Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 30 OCTOBER 1918

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The PRESIDENT (Hon. W. Hamilton) took the chair at half-past 3 o'clock.

YARRAMAN-NANANGO RAILWAY EXTENSION.

APPROVAL OF PLAN, ETC.

The SECRETARY FOR MINES (Hon. A. J. Jones), in moving—

> "1. That the Council approve of the plan, section, and book of reference of the proposed railway extension from Yarraman to Nanango, in length 15 miles 76 chains, as received by message from the Legislative Assembly on the 22nd October.
>
> "2. That such approval be notified to the Legislative Assembly by message in the usual form."

said: As hon. members know, this railway proposal was submitted to a Select Committee, whose report is in the hands of hon. members—a majority report which is not favourable to the construction of the line. The proposal has also been submitted by the Government to a Royal Commission appointed to inquire into this particular extension, which, after taking voluminous evidence and examining many witnesses, recommended

its construction. I know the district very well, having represented that electorate in the Legislative Assembly in three Parliaments. As a matter of fact, in the year prior to that in which I was first elected to the Assembly, there was only 11 miles of railway in the whole of that beautiful Burnett district, and the railway from Kilkivan to Kingaroy was opened in my time. I believe that it was passed by the Philp Administration, but was completed at the time when Sir Arthur Morgan was Minister for Railways. This line opens up very good land—good agricultural land—and also makes available some large quantity of timber that is not available at the present time—the carriage being too far. As hon. members know, the nearer timber areas are brought to railway facilities the greater the amount of royalty which can be recovered by the Forestry Department for the State. This is also a very important connection. I hold a personal opinion on the matter—and this argument may apply to very many other railways—I think that it is a great pity that the whole plan of a railway system of a district like that is not worked out in the first instance, instead of having little sections started here or there without any such consideration. And if the whole needs of the district were taken into consideration in that way and the various connections planned, this railway should have been built long ago. It will connect the Brisbane Valley with the Lower Burnett Railway. The distance is not very great. It has been suggested that a connection should also be made from Tarong to Cooyar—that is, connecting the Burnett with the Darling Downs—another short extension of 14 or 15 miles. I had the privilege of being a member of the Public Works Commission when that line was submitted to them. However, I was transferred from that position to the position I now hold before the time for summing up came, and, therefore, did not express my opinion upon that particular extension. I think that the connection of these three systems must be made. If a connection were made from the Darling Downs to the Lower Burnett, it would open up for the Western country a lot of relief country in time of drought. That is a very strong argument in its favour. But 30 miles of railway would now connect those three important lines. In conection with the present proposal it is true that there is a rival route—from Yarraman to Tarong. That route also would open up some very valuable timber country and some large Crown reserves. The Government strongly recommend the building of the line from Yarraman to Nanango. It will shorten the distance to Brisbane by a great many miles. As a matter of fact, I anticipate that the traffic which now comes from Kingaroy right round through Theebine to Brisbane would go over this line.

Hon. E. W. H. FOWLES: That would lessen the returns on the other lines.

The SECRETARY FOR MINES: Yes, there is no doubt about that—that I think is pointed out in the report—but in asking that this line should be extended I think we should take into consideration the people who have settled in the Coolabunia Scrub and other rich parts of that district, and we should give them a line which will bring them to the capital of the State in a reasonable and shorter distance, if possible. This will do that. I anticipate that trade will come to Brisbane from as far as Murgon on the Kilkivan-Kingaroy line. It must be understood, however, that the line is not being advocated merely in the interests of Brisbane. It is being advocated in the interests of people who have settled in the district. We must bear in mind that the whole of the Coolabunia Scrub was settled under agricultural homestead selection conditions at 2s. 6d. per acre, and the settlers who grew maize on the very rich scrub land had to cart their produce 56 miles to Kilkivan. They struggled on for years and years, and, when the railway was built to Coolabunia, they became more prosperous, and the timber they had left on their selections no doubt compensated them for their many years of struggling. If the Kingaroy extension had been made years before it was, millions of feet of beautiful timber could have been sold; but, because of the lack of a railway, that timber was burnt so that the land could be placed under crop. This line will afford a valuable connection between the South Burnett Railway system and the Brisbane Valley Railway. The connection will only be 17 miles in length, and I have no hesitation in recommending the line to the Council. As chairman of the Select Committee and as the representative of the Government in this Chamber, I am in favour of the line. Nothing we can do would be more beneficial to the district than to give the people connection with the Brisbane Valley Railway. Nanango is a very old established town, and the people there were promised a line for years and years. They eventually got it from Kingaroy, but, in my opinion, the district should have been connected by rail with Brisbane many years ago. However, Maryborough and other influences were too strong, and the line went the other way; and the best thing we can now do is to make this connection.

HONOURABLE MEMBERS: Hear, hear!

HON. A. H. WHITTINGHAM: I rise to support the Minister in his advocacy of this line. It seems to me that it is a line that we might well pass, and I hope that, when it is passed, it will be built. In looking through the report I see that Mr. Hodge, the member for the district, said in his evidence—

> "If this small section of railway is completed, it will give the department an opportunity of diverting the traffic to this line, and thus relieve the congestion on the main North Coast Railway."

If it would only do that—though we look to it to do other things as well—but if it only diverted some of the traffic from the North Coast Railway, it would be a great help, not only in regard to passenger traffic, but in the matter of produce and stock. We know very well that stock coming from the far West get to a certain point on the North Coast line, and for various reasons, but particularly owing to the congested traffic, very often they have to be sidetracked and kept there for some time, resulting in a considerable loss in the weight of the stock, and very often in losses from death. Mr. Hodge further says that the construction of the line will save 80 miles in the distance from Nanango to Brisbane by rail. That is a big consideration. Apparently, the line will not be an easy one to build on account of engineering difficulties, and it will be an expensive line to construct. At the

same time, it will open up some very good forest land and also some land that is very suitable for dairying purposes. It will certainly bring those lands very much nearer to Brisbane and to a market. If we put settlers on the land, especially in the dairying industry, what is the good of putting them in a place where they have not got a market? Well, this line will help things very much in that direction, and I hope it will be passed. (Hear, hear!)

Question put and passed.

HAUGHTON RIVER LOOP RAILWAY.

MOTION FOR APPROVAL OF PLAN, ETC.

The SECRETARY FOR MINES, in moving—

"1. That the Council approve of the plan, section, and book of reference of the proposed Haughton River Loop Line, in length 9 miles 72 chains, as received by message from the Legislative Assembly on the 22nd October.

"2. That such approval be notified to the Legislative Assembly by message in the usual form,"

said: I am encouraged to be brief in moving this motion, in view of the generous way in which the Council has treated the proposal I have just submitted. I hope that this line will receive the same consideration. The estimated cost of the line is set down by the Commissioner for Railways at £31,533, including survey, rolling-stock, and depreciation. The line is one which is submitted by the Government purely in the interests of those engaged in the sugar industry in this particular district. It is a loop line, beginning on the North Coast Railway at the 27-mile peg from Townsville, and forms a complete loop, rejoining the main line at a place called Giru Siding. The length of the line is only 9 miles 72 chains. The country is well settled by farmers who are engaged in growing cane, and they must have some means of getting their cane to a mill so that it can be crushed and converted into sugar. The line has been submitted by the Government to the Public Works Commission, who recommend its construction. The country is all level and open, and the cost of construction is not great, the engineering difficulties being almost nil on account of the level nature of the country. Since the Public Works Commission reported on the line, the Select Committee, of which I was chairman, have learned that it is proposed to erect a sugar-mill at a point half a mile from Giru Siding on the main line. The mill is to be erected on portion 13v, where 100 acres have been reserved as a site for a sugar-mill.

Hon. E. W. H. FOWLES: That will make a big difference to the line, will it not, according to the evidence?

The SECRETARY FOR MINES: The mill will be within half a mile of the main line, and the proposed loop line will run right through the mill site. In any case, sugar-mill or no sugar-mill at that particular place, the people in the district need to have some means of getting their cane to a mill, whether that mill be the mill which has just been purchased or any other mill that they will supply with cane until their own mill is erected. The line is strongly recommended by the Government. The Select Committee have taken evidence on the subject, and their report is now before the House. I cannot urge too strongly that this line should be built in the interest of those people who are growing sugar-cane in that particular area. To show the bona fides of the farmers in this matter, I may state that when the Public Works Commission were taking evidence in the district in connection with the line, the sugar-growers offered to contribute 1s. per ton on every ton of cane grown towards the cost of the line. That offer shows their bona fides, and proves the necessity for the construction of the line.

Hon. A. J. THYNNE: Have you any information as to what the probable tonnage would be?

The SECRETARY FOR MINES: No, but from perusing the report of the Public Works Commission, we gained the information that the whole of that area is under cane, and it stands to reason that if this line is built a greater area will be put under cane in the neighbourhood. Mr. Easterby gave us some evidence, but we did not get from him the actual estimated tonnage of sugar-cane grown in the district. Even if the Invicta Mill, which has been purchased, is erected in the district, as I understand it will be, the farmers will need some way of getting their cane to the mill. The Public Works Commission did not entertain any idea of accepting the offer of the farmers to contribute 1s. per ton on the cane grown towards the cost of maintaining the line, and I think it would be an unwise thing for the Government to entertain the offer, seeing that we have abolished the railways guarantee system. It would be unfair to make fish of one set of people and flesh of another set, and I think it is in the interest of the State that this line should be constructed. The line is strongly recommended by the member who represents the district in the Legislative Assembly. He has been untiring in his advocacy of the line, not only when it was before the Legislative Assembly, but also at other times, and has frequently put the claims of the district for this line before the Cabinet. I refer to Mr. Foley, the member for Mundingburra, who knows the district very well. I hope the House will treat this line in the same generous way as they have treated the Yarraman-Nanango proposal. I beg to move the motion standing in my name.

HON. W. STEPHENS: I happened to be a member of the Select Committee to whom this line was referred, and I may say that it is one of the few committees on which the members have been practically unanimous in their decision. The Committee were practically unanimous against the building of this line, because the conditions of the district have been absolutely altered since the matter came before the Public Works Commission. At the time the matter was being inquired into by the Public Works Commission, a number of farmers had to cart their cane from 25 to 30 miles to the mill, and it was proposed to build a loop line in order to enable them to get their cane to the mill. Since the Public Works Commission have made their report, the farmers have purchased a mill, and are going to erect it in the district. Mr. Easterby told the Committee that if the mill is erected as proposed, there would be no need for this loop

line of railway, but that the mill should be connected with the main line so as to enable farmers to get their products in and out. According to Mr. Easterby, a portable tramline would be the most suitable arrangement for carting the farmers' cane to the mill, as when once the trucks are filled they can be sent on to the mill and need not be returned immediately. But if a railway is built, the trucks will have to be emptied at once and sent back to be loaded again. The proposed mill will be only half a mile from the main line, and Mr. Easterby was strongly of opinion that the mill should be connected with the main line, and that a tramway should be put down to cart the cane to the mill. He said that was the cheapest and most profitable way of doing the business. The Select Committee would have liked to have referred the matter back to the Public Works Commission in order to ascertain whether under the altered conditions the Commission would bring up a different report; but we found that it would not be legal to adopt that course, so we decided to recommend that the plans of the railway should not be approved of. The adoption of the Committee's recommendation will not cause any delay or result in any harm, because even if we pass this line now, it will not be built for a year or two, as the Government have not the money or the rails. I am prepared to back up the opinion of the expert, Mr. Easterby, and vote against the present proposal.

HON. T. NEVITT: I may mention that no member of the Select Committee is antagonistic in any shape or form to the district in which it is proposed to build this line. (Hear, hear!) We all realise that it is a district which is worthy of being opened up, but since the Royal Commission on Public Works made their report the conditions have altered very much. At the time that report was made the farmers of the district were carting their cane for a distance of 17½ miles, at a cost of from 2s. 6d. to 12s. 6d. per ton. On the top of that they had to pay from 6s 9d. to 14s. 9d. per ton for cutting the cane. That works out at an average of 10s. 6d. per ton. Add to that 10s. 6d. the cost of cartage at 12s. 6d. per ton and you find that it cost the farmers 23s. per ton to take their cane to the mill. Cane is worth only 38s. per ton, so that the growing of sugar-cane in that district is a very unprofitable undertaking. But the Select Committee considered that, now the farmers have purchased the Invicta Mill, and intend to remove that mill from Bundaberg and erect it within half a mile of the main line running from Townsville to Ayr, it would better suit the interests of the farmers to build a 2-foot tramway to cart their cane to the mill. By that means the cane farmers will be able to get the best results from their labours. The Hon. Mr. Stephens made one slight error in his remark, when he said that men were carting cane from 25 to 30 miles. The furthest distance they have to cart cane is 17½ miles. There is another thing. To show their bona fides, the farmers made an offer to the Public Works Commission, if this railway was built, to penalise themselves to the extent of 1s. per ton extra freight on their cane to the mill. I think the best thing we can do would be to make a recommendation in some way or other to the Public Works Commission that they should inquire further into the matter in view of the present altered conditions. As the Hon. Mr. Stephens remarked, it will not delay matters, because it [4 p.m.] will take twelve months, I presume, to dismantle the mill at Bundaberg and re-erect it in the Haughton Valley, and by that time arrangements will be able to be made by which the district can be supplied with a 2-foot tramline at very much less expense than this railway.

HON. A. G. C. HAWTHORN: It seems to me that very little injustice will be done to the people in the neighbourhood by refusing to pass this line at the present time. We are asked to pass a line of 9 miles in length, which, to my mind, from the evidence given, will be absolutely useless, and certainly unnecessary. The purchase of the Invicta Mill has put an entirely different construction on the proposition. I think the better plan will be, as proposed, to have half a mile of line from the site of the mill to the main line of railway, and then to have portable tramlines 2 feet wide. That is a very cheap and useful form of carting the cane, and will suit the canegrowers just as well as would a 3-feet 6-inch line. I think that, under all the circumstances, the Council is perfectly justified in declining to pass this line at the present time.

HON. A. J. THYNNE: I think the Government might accept the view that has been taken, as it will be better for the district to simply provide a siding half a mile from the mill site. They could do that at once without any parliamentary vote, under the powers which the Commissioner for Railways now has. That will enable the farmers to get their mill from Bundaberg and re-erect it. The greatest boon we could give the farmers in this district is not a railway which would involve double handling of all their cane. I think, if the Government wish to give these people some help, the best practicable help they could give them would be to make some decent roads to enable them to get to the railway station ordinary produce, as well as to give them an opportunity to put down their cane tramlines. There is nothing impeding settlement with regard to sugar plantations more than the bad roads they have to contend with.

HON. R. SUMNER: They have not touched the road question in Queensland yet.

HON. A. J. THYNNE: No, and it is a quarter of a century since I tried to interest them in it. I do not think that as long as I live I shall ever get tired of the opportunity of calling attention to the need for good roads. I have often said, and say still, that the biggest tax imposed on the farmers of this country is by way of bad roads, which imposition is greater than all the other taxes put upon them.

THE SECRETARY FOR MINES: Quite right.

HON. A. J. THYNNE: This is a greater impediment than any other oppressive taxation which could be put upon them. It is the greatest impediment to the social development of the district, and to the educational progress of the district. It is the bad roads in the country that are driving people from the country into the city. Some years ago I put before the Railway Commissioner a proposition that in all future railway proposals, in addition to the cost of construction of the line, there should be included the cost of laying good, sound macadam roads from those centres to the main point of the district which they were going to serve. It would pay the Railway Department to do it. As I put it to the late Commissioner, it

is like building a shop in a place where you have no street leading to it, and the people cannot get there. That is the position with a great many of our railways. I think this district will be best served by the Government constructing a siding to the point where the mill is to be erected, and to let the mill and the shareholders—towards whom I have the very best of good wishes—work out their own system of portable tramlines for the carriage of their cane.

The SECRETARY FOR MINES: I cannot agree to the suggestion made that the Government should construct half a mile of railway from Daroo Siding to the mill site, because that would be agreeing to a proposal that the Government should erect a siding for a private mill. If this line is to be built, part of the line would be of benefit to the mill. If the whole proposal is accepted by the House, the mill would benefit by getting half a mile of Government railway line; but if the line is to be rejected, then I do not agree to any proposal which will build a siding for a private mill which should put in its own siding. If that half a mile of line is built, it is a siding and not a railway under the meaning of the Act.

Hon. A. J. THYNNE: Construct the siding on the usual terms.

The SECRETARY FOR MINES: I stand for the line, and I hope there will be no delay. I am very loth to divide the House on this question. As the Hon. Mr. Stephens has stated, the Select Committee were very loth to turn the railway down. The Committee were of opinion that the fact of the people negotiating for the purchase of a mill and re-erecting it there had somewhat altered the conditions. That was a factor which the Public Works Commission were not aware of when they recommended the line. Then there is the matter of delay. However, the matter is in the hands of the House. It is my duty to do so, and I recommend the line. If the interests of these people could be served in a better way, or in a way equally as good, by delaying the matter to the next session, then I would be very loth to divide the House. The Government is very sincere about trying to do something to encourage the people in this district, who are helping themselves and endeavouring to carry out their work of sugar-growing, which is an industry that the Government should foster.

HON. T. M. HALL: It seems to me that we are approaching this question from a different standpoint to which it has been approached by the Public Works Commission. Whilst we would be reluctant to reject a line which seems to have features in it that commend themselves to all right-thinking men in connection with the development of the rural industry, it seems to me there is a better way of getting over the difficulty than by rejecting the proposal. The proposal commends itself to the judgment of hon. members, and surely there is some method of referring it back again to the Public Works Commission, showing the alteration in the main features which have been mentioned this afternoon, and have it brought up at a later period, when it would meet with the acceptance of the House.

Hon. A. G. C. HAWTHORN: We can only accept or reject it.

HON. T. M. HALL: Provision has been made for the construction of a line of a more expensive character than is really necessary at the present time, and it appears undesirable to pass such a line when one less expensive and more useful could be constructed under the amended conditions.

HON. F. T. BRENTNALL: At the present time, no matter how urgent a line may be—however necessary it may be—we are told that owing to the condition of the finances there are no means of prosecuting the work. With regard to the bonâ fides of these people, about which we have heard a great deal this afternoon, I might say that my recollection goes back a considerable number of years to the time when we first instituted the system of imposing a guarantee upon those persons benefited by the construction of a railway. That lasted for a time, but now the whole system has been discarded. So far as those railways were concerned, the people fell in with the requirements of the Act and gave the guarantee, and that had not been going on three years before the guarantee was laid aside. We are told a good deal about the bonâ fides of these people in having offered to contribute a certain amount on each ton of cane as a subsidy towards the building of this line. If we may judge in any way by precedents, this line would not be in operation three years before they would want that revoked, and would get it revoked in all probability. This line is most earnestly advocated by the Minister, and yet he must know, if anybody knows, that there is no prospect of building the line at the present time, and if there are features connected with it that have altered somewhat the aspects of it, it would be better for the matter to be reconsidered by the Public Works Commission. What will influence my vote in connection with this railway is the fact that the report of the Select Committee states—

> "That the majority of the Committee cannot recommend that the plan, section, and book of reference of the proposed railway be approved of."

That settles my vote.

Question put and negatived.

WORKERS' COMPENSATION ACTS AMENDMENT BILL.

SECOND READING.

The SECRETARY FOR MINES (Hon. A. J. Jones): In moving the second reading of this Bill, I will be very brief, because I understand that it is the desire of hon. gentlemen opposite to finish the business before 6 o'clock.

Hon. A. G. C. HAWTHORN: Don't put it on to us. That won't work.

The SECRETARY FOR MINES: Well, we are just as anxious on this side to finish business.

Hon. A. G. C. HAWTHORN: That is a better way of putting it.

The SECRETARY FOR MINES: I might say that I am always willing to meet the wishes of hon. gentlemen in the matter of completing business.

Let me commence my remarks by saying that to the Right Hon. Andrew Fisher, P.C., belongs the credit of having introduced the first Workers' Compensation Bill in the Queensland Parliament. That is many years ago, but he, as everybody knows, is a humanitarian.

Hon. E. W. H. FOWLES: Did not Mr. Blair introduce the first Bill?

The SECRETARY FOR MINES: Not the first. As a private member, Mr. Fisher, when member for Gympie, introduced the first Workers' Compensation Bill in the Queensland Parliament.

Hon. A. G. C. HAWTHORN: He was a democrat in those days.

The SECRETARY FOR MINES: And he is still. There is no doubt about that. Later on, in the year 1905, when the Hon. Mr. Hawthorn and myself sat on the same side of the House in the Legislative Assembly —I am sorry the hon. gentleman is sitting on the opposite side to-day——

Hon. A. G. C. HAWTHORN: You have fallen away from grace.

The SECRETARY FOR MINES: The hon. gentleman has fallen away from grace. In the year 1905 Mr. Blair introduced the Workers' Compensation Bill which was passed. Of course, Mr. Fisher's Bill never passed, but he strenuously advocated a Bill to provide compensation for workers. When Mr. Blair introduced his Bill it was thought that it was one of the finest pieces of legislation that was placed on the statute-book in the year 1905, and it has, no doubt, given relief to a great many people who deserved relief. Prior to 1905 the workers, in a State like Queensland, received no compensation for injury, and if they were killed their dependents received no compensation.

Hon. A. G. C. HAWTHORN: There was the Employers' Liability Act.

The SECRETARY FOR MINES: The hon. gentleman knows how much the workers benefited under that Act. The onus of proof was entirely upon the worker. We are making wonderful progress in this form of legislation, and as all this legislation is somewhat of an experiment, we found, as years go by, that even the Blair Act was not perfect, and this Government had to amend that Act in 1915. We now propose to amend it again in the direction that I shall indicate. First of all, I would like to point out that under this amending Bill the definition of "worker" is widened to a considerable extent. The definition of "worker" in the principal Act is repealed, and it is widened to include—

> "Any person (including a domestic servant, and a salesman, canvasser, or collector) in any manner engaged or employed by an employer in work of any kind whatsoever, whether by way of manual labour, clerical work, or otherwise,"

and so on. The term does not include—

> "A barrister, solicitor, conveyancer, or legal practitioner or a legally qualified medical practitioner."

Of course, the Hon. Dr. Marks and the Hon. Dr. Taylor cannot come under this Bill. Further, the term does not include—

> "An authorised surveyor, or a registered pharmaceutical chemist, or a registered dentist, or a registered optician, or a public analyst, or a veterinary surgeon, or a consulting engineer, or an architect,"

and so on. Those words will be familiar to the Hon. Mr. O'Shea, because this definition is practically taken from the definition inserted in the Wages Bill in the Assembly. The Hon. Mr. O'Shea and other hon. gentlemen will remember that on that particular Bill I urged them to say to whom the Wages Bill should not apply. To get back on to this particular Bill, I want further to point out that subsection (2) of the principal Act is repealed; where it referred simply to the mining industry, it is now made to apply to industries generally. There are very many good principles and good features in the Bill. Subsection (7), under which the insurance companies claimed to be licensed to carry on workers' compensation business, is deleted from the principal Act. This action is taken in view of the recent Privy Council decision that the State department has the monopoly of workers' compensation insurance.

Hon. A. G. C. HAWTHORN: Why not leave it at that?

The SECRETARY FOR MINES: Clause 7 is not at all necessary now. The Bill also provides for the transfer of the schedule with regard to compensation for permanent dependents which was recently amended by the Governor in Council, to the body of the Bill; and a more comprehensive table for mining diseases also is inserted. (Hear, hear!) I am sure that this Bill will meet with the general approval of hon. gentlemen opposite, and I think it is one of the Bills that should not only pass the second reading stage, but should not be amended in Committee. I do not think there is any need to amend it.

Hon. P. J. LEAHY: Are you serious when you say that?

The SECRETARY FOR MINES: Yes. Hon. gentlemen will agree that the Workers' Compensation Act is a good piece of legislation; but it needs widening and amending in the directions I have indicated. When the amending Bill was before the Council in 1916, the Council inserted a provision that the Act should not apply beyond a certain date with regard to certain industrial and mining diseases—for instance, that dreaded disease, miners' phthisis. As I pointed out, there is a more comprehensive schedule of industrial diseases, and the Bill proposes to wipe out the time limit. I think that that is a very wise provision.

Hon. A. G. C. HAWTHORN: That is about the only necessary feature of the Bill.

The SECRETARY FOR MINES: When hon. gentlemen inserted that limitation in the previous Bill, in making reference to the amendment, some hon. gentlemen opposite said that if it worked well, and we found that this was a necessary provision, the time limit could be practically wiped out altogether, or extended. I was in this House at the time, and I could almost quote from memory the exact words of the Hon. Mr. Leahy.

Hon. P. J. LEAHY: I am of the same opinion now.

The SECRETARY FOR MINES: A further provision in the Bill is that this form of compensation to those suffering from industrial diseases shall no longer be a tax on the general taxpayer; the Treasurer shall not have to find that amount which was necessary when that form of compensation was initiated. It was provided that the Treasurer should find £10,000, and £5,000 annually. It is now proposed that this shall be taken out of insurance profits generally. The State Insurance Department has done very well, and the day has arrived when we can wipe out that limitation, and make the department pay its way. Without going into details on every clause of the

Bill, I think it may now be read a second time, and we can discuss the clauses more in detail in Committee. I hope there will be very little discussion, because the Bill is so perfect, and it is a humanitarian measure which the workers will welcome.

Hon. T. M. HALL: It is all right for them, but what about the employers?

The SECRETARY FOR MINES: It is all right for the employers. I am surprised at that interjection coming from the hon. gentleman. The hon. gentleman knows that any employer would rather pay a paltry couple of pounds to the State Insurance Commissioner by way of premium when he is dwelling is the happy knowledge that if an accident happens to any workman that workman will receive just compensation; or, if the workman is killed and his wife becomes a widow, and is deprived of her breadwinner, for the paltry premium that widow will receive handsome remuneration by way of compensation. I am surprised at any employer of labour objecting to any form of insurance, or a workers' compensation, such as this which we have before us, or such as is provided by the principal Act. We are living in an age when the majority of employers recognise that this is a safer provision for them. Without legislation of this kind there was much litigation and they were never safe; and, although the workers rarely benefited, neither did the employer. He spent more money in litigation in opposing claims than he now has to do in paying the small, paltry premium he has to pay to protect the few workmen whom he engages. I hope that the Bill will pass and find its place on the statute-book at an early date, and that this Council will not amend it in Committee in such a way as will destroy the principle of the Bill.

Hon. E. W. H. FOWLES: The State of Queensland had a Workers' Compensation Act in 1905, and this Government introduced certain amendments in 1916 The Bill which they then brought in was lauded as being perfect. Now that they want to amend their measure within two years of its having been passed, it shows that that Bill was rather full of leaks.

The SECRETARY FOR MINES: We would have to do it in any case.

Hon. E. W. H. FOWLES: And had not any of the perfection claimed for it by the Government.

The SECRETARY FOR MINES: Because of the extension of the Insurance Office, and because of your action here.

Hon. E. W. H. FOWLES: It, of course, goes without saying that every hon. gentleman in this Council is only too willing to extend to every worker in the State the benefits of ligitimate insurance. "Andy" Fisher, or this Government, or any Government, cannot claim credit for workers' compensation. The old motherland had it years before the democrats of Queensland dreamt about it, and New Zealand also had it in full working order.

The SECRETARY FOR MINES: It never would have been introduced but for the Labour party persistently advocating it.

Hon. E. W. H FOWLES: New Zealand had it years before Queensland woke up to it. This is not a new star that has floated into the sky. The old Conservative, Tory, hidebound country of England brought in this humanitarian legislation long before this Labour party dreamt of it. The Liberals generally look ahead and bring in humanitarian legislation.

The SECRETARY FOR MINES: It was advocated in the Labour papers in England.

Hon. E. W. H. FOWLES: It was advocated, like the control of the liquor traffic; but it was not put into action. They put it into action in England and in New Zealand. This House put in into action in 1905.

Hon. T. NEVITT: What is the date of the New Zealand Act?

Hon. E. W. H. FOWLES: I cannot remember the exact date. It was before the flood, at any rate. I do not mention which flood. Our Act was built upon the provisions of the New Zealand Act. I think the hon. gentleman will find the date in the margin of the present Act. Victoria also has an Act; South Australia also has an Act—brought in by a Liberal Government in both places.

Hon. G. PAGE-HANIFY: Then you are going to approve of this?

Hon. E. W. H. FOWLES: There are certain very good features about this Bill. Everyone will rejoice to see that the miners are getting a fair deal at last from this Government, although they have been in office for four years. Now they [4.30 p.m.] see it is the right thing to perpetuate the miners' phthisis provisions. It could easily have been done before. As a matter of fact, some criticism was levelled at this House because those provisions were limited to two years. The obvious idea was to see how it would work, whether it would be put on a good financial basis, whether the benefits were large enough or small enough, or on the right scale. Now that has been tested for two years, we are very happy to see clause 9 continuing the benefits. As a matter of fact, it is a provision that might have been brought into operation years ago, particularly when we remember that Gympie and Charters Towers and other fields have produced a tremendous amount of wealth for this State, and the miners, at all events, should be the special objects of care by the Government of the day.

Hon. T. NEVITT: All industrial diseases should be brought under it.

Hon. E. W. H. FOWLES: We have very few—the sunshine kills the microbes. The Bill is going to wipe out certain sections of the Act of 1916 and substitute others, and one of those is to extend in a marvellous way the definition of "worker." I would suggest that it might be wise to retain the present definition. It works very well. I do not know of any case in which a legitimate worker has been denied compensation. In fact, to give everyone his due, I should say that I had an instance under my notice the other day where a man had passed away. His case was very near the border line with regard to a claim for compensation, and, if it had gone legally to the courts, I hardly think he could have established it, because the doctor's evidence was just a little against it—as to whether it was the result of an accident, which happened perhaps eight or nine months ago. But the Insurance Department, although not being over generous, at all events made some

payment in the matter, an amount, I believe, of £300, including £120 which had already been paid.

The SECRETARY FOR MINES: Which case is that?

HON. E. W. H. FOWLES: I will give the name afterwards. It shows, however, that the department is acting pretty fairly to claimants, and that is, at all events, one case in which a man would have had some difficulty in establishing his legal claim to compensation. With regard to the definition I have mentioned, I think that every hon. member, when he recognises what it is, will see that there must be some amendment. Suppose that the Minister for Mines were to take a trip to America and come back to the Central Station and hand his bag to a messenger from the Gresham, or to a chauffeur, and there happened to be a motor accident in which he was hurt. The Minister would be an employer under this Bill, and the man who was just carrying his bag for the "tip" of half a crown, or whatever it might be, would be able to claim, not from the Government, but from the hon. member, £750.

Hon. A. A. DAVEY: You would have to insure every time you took a cab.

HON. E. W. H. FOWLES: Yes. Every time a man engaged the services of anyone, in however slight a degree, except he happened to be a professional man, he would be liable to pay the benefits under this Bill. I am sure the Government do not mean that. I am sure that no sane person would bring in a measure to do that—but that is what happens under clause 2, lines 55 to the end. I am sure the Government will be only too happy to remove that blemish. I think they will find that in the definition in the 1916 Act the net has been thrown fairly wide, and that is a much better definition than the proposed definition. Why, it does not include members of the Legislative Assembly, and surely they are workers. It does not include professional men. Surely they are workers. I know that every other man's job is easy to each one of us, but, at all events, all professional men know what it is to work, and yet we have in lines 35 to 50 a provision that the term does not include legal men, or surveyors, or doctors, chemists, or dentists—practically all professional men.

Hon. G. PAGE-HANIFY: Following this Council's definition in the Wages Bill.

HON. E. W. H. FOWLES: Why should they be excluded from the benefits coming to workers? I am just pointing out that this definition is one which will not stand the searchlight at all.

The SECRETARY FOR MINES: Of course we recognise they are workers, but are they workers in the sense of this Act?

HON. E. W. H. FOWLES: Surely, if a man carries a bag for the Minister, he is performing some slight service.

Hon. G. PAGE-HANIFY: You know it is not intended, but you want to complicate it further.

HON. E. W. H. FOWLES: It may not be intended, but it is in the Bill.

The SECRETARY FOR MINES: If a man sent for a doctor, would you consider that that doctor was employed by the poor patient who sent for him?

HON. E. W. H. FOWLES: That would be the logical result from the last part of the clause.

The SECRETARY FOR MINES: I think that would be an absurdity.

Hon. G. PAGE-HANIFY: A good idea.

HON. E. W. H. FOWLES: Is it a good idea that a man who accepts a tip is a worker? If the hon. member will read the Bill he will find some remarkable things in it.

Hon. G. PAGE-HANIFY: Do you think that nobody reads a Bill but you?

HON. E. W. H. FOWLES: Not at all; but from the interjections of the hon. member, one would conclude that he had not read that part of it at all. It provides—

> "(2.) Where a contract to perform any work (not being work incidental to a trade or business regularly carried on by the contractor in his own name or under a firm-name) is made with a contractor who—
>
> (*a*) Neither sublets the contract nor employs wages men; or
>
> (*b*) Though employing wages men actually performs any part of the work himself,
>
> such contractor and also such wages men so employed shall for the purposes of this Act be deemed to be workers employed by the person who made such contract with such contractor."

That is a tremendous dragnet, bringing in a large number of ordinary incidents in human life which I am sure the Government do not want to include.

Then, to point out one or two more blemishes, in clause 5 the Government are really trying their own hands in robbing the Governor in Council of the discretion granted to him in sections 7 and 8 of the principal Act. Under those he could refuse a license; he could grant a license. The clause takes away that discretion. It is never a good thing to tie the hands of the Governor. It is always well to leave the door open, so that the Governor can exercise his discretion, and I think it will be well to let the principal Act remain.

Hon. G. PAGE-HANIFY: Leave the door open for a change of Government?

HON. E. W. H. FOWLES: A change is sometimes better. We might say that lines 9 and 10, on page 2, seem deliberately put in to protect the Commissioner against a possible change—so that the Government are looking ahead there. Then we come to the schedule. The benefits are lifted from £600 to £750 maximum. Everybody will welcome that if the insurance funds can stand it. After all, the industry itself pays for the benefits. If a boot factory, for instance, has a large number of employees, and pays a large amount in premiums every year, who must ultimately pay for the increased benefits? The people who wear the boots. Most of this workers' compensation is passed on, and ultimately it means that an increased price is charged for almost every article of food or dress.

Hon. T. M. HALL: Sometimes a commercial traveller is working for half a dozen firms.

HON. E. W. H. FOWLES: As I am reminded by the Hon. Mr. Hall, a commercial traveller may be working for half a dozen firms, and he will have to be insured by every one of those firms. Now, if there is one thing the Government should have learned a lesson from, they should have learned a lesson from what happened with regard to the washerwoman or the charwoman under the principal Act. Under that Act, supposing there are twenty-four tenants in a building and there is one charwoman cleaning out the offices, every one of those twenty-four tenants has to insure that one charwoman. Of course, it was an anomaly that no one dreamed would ever happen. The Government are simply making the same mistake now with regard to commercial travellers and canvassers. I do not know where the Government got this schedule from for the amounts payable, but it does seem a little arbitrary. I think they should have considered the deprivation to a man in relation to his particular means of livelihood. Supposing, for instance, a man were an astronomer, his eye would be worth more to him than it might be to an ordinary person. If he were a signalman, his eye would be worth more to him than the eye of an ordinary individual. If he were a piano-player like Mark Hambourg, who had every one of his fingers insured for £5,000, probably his eye, his ear, and his fingers would be the most valuable parts of his body to him. He would not care twopence about his feet. If he lost a foot, he could get about in a motor-car or an airship. But if he lost his thumb or his fingers, he could not please 50,000 people in the Albert Hall; so that really the different parts of the body should have a different value, according to the occupation of each individual. Perhaps that is a little too scientific, however. Clause 11 provides that premiums are to be Crown debts. Now, I object to that. It means that the Commissioner can come in and actually enforce the payment of a premium before the milkman is paid for the baby's milk. (Laughter.)

Hon. T. NEVITT: Your imagination carries you a long way.

HON. E. W. H. FOWLES: That is the position. The clause says—

> "Every premium . . . . shall be deemed to be a debt due to His Majesty and payable to the Insurance Commissioner, and shall be recoverable by complaint in a summary way before an industrial magistrate."

That shows that premiums are to be regarded as Crown debts. I may be quite wrong; still I hold that, if the Crown becomes a trading concern, the Crown in all fairness should line up alongside other trading concerns and take the good with the bad. (Hear, hear!) Supposing a man becomes insolvent, why should the Insurance Commissioner be able to say: "I will have my premium out of your estate before any other creditor can get sixpence, although you may have been owing him money for the last six or ten years"? The Minister must see that that is unfair. If the Crown debt in an estate amounts to £40 and the whole estate realises only £40, the Crown takes the whole £40, and the other creditors are left lamenting. Subclause (2) of clause 11 provides that no statute of limitations shall bar or affect any remedy for the recovery of premiums or amounts of compensation recoverable by the Insurance Commissioner. That is making the Commissioner King George VI. There is an old Latin maxim which says, "Nullum tempus occurit regi"—which means "No time runs against the King." Surely you cannot interpret that to mean, "No time runs against the Insurance Commissioner." Such a limitation ought not to apply to the Commissioner. If the Commissioner—and I wish it to be understood that I am not referring to the present Commissioner, whom we all respect—but if the Commissioner is so sleepy that he does not collect his premiums, but allows them to run for six years, he ought to be out of court, as ordinary people are who sleep on their rights for six years. Why should the Insurance Commissioner not be subject to the same limitation? There is a remarkable provision in subclause (19D) of clause 11. The Commissioner of Taxes may disclose to the Insurance Commissioner any information in his possession—any secrets of his office. That is warmer than the 100.1 degrees of yesterday. I have no doubt the Minister is surprised to see such a provision in the Bill.

The SECRETARY FOR MINES: No. I was anticipating your remarks on that point. I have a vivid recollection of your remarks on the Stamp Act Amendment Bill, and I anticipated you would use the same argument on this Bill.

HON. E. W. H. FOWLES: It is a very good argument. The Income Tax Office should be a secret office. Why should the Insurance Commissioner have the right to go to the Income Tax Office and look over the income tax returns of everyone in Queensland? Things would leak out in all directions, and the secrecy of the Income Tax Office would be a mere illusion. Then, in paragraph (xv.) of clause 12 it is provided that the Commissioner can declare any certificate of the Insurance Commissioner to be prima facie or conclusive evidence. It does look as though the Insurance Commissioner were somewhat ambitious, when, by his mere declaration, he can say that any document that is sent out from his office is to be conclusive evidence. Surely in democratic Queensland we are not going to give such autocratic powers to a single individual! Surely we are not going to concentrate powers in the Insurance Commissioner that we would not give to the King of England! Yet paragraph (xvii.) of clause 12 says that the Insurance Commissioner, or any officer authorised by him, can summon any hon. gentleman and examine him on oath with regard to all his insurance business. Surely that is going a little too far! Here the Labour party are supposed to stand for freedom, for no secret diplomacy, for having the daylight in on everything, and yet they propose here to go back to the dungeons of the sixteenth century. The Insurance Commissioner, or anyone authorised by him on the back of a piece of paper, can bring anybody in, put him under the thumbscrew or the rack, and get any information he likes from him. I am sure the Insurance Commissioner does not want that power, and I think the Minister would be the last man to give such a power to anybody. There is just one other matter

on the last page of the Bill that I should like to refer to, and that is the provision which says—

> "that amounts due to persons under the age of twenty-one years may be invested by the Insurance Commissioner for their benefit, in accordance with the regulations."

Why should the Commissioner have the run of that money? It should be put under the Public Curator, who is absolutely independent in the matter. It is not business to put the money under the Insurance Commissioner, as he would be liable for the payment of the amount in the long run. When money is due to a minor, the right thing to do is to set that money apart and put it under the control of an independent man, and let it bear interest. Otherwise, who knows what may happen? A disaster may occur, there may be a run on the insurance funds, and that money which ought to go to the minor when he reaches the age of twenty-one years will be paid out. With a few amendments, the Bill might be welcomed and passed. Especially is that the case with regard to clause 9, which is worth all the rest of the Bill.

HON. A. G. C. HAWTHORN: Personally, I think this is the wrong period of the session to bring in an amending Bill like this. We are closing the session to-day or to-morrow, and this Bill requires very careful consideration. There are a number of provisions in the Bill which give the Commissioner a power that ought not to be given to any individual. The Hon. Mr. Fowles has set out most of the objections to the Bill, but besides those there are two or three others which strike one on perusing the measure. What is particularly objectionable, to my mind, is that the right of appeal to the Supreme Court on certain points is cut out, and we are referred back to the Industrial Court. Then, instead of a referee, we are to have an industrial magistrate. We have seen enough of the way in which the Arbitration Act is carried out to make us realise that we ought to preserve the right of appeal to the Supreme Court. Under no circumstances should we agree to cut out the right of appeal to the Supreme Court. It has been shown within the last year or two that such a right is worth a considerable amount to the people of Queensland, and that it was a mistake that it was ever cut out of the Industrial Arbitration Act. I shall certainly not support that clause in this Bill. Clause 19 of the Bill proposes to repeal subsection (3) of section 19 of the principal Act. Subsection (3) of section 19 provides that—

> "Any such complaint may be instituted by the Insurance Commissioner within six months after the fact of the commission of the offence against or failure of compliance with this Act came to the knowledge of the Insurance Commissioner."

The repeal of that section practically means that the Insurance Commissioner can commence proceedings after six months have expired, but it has always been recognised under the Justices Act that six months is a fair time within which to allow a person to institute a prosecution against anyone offending against the Act. I shall certainly vote for the retention of the provision in the principal Act. Another provision in the Bill which is objectionable is subsection (xvi.) of clause 12, which says that the Commissioner may—

> "Declare that in any legal proceedings arising under this Act the onus of proving any fact shall be on any person."

I think that is going too far, and that in cases where the Commissioner charges any person with an offence, the onus of proof should rest upon the Commissioner. I also think that the proposal to cut out the right of the Governor in Council to give approval to other insurance companies to carry on business is objectionable. That right is given by the principal Act, and it should be maintained intact. We on this side of the House are rather sore about the way in which we were treated by the Government in connection with the Workers' Compensation Act, as we certainly think the Government did not play the game fairly.

The SECRETARY FOR MINES: Your mistake has proved a great blessing.

HON. A. G. C. HAWTHORN: That may be the way the Minister looks at the matter, but we were against a monopoly of this business, and we are still against a monopoly, and I think it would be wrong for us to cut out the right of the Government to give insurance companies authority to engage in the business. There is another provision in the Bill which introduces an objectionable principle. A jockey who rides in a horserace is declared for the purposes of this measure to be employed by the committee of the racing club or association. Why should the racing club, who have nothing to do with the jockey, be responsible for any accident which might occur? The jockey is insured by the man who employs him, and I do not see any reason for throwing the responsibility on the president and committee of a turf club. That provision is entirely out of place. On the whole, the Bill is unnecessary, except as regards the provisions which increase the amount of compensation to be paid to an injured worker, and which make the legislation with regard to miners' phthisis permanent. Personally, I am quite prepared to support those two provisions of the Bill, but other provisions in the measure should meet with a great deal of opposition if members on this side look at them in the same way as I do.

HON. A. A. DAVEY: Having been a worker myself, and having been dependent on a very small salary at times, I have felt something of the anxiety which is experienced by men regarding what may happen to them in case of accident. The Workers' Compensation Act is, in my judgment, a humanitarian measure, and one against which no one can cavil. The higher you can make the compensation for injury, the better. I have always been in favour of such a measure, and up to the present I have not seen or heard anything which would induce me to alter my mind; but I have always held that it would have been wiser if in initiating the matter the system had been based upon a contribution from employers, and a small contribution from employees. I believe that with such a system, the employees would enjoy greater satisfaction than they do at present, when they know that the whole of the premiums have to be paid by the employer. It has been pointed out that what it really means is

[5 p.m.] simply an increased cost of production, and that that increased cost of production has ultimately to be paid

by the people, so that it would be unwise for anyone in business—for an employer of labour, or any individual at all as a humanitarian—to be opposed to the principles contained in this Bill. I would like to see even an improvement in some of the compensations enumerated here; because, after all, if a man loses his eye, his arm, or his leg, it is not only that he has lost the capacity to earn the wherewithal to keep body and soul together, but he has lost the enjoyment of life, and I think that even higher compensation than those mentioned would not be unreasonable as time goes on. At any rate, I am pleased to see that the benefits are increasing. I want to point out what I think is unfair in the definition of "worker." Someone interjected just now that any person employed on commission had to be insured. One individual might be out working on six or seven or a dozen commissions, and I do not think it is right that the Government should be able to claim a premium from twelve employers for one individual. It may be hard to overcome this difficulty, but I should not think it is insurmountable. It seems to me to be unfair. The compensating feature of that is that, if the premium was extracted from a dozen people, it would place the insurance company in the position that it would be able later on to increase the benefits to everybody.

The SECRETARY FOR MINES: You do not insure the individual, but take the estimated amount you spend for the year. That applies to all other work. A scrubfeller might work for three different employers in one year.

HON. A. A. DAVEY: I do not think it is a serious item, really. If the extra amount is paid, it will help the insurance company to increase the benefits later on, which may not be a bad thing. At the same time, I do not think it is right. I think that some scheme might be devised by which one worker could have one insurance, and I do not see that there should be any difficulty in arriving at that. I am very pleased indeed to see that the miner is being provided for under this Bill. I hope that, as time goes on, the condition of the workers will be made better and better, and that the compensation for accident which takes place in the execution of a man's work will be increased. I hope that the worker, on his side, will recognise that his employer is not his natural enemy, but that, if he is a proper employer, he is his truest and best friend. I know there are employers and employers, and employees and employees, and I suppose there always will be. I hope to see the relationship existing between employer and employee improve as time goes on. I am very pleased to see that the benefits have been increased under this Bill, and I hope that, as opportunity arises, they will be further increased. I trust that, in Committee, the Government will agree to any reasonable amendments which may be moved, and accept them in the spirit which I am sure every member on this side intends.

HON. T. M. HALL: I intend to be brief on this question. At the same time, I desire to draw the attention of hon. members to the fact that, having secured monopoly so far as workers' compensation is concerned, the Government now seems to be desirous of doing what all the monopolists are guilty of doing, as a rule—that is, to turn the monopoly into a tyranny. The proposal to raise the amount payable in case of death is to be commended. By extending the operations over a wider field, the matter is to be carefully safeguarded; but, in doing so, it is going to place the people in the community in such a condition of uncertainty as to their liabilities and responsibilities that it will become a burden to them. It seems to me from the interpretation put upon it by one hon. gentleman who is learned in the law, that one will not know where his liability commences and where it ends. If you employ a man to carry a portmanteau from the railway station to your office, and he is run over by a motor-car, it is pointed out that you will be responsible to the Commissioner in the case of that man being killed.

Hon. A. G. C. HAWTHORN: You will want to travel with a pocketful of insurance policies.

HON. T. M. HALL: How is it possible for a man to protect himself against such emergencies? If that interpretation is correct, the matter should be carefully safeguarded, and we should know where our responsibility starts, and where it ends.

The SECRETARY FOR MINES: Why not carry your own "port?"

HON. T. M. HALL: I do that myself, for the simple reason that I decline to be "rooked" by the man who carries it from the cab to the wharf, the man who carries it to the ship, and the man who carries it to the cabin. By the time you have finished you have lost sight of what you are carrying about with you.

This Bill embraces within its provisions men who are employed as canvassers. A man may prefer to earn his living by commission rather than by a fixed salary, because, in proportion to the amount of business he does, he is able to earn a larger income by commission than by having a fixed remuneration. In addition to carrying one particular line, say life insurance, he would carry fire insurance, and wherever he travelled he would obtain business for the various institutions for which he acted. In that case, how are you going, in the event of that man meeting with an accident during his peregrinations through the country, to distinguish which of the firms or persons whose lines he is carrying is responsible under this Bill? If these matters are clarified there will be no difficulty. But with the multiplicity of employment on the part of men who go out on the roads to advance the business of their employers, a man will frequently represent a line of boots, a line of drapery, a line of grocery, or wines and spirits, and each firm pays him, say, a commission of 5 per cent. on the buiness that he does. There you have the difficulty of defining who he represents in the case of an accident. If he carries a sample of whisky, I suppose he would be representing a wine and spirit merchant; if a sample of boots, he would be representing the boot industry. These matters are complicated, and men of business training know that you have to surround yourself with something you can understand. I am afraid that matters are represented to the Government, when they take these questions up, by certain persons who are not fully acquainted with the ultimate effect they are going to have on the community—the turmoil and confusion which the community is going to be thrown into

by these measures being introduced with the object of getting all the money possible from the employer and utilising it in propaganda work. The Government's intentions are good so far as they go. They satisfy the man who immediately wants something particularly satisfactory to his own pocket, but they do not look into the ultimate, and the ultimate is this: If you are going to inflict on the men trading in the community higher charges in connection with all these matters, you are going to add those charges on to the cost of the article. It is a natural law that all goods are costed according to the overhead charges due on them. I think every man should be protected to the utmost capacity, and as an employer I am only too happy, if anything happens to any employee of mine, to see that his dependents are provided for after his death. To give an instance of how difficult it is to arrive at the payments under this Act, I might mention that I have to pay £1 a year for every £100 paid in salary for junior clerks, typists, and others, and the premiums paid to-day are five or six fold higher than the premiums paid in the past. That, of course, provides for people who are not exposed to any particular danger.

Hon. E. B. PURNELL: Five shillings per £100.

HON. T. M. HALL: One pound per £100.

Hon. E. B. PURNELL: That is for outside persons.

HON. T. M. HALL: A boy who goes to the post office for the letters is called an "outside" person. You might have a clerk who is keeping ledgers in the office during the day, but he might have to go outside to lodge a deposit with the bank, and, if he meets with an accident, you are responsible for it. I am not complaining of that. What I am complaining of is that under this Bill the matter is going to be so complicated and so expensive in its operations that you will have nothing else but confusion unless you have some means of defining who is the employer. When the Act was before us in 1916, the question of the charwoman and washerwoman was discussed, and the Commissioner was good enough to realise that it was an unfair thing to collect 5s. from six different employers in the week, making the premium 30s. when it should be 5s. The Commissioner has amended that and has brought about very satisfactory conditions in regard to temporary employees. But under the broad definition in this Bill it will leave it a very open question as to how far the employers are safeguarded and to what extent they are liable. You will be liable to get brain fever these days in trying to ascertain how far you are liable. If I engaged a man to do a day's work lawn-mowing or working in the garden, I am responsible from the time he leaves Brisbane to go out to do his work until he comes back again. He might, during his passage home, call at the Ann street "pub," where he can get his beer for 3d., and he may imbibe a few on a hot day.

Hon. W. J. RIORDAN: You would not employ a man like that?

HON. T. M. HALL: I would. I do not consider a poor fellow who drinks is an altogether lost man. I suppose some of the best fellows in the world take liquor.

Hon. W. J. RIORDAN: Your responsibility ceases when you insure him.

HON. T. M. HALL: Why should I be bound to insure him? When a man completes his day's work the responsibility should cease. That sort of thing destroys employment, as I would not take a man out to do a day's work unless I knew all about him. However, the Bill contains one or two desirable provisions. That is always the saving grace of the Government, and in order to get the saving grace clauses through they attach a lot of lumber and then say we have to accept the lot or none at all, and we are blamed sometimes for throwing out a Bill which contains 90 per cent. of good and 10 per cent. of bad.

Hon. A. G. C. HAWTHORN: Is this a money Bill?

HON. T. M. HALL: This is not a money Bill, but it contains one or two provisions which are to be highly commended. One is in connection with the increased amount of compensation, and the other is the clause making permanent the compensation in regard to industrial diseases.

Question—That the Bill be now read a second time—put and passed.

COMMITTEE.

(*Hon. T. Nevitt, one of the Panel of Temporary Chairmen, in the chair.*)

Clause 1—"*Short title and construction of Act*"—put and passed.

On clause 2—"*Amendment of section 3*"—

HON. P. J. LEAHY moved the omission on line 1, page 2, of the words "The definition of 'insurer' is repealed." He did not think any reason could be shown as to why the definition of "insurer" in the existing Act should be altered. Those words covered a good deal more than appeared on the surface, and his amendment was really a very important one. The definition of "insurer" under the present Act worked all right. The Minister, in his speech, did not give any valid reason—he had not heard him give any reason—why this new definition should be put in.

The SECRETARY FOR MINES: The hon. gentleman had not explained his reason for moving the amendment. He took it the object of the amendment was to advance the rights of insurers to transact business under this Act, and to somewhat defeat the decision of the Privy Council on this insurance question.

Hon. T. J. O'SHEA: The Governor in Council may still license other insurers.

The SECRETARY FOR MINES: He knew that was the intention of the amendment. The Government had a monopoly as far as this form of insurance was concerned.

Hon. T. J. O'SHEA: Because you refuse to issue licenses.

Hon. E. W. H. FOWLES: The Privy Council said you had an absolute discretion in the matter.

The SECRETARY FOR MINES: He did not propose to argue at any great length the amendments moved by hon. gentlemen

opposite. He knew that the amendments were not going to be accepted by the Legislative Assembly, and the Bill would come back again.

Hon. P. J. LEAHY: We cannot help that.

The SECRETARY FOR MINES: The amendment of the hon. gentleman would defeat the principle of the Bill. He knew the Bill was going to be rendered useless by amendments, as was the Insurance Bill, and the 90 per cent. good provisions of which the hon. gentleman spoke were not going to be allowed to go through. The Bill would be lost, and the hon. gentlemen would have to take the responsibility.

HON. P. J. LEAHY: He had spoken very briefly, because he knew the time for discussion was limited. He had not spoken on the second reading for the same reason. Now he would have to go back a little bit into the history of the last couple of years. They all knew about some mistake that was supposed to have been made in that Chamber with regard to giving the insurance companies certain rights. They also knew of the action of the Assembly in connection with that. He did not think it was a very creditable action. This Bill retained certain powers which existed under the principal Act with regard to insurers, which he took it were companies that might wish to carry on business. He did not know that it would have much effect to allow those powers to remain, because probably no license would be issued; but he did not feel disposed to take away any power that might have been left to insurers under the principal Act.

The SECRETARY FOR MINES: In the principal Act, "insurer" was defined. Nowhere else in the Act did the word "insurer" appear. The decision of the Privy Council was that if licenses were granted to insurers, employers must still insure with the Commissioner. In this Bill they proposed to repeal the definition of "insurer," and further on to repeal clause 7.

Hon. P. J. LEAHY: And what would the effect of that be?

Hon. E. W. H. FOWLES: That takes away the discretion of the Governor in Council, does it not?

The SECRETARY FOR MINES: It was useless.

Hon. P. J. LEAHY: Should we limit the Governor in Council in the way you propose? Should not we have confidence in him?

The SECRETARY FOR MINES: There was no limitation of the powers of the Governor in Council at all. The hon. gentleman's intention was to defeat the decision of the Privy Council.

Hon. P. J. LEAHY: Things will go on as they are going now.

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

CONTENTS, 7.

Hon. W. R. Crampton	Hon. E. B. Purnell
,, A. J. Jones	,, W. J. Riordan
,, L. McDonald	,, R. Sumner
,, G. Page-Hanify	

Teller: Hon. G. Page-Hanify.

NOT-CONTENTS, 15.

Hon. F. T. Brentnall	Hon. T. J. O'Shea
,, G. S. Curtis	,, A. H. Parnell
,, A. A. Davey	,, W. Stephens
,, E. W. H. Fowles	,, E. J. Stevens
,, T. M. Hall	,, A. J. Thynne
,, A. G. C. Hawthorn	,, H. Turner
,, P. J. Leahy	,, A. H. Whittingham
,, C. F. Marks	

Teller: Hon. E. W. H. Fowles.

Resolved in the negative.

HON. P. J. LEAHY moved the omission on lines 6 to 10, page 2, of the words—

> "(iii.) After the definition of 'Place of employment' the following definition is inserted:—
>
> 'Policy'—A State accident insurance policy issued by the Insurance Commissioner under this Act."

That was really a consequential amendment. He would like to say that there was practically a monopoly at the present time with regard to workers' compensation insurance, and none of the amendments would alter the position for the worse from the point of view of the Commissioner; but, as the Bill stood, it took away a dis-
[5.30 p.m.] cretion which the Governor in Council had. He could see quite a number of things that might very easily occur in the not far distant future which would render the retention of the present power very desirable.

Amendment agreed to.

HON. E. W. H. FOWLES moved the omission of lines 18 to 53, page 2, as follows:—

> "(vi.) The definition of 'worker' is repealed and the following definition is inserted in lieu thereof:—
>
> 'Worker'—Any person (including a domestic servant, and a salesman, canvasser, or collector) in any manner engaged or employed by an employer in work of any kind whatsoever, whether by way of manual labour, clerical work, or otherwise, and whether under a contract of service or apprenticeship or otherwise, and whether the contract is express or implied, oral or in writing, and whether the worker's remuneration is by time or by piecework or by commission or at a fixed price or otherwise howsoever, and whether or not part of such remuneration is in respect of horses, machinery, or plant used in the execution of the work or in respect of materials supplied by the worker.
> "The term does not include—
>
> (*a*) A barrister, solicitor, conveyancer, or legal practitioner, or a legally qualified medical practitioner, or an authorised surveyor, or a registered pharmaceutical chemist, or a registered dentist, or registered optician, or a public analyst, or a veterinary surgeon, or a consulting engineer, or an architect, or a public accountant, actuary, or auditor, or an auctioneer, or a land and estate agent, or a stock and station agent, or a stock broker, or any other person retained or engaged to render occasional and specific professional services requiring personal skill, knowledge, and attention;

(*b*) A member of the employer's family dwelling with him in his house, unless such person is specially insured by the employer in acordance with the regulations."

He thought the Minister, on further consideration, would see that it was very dangerous to introduce so wide and vague a definition. The definition in the Act of 1916 had worked very well. The only person really excluded from the proposed definition was the professional man. Why in the wide world he should be excluded he did not know. The Minister would be well advised if he excluded that part from the Bill and sent it back to the Lower House in order that they might have the opportunity of seeing if they could not frame a better definition. Why lines 35 to 49 should be lifted out of the Wages Bill he did not know, unless it was that they were drafted so nicely that they added to the appearance of the Bill.

The SECRETARY FOR MINES: What definition do you want?

Hon. E. W. H. FOWLES: He wanted to exclude a number of fantastic relations between two people where the idea of a "worker" did not come in—casual labour, carrying a bag, for instance, or driving a cab.

The SECRETARY FOR MINES: There is no definition of "worker" in the principal Act.

Hon. E. W. H. FOWLES: The clause said, "The definition of 'worker' is repealed."

The SECRETARY FOR MINES rose to point out the inconsistency of hon. members opposite. In the Wages Bill it was pointed out by them that it was necessary to define "worker," and it was just as necessary in the present Bill as it was in that Bill.

Hon. P. J. LEAHY: The conditions are different.

The SECRETARY FOR MINES: He could not understand hon. members endeavouring to throw out the Bill. The exaggerated case mentioned by the Hon. Mr. Fowles did not carry any weight with him. It did not convince him in the least, and he was sure that the Hon. Mr. Fowles had not convinced himself. The hon. member asked, in his second reading speech, why a medical practitioner was excluded. If a poor man sent for a doctor, who was injured by a motor-car accident when coming to attend him, could they by any stretch of imagination define him as a "worker," bearing in mind that they were dealing with workers' compensation? They knew he was a worker in the broad sense of the word. They know that politicians were workers in the broad sense of the word. "Worker" must be defined as it was defined there. How on earth could it apply to a barrister or a medical man? Hon. members would know, if they knew anything about workers' compensation insurance, that it was very difficult sometimes to say whether a man was a worker or not, and they wanted a broader definition. He could quote one or two cases of hardships that would have existed under the principal Act if it were not for the generosity of the Government in placing a wider interpretation on the term. How many claims had the Government paid which perhaps would not come within the definition of the Act? Perhaps that was an admission, but it was so. He had in his mind a case where a widow got compensation of £600, although her husband would not have been termed a "worker" under the definition in the principal Act. They wanted to do it in a proper and legal way.

Hon. T. J. O'SHEA: Are you doing it illegally?

The SECRETARY FOR MINES: He did not say they were doing it illegally, but there were moral obligations which were sometimes forced on the Government. Take the cases of people who met their deaths in the cyclone at Mackay and elsewhere who would not be "workers" under the principal Act.

Hon. P. J. LEAHY: This would not apply to them either.

The SECRETARY FOR MINES: Yes. They also said that it should not apply to certain other people. Those cases came up for consideration by the Cabinet.

Hon. P. J. LEAHY: You are letting us into secrets now.

Hon. T. J. O'SHEA: Do the Government extend their munificence through the Insurance Commissioner?

The SECRETARY FOR MINES: The hon. gentleman, who moved a similar amendment last year, mentioned one case, and he knew that the Government had a moral obligation to the widow in that case, and they honoured their obligation. All they wanted to do was to make it perfectly clear who was to be regarded as a "worker." By no stretch of imagination could they call a medical practitioner or a barrister an employee of anyone who availed himself of their professional services. He saw the uselessness of arguing any further, but experience of working the principal Act had shown the Commissioner the defects in the Act, and the Bill was intended to rectify those defects.

Hon. T. M. HALL: Under the definition as it stood, not only would the domestic servant be included—and properly so—but also the salesman. Now, there were salesmen in wholesale houses in Brisbane who were making as much as £1,000 a year. Was it just and equitable that a man with a salary of £1,000 a year should be brought under the provisions of the Act, and that his employer should have to pay a premium of £10 a year to the State Insurance Office? The definition would also include a canvasser, and he had had in his employment for twenty years a canvasser who never earned less than £1,000 a year. Was it fair that he should be compelled to pay a tax of £10 a year to insure that man against accident? Some warehouse managers made as high as £1,200 and £1,500 a year, and men in receipt of such incomes should be required to make provision for their wives and families themselves. Some provision should be made in the way of limiting the incomes of persons entitled to be designated "workers" under the Act. It appeared as though the Bill was intended, not so much to protect the poor and helpless as to put money

into the coffers of the Government, in order that they might go on spending as they had been doing in the past.

HON. P. J. LEAHY: People with the high salaries mentioned by the Hon. Mr. Hall, and others with salaries between £500 and £1,000, would doubtless meet with accidents like other people, though not to the same extent; but it was altogether unfair that their employers should be called upon to pay for their insurance against accident. There would be very much less objection to the clause if it provided that such men should be compelled to take out accident policies for their own protection, and to make provision for their dependents; but there was absolutely no justification for compelling employers to pay the premiums for them. It was quite right that the employer should be compelled to pay the premiums for the poorer paid classes of employees, but there should be some limit provided with respect to the amount of salary.

Amendment agreed to.

HON. E. W. H FOWLES moved the omission of paragraph (vii.), reading—

> "Subsection two is repealed. and the following subsection is inserted in lieu thereof:—
>
> "Where a contract to perform any work (not being work incidental to a trade or business regularly carried on by the contractor in his own name or under a firm-name) is made with a contractor who—
>
> (*a*) Neither sublets the contract nor employes wages men; or
>
> (*b*) Though employing wages men actually performs any part of the work himself,
>
> such contractor and also such wages men so employed shall for the purposes of this Act be deemed to be workers employed by the person who made such contract with such contractor."

That widened the meaning of the term "contractor" in such a way as to bring in every casual service done by total strangers. The only way in which the paragraph could be made workable would be for a man to make a note of every half crown he paid for any service rendered, at the same time keeping a tally of every man to whom he made such a payment, and also keeping track of him, to see that he got home safe after he received the half crown. If the Government were looking for a prickly-pear selection, they would find it in that provision. All sorts of difficulties would arise, and within a week the Insurance Commissioner would find that it was not workable. The amendment would throw them back on section 2 of the principal Act, which was perfectly equitable.

THE SECRETARY FOR MINES: The amendment would cut out "contractors" from the definition of "workers." When the 1905 Act was before Parliament, the Labour party endeavoured to prevent contracting out by contractors, such as scrub-fallers, fencers, and workers of that class. The Hon. Mr. Fowles and other hon. members opposite wanted to exclude men of that class from the benefits of the Act.

HON. E. W. H. FOWLES: No; they are under the New Zealand Act.

THE SECRETARY FOR MINES: Of course hon. members took the responsibility of their action in doing so.

HON. E. W. H FOWLES: I think the Government have gone too far here

Amendment agreed to.

HON. E. W. H. FOWLES: Following the amendment just made, there was a paragraph making provision for jockeys, and, to show that hon members were always reasonable, he moved the insertion, before line 11, page 3, of the words—

> "The following subsection is inserted after subsection (3) of the principal Act."

That would give the Government their paragraph about the jockeys, and put it in proper shape.

HON. A. H. WHITTINGHAM: The position now with regard to jockeys was that they were all insured under the Workers' Compensation Act, and that all recognised clubs of any standing had a certain fund from which donations were given to the relatives of jockeys who were killed. He would like to know whether the words "be deemed to be a worker to be employed by the president and committee of such club or association" meant that the president and committee of a racing club would be liable.

HON. P. J. LEAHY: Yes.

HON. A. H. WHITTINGHAM: Then he thought some alteration should be made in the clause, as it was not fair to make any officer personally liable.

THE SECRETARY FOR MINES: The object of this provision was that the onus should be thrown on to the club and not on to any individual, and he would have no objection to the omission of the words "the president and committee." The reason for the clause was that some clubs absolutely refused to insure jockeys or to be responsible for the premiums on the insurance of jockeys.

Amendment (*Mr. Fowles's*) agreed to.

HON. A. H. WHITTINGHAM moved—

> "That the words 'the president and committee,' on line 14, be omitted."

Amendment agreed to.

Clause, as amended, put and passed.

Clause 3 put and passed.

On clause 4—"*Amendment of section 6; State Government Insurance Office*"—

HON. P. J. LEAHY pointed out that the omission of the clause was necessary, being consequential on a previous amendment which had been carried.

Clause put and negatived.

On clause 5—"*Repeal of sections 7 and 8—Insurance obligatory*"—

HON. P. J. LEAHY: This clause should also be knocked out as a consequence of something they had already done.

Clause put and negatived.

On clause 6—"*Amendment of section 13; registered office and chief representative*"—

HON. T. J. O'SHEA moved the omission of the words commencing on line 58, page 3, to the end of line 4, page 4, namely—

> "In the second paragraph of subsection two of the said section the words 'Supreme Court by way of special case' are repealed, and the words 'Court of Industrial Arbitration by way of special case in manner provided by the rules of that court relating to special cases or until such rules are made' are inserted in lieu thereof."

Hon. R. SUMNER: Don't you think the Industrial Court would be better than the Supreme Court?

HON. T. J. O'SHEA: No, he did not; he did not think any court was better than the Supreme Court. He did not wish to say harsh things about the Industrial Court, but a court which could not enforce its orders and directions could not be said to have much weight. He thought that, if matters of this sort were left to the Supreme Court, they would be in safer hands than if left to the Industrial Court, which had not the means or the courage to enforce its own orders and directions.

The SECRETARY FOR MINES: The amendment would have rather a serious effect on the Bill. It was proposed in the Bill to substitute the Industrial Court for the Supreme Court in the matter of appeal. The Hon. Mr. O'Shea said that he did not care to say harsh things about the Industrial Court, but he said them all the same; yet he could not give one instance where the Industrial Court had not the power or the courage to enforce its decisions.

Hon. T. J. O'SHEA: It is flouted day after day. One case occurred last week.

The SECRETARY FOR MINES: In what instance?

Hon. T. J. O'SHEA: In Townsville.

Hon. T. M. HALL: The butchers refused to accept the meat deal.

The SECRETARY FOR MINES: It might so happen that a decision might be given against a body of workers.

Hon. T. J. O'SHEA: Does any sane man advocate that you should have a court which does not enforce its own orders?

The SECRETARY FOR MINES: The hon. gentleman could not quote one case where what he stated had been done. The hon. gentleman mentioned the Townsville case—a case that had not been before the court. It was much preferable to have that amendment in the Bill, for the reason that that was industrial legislation dealing with industrial matters and workers' compensation matters, and the Industrial Court was the proper court to deal with such matters.

Hon. T. J. O'SHEA: What is wrong with the Act as it stands?

The SECRETARY FOR MINES: The Act wanted amending, as the Industrial Court was the proper court to deal with industrial legislation. However, hon. gentlemen had their majority there, and no doubt they would amend the Bill and probably make it inoperative. He proposed to argue very little on any of the amendments suggested in the Bill so as to allow the Bill to go back to the Assembly, which would probably have something to say on the matter. It might be necessary to sit some days next week to consider the Assembly's message on the Bill.

Amendment agreed to.

Clause, as amended, put and passed.

On clause 7—"*Amendment of section 14*"—

HON. E. W. H. FOWLES: At the end of clause 7 there was a paragraph which said the Governor in Council could add to the table by assigning specified amounts of compensation. What was the good of having a table in an Act of Parliament and expecting the Governor in Council to adhere to that table if they gave him a free hand to add any benefits he liked? Surely it was in the interests of the worker to know definitely what he was going to receive as compensation, and it was in the interest of Parliament to know definitely how much it was going to commit itself to, and surely it was in the interest of the Insurance Commissioner to know what benefits he had to pay, otherwise how could he strike his rates? Suppose the Governor in Council came along and gave a number of additional amounts, the Insurance Commissioner would say: "I have not made provision for these." The Council was always trying to have Parliament doing the legislating and not the Governor in Council. The Government had elaborately drawn up the schedule of benefits, and there was no reason why they should not draw up another further schedule if necessary and not leave it to the Governor in Council to add any amounts at his own sweet will. If a worker was given an additional amount because he belonged to a particular union, it would soon raise trouble amongst the workers. They did not want any favouritism in a matter of that kind, and he moved the omission, on lines 20 to 25, page 5, of the words—

> "The Governor in Council may from time to time, by Order in Council published in the 'Gazette,' add to this table by assigning specified amounts of compensation respectively payable for specified additional injuries: and the table in force for the time being as so added to shall be deemed to be the table referred to in this provision."

The SECRETARY FOR MINES: Amending the clause in that way was only tinkering with the Bill, and he was surprised at the hon. gentleman seriously wishing to delete the lines mentioned. The clause said—

> "The Governor in Council may from time to time, by Order in Council published in the 'Gazette,' add to this table by assigning specified amounts of compensation respectively payable for specified additional injuries."

What was wrong with that? It might be some special case that was not mentioned in the table. In the old Act there was no such thing as a table at all. He knew of a case under that much-boasted Blair Act of 1905 where a person engaged in the mining industry lost an eye and received under the old system £175 as compensation. In the same week another person lost an eye [7.30 p.m.] in the same way, by a piece of rock flying up and knocking the eye out, and he received £20 as compensation. In both instances it was the left eye that was lost, and one man received £20 as compensation and the other received £175.

Hon. A. J. Jones.]

Now, they were specifying the amount that should be paid for the loss of an eye, and so forth, and why not give power to add to the table if necessary? At one time hon. gentlemen would oppose the schedule being in that form, and the Government were trying to improve on it.

HON. A. A. DAVEY: It was quite conceivable that some other form of injury might arise not provided for in the table, and he thought they might very well allow the clause to stand as it was.

Amendment put and negatived.

HON. E. W. H. FOWLES: If the clause were carried, it would be necessary to make provision in the regulations that any Order in Council should have the approval of both Houses of Parliament, in order to conform with the procedure in all the other Acts.

Clause 7 put and passed.

Clauses 8 and 9 put and passed.

Clause 10—"*Amendment of section 19*"—

HON. T. J. O'SHEA thought the clause should be deleted. For several reasons he did not think it was a wise provision. It read—

> "The following provision is added to subsection one of section nineteen of the principal Act:—
>
> Provided that, notwithstanding anything in the said Acts to the contrary, such complaints may be made at any time——"

That was extending for all time the right to make a complaint. The Legislature in its wisdom had defined very clearly the limitation of time for bringing various actions; some as low as two months, others as high as six years. The principal Act made due provision with regard to this limitation, and he did not think it should be interfered with; otherwise stale complaints might be brought forward after long delays, and possibly after the necessary evidence to see justice done might be available. He thought the provision in the principal Act on this subject was better than the one proposed. The clause went on—

> "and shall be heard and determined by an industrial magistrate at any place appointed for holding courts of petty sessions within the petty sessions district in which the defendant ordinarily resides or carries on business."

The principal Act provided that all complaints of this sort might be heard by a police magistrate. That was good enough for all requirements, and, he thought, better than the suggested amendment. He, therefore, would oppose the passing of the clause, and would vote for having it negatived.

Clause 10 put and negatived.

Clause 11—"*Premiums, etc., to be Crown debts*"—

HON. E. W. H. FOWLES: The Hon. Mr. Hawthorn had an amendment of which he was sure every hon. gentleman would see the wisdom. Clause 11 gave priority as a Crown debt to premiums. Surely that was unfair. He knew the Crown had a giant's strength, but it was tyrannous to use it like a giant. The Insurance Commissioner should collect the premiums in the ordinary way, and not claim the Crown to be a privileged suitor. A case was pending at the present time, not exactly in connection with workers' compensation; but the Crown determined to come in on the first bite of the cake, and when the Crown took a bite of the cake there was only the pattern on the plate left for anybody else.

Hon. E. B. PURNELL: Something like solicitors.

HON. E. W. H. FOWLES: In this case the premiums were to be Crown debts. He thought they should stoutly resist that. Why should the Insurance Commissioner—who was a trading concern, and not higher or lower than any other trading concern—or the Crown in its capacity as a trading concern, receive special concessions? Why should it be the petted child of the law? Surely the Crown was strong enough to stand up for itself? If a man went insolvent and owed premiums, let the Crown come in and take their proportion. He thought they should delete the clause. The reason for omitting the second part of the clause was that no statute of limitations was supposed to run against the Insurance Commissioner. That was very unfair. If A owed a debt to B, and B went to sleep for six years, unless it was a judgment debt B lost his right to sue. The Insurance Commissioner should not be allowed to go to sleep for ever; the limitation in force should operate against him. Every hon. gentleman would see that it was very unfair, because after a couple of years all the evidence vanished in some cases, except that in a written document; and a man might be put to great disadvantage in trying to resist a claim the Insurance Commissioner thought he had; which claim could have been upset if it had been brought forward at the time.

Clause put and negatived.

Clause 12—"*Amendment of section 20*"—

HON. T. M. HALL moved the omission of lines 29 to 58 inclusive. It would be seen on referring to the various subclauses that it was practically declaring the Commissioner to be an autocrat in the discharge of his duties; to command all other persons to come before him, to be the sole judge and general executioner in connection with the penalties which attached to this Bill. That was extending to him too great a power, and a power which was not consonant with the position which he occupied towards private individuals or companies. He held most strongly that the Government, with all the guns they had behind them, were in a better position to succeed in business than private individuals, and they should have no special privileges. The clause gave the Commissioner special privileges to enable him to do things that a private individual could not do; in effect, to be his own judge and executioner.

The SECRETARY FOR MINES: He thought it was recognised that in legislation of this character the Commissioner should have such powers as the Bill sought to give him. What was the good of having a Commissioner if he had not got power? Hon. members, on another Bill which he thought should not be under the control of a Commissioner, wished to give him greater powers than they were willing to afford the Commissioner under this Bill. The department was a very big department, and the Commissioner wanted pretty wide powers. The

Commissioner, in any case, was under the control of Parliament. Hon. members were not consistent. When they wanted another Bill to be under the control of a Minister——

Hon. P. J. LEAHY: That was not a monopoly; this is partly a monopoly.

The SECRETARY FOR MINES: That Bill he referred to should not be under the control of a Commissioner. The only object of hon. members opposite in moving those amendments was to destroy the principle of State insurance as much as they were able and as much as they dared.

Hon. W. J. RIORDAN: They are protecting the big insurance companies.

The SECRETARY FOR MINES: There was no doubt about that, although he had not said so previously. They were moving those amendments in the interests of the private insurance companies.

Hon. P. J. LEAHY: That is not so.

Hon. E. W. H. FOWLES: In the interests of the Insurance Commissioner.

The SECRETARY FOR MINES: Later on he would read out a message, as representative of the Government, when the Bill was going back to the Assembly, actually stand up in that Chamber as representative of the Government and read a message typewritten in the office of the companies' solicitor.

Hon. T. M HALL: If it is a righteous cause, what harm is it?

Hon. G. PAGE-HANIFY: It shows whose interests you are acting in.

The SECRETARY FOR MINES: It was a fact. He did not want to attack anyone in that Chamber who was not able to defend himself.

Hon. T. M. HALL: You are like a snake; when he is hit hard he bites himself.

The SECRETARY FOR MINES: It was not a personal reflection. It appeared to him that hon. members opposite were not moving the amendments in the interests of State insurance, and that anything they could do to cripple State insurance and the scheme adopted by the Government they would do. He said again that the Commissioner should have the power the Government sought to give him under the Bill.

Hon. C. F. MARKS: We say he should not.

HON. T. M. HALL: So far as he was concerned, he did not take his instructions from anybody, but he did ask for fair play, and he would stand up for the man who had to obey the same laws as anyone else and maintain that he should not be put at a disadvantage with respect to a competitor who was going to be put above the laws by a statute such as this. If the Government were going into business, let them go into that business on the same lines and under the same laws and regulations as others.

The SECRETARY FOR MINES: We have a monopoly.

HON. T. M. HALL: Yes. When speaking on the second reading, he said that when the Government went in for a monopoly they were liable ultimately to become a tyranny. If the Government competed on the same lines as private concerns and under the same laws, he had no objection, but he was not going to bind the hands and feet of the private individuals or companies in order that they might be burgled by the Government.

The SECRETARY FOR MINES: The people of Queensland are clamouring for an extension of this system

HON. T. M. HALL: They were not. It seemed to him that the hon. member regarded a small section of the people as the whole of the people. The State Insurance Office had done very well for itself, and it was trying to do better for itself by inflicting hardships and penalties on the people.

The SECRETARY FOR MINES: The employer?

HON. T. M. HALL: The Government forgot that, when they passed it on to the employer, they passed it on to the employee too. So long as the Government could carry out their business honourably and straightforwardly under the same conditions and regulations as private individuals, they would get his support; but when they wanted to destroy their opposition and take possession of the business of the opposition, he was going to stand up for the man who had his rights, no matter who he was.

HON. P. J. LEAHY: He rose for the purpose of removing a wrong impression—that they, as members of the Chamber, were not deciding upon amendments as a result of their own judgment, but in some other mode. Several members, including himself, had gone carefully over the Bill, and subject, of course, to the opinion of other hon. members who generally voted the same way, they decided upon the amendments and nobody else. There were several amendments which he himself specially pointed out, and he could name other hon. members who did similarly. Every one of them was decided upon by members of the Council, and the amendments were dealt with on their merits.

HON. E. W. H. FOWLES: Just one drop of water on the fire! There was no time to send those amendments to the Government Printer, and out of pure courtesy a list was typed for the benefit of the Minister.

Hon. P. J. LEAHY: And this is his thanks.

HON. E. W. H FOWLES: There was no time to get them printed, and a list was supplied to him lest he might say: "Oh, we cannot deal with this Bill; we will go home." He was sure that in his heart of hearts he really appreciated it.

Clause put and negatived.

Clause 13—"*Amendment of schedule*"—

HON. E. W. H. FOWLES moved the omission on lines 51 to 54, page 9, of the words—

> "(iii.) In the first paragraph of subclause one of clause four the words 'together with a certificate of the medical practitioner, if any, who attended the worker' are repealed."

It was most important that the certificate of the medical practitioner should be had, and the Government, in their own interests, would be well advised to accept the amendment.

Amendment agreed to.

HON. E. W. H. FOWLES moved the omission on lines 1 to 3, page 10, of the words—

> "After the word 'regulations' where it lastly appears in the said paragraph, the words 'or by the Insurance Commissioner' are inserted."

Surely it was enough for the Governor in Council to make regulations. Why should that sovereign power be delegated to the Commissioner? The Insurance Commissioner at the present time might be quite able to make his own regulations. On the other hand, they might have a Commissioner who would say: "No, I will attend to the £ s. d. end of the business; I do not want any legal technicalities." Quite apart from the inconsistency of allowing such a big power to slip out of the hands of the Governor in Council, there was also the argument that the Commissioner might not want it. The Government would be well advised to retain that power in their own hands. The Government, not the Commissioner, were legislators. He therefore moved the omission, on lines 1 to 3, page 10, of the words—

> "After the word 'regulations' where it lastly appears in the said paragraph, the words 'or by the Insurance Commissioner' are inserted."

Amendment agreed to.

HON. E. W. H. FOWLES moved the omission of subclause (vi.), reading—

> "The following provision is added to clause sixteen:—
>
> Provided that amounts due to persons under the age of twenty-one years may be invested by the Insurance Commissioner for their benefit in accordance with the regulations."

The principle of the proviso was wrong. The amount should be put to the credit of the claimant in the Public Curator's Office or in the Government Savings Bank. That was only a way of getting as large an amount of money as possible in the hands of the Commissioner. As soon as he had paid the amount due he ought to earmark the money and put it in some department quite apart from his own. He thought the Auditor-General would approve of that principle.

Amendment agreed to.

HON. E. W. H. FOWLES moved the insertion, on line 13, of the word "sixteen" after the word "clauses." That was a slip made by the Government, as there was a reference to "referee" and "magistrate" in clause 16 as well as in the other clauses mentioned in the paragraph.

Amendment agreed to.

HON. E. W. H. FOWLES moved the omission, on lines 17 to 22, of the following words:—

> "After the second paragraph of clause nineteen the following provision is inserted:—
>
> Provided that amounts due to persons under the age of twenty-one years may be invested by the Insurance Commissioner for their benefit in accordance with the regulations."

The amendment was consequential on the omission of paragraph (vi.).

Amendment agreed to.

HON. E. W. H. FOWLES moved the omission of paragraph (viii.) reading—

> "In clause twenty-four the words 'some other person' are repealed and the words 'some person other than the Insurance Commissioner' are inserted in lieu thereof."

A curious situation arose in connection with that paragraph. Supposing a man was working on the tramline and sustained an electric shock disabling him, under the Bill he could proceed for damages against the Tramways Company or he could make a claim for compensation upon the Insurance Commissioner; but, supposing the positions were reversed, the man could not proceed against the Commissioner. If he had the option between the Tramways Company and the Commissioner in the one case, he should have redress against the Commissioner, supposing the accident were due to negligence on the part of the Commissioner.

HON. G. PAGE-HANIFY: How could that position arise? (Laughter.)

HON. E. W. H. FOWLES: Supposing the Commissioner had his private yacht down the bay and one of the engineers sustained severe injuries while attending to the engine——

HON. G. PAGE-HANIFY: Have you read the clause?

HON. E. W. H. FOWLES: Yes.

HON. G. PAGE-HANIFY: Then you had better read it again.

HON. E. W. H. FOWLES: If negligence could be imputed to the Commissioner, he should be liable in the same way as, say, the Brisbane Tramways Company were liable.

Amendment agreed to; and clause 13, as amended, put and passed.

Clause 14—"*Amendment of 7 Geo. V. No. 26*"—put and passed.

HON. P. J. LEAHY moved the insertion of the following new clause to follow clause 14:—

> "15. In subsection three of section twenty, after the word 'regulations' wherever it occurs, the words, 'or Orders in Council' are inserted."

That really would put Orders in Council and regulations on the same footing. There was just as much necessity for Orders in Council to be laid on the table of both Houses of Parliament as there was for regulations to be laid on the table.

New clause put and passed.

[8 p.m.]

The Council resumed. The TEMPORARY CHAIRMAN reported the Bill with amendments.

The report was adopted.

THIRD READING.

On the motion of the SECRETARY FOR MINES, the Bill was read a third time and passed.

MESSAGE TO ASSEMBLY.

The SECRETARY FOR MINES: I move—

> "That the Bill be returned to the Assembly by message in the usual form."

I anticipate that the Bill will be returned from the Assembly, because I am satisfied that the Assembly cannot possibly accept the amendments which have been inserted by the Council. I hope that some arrangement may be made whereby further consideration will be given to those amendments, so that a Bill which will meet the wishes of the Government may be the outcome of the deliberations of the two Houses.

Question put and passed.

DAIRY PRODUCE BILL.

MOTION TO GO INTO COMMITTEE—BILL REFERRED TO SELECT COMMITTEE.

On the Order of the Day being read for the consideration of this Bill in Committee,

The SECRETARY FOR MINES said: Mr. President, I move that you do now leave the chair.

HON. E. W. H. FOWLES: I move as an amendment—

> "That all the words after 'That' be omitted, with a view to inserting in their place the following words:—
>
> 'the Dairy Produce Bill be referred to a Select Committee for consideration and report.
>
> 'That such Committee have power to send for persons, papers, and records, and leave to sit and act during any adjournment of the Council or the coming recess of Parliament, and have power to adjourn from place to place; and that it consist of the following members:—Mr. Nevitt, Mr. Stephens, Mr. Sumner, and the mover.'"

It is hardly necessary to emphasise the wisdom of this action. We heard several illuminating speeches on the second reading of the Bill, and I am sure the speech delivered by one of the members mentioned in the amendment must have convinced a number of members that it is desirable that more information should be furnished to the Council. The Bill has several peculiar provisions in it. In one clause, I believe, the Government propose to provide all cows with Government umbrellas. At any rate, some new information is needed with regard to the Bill. I understand that the Minister will not object to the proposed procedure being adopted, and I, therefore, move the amendment.

The SECRETARY FOR MINES: I am opposed to the amendment. I feel rather disappointed that this Bill is not allowed to pass, even with some slight amendments, this session of Parliament. I admit that the Bill reached the Council rather late in the session, but, personally, I would be prepared to sit every day next week in order to pass a Bill of this kind.

Hon. P. J. LEAHY: Is there any urgency about it?

The SECRETARY FOR MINES: I do not say that some amendments may not be acceptable. Those who understand the dairying industry in this Chamber may be able to throw some additional light on the subject, and suggest some reasonable amendments, but I think that a Bill which is introduced in the interest of the dairy farmers of the State should certainly be considered, and not shelved until next session of Parliament. I am opposed to submitting the Bill to a Select Committee, especially a Committee which will have power to move from place to place and take evidence.

Hon. E. W. H. FOWLES: They want to see the butter factories.

The SECRETARY FOR MINES: If hon. gentlemen want to see the butter factories, they can travel about and find out all about them. It is the duty of legislators to acquaint themselves with the industries of the State, so that they may be able to express their opinions with regard to any of those industries when we have to deal with them in this House. I take it that it is intended by the amendment to give the Committee power to travel from place to place, and take evidence and examine papers. I have no fault to find with the personnel of the Committee. I do not suppose any member in the Chamber knows as much about the butter industry as the Hon. Mr. Stephens, And the two hon. gentlemen from this side of the House, I am sure, are quite capable of acting on a Committee of that kind. But it appears to me that this is laying down a principle that may be followed in future in connection with other Bills, and that every piece of legislation which comes from the Assembly may be referred to a Select Committee by this House, which may travel over the country and take evidence—at the country's expense, I take it.

Hon. W. STEPHENS: I am prepared to pay my own expenses. If you think you gave me too much for going to Chillagoe, I will return it to you.

The SECRETARY FOR MINES: I hope the hon. gentleman does not think I am referring to him personally, but this is a bad precedent. It is quite a different thing submitting our railway proposals, under our Standing Orders, to a Select Committee, or submitting this Bill to a Select Committee to be considered and dealt with on the spot. This proposal means shelving the Bill to another session of Parliament—that is what I am most concerned about. The Chillagoe and Etheridge Railways Bill was surrounded with a different set of circumstances, and was quite different to this Bill. I believe that the Committee on that proposal not only gained a lot of valuable information which they were able to put before the Council, but information which was in the nature of instruction to themselves. I would, personally, have liked the trip to Chillagoe myself, in order to gain information. But, because the Government agreed to a Select Committee journeying to Chillagoe, it must not be taken as a precedent for every Bill which comes up in the Chamber, because it gives another opportunity to those who are opposed to legislation which may emanate from the Assembly to shelve it for another six months. On most Bills we could say it was necessary to get further information. I recognise that it is wise for legislators to acquaint themselves as fully as possible with the industries in connection with which legislation may be introduced here, but I cannot see how members can travel about unless they receive their expenses. It would be very inconvenient for members of the Committee to travel from place to place. The Government will not be prepared to allow the Committee travelling expenses in connection with this Bill. What I am concerned about is the method of shelving an important piece of legislation which is introduced on behalf of the dairy farmers.

Hon. A. A. DAVEY: Very late in the session.

The SECRETARY FOR MINES: We are rising earlier this year than we ever rose before, and I would be prepared to give another few days to this Bill. I think that every member of the Council is competent to deal with the Bill clause by clause. Hon.

gentlemen ask why it is introduced so late in the session. I admit it is late, but the Minister has been very busy, and some Bills must come on later than others. We cannot get all the Bills introduced early in the session—we have to take them in their order.

Hon. T. J. O'SHEA: Why do you not initiate them in this Chamber earlier in the session?

The SECRETARY FOR MINES: I think legislation should be initiated in the people's Chamber.

Hon. P. J. LEAHY: We are not initiating this Bill here. We purpose getting further information.

The SECRETARY FOR MINES: You might just as well move that the Bill be read a second time this day six months.

Hon. P. J. LEAHY: Are you in favour of hasty legislation, without full information?

The SECRETARY FOR MINES: There is no such thing as hasty legislation. However, I have had my say. I would prefer to sit a few days longer, and pass this legislation, which is in the interests of the dairy farmers.

Hon. W. STEPHENS: That is all bunkum.

The SECRETARY FOR MINES: The dairy farmers will have something to say on the action of the Council, if hon. gentlemen shelve the Bill for another six months.

HON. W. STEPHENS: I do not wish to delay the Council. I stated the other night that this Bill was introduced purely because the State and Federal Governments were fighting as to which should control the butter industry. Since then, the Secretary for Agriculture has been good enough to say that I told the absolute truth, and he has a paragraph in every paper to-day confirming what I said—that he is merely trying to get the control of the butter out of the other people's hands.

The SECRETARY FOR MINES: To prevent double grading.

HON. W. STEPHENS: You know that it has to be graded now by the Federal authorities or it cannot go to England. Why do you come along and stick tag No. 2 on the butter, after the Federal Government have put tag No. 1 on it, to allow it to go to London? Does the Minister want me to get less money for Queensland butter in London because he sticks another tag on it, after the Federal Government have put the first tag on? The Minister knows nothing about the grading of butter, nor do I, because it is too complicated for the average man. The Minister told us the other night that there was practically nothing new in this Bill—that the present law is exactly the same as this Bill. What harm can be done by delaying the passage of the Bill, and putting a few things in that are not in it, and which are not in the present law? Cannot we go on under the present law for a few months, and put this Bill right? The main fault of the Bill is that it does not protect the consumer in Queensland. Two-thirds of our butter is eaten in Queensland, and you can make butter with as much moisture as you like, and this Bill does not touch it or grade it; it does not help the producer or the consumer. If the Bill goes to a committee, we can get in touch with Mr. Graham, who is a good man, and we will be able to get some better amendments in the Bill. Any Bill that is built up on spite in order to fight another Minister is not effective and is not good legislation. Let us give a fair deal, and do the fair thing for the farmer and for everybody else. Let us come to terms with the Federal Government, and you will have a useful measure that will not only help the farmer but do the fair thing for the consumer.

Question—That the words proposed to be omitted (*Mr. Fowles's amendment*) stand part of the question—put; and the Committee divided:—

CONTENTS, 8.

Hon.	W. R. Crampton	Hon.	G. Page-Hanify
,,	A. J. Jones	,,	E. B. Purnell
,,	L. McDonald	,,	W. J. Riordan
,,	T. Nevitt	,,	R. Sumner

Teller: Hon. W. R. Crampton.

NOT-CONTENTS, 11.

Hon.	G. S. Curtis	Hon.	T. J. O'Shea
,,	A. A. Davey	,,	A. H. Parnell
,,	E. W. H. Fowles	,,	W. Stephens
,,	T. M. Hall	,,	H. Turner
,,	P. J. Leahy	,,	A. H. Whittingham
,,	C. F. Marks		

Teller: Hon. E. W. H. Fowles.

Resolved in the negative.

Question—That the words proposed to be inserted be so inserted—put and passed.

Motion, as amended, put and passed.

ADJOURNMENT.

The SECRETARY FOR MINES: I beg to move—That this Council do now adjourn. The first business to-morrow will be the consideration in Committee of the Assembly's message on the Wages Bill, to be followed by the further consideration in Committee of the Absent Soldiers' Voting Bill.

HON. E. W. H. FOWLES: Will the Minister adjourn till next Wednesday? I understand the Assembly has adjourned until next Wednesday, and they have a lot of business down there that has come from this Council, and it will take them till 6 o'clock on Wednesday to get through that business, and between half-past 3 and 6 o'clock on Wednesday we could dispose of the Wages Bill and the Absent Soldiers' Voting Bill, and then be ready for the work to come back from the Assembly.

The SECRETARY FOR MINES: In reply to the hon. gentleman, I would say that I propose to sit to-morrow afternoon to finish the business here, as there will be ample business for us to do on Wednesday afternoon in connection with the business that will come back immediately from the Assembly. I hope the session will end on Wednesday.

Hon. E. W. H. FOWLES: You won't sit on Friday?

The SECRETARY FOR MINES: We will not sit on Friday, as I think a few hours to-morrow afternoon will finish the business. We should easily finish before dinner to-morrow.

Question put and passed.

The Council adjourned at twenty-seven minutes past 8 o'clock p.m.