Mr. Walsh:** It always is.

**Mr. DECKER:** It cannot be. I have submitted a case in which in my opinion there was not the slightest doubt, but putting it at its best from the point of view of the Commissioner, there was an equal doubt and it should have been given to the worker.

**Mr. Wood:** What did the union secretary do?

**Mr. DECKER:** I do not know. The man has taken another job and has lost interest in his case. There is no need to take my word for this. All the information will be on the files of the department, and if the Minister will look them up he will find that I have accurately stated the case. I repeat that where there is the slightest doubt at all it should be given to the injured worker. All the evidence was in his favour. He has been passed by the Army and he has worked for six years. Then he meets with an injury, continues at work, but gets sick in the bus on his way home. He is taken to hospital. Everything points to the fact that he was injured at his work. Perhaps if there had been a foreman on the job he would have kicked up a noise about it and something would have been done, but these conscientious fellows do not do that sort of thing. After he was injured he worked all the afternoon. I do not think this is an isolated case.

**Mr. Low:** I have found them very tough in their decisions, too.

**Mr. Walsh:** Get up and give your cases.

**Mr. DECKER:** There are other cases but I have not all the details now. We must take a step forward in this connection, because I feel that the office is going too far on the administrative side in protecting the office as against the worker. If I were in charge of the department and there was any doubt whatever, I should direct that the benefit be given to the worker.

**Mr. DONALD (Bremer) (3.33 p.m.):** I did not intend to take part in this debate, but the accusations by the hon. member for Sandgate brought me to my feet. I can say without fear of contradiction that over a considerable number of years I have handled more compensation cases than any 10 hon. members in this Chamber. I can speak with authority. The treatment we have had from the office throughout the State from the lowest claims officer right up to the Commissioner himself has been sympathetic all the way through. Where there was any doubt it was given to the injured worker, and I am not saying that just for the sake of talking. That statement can be verified by an examination of the reports of the Miners' Federation from year to year.

It has been contended that it was an anti-Labour Government who were responsible

for putting the first Workers' Compensation Act on the statute book of this State, and while I admit that the claim is correct, it must not be forgotten that the legislation was passed only because of the demand and the pressure of the then Labour Opposition on the Government of the day.

Let us examine the extent of the benefit of that legislation to the workers of this State. To all appearances it was legislation designed to aid the injured worker, but in practice it did not work out that way. The hon. member for Kelvin Grove gave an illustration of what happened and how the legal man got more out of it than the injured worker. It has been said that under the old Act the legal fraternity got more than the workers who were injured. I defy the hon. member for Sandgate or any other hon. member in or out of this Assembly to point to any case that has not been dealt with fairly by the Insurance Commissioner.

I cannot do better than give an illustration of what happens when a member of the Miners' Federation is injured at work. The injured worker fills in a form, which is sent to the union office, and the claim is then sent to the State Insurance Office at Ipswich or one of the C.P.S. offices throughout the State, according to where the accident happened. The employer also sends in a form. The money is collected by an official of the union and the cheque is sent on to the injured worker. In very few cases does the injured worker come in contact with the compensation officials. That is not an indication of how difficult it is for an injured worker to get compensation; on the contrary, it demonstrates how easy it is for an injured worker to get compensation in Queensland.

I invite anyone to compare the experiences in regard to collecting compensation in this State, where it is a State monopoly that is handled sympathetically, and the experiences in New South Wales where private enterprise controls it. A comparison shows that all the credit must go to the men in control of our State compensation in Queensland. In New South Wales in every district of the Miners' Federation there are employees of the federation who are called district compensation officers who are engaged to fight cases for compensation. What is the position in Queensland? We pay our solicitor a retaining fee and that is all we spend in legal expenses from year to year. Over the last 20 years I do not suppose it has cost the Miners' Federation £10 10s. to fight any legal action in Queensland, whereas in the southern district of New South Wales the legal and doctors' expenses run into four figures every six months. That can be proved by an examination of the balance sheets of the Miners' Federation in New South Wales, and our own balance sheets in this State.

The case mentioned by the hon. member for Sandgate may or may not be correct. It is only human to expect that the Commissioner or his agents want a witness to the accident. If that witness was available and



if the evidence was given to the Commissioner the claim would have been admitted. As to an injured worker's not having sufficient money to prosecute his claim, if he was a member of a union the union would pay his full legal expenses. If any union refused to do that it would not be worthy of the name of an industrial union.

**Mr. Low:** How long do you find it takes to clear up an application?

**Mr. DONALD:** How speedily a claim is dealt with depends on the facts in each case.

**Mr. Low:** What do you call "speedily?"

**Mr. DONALD:** More speedily than you would get satisfaction from private enterprise. There are disputed claims, and in those cases the applicant receives every consideration and sympathetic treatment. The ordinary claim is paid promptly without hesitation and without the insurance people seeing the injured worker.

Where there is heart strain or rupture or dislocated or bad knee, it is dealt with most sympathetically. But the injury has to be established. Would any reasonable man argue that the money held in trust by the Commissioner should be paid out without full examination and investigation? If claims were paid out without investigation hon. members opposite would be the first to complain about slack administration by the Commissioner and his staff. It matters little whether it takes three, four or six days, or even a fortnight or a month to meet claims; the important thing is that every claim is investigated thoroughly and no-one is treated unfairly. I challenge anyone anywhere to produce one case in which the Commissioner has rejected a claim that should have been met. I say without fear of contradiction that this cannot be done, and I am convinced of that from my experience of the State Government Insurance office. I have the highest admiration for it and the greatest appreciation of the benefits it has given to the injured worker in the mining industry, and the treatment it has given to the miners has been extended also to the men engaged in every other industry.

A perusal of the Commissioner's report will disclose that what I say is true. For instance, the Commissioner points out that for the year ended 30 June, 1951, the claims made numbered 33,996, of which 241 were rejected. To these rejections there were 15 objections and applications to the industrial magistrates for determination. Of those 15, two were settled before being heard, five were not proceeded with by the claimants, three had not been decided by 30 June, 1951, and five have not yet been heard by the industrial magistrate. That in itself endorses everything I have said and defies contradiction.

Claims made under Section 14B relating to mining diseases are very difficult because an incapacitated worker could be suffering from disease, and again the Commissioner has to exercise caution. In his report he says—

"Claims intimated totalled 52, as against 60 last year. Of these claims,

eight were rejected. Only one objection was received and this has not yet been heard by the industrial magistrate."

There we have a ticklish situation in that it is rather difficult to establish that the incapacity is due to disease or disability caused by the nature of the industry in which the incapacitated worker is engaged. Last year, as the Commissioner says, of a total of 58 claims, only eight were rejected and only one of those eight thought it worth while to pursue his claim any further. I emphasise here, too, that the reason why the other seven did not pursue their claims further was not that they lacked money, because under this scheme the employee concerned would be a member of either the Australian Workers' Union or the Miners' Union and neither of those organisations neglects to look after its injured workers.

I think that adequately refutes the suggestion that there has been any unfair dealing by the Commissioner or any member of his staff to any injured worker.

We ought to be grateful to the members of this party who felt in the first instance that an Act to provide compensation was necessary and who showed such tenacity of purpose that they were able to force an anti-Labour Government to put such an Act on the statute book. We owe a debt of gratitude also to the members of this party who, as the Government of Queensland, have amended the Act from time to time and given the injured worker as much as the State Insurance Office would give him, certainly perhaps not as much as he would earn if he was not injured but as much as the office could afford. We owe a debt also to these leaders of thought who kept the premiums as low as possible commensurate with a reasonable amount of compensation to the injured worker, and who so framed the Act that the benefits resulting from the premiums went to the worker without the expense of engaging members of the legal fraternity to establish their claim.

The Workers' Compensation Act gives the maximum of comfort to those workers who are injured and incapacitated by disease as the result of injury and I hope that the Government will continue to amend the Act when they find it necessary and when it is possible to do so.

**Mr. SMITH** (Carpentaria) (3.46 p.m.): I had not intended speaking to this Bill until I heard the hon. member for Sandgate saying that the benefit of the doubt was not given to the worker in the matter of compensation claims. I represent an electorate in the far north west of the State where medical facilities are not as those to be found in a modern city, but are gradually being brought up to the standard, and I know something of what happens in regard to claims for compensation. I recall the instance of a man who was prospecting on a mineral field and became sick and thought that he was suffering from silicosis. Cases such as this often happen and a worker might often feel that he was suffering from some industrial disease. If there is any doubt the sick man receives the benefit of the doubt

and very often for the purpose of further examination the Insurance Commissioner will pay that man's fare from his place of work to Brisbane. Although he may be working in the Far North West the Commissioner will pay his train fare to Brisbane, make arrangements for his accommodation here, and have him examined by the best medical services in the city. He will have him submitted to x-ray examination and so on. What more could he do? Yet the hon. member for Sandgate says that workers do not get the benefit of the doubt or assistance.

I can recall another instance of a man working at Mount Isa who went to hospital with a hernia. The doctor was not satisfied that his occupation brought about this complaint and I took up the case with the Insurance Commissioner. Investigations were made and in a short while that man was receiving the compensation due to him. I just mention such cases to show how the Commissioner has handled these matters in my electorate and I do not know why it is that hon. members opposite have complaints. If I place a matter before the Commissioner he will certainly investigate it.

I can recall another case of a man who died suddenly on a job. It was contended that he had a rheumatic heart and that his work was the cause of his death. Representations were made to the Commissioner, who investigated the man's medical history and within a short time—say a couple of months—it was found that the work he was doing had caused his death and the widow received compensation, to which she was entitled. These things are going on all the time. I know that I have had several rejections of compensation claims but claims are not rejected until the Commissioner has had the case very thoroughly investigated and gone into the medical history of the person concerned and perhaps brought him to Brisbane at the department's expense. I repeat that the Commissioner pays the railway fare or the plane fare, hotel or boarding-house accommodation expenses in Brisbane, and if the claim is rejected the man concerned goes back to his employment quite satisfied. He is satisfied that he has had the best medical attention he could receive in Brisbane where the medical facilities are greater than in the country. I do not say that every claim is met by the Commissioner and I have had claims rejected because it was found that a man's work did not cause his death or that his accident was not caused when he was working.

**Mr. Low:** In many cases hardship is experienced whilst investigations are being made.

**Mr. SMITH:** The hon. member talks about hardships, but I know that the Insurance Commissioner will make a token payment to overcome hardship. He is not hard-hearted. I could quote many cases in which he has made a token payment to overcome hardship.

**Mr. Low:** Is that known generally among the workers?

**Mr. SMITH:** It should be. I have in my room quite a few copies of a document that was issued only last year, or the year before, by the then Treasurer, showing what the workers are entitled to under this legislation. That pamphlet points out that token payments may be made by the Commissioner in cases of hardship. I could refer the hon. member to the case of a man who was working in the tool-sharpening section of Mt. Isa Mines, and whose eyesight was affected. He had previously lost part of the sight of one eye whilst working underground. At his own expense, the Insurance Commissioner brought that man to Brisbane and paid for his accommodation while he was here. He was sent to an eye specialist, who said that his eyesight was affected. As the result, he received a certain amount of compensation and was told that if he had any further trouble with his eyes he would receive the full amount of compensation on submitting a further claim.

We hear hon. members opposite talking about the lack of interest on the part of the Insurance Commissioner and his staff in matters connected with workers' compensation. I am not saying, of course, that all claims for workers' compensation are genuine; I suppose each of us knows of cases where people have tried to "put it over" the Insurance Commissioner for workers' compensation. In those instances, however, the claims have been rejected after thorough investigations have been carried out.

In conclusion, I should like to say that I have no personal knowledge of any occasion on which the Insurance Commissioner has not been sympathetic. At all times he gives the worker the benefit of the doubt in any application that is made for workers' compensation.

**Hon. E. J. WALSH** (Bundaberg—Treasurer) (3.53 p.m.): Generally speaking, hon. members opposite have indicated by their remarks that they support the main principles of the Bill as I outlined it. After indicating that, of course, several hon. members proceeded to deal with different phases of the administration of the Workers' Compensation Act. I refer particularly to the remarks of the hon. member for Sandgate and the hon. member for Mt. Coot-tha, who seemed to deplore the necessity for regularly bringing down amendments to this Act year after year. However, that is just as we should like it; as we go along, we see the necessity for these reforms, and I think the hon. member for Mt. Coot-tha will agree that we have introduced many amendments over the years that have conferred considerable benefits on injured workers and their dependants.

**Mr. Morris** interjected.

**Mr. WALSH:** The hon. member appeared to ridicule the fact that this legislation was amended from time to time. I will give him some figures later on to indicate how generous are payments under this legislation in Queensland in comparison with those in other States. Hon. members have not been disposed

to quote the operation of the Workers' Compensation Acts in other States, because largely they have been under the control of private interests. The hon. member for Sandgate appears to be a relic of the very old brigade of Conservatives who many years ago, in 1916, opposed the introduction of the Workers' Compensation Act. It is a great thing to have a good memory in these matters. I recollect reading that the then Leader of the Opposition, the Hon. J. Tolmie, actually brought a petition into this House and moved that it be received, and asked that counsel be heard at the bar of the House on behalf of certain business interests that thought that they would be very materially affected by the introduction of the Workers' Compensation Act. I refer to that fact to show that I am not speaking at random.

**Mr. Decker:** It is rather poor when you attack a member in that way.

**Mr. WALSH:** I said that the hon. member appears to be a member of the old brigade when he criticises the Act in the way in which he did.

**Mr. Decker:** Why do you not quote the case I cited?

**Mr. WALSH:** The hon. member need not be afraid I am going to run away. I know hon. members do not like these things to be resurrected, and I know that if they got back into power they would reduce the benefits that the insured workers and their dependants throughout the State are getting at the present time.

On page 676 of the "Hansard" report of 14 September, 1915, in the course of speaking to his motion that the petition be received, the Hon. J. Tolmie had this to say—

"I beg to move that the prayer of the petition be taken into consideration forthwith. The facts of the case have been stated very fully in the petition itself. The petition points out that certain business men, who have embarked a very considerable amount of capital in their enterprise, are under the impression that certain legislation now before this Chamber might have an effect extremely prejudicial to their interests as businessmen, and it is likely to affect the interests of a very considerable number of persons who are dependent on that particular business for employment. They feel that there is no desire on the part of this Chamber to inflict a personal injury on them, also that there

is no desire on the part of this Chamber to inflict an injury upon the industry that is being carried on. The probabilities are, if the House gives them permission to state their case by counsel, at the bar of the House, that they may be able to put such facts before this Chamber as will induce the chamber to modify some of the conclusions that they may have arrived at in connection with this particular legislation. The reasons why they have made this prayer to the House are fully set forth in the petition. They are justified in coming before the Chamber, and it is for the Chamber to say whether it will hear counsel or whether it will not hear counsel. It has always been the desire on the part of members of this Chamber to mete out justice to all persons in the State."

That was their attitude. They were prepared to assist any interest to prevent the passing of the Workers' Compensation Act at the time it was introduced into this House by the late Hon. J. A. Fihelly, whose name was for many years revered because of his association with that Act.

Obviously I have not the facts of the case the hon. member for Sandgate mentioned, but I can assure him that I will look into them. I cannot say more than that, but it is very obvious to me that if the Commissioner has rejected that claim he must have fairly sound grounds for so doing. The history of the department shows that considering the number of claims received and the amounts that have been paid out, a very small percentage of cases have been rejected by the Commissioner. In any case, the claimant has the right of appeal to the industrial magistrate. If a claimant fails to exercise his right of appeal to the industrial magistrate, who is the independent arbiter between the Commissioner and the claimant, the Commissioner cannot be blamed for that. It is all very well to say that the claimant was not able to find the money. If his case was a very good one I imagine that he would have been able to get someone to back him. The Commissioner is always very lenient as far as legal costs go and in many cases has not claimed them at all.

Let me give hon. members some idea of the number of claims received, the amount paid, the claims rejected, the number referred to the industrial magistrate and the ratio of rejected claims over a 10-year period from 1942 to 1951. Here are the figures—

	Claims Received.	Amounts Paid.	Claims Rejected.	No. referred to Industrial Magistrate.	Ratio of Rejected Claims.
		£			%
1942 .. .. .	24,893	616,481	460	38	1.848
1943 .. .. .	23,605	543,314	359	43	1.521
1944 .. .. .	23,024	548,623	345	31	1.498
1945 .. .. .	24,632	625,691	283	20	1.149
1946 .. .. .	27,384	734,317	201	8	.734
1947 .. .. .	33,447	960,455	257	20	.768
1948 .. .. .	34,351	1,040,993	199	24	.579
1949 .. .. .	34,004	1,055,929	274	24	.806
1950 .. .. .	33,514	1,021,815	312	15	.931
1951 .. .. .	33,996	1,133,570	241	10	.709
Total .. .. .	292,850	8,281,188	2,931	..	Average 1.001

Hon. members opposite must agree that the figures show a very small ratio of rejected claims. Despite what the hon. member for Coorooora might say and despite what the hon. member for Sandgate might say—and his views are not generally accepted by members of the Opposition—there has been very sympathetic administration by the Commissioner in connection with claims.

I come now to some very serious matters, and very important matters too, that were raised by the Deputy Leader of the Opposition. He referred to certain contracts that were under way in the Abergowrie area in particular and generally throughout North Queensland—if I quote him correctly.

**Mr. Hiley:** In the cane areas.

**Mr. WALSH:** In areas being prepared for sugar-cane production. I have some knowledge of the cases in the Abergowrie area, because they have been brought under my notice by the hon. member for Hinchinbrook on quite a number of occasions. It was again before the Commissioner as a result of his representations. The Commissioner informed me some time ago he had taken the matter up with the people complaining about the position in the Ingham area, and he did not appear to be getting assistance from those who had been in communication with him about the matter. There is a suggestion that ex-service men were involved and the Commissioner desired to know the number affected but he could not get the information to which he is entitled. Why should they withhold that information? They should be able to state the number, and not use ex-service men in order to get some concession.

The Leader of the Opposition is aware of the regulation that covers this form of work. The regulation under the Act deals with contracts, and rates of premium are set out in Regs. 6 (a), (b) and (c).

Reg. 6 (a) reads—

“If the contract is for labour only, on 100 per cent. of the contract amount.”

If the rate is 60s. per 100 and if the contract figure is £2,000, the premium would be paid on the full amount of £2,000.

Reg. 6 (b) reads—

“If the contract is for labour and plant, on 50 per cent. of the contract amount.”

He is understood to be charged with 50 per cent.; if the contract is £2,000 they charge on £1,000 only. (c) says, “If the contract is for labour and material, on 33 per cent. of the contract amount.” It appears that the contention is that assessment should be made under (c).

**Mr. Hiley:** Fifty per cent. is the rate charged. The contention is that they are paying 50 per cent. on the proportion of labour whereas the contractor is paying on every penny of labour under that contract.

**Mr. WALSH:** I am informed by officers of the department that the same rule is applied in connection with the Abergowrie land as is applied to other areas in similar work.

**Mr. Hiley:** Does that make it right? Both should be on the one basis.

**Mr. WALSH:** If the hon. member thinks there is an injustice it can be looked into. Up to the present time, having regard to the sympathetic administration of the department, I do not think they have been charged for something that they should not be charged for. However, if an injustice has been done, if something not in keeping with the general principles of the administration has been done, that matter can be looked into.

The other question raised by the hon. member for Coorooora was the question of common-law rights, generally speaking. This is an involved matter that has been argued frequently, mainly from the point of view of political propaganda, but I am not suggesting the hon. member argued it for that purpose this afternoon. There have been many arguments about whether the injured person should have the right to sue at common law—

**Mr. Hiley:** They can do that now.

**Mr. WALSH:** But they are not entitled to receive damages under both heads; if they are successful in common law they cannot claim workers' compensation.

It has to be appreciated in the first place that the fund from which the amounts have to be paid is a fund into which employers pay for the purpose of compensation. If the right was conceded to have it both ways the employer would be paying in both cases and that would be an injustice. That has never been conceded to be proper practice. As a result of the Act passed last year in relation to the rule of common employment, the position is more intricate. As the hon. member stated, at the present time employers can take this cover out by the payment of a premium voluntarily.

**Mr. Hiley:** Quite a trifling amount.

**Mr. WALSH:** That is true. I think the hon. member said it was an additional 9d. in the £1 of premium paid. It would appear now, having regard to the passing of that other Act, that it would be in the interests of the employers to examine the position with a view to deciding whether it would not be wise to exercise their right to take out extra cover voluntarily with the Commissioner to cover them for civil actions.

**Mr. Hiley:** I think you are right. If it was advisable before the abolition of common employment, it is infinitely more advisable now.

**Mr. WALSH:** That is so. I do not know whether the hon. member would argue that we should compel the employer to protect himself against common-law action.

**Mr. Hiley:** It is something I think we should examine, because I really think it would be in the best interests of both parties.

**Mr. WALSH:** It is refreshing to hear hon. members opposite suggesting that we should compel employers to do something. If it is going to be in the best interests of the employers, I should imagine that they would exercise their right and take out the cover voluntarily.

**Mr. Kerr:** They generally get such a shock when they get their assessments that they do nothing more about it.

**Mr. WALSH:** The hon. member for Sherwood reminds me of something else, but I do not think I should take up the time of the Committee at this stage other than to quote how favourable the position is in Queensland when compared with the premiums charged in Victoria. It might be sufficient at this stage to place on record the benefits that have accrued to injured workers generally and their dependants.

When the Act was amended in 1951, weekly compensation for workers without dependants became—

	£	s.	d.
Males .. .. .	5	10	0
Females .. .. .	5	5	6

Since then there have been a number of basic-wage adjustments, making the compensation now—

	£	s.	d.
Males .. .. .	7	10	0
Females .. .. .	6	13	0

Allowances for dependants were not altered in 1951, but the limit on the total weekly payment was eliminated.

The following is an example of the compensation payable at this date—

	£	s.	d.
Single man .. .. .	7	10	0
Worker and wife .. .. .	9	0	0
Worker, wife and 1 child ..	9	10	0
Worker, wife and 2 children	10	0	0
Worker, wife and 3 children	10	10	0
Worker, wife and 4 children	11	0	0
Worker, wife and 5 children	11	10	0

There is no limit on weekly payments other than the proviso that total compensation may not exceed the workers' average weekly earnings.

The following table shows how compensation has varied since 1945—

	1945.	1951 (prior to amendment).	1952.
	£ s. d.	£ s. d.	£ s. d.
Single man .. .. .	3 11 0	4 0 0	7 10 0
Worker and wife .. .. .	4 11 0	5 10 0	9 0 0
Worker, wife and 1 child ..	5 1 0	6 0 0	9 10 0
Worker, wife and 2 children ..	5 11 0	6 10 0	10 0 0
Worker, wife and 3 children ..	5 11 0	7 0 0	10 10 0
Worker, wife and 4 children ..	5 11 0	7 0 0	11 0 0
Worker, wife and 5 children ..	5 11 0	7 0 0	11 10 0

In 1945 the maximum payment was £5 11s. 0d., and £7 0s. 0d. in 1951.

A comparison of the maximum weekly compensation payable in the various States discloses the following interesting position—

	£	s.	d.
Queensland .. .. .			Nil.
New South Wales .. .. .	7	0	0
Victoria .. .. .	6	0	0

	£	s.	d.
South Australia .. .. .	8	0	0
Western Australia .. .. .	8	0	0
Tasmania .. .. .	6	0	0
New Zealand .. .. .	6	0	0

Another interesting comparison is the following table of weekly payments in the various States—

	Queensland.	New South Wales.	Victoria.	South Australia.	West Australia.	Tasmania.
	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Single man .. .. .	7 10 0	5 15 0	5 10 0	6 0 0	8 0 0	4 0 0
Man and wife .. .. .	9 0 0	7 15 0	7 0 0	7 0 0	8 0 0	5 0 0
Man, wife and 1 child ..	9 10 0	8 10 0	7 10 0	7 10 0	8 0 0	5 10 0
Man, wife and 2 children ..	10 0 0	9 0 0	8 0 0	8 0 0	8 0 0	6 0 0
Man, wife and 3 children ..	10 10 0	9 0 0	8 0 0	8 0 0	8 0 0	6 0 0
Man, wife and 4 children ..	11 0 0	9 0 0	8 0 0	8 0 0	8 0 0	6 0 0
Man, wife and 5 children ..	11 10 0	9 0 0	8 0 0	8 0 0	8 0 0	6 0 0

The hon. member for Mt. Coot-tha can appreciate the necessity for the regular amendments that are made to this Act and I have not the slightest doubt that if we give consideration to the suggestions made by the Opposition we shall probably have another amendment to it next session. If that amendment confers additional benefits to injured workers and their wives, there will be nothing wrong with it.

It is pleasing to know that in the main hon. members opposite have accepted the principles of the Bill as I have outlined them.

Motion (Mr. Walsh) agreed to.

Resolution reported.

FIRST READING.

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

LABOUR AND INDUSTRY ACT  
AMENDMENT BILL.

INITIATION IN COMMITTEE.

(The Chairman of Committees, Mr. Farrell, Maryborough, in the chair.)

**Hon. A. JONES** (Charters Towers—Secretary for Labour and Industry) (4.19 p.m.): I move—

“That it is desirable that a Bill be introduced to amend the Labour and Industry Act of 1946, in certain particulars.”

This is a very short Bill and contains really only one principle, which is to abolish the office of Director of the Bureau of Industry and Under Secretary of the Department of Labour and Industry and to create two separate offices designated Under Secretary, Department of Labour and Industry and Director of the Bureau of Industry. It appoints the person who occupies the office or performs the functions and duties of Under Secretary, Department of Labour and Industry, to be the permanent head of the department for the purposes of the Public Service Acts.

As hon. members are aware, this legislation has been brought about mainly by the resignation of Mr. Colin Clark as Director of the Bureau of Industry and Under Secretary, Department of Labour and Industry. He held the dual position and I think hon. members are aware that not many men could fill those positions successfully.

I do not think—and I say this with all respect to Mr. Clark—that it was a successful combination as far as he was concerned, because the position of Director of the Bureau of Industry particularly took him away from the State for long periods of time. During the two years that I have been Minister in charge of the department, Mr. Clark has been away from the office for as long as he has been in it; he was overseas on several occasions.

As I say, I do not think there are many men with the qualifications to fill these two positions. I think most hon. members will agree that a man may be a first-class economist but not a good administrator. I do not think it was a good idea to combine these two positions in the first place.

**Mr. Hiley:** Was there ever any need to combine them by statute?

**Mr. A. JONES:** I do not think so. I quite agree with the hon. member. The Under Secretary at the time, Mr. Colin Clark, could have been made Director of the Bureau of Industry also, without any legislative authority.

As I say, all that this Bill does is to separate the dual positions. It will be necessary to pass it before we can make an appointment to the position of Under Secretary of the Department of Labour and Industry.

**Mr. DEWAR** (Chermside) (4.22 p.m.): I agree with what the Minister has said about

separating these two positions. If I am permitted, I should like to make a suggestion to the Minister to incorporate within the duties of either of these two offices something that may or may not have been dealt with in the past. I feel that this is a very important matter and I shall preface my remarks by saying that last Sunday I was requested by a constituent of mine to inspect a new home that he was building. Like many other men who are placed in the same economic position as he is, he has been building this house himself for two years. About a year ago he obtained from a plastering firm in Brisbane a quote of £148 to plaster the house. After waiting for some months for the plasterer to start the job, he received a telephone ring to the effect that a mistake had been made in the quote and that the price would be £187. Like many other people at that time, he was desperately in need of accommodation and was afraid that if he did not accept the increased price he would be in a difficulty. He accepted the price and, to cut a long story short, he got the most frightful plastering job that it is possible to imagine. Not only has he been forced to pay an extra £40, but the job is quite hopeless. He engaged solicitors, who have been fighting the solicitors for the plastering firm about whether the job should be paid for. The thing developed to such a stage over the months that quite recently his solicitors and the plasterers' solicitors and the vice-president of the Plasterers' Association of Queensland went out and inspected the job. The vice-president of the Plasterers' Association of Queensland has admitted that there is no standard to which plastering work must be carried on in Brisbane; in other words, plastering work in Brisbane is not done according to anything that is prescribed by the Standards Association of Australia.

**The CHAIRMAN:** Order! I am trying to ascertain where the hon. member's remarks are leading.

**Mr. DEWAR:** The point I am trying to make is that, to my mind—and this comes under labour and industry—at present there are no—

**The CHAIRMAN:** The Bill deals with only one principle. I ask the hon. member to make his point as quickly as possible so that I can determine whether he is in order or not.

**Mr. DEWAR:** I am trying to explain that the standards prescribed by the Standards Association are not adhered to in all callings throughout the State.

**The CHAIRMAN:** I ask the hon. member to deal with the principles of the Bill.

**Mr. DEWAR:** This man being faced now with legal expenses, was forced to settle out of court because he did not have the money to fight the case. I believe it should be the duty of the Director of the Bureau of

Industry, or it should come under the jurisdiction of the Under Secretary, to see that the standards as laid down by the Standards Association are adhered to in all industries in Queensland.

Only yesterday I was told of another case in the furnishing trade. As you know, in the furniture trade a number is issued to each furniture manufacturer and he is supposed to stamp that number on every article of furniture he makes, and also something to the effect that "This article conforms to the standards required by the Standards Association." A lad bought a dining-room chair and when he sat on it it collapsed; there was only one spring in the seat. No number was on the chair and it was impossible to trace who had made it. There again is another industry where working men are being taken down because standards are not being adhered to. I think it is quite easy to imagine that this could come within the scope of either of the two officers I have mentioned.

**Hon. A. JONES** (Charters Towers—Secretary for Labour and Industry) (4.28 p.m.): There may be something in what the hon. member has just said, but after all we are discussing a motion as to the desirability of introducing a Bill for a certain purpose. The matter discussed by the hon. member certainly does not come within the scope of the Bill we are discussing.

Motion (Mr. A. Jones) agreed to.

Resolution reported.

#### FIRST READING.

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

The House adjourned at 4.31 p.m.