Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

FRIDAY, 5 DECEMBER 1930

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The SPEAKER (Hon. C. Taylor, *Windsor*) took the chair at 10.30 a.m.

ASSENT TO BILLS.

The SPEAKER announced the receipt of messages from His Excellency the Governor, conveying His Excellency's assent to the following Bills:—

Prickly-pear Land Acts Amendment Bill;

Children's Courts Act Amendment Bill;

State Housing Relief Bill;

Holidays Act Amendment Bill.

QUESTIONS.

NORTH-SOUTH HIGHWAY FROM DIRRANBANDI TO CAMOOWEAL.

Mr. G. P. BARNES (*Warwick*) asked the Secretary for Railways—

"1. Is it the considered policy of the Government and Main Roads Department to construct, in a sectional manner, a trafficable highway from Dirranbandi to Cunnamulla, Thargomindah, Tobermory, and thence to Camooweal, as per railway survey passed by the Kidston Government in 1910?

"2. Will he cause a lithograph to be prepared of the proposed road, and make known the fact that it is the set policy of the Government and the Main Roads Department to construct a north-south highway?

"3. Will he communicate the Government's decision to the Government of the Northern Territory, and urge them to construct a like highway from Camooweal to Darwin?"

The SECRETARY FOR RAILWAYS (Hon. Godfrey Morgan, *Murilla*) replied—

"1. The Government have already recognised the importance of providing a trafficable highway between Dirranbandi, Cunnamulla, and Thargomindah. Quite recently this road was declared a State highway in terms of the amended Main Roads Act, which was passed last session, and provides that a State highway will be constructed at the expense of the Government. The people will not be called upon to pay more than 50 per

cent. of the maintenance. The sum of £82,500 has been expended by the Main Roads Commission on the Thallon-St. George-Bollon-Cunnamulla-Thargomindah road, and has in contemplation the gazettal of a section of road from Winderah across the Thomson River, which would lie upon a route such as that suggested. The general policy will be to make cross connections between main roads which lead to railways, and the policy suggested is to some extent in operation now, and may be extended from time to time.

"2 and 3. The suggestions made will receive full consideration."

CO-ORDINATION OF RAILWAY AND MOTOR ROAD SERVICES.

Mr. G. P. BARNES (*Warwick*) asked the Secretary for Railways—

"1. Is he aware that in England and the United States great strides have been made in co-ordinating the utilising of the company-owned railway and the automobile passenger and goods road services?

"2. Will he obtain through the Agent-General full and general information (*a*) as to the course followed to bring about such co-ordination; (*b*) as to the success that has attended such course?

"3. Will he make inquiries as to legislative action taken by Victoria to cope with motor competition?"

The SECRETARY FOR RAILWAYS (Hon. Godfrey Morgan, *Murilla*) replied—

"1 and 2. The Railway Commissioner has followed through railway magazines and transport journals the effect of the powers conferred on railway companies of Great Britain by 'The Roads Transport Act of 1928.' As a result of this Act, railway companies acquired interests in large omnibus concerns and joined forces with others for the purpose of co-ordination of passenger traffic, but competition, however, exists from a multitude of small road transport undertakings. It will be recognised that the position in Queensland is not comparable with that of Great Britain, and that motor competition is carried on only by undertakings much smaller than those with which the British railways have been unable to co-ordinate. The Agent-General will be asked to obtain and furnish full information in regard to the matter.

"3. The legislative action by all the Australian States to control motor competition is closely observed by the Commissioner, and there is a full exchange of ideas and experiences in respect of this matter by the railway administrations of Australia and New Zealand."

SUGGESTED INSTALLATION OF COAL OIL DISTILLATION PLANTS.

Mr. G. P. BARNES (*Warwick*) asked the Secretary for Mines—

"1. Is he aware that success is reported to have followed the establishment and installation of plants for the distillation of oil from coal?

"2. Will he cause inquiry to be made in the Commonwealth and abroad through the Agent-General as to the development and success of such installations?

"3. Is his Government prepared to offer inducement and encouragement to establish in this State such distillation works?"

The SECRETARY FOR MINES (Hon. E. A. Atherton, *Chillagoe*) replied—

"1. No. The information available is that all experimental plants established to produce liquid fuel suitable for internal combustion engines as the main product of distillation of coal have so far proved failures economically and unable to compete commercially with the petroleum industry. Considerable amounts of distillates suitable for such fuel are obtained as by-products in the production of gas and coke from coal. It does not pay to distil coal for these liquids alone.

"2. The scientific and practical work being done in all countries in connection with coal carbonisation and distillation of oil and other products is closely followed by the department through the transactions of the fuel section of the World Power Conference and other publications on fuel research.

"3. Yes. All encouragement that can be offered to a company desiring to establish such an industry."

RELIEF TO TOWNSVILLE UNEMPLOYED PRIOR TO CHRISTMAS.

Mr. DASH (*Mundingburra*) asked the Secretary for Labour and Industry—

"What does he propose to do to relieve the unemployed at Townsville during the forthcoming three weeks prior to Christmas?"

The SECRETARY FOR LABOUR AND INDUSTRY (Hon. H. E. Sizer, *Sandgate*) replied—

"Excluding men who have been rotated, there are at present employed in the Townsville area over 200 men. In addition, arrangements have been made for the employment under the City Council of another 100 men on the special Christmas gift work prior to 25th December."

REDUCTION OF BRIDGE GANGS ON GREAT NORTHERN RAILWAY.

Mr. WINSTANLEY (*Queenton*) asked the Secretary for Railways—

"1. Is it correct that the number of bridge gangs on the Great Northern Railway are to be reduced by half, and the temporary hands dismissed at the end of this month?

"2. Is he aware that another bridge has recently been discovered by the bridge inspector to be partially burned?

"3. Is it correct that bridges are being left only half repaired, with piles with pipes up to 7 inches in them, and girders decayed with dry rot?

"4. Is he aware that the answer given to my Question No. 3 on 21st November is incorrect; and that there is no inspection of the line early on Monday morning as stated?

"5. Will he have searching inquiries made, and, if the facts are as stated, take prompt steps to remedy same and make line safe for the travelling public?"

The SECRETARY FOR RAILWAYS (Hon. Godfrey Morgan, *Murilla*) replied—

"1. No. Full strength of bridge gang establishment is being maintained. Some extra hands temporarily employed for urgent repairs in the western district are being paid off this month.

"2. A bridge was recently found to be on fire and the fire was extinguished.

"3. No.

"4. No.

"5. The facts are not as stated. Action is always being taken to make the line safe for the travelling public."

CONGRATULATIONS OF GOVERNMENT TO SIR ISAAC ISAACS UPON APPOINTMENT AS GOVERNOR-GENERAL.

Mr. COOPER (*Bremer*), without notice, asked the Premier—

"Will he telegraph the congratulations of the State to Sir Isaac Isaacs upon being the first Australian to be appointed to the office of Governor-General of the Commonwealth of Australia?"

The PREMIER (Hon. A. E. Moore, *Aubigny*) replied—

"I have already written to that effect."

PAPERS.

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

Report of the Chief Inspector of Machinery, Scaffolding, and Weights and Measures for the year ended 30th June, 1930.

The following paper was laid on the table:—

Orders in Council under "The Supreme Court Act of 1921."

CITY OF BRISBANE ACT AMENDMENT BILL.

THIRD READING.

The HOME SECRETARY (Hon. J. C. Peterson, *Normanby*): I beg to move—

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

Question—"That the Bill be now read a third time" (*Mr. Peterson's motion*)—put; and the House divided:—

AYES, 29.

Mr. Atherton	Mr. Kenny
,, Barnes, G. P.	,, Kerr
,, Barnes, W. H.	Dr. Kerwin
,, Blackley	Mr. King
,, Boyd	Mrs. Longman
,, Butler	Mr. Macgroarty
,, Clayton	,, Maxwell
,, Costello	,, Moore
,, Deacon	,, Morgan
,, Duffy	,, Nimmo
,, Edwards	,, Peterson
,, Fry	,, Russell, H. M.
,, Grimstone	,, Sizer
,, Hill	,, Tedman
,, Kelso	

Tellers: Mr. Kelso and Mr. Nimmo.

NOES, 21.

Mr. Bow	Mr. Jones, A. J.
,, Brassington	,, Kirwan
,, Bruce	,, Mullan
,, Bulcock	,, Pease
,, Cooper	,, Pollock
,, Dash	,, Smith
,, Dunlop	,, Wellington
,, Foley	,, Wienholt
,, Hanson	,, Wilson
,, Hynes	,, Winstanley
,, Jones, A.	

Tellers: Mr. Cooper and Mr. Hanson.

PAIRS.

AYES.	NOES.
Mr. Brand	Mr. Collins
,, Annand	,, Bedford

Resolved in the affirmative.

COMMONWEALTH MINES PRELIMINARY SYNDICATE, LIMITED, AGREEMENT RATIFICATION BILL.

INITIATION.

The SECRETARY FOR MINES (Hon. E. A. Atherton, *Chillagoe*): I beg to move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to approve, ratify, and confirm an agreement made between the Hon. Ernest Albert Atherton, the Secretary for Mines of the State of Queensland, and the Commonwealth Mines Preliminary Syndicate, Limited, a company incorporated and registered in England, relating to prospecting for gold and certain other minerals, and the matter of leases, claims, and mining tenements in respect of certain lands, and for other purposes."

Question put and passed.

ALEXANDER MACDONALD MINING AGREEMENT RATIFICATION BILL.

INITIATION.

The SECRETARY FOR MINES (Hon. E. A. Atherton, *Chillagoe*): I beg to move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to approve, ratify, and confirm an agreement made between the Hon. Ernest Albert Atherton, the Secretary for Mines of the State of Queensland, and Alexander Macdonald, of Chillagoe, in the State of Queensland, relating to prospecting for certain minerals and the matter of leases, claims, and mining tenements in respect of certain lands, and for other purposes."

Mr. W. FORGAN SMITH (*Mackay*): I desire——

The SPEAKER: Order!

Mr. W. FORGAN SMITH: I desire certain information——

The SPEAKER: Order! Order!

Question put and passed.

STAMP ACTS AMENDMENT BILL.

INITIATION.

The TREASURER (Hon. W. H. Barnes, *Wynnum*): I beg to move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend 'The Stamp Acts, 1894 to 1924' in certain particulars."

Question put and passed.

BRISBANE ROMAN CATHOLIC CATHEDRAL LANDS (MORTGAGE AND LEASE) AUTHORISATION BILL.

INITIATION IN COMMITTEE.

(*Mr. Maxwell, Toowong, one of the panel of Temporary Chairmen, in the chair.*)

Dr. KERWIN (*Merthyr*): I beg to move—

"That it is desirable that a Bill be introduced to amend 'The Brisbane Roman Catholic Cathedral Land Sales Act of 1928,' whereby the trustees for the time being of the lands referred to in such Act may be authorised to mortgage or lease the said lands, and for other consequential purposes."

Mr. MULLAN (*Flinders*): In 1928 a Bill was passed to authorise the sale of these lands. The Bill had two purposes—one to appoint trustees, and the other to sell the lands, and the present Bill proposes to give the additional power to mortgage or lease the lands. There is nothing else in the Bill, and we, as a party, have no objection to the granting of this power.

Mr. W. FORGAN SMITH (*Mackay*): I do not intend to offer any opposition to this Bill, as it appears to be quite a reasonable and equitable proposal. I only rose to thank the hon. member for Flinders for the information he conveyed to the Committee. (Laughter.)

Question—"That the resolution (*Dr. Kerwin's motion*) be agreed to"—put and passed.

The House resumed.

The TEMPORARY CHAIRMAN reported that the Committee had come to a resolution.

Resolution agreed to.

FIRST READING.

Dr. KERWIN (*Merthyr*) presented the Bill, and moved—

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

Question put and passed.

SECOND READING.

Dr. KERWIN (*Merthyr*): It is not necessary to have a lengthy discussion on the second reading of this Bill. It amends a measure that was passed by this Parliament in 1928, vesting in trustees certain lands in Brisbane belonging to the Roman Catholic Church, and enabling the trustees to sell those lands. It has, however, now been decided that it would be beneficial to have power to mortgage or lease the said lands.

[11 a.m.]

The Bill is similar to those which have been passed in relation to other churches. I beg to move—

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

Question put and passed.

COMMITTEE.

(*Mr. Maxwell, Toowong, one of the panel of Temporary Chairmen, in the chair.*)

Clauses 1 to 3, both inclusive, agreed to.

Clause 4—"*Amendment of section* 5—*Disposal of proceeds*"—

Mr. MULLAN (*Flinders*): This clause reads—

"In subsection one of section five of the principal Act, after the words 'to arise from any sale,' the words 'or mortgage' are inserted; also in paragraph (*a*) of the said subsection, after the word 'sale' the words 'or mortgage' are added."

The Bill gives additional powers—the power to mortgage and lease. In order to avoid further legislation I think the words "and lease" should be added after the word "mortgage." As the clause stands, it seems to me that it may not be possible for the proceeds of a lease to be used for the purposes mentioned in the Act. I would like to hear the opinion of the Attorney-General on the matter.

The ATTORNEY-GENERAL (Hon. N. F. Macgroarty, *South Brisbane*): The matter is dealt with in clause 5.

Clause 4 agreed to.

Clauses 5 and 6 agreed to.

The House resumed.

The TEMPORARY CHAIRMAN reported the Bill without amendment.

THIRD READING.

Dr. KERWIN (*Merthyr*): I beg to move—

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

Question put and passed.

QUEENSLAND LAW SOCIETY ACT AMENDMENT BILL.

INITIATION IN COMMITTEE.

(*Mr. Maxwell, Toowong, one of the panel of Temporary Chairman, in the chair.*)

The ATTORNEY-GENERAL (Hon. N. F. Macgroarty, *South Brisbane*): I beg to move—

"That it is desirable that a Bill be introduced to make provision for the establishment and administration of a legal practitioners' fidelity guarantee fund, for providing for the issue of annual practising certificates, and for other purposes."

I propose to give an outline of this Bill shortly at this stage with a view to saving time, because I do not think it will then be necessary for me to make any further reference to it on the second reading. The Bill has been promoted by the legal profession, and I am very pleased to introduce it as Attorney-General. Its object is to provide a fund to reimburse persons who suffer any pecuniary loss through the defalcations or fraudulent acts of legal practitioners, who include solicitors, conveyancers, and barristers practising as solicitors.

Hon. members will see that this is not a measure promoted by the Government, but represents a purely voluntary offer by the legal profession; and the Government are providing the machinery to put it into effect.

The defalcations of a member of the legal profession reflect upon the whole of the profession, and this Bill shows that the legal practitioners are prepared to tax themselves for the purpose of protecting the public.

Recent occurrences—I refer to the cases of two fairly well-known solicitors—are apt to give the public a wrong impression of the legal profession as a whole. When you consider the number of solicitors practising in Queensland and the large amount of trust money that passes through their hands, the proportion who succumb to the temptation of unlawfully using such money is small. There are always black sheep in any profession—it is unfortunate, but it has to be admitted—and the legal profession is no exception to the rule.

The solicitors and the Queensland Law Society gave this matter a good deal of consideration, and had approached me with regard to the establishment of a fund like this before there was a crash in respect of the two well-known solicitors to whom I have referred; so that hon. members will see that the legal profession had the idea in mind before those events occurred. The vast majority of the legal profession, practising solicitors included, are of a high standard, and there is very litle danger of reputable practitioners misappropriating trust moneys; but, to maintain that high standard, the members of the profession are prepared to subscribe to a fund that will protect the public against the odd dishonest solicitor.

It is intended to make the fund £50,000. A yearly fee of from £5 to £10 will be paid by each practitioner. That will be collected by the council of the Law Society, who will control the fund. Ten pounds per annum may also be collected from each practitioner by means of levy; but, in all, these levies may not amount to more than £50 from each practitioner.

At the present time there are 356 practising practitioners in Queensland. If the yearly fee is £5, they will obtain £1,780; and, if the yearly fee is £10, they will secure £3,560. The fund will be fairly small at the commencement; but possibly they will augment it by making an additional levy, so that there will be a fairly substantial fund almost from its inception. It is to be noted that no practitioner will be able to obtain a certificate entitling him to carry on his profession until he pays his annual fee to the fund. As I have already stated, the fund is to reimburse persons who may suffer pecuniary loss from stealing or fraudulent misrepresentation committed by a practitioner or his clerk or servant. Up to the year 1935, the total amount to be available to any person in respect of these offences committed by one practitioner or his clerk or servant, or one firm of practitioners or their clerks or servants, is £5,000.

Mr. DASH: What will be the position of the practitioner who does not pay into the fund?

The ATTORNEY-GENERAL: He will not obtain a certificate enabling him to practise. He will really be debarred from practising.

Mr. DASH: Then it is a case of preference to the members who do contribute.

The ATTORNEY-GENERAL: It is not a question of preference, but a question of protection to the public. Up to 1936 the total claim that will be allowed against one practitioner or firm is £5,000, to be increased by £1,000 each year up to 1941. That is to say, in 1937 the amount will be £6,000; in 1938 it will be £7,000; in 1939 it will be £8,000; in 1940 it will be £9,000; in 1941 it will be £10,000; and there the amount will stop. The claims against one firm of practitioners cannot exceed £10,000; the fund has to be nursed in some respect. The person who will have a claim against the fund will be required to give notice to the council within twelve months after becoming aware of the misappropriation.

There are a few limitations to claims against the fund. A claimant may be able to receive satisfaction from other sources. He may have money in trust with a practitioner, and he may be able to collect some of it from him, and he will have the right to claim against the fund only for the balance. No interest will be paid on any sum, and there will be no claim against the council if the council has warned anybody against employing a certain solicitor or solicitors. If, after investigation in respect of a certain firm of solicitors, the council realises that the solicitor or solicitors is or are not to be trusted, and it issues a warning accordingly to people not to deal with such person or persons, a claim will not be available against the council after the warning is issued. If at any time the fund is not in a position to meet any specified claim, it is to be discharged by future accumulations in the fund. In administering the fund the council will have regard to rules which are set out in clause 20 (3), which reads—

> "(*a*) It shall take into consideration the relative degrees of hardships suffered or likely to be suffered by the several claimants in the event of their claims against the fund not being satisfied in whole or in part;
>
> "(*b*) Subject to paragraph (*a*) aforesaid, claims for amounts not exceeding three hundred pounds shall, unless in special circumstances, be satisfied in full before claims for amounts exceeding three hundred pounds are satisfied to a greater extent than three hundred pounds;
>
> (*c*) Where all other considerations are equal, claimants shall have priority among themselves according to the dates of the judgments or the dates when the claims were admitted by the council, as the case may be."

These rules are very desirable and very fair.

The council controlling the fund may appoint a public accountant to investigate the affairs of any solicitor. That public accountant will have all the rights appertaining to the Trust Accounts Act. If a solicitor is reported to the Law Society, it can appoint that public accountant to make an examination of his books and report back. In addition to that, the accounts of the fund shall be audited from time to time by the Auditor-General, or a public accountant appointed by him, and at least once a year. No bond will be found by solicitors in accordance with the Trust Accounts Act. That is by reason of the fact that they have their own fund. It is only right that solicitors should not have to put up bonds when they have their own fund to meet the case. In every other respect the practitioner must comply with the Trust Accounts Act. He

must furnish the usual returns, as he has done in the past. A roll is to be kept of the practising practitioners; and, if anybody practises without first paying the required fee and obtaining a certificate, he shall be subject to a penalty of £50. In addition, he cannot act as a solicitor or sue for the recovery of any fee.

The Bill is a very desirable one, and should have the wholehearted support of hon. members. It is simply a voluntary effort on the part of the legal profession with the idea of protecting the public and maintaining the high standard of the profession in every way.

Mr. MULLAN (*Flinders*): I must thank the Attorney-General for the very full and complete information he has given in connection with this Bill. If that practice were followed in respect of other Bills, it would obviate a good deal of acrimonious discussion.

I am glad that the Attorney-General is taking advantage of the splendid legislation passed by our Government in order to build upon it. We passed the Queensland Law Society Act, and the Trust Accounts Act, and it is upon those Acts that the Attorney-General is now building his superstructure. I certainly must congratulate the Law Society and the Attorney-General, because this Bill is a step in the right direction. The only fault one might find with it is that it is one of those Bills which give us no room for a serious "scrap" with the Attorney-General.

Mr. W. FORGAN SMITH: It is easy enough to start one. (Laughter.)

Mr. MULLAN: The Attorney-General pointed out that under one of the provisions of the Bill a person would have no claim against the fidelity fund, if he has first been warned against having dealings with a certain solicitor. That implies that the person giving him the warning, or the managing committee of the fidelity fund, has no confidence in that solicitor. It is just a question under those circumstances whether such a solicitor should not be refused a practitioner's license or certificate. That is a point worthy of consideration.

Under the provisions of the Bill a person having a claim against the fidelity fund must have recourse to all legal remedies before that claim is met. I quite approve of that provision, and I hope that will also include going the length, if necessary, of a criminal prosecution.

Many of the fidelity guarantee societies insist that a person affected must take legal proceedings for the recovery of the money, and must also launch a criminal prosecution. To avoid the possibility of collusion of any kind, it is necessary to have that power. I am not certain whether it exists now; but the Attorney-General might look into that point between now and the Committee stage of the measure.

I am pleased that this Bill adopts a principle which we urged recently in the Bills brought forward concerning the Queensland Trustees, Limited, and the Union Trustee Company of Australia, Limited. I refer to the appointment of auditors. In this Bill it would appear that the Government have taken a lesson from the criticism which emanated from the Opposition benches in connection with trustee companies generally.

The ATTORNEY-GENERAL: This Bill was completed before that discussion took place.

Mr. MULLAN: I am sorry to hear that, because I was hopeful that the Government were learning a lesson. (Laughter.)

It is also pleasing to note that the provisions of the Trust Accounts Act regarding audits will also operate. It is important that the council of the law society should exercise its own right of appointing an auditor, where the circumstances warrant it.

It is also satisfactory to note that power is given to refuse a license to a practitioner, who is safeguarded by a right of appeal to a judge in chambers. Under these circumstances, the interests of all parties are conserved.

It is a question as to whether, if a practitioner is so objectionable that the society will not issue a license to him, he should be allowed to practise at all. Of course, he might be a very good advocate in court, although not satisfactory so far as handling trust money is concerned. That would appear to be a matter for the discretion of the Law Society.

As far as it goes, the Bill is very satisfactory indeed, and shows the bona fides of the legal profession in attempting to protect the reputation of its members and, as far as humanly possible, prevent a recurrence of the unfortunate happenings of recent months. The Attorney-General should realise that, excellent though the Bill may be, it does not solve the bigger problems in connection with trust accounts. No doubt, in the fulness of time, when he has had time to consider the pros and cons of the variety of representations made by a variety of deputations, he will be able to evolve some plan in this regard. Something should be done to safeguard the public in regard to the large amounts of money entrusted to these people. I realise that it is a very difficult matter. I give the Bill my blessing, as I think it is a step in the right direction. While there may be one or two little matters in regard to which we may require information in Committee, the Bill is entirely satisfactory.

Mr. BRUCE (*Kennedy*): The Attorney-General, speaking on the Address in Reply, stated that the Labour Party in the past had belittled the legal profession. What ground he had for that statement it is difficult to understand; but recent happenings and the introduction of this Bill show that there are black sheep in every family. It has been the practice in all British communities to place family funds with family solicitors. That practice has been followed for many years, and, on the whole, it was a safe proceeding. These old family solicitors could be, and were, trusted with the control of family funds; but recent happenings have shown that there has been a deterioration in the control of trust funds so far as the legal profession is concerned.

The introduction of the Bill is undoubtedly designed to protect solicitors as a whole, because we know that, on account of those recent happenings, many people have asked banking and other institutions to control their trust funds in preference to placing those funds in the hands of solicitors. This Bill will restore confidence in solicitors, and will

also be an excellent protection for the public, so that in future we shall not have the spectacle of people who have been left money by their parents finding that those funds have entirely disappeared, and that they have nothing to sustain them in the future, as had been anticipated.

It is well to point out that a little while ago there was enormous press propaganda in regard to the waterside workers pilfering small articles; but the pilfering that took place was moderate compared with the amount of trust funds that has disappeared in recent years owing to defalcations on the part of solicitors. That recent propaganda asked for more drastic punishment in the case of the waterside workers.

We have also had very drastic punishment inflicted on people whose circumstances were only moderate who have pilfered small sums of money. Owing to the large amounts solicitors have recently embezzled, it has become necessary to establish this fund as a protection for the public. There is no doubt that a large body of honest solicitors have suffered because of the defalcations on the part of a small number of solicitors, and they have asked that this Bill be introduced to restore the confidence of the general public in regard to placing trust funds under the control of solicitors for invest-
[11.30 a.m.] ment. It will be an excellent protection for the public as a whole. I agree with the hon. member for Flinders that the Bill is an excellent measure, and will probably restore confidence and be a protection to those who have entrusted their funds to the care of solicitors.

Mr. J. E. WALKER (*Ipswich*): I desire to express cordial approval of the principles contained in the Bill now before the Committee, and I agree with the generous tribute which the hon. member for Flinders paid to the Bill as framed. I share with him the pleasure that the Bill comes from the profession itself, and I think that shows a very laudable amount of corporate consciousness that might well be emulated in other walks of life. It is said that there are black sheep in every flock, and in all considerable groups of human beings there are some unworthy members. That, no doubt, applies to the medical profession and even to the Church, and also to the large body of union secretaries, who are professedly out to help working men. It also applies to the legal profession. It is sometimes rather popular to cast unworthy gibes at the legal profession.

Mr. HYNES: And on union secretaries, too.

Mr. J. E. WALKER: For myself, I am very proud to belong to the legal profession; and, after an experience of over a quarter of a century, it is my firm conviction that no calling—not even the healing art itself—offers greater scope for service to the community than is provided by the legal profession. I am not saying that we all live up to it; but the opportunities for public service are unlimited, not only commercially and industrially, but even socially. How many families have had their interests conserved and enhanced by the wise and experienced advice of a family solicitor! Then what a fine training it is for public life! In the history of our own Commonwealth, what a large proportion of public men who have wielded a very large influence in our Commonwealth have been men trained in the law! We need only refer to Sir Samuel Griffith, Sir Edmund Barton, Mr. Alfred Deakin, as examples of outstanding men who have belonged to this profession. Then the present Chief Justice, who is chosen to fill the position of Deputy Governor, is the head of the legal profession in Queensland.

During the last two or three days we had a crowning acknowledgment of the worth of some members of this profession, when His Majesty the King appointed the Chief Justice of the Commonwealth, Sir Isaac Isaacs, to the highest official position in the Commonwealth. Sir Isaac Isaacs, who has gone through all the various grades of the law, and has reached in his mature years the highest judicial position in the Commonwealth, is now the representative of the King in the Commonwealth. These facts speak much louder than any poor words of mine in vindication of this profession. I am very pleased indeed that the feeling of the profession in Queensland is such that they are willing by their own efforts to make good as far as they can any ill-effect that may arise from the actions of some unworthy members of their profession. Hundreds of practising solicitors during the years to come will pay willingly into the fund, knowing that they will never draw directly a penny from it, but that it is inaugurated to conserve the honour of the profession, and to make good any loss that may occur through some unworthy members of the profession.

I conclude with the hope that the fund which has been inaugurated under this Bill may for many years remain intact for the simple reason that no occasion will arise for making claim upon it.

Mr. TOZER (*Gympie*): As a solicitor and officer of the Supreme Court, I would like to say a few words in connection with the Bill. I understand that the Bill was mentioned to the Attorney-General prior to the difficulties which cropped up lately in connection with certain solicitors. It is introduced in keeping with the Trust Accounts Act of 1923, which calls upon solicitors to make an affidavit within three months of the year ending at 30th June, showing that their trust accounts have been audited, and also that the auditors have given a certificate that their trust accounts are all in order. Within fourteen days of 30th June and 31st December in each year the solicitor is required to make a declaration setting out the largest amount he has had in his trust account during the preceding six months, and he has to take out a bond equal to one-third of such largest amount.

The legal profession is an honourable profession. There are at least three honourable professions—the clergy, the medical profession, and the legal profession.

Mr. HANLON: Do you say there are only three?

Mr. TOZER: I said there were at least three. These are the three with which I am brought most into contact. The clergy, if anything, are the most poorly paid of the three, and, next to the solicitors, the most abused. The medical profession is also an honourable profession, and it does a considerable amount of good in the community. People may condemn the legal profession, but, from my knowledge, I have no hesitation in saying that it, too, is an honourable profession. It is the profession my father followed before me. Our business has been in existence for over fifty years, and we have

never had any query from anybody in connection with our trust funds, nor have we ever had any trouble in connection therewith. I admit that, perhaps, we see the worst side of life; we get all sorts of clients, and we have to do the best we can in their interests; but, if a solicitor carries out the business that comes his way according to the standards of the profession, then he can face any man, and say that the profession to which he belongs is an honest and honourable profession. Certainly in every calling in life and in every body of men you will find a certain number of black sheep. In Queensland to-day we have between 350 and 400 solicitors, in addition to conveyancers and barristers; and I do not think that from the beginnings of Queensland it will be found that more than 1 per cent. of the profession have been what we can call black sheep. Most certainly there are odd cases; but even here there are two sides to every question; and it must be remembered that to a certain extent the clients themselves are sometimes guilty in the conduct of their own business of what we call contributory negligence. A person may call on a solicitor and say, "I have a certain amount of money to lend, and I would like you to lend it for me." I have taken the stand—and it is an honourable stand—of saying, "I will do the best I can, and I will give you full particulars; but you must take the responsibility of making the advance yourself." The mistake that some solicitors have made is that they have invested such money in their own names. The making of such a mistake gives them the opportunity to do wrong—and it is really the want of opportunity that keeps many a man straight. I do not think there is any profession in which more opportunity occurs for dishonesty, if a man is inclined that way, than the legal profession.

The public entrust their money and their affairs to solicitors; but, if a solicitor is not prepared to act honourably towards his client, all the regulations and all the Acts of Parliament in the world are useless. In the past defaulting practitioners have been able to drive through the statute and to take advantage of their clients.

The Trust Accounts Act is a very good piece of legislation, and requires no amendment, provided it is administered in a strict and proper manner. Under that Act it is necessary for a trustee to make a declaration every six months setting out the particulars of his trust accounts. That declaration is forwarded to the office of the Attorney-General to be recorded. At the end of the year the trust accounts must be audited by a duly certificated accountant or auditor, who must certify that he has examined the accounts, and must state the result of his examination. He must set out the amounts in the trust accounts and the persons to whom the money belongs. These documents are also filed on the record referred to. The solicitor is required to take out a bond to an amount of one-third of the highest amount that went through his trust accounts during the previous six months; and, if the amount is altered, the bond must be altered accordingly. Very often it is necessary to increase the amount of the bond during a period of six months. If the solicitor is determined to act in a straightforward manner, and the trust account auditor carries out his duties strictly, there is no necessity to depart from the Trust Accounts Act, which contains sufficient provisions to enable the trust accounts to be kept in order and to keep a solicitor who might be inclined to waver from the honest path up to the point.

If a solicitor is prepared to make a false declaration, and the auditor is also prepared to grant a false certificate, then the Act is not of very much use. If the client is prepared to look after his own business—and the average client is so prepared—he can ask for a statement of the trust account; and it is only in odd cases where trusty clients with more money than they require for the time are not inclined to make inquiries concerning their accounts, which gives the solicitor an opportunity to utilise a portion of the fund for his own use, if he is inclined to be a rogue.

Defalcations at the hands of solicitors have occurred in Queensland in certain cases, and the legal profession, being anxious to maintain the profession as an honourable one, gave the matter very serious consideration. The solicitors recognised that the legal profession as a whole should not suffer because of the wrongdoing of one individual in the profession, and so they have adopted this measure. Every aspect of the matter was thoroughly considered by the Law Society. It was placed before the Attorney-General, and it was considered by a sub-committee of professional men in this party. We endeavoured to introduce every provision that might make the Bill as efficacious as possible—whether it was against us or otherwise—so that the legal profession would offer greater protection to the client and to his money and affairs in connection with trust accounts than are offered with respect to any other profession.

As the hon. member for Flinders remarked, this Bill does not go far enough in so far as trust accounts are concerned; but, so far as solicitors are concerned, I submit that it does, because the provisions of the Trust Accounts Act are embodied in this Bill, with one exception, and that is in connection with the bond. There is no necessity to enter into that bond, because this fund is now being formed. It will practically cost the solicitors the same amount—it might be a little less in some cases, and a little more in others—as it costs them for their bonds at the present time. The fund will be formed, and it will be there in case any client suffers any loss through misappropriation of funds or stealing by a practising solicitor. He will be protected.

It is set out in the Bill that, if a client is warned in writing by the Incorporated Law Society against a certain solicitor, then, if this client continues to carry on business with that solicitor, he himself shall be adjudged to have been guilty of negligence. He has been warned, and has failed to take advantage of the warning; therefore, it is only right from that time onwards that he shall have no claim on the fund. I understand that the annual fee to be paid by practising solicitors will be from £5 to £10, with a practising fee of something like £5 5s. per annum; and there is also power to levy, which will amount to at least £10 per annum. By degrees that will form a fund sufficiently strong to meet any claim that might be made upon it. It will be only in an exceptional case that a solicitor will be found misappropriating trust funds to the extent that was revealed in a particular

case recently. The ordinary solicitor is not entrusted with anything like that amount of trust money. If he gets £1,000 for investment, that sum would be practically the limit; but there are odd cases where it might go up to £5,000. If in the initiatory stages the fidelity fund is found not to be strong enough, then it will have the Incorporated Law Society behind it; and there is also the power to levy on the solicitors who are on the roll. When all the requirements of the Trust Accounts Act are operating and this fund is established, I fail to see how it is possible that any client can possibly lose through having any transactions with a solicitor.

I would like to point out what happens from the very start of a solicitor's life. A young boy either from school or the university is articled to a solicitor and enters his office. That boy comes to him as a straightforward lad. If he were not, the solicitor would not complete the articles. Very often the solicitor is acquainted with the parents of the articled clerk. The articles are completed, and the parent or guardian is made responsible for the articled clerk during the whole of his service with the solicitor. If a solicitor does his duty, he tells that clerk from the start, and all through his five years of articles teaches him that, if he desires to be a success as a solicitor, he must be straightforward in his profession, not only to his employer at the time, but to the whole of his employer's clients. If he is guided by that advice, then immediately after he passes the necessary examinations he launches out as a practising solicitor. He takes an oath of allegiance as an officer of the Supreme Court. He knows that all through his life he must act in a straightforward and honest way if he is to make a success of his business. Cases have occurred where men who have gone through that stage, and who have thoroughly understood that they must be honest and straightforward, have for a time made a success of their business, and then subsequently have proved to be dishonest.

There have been a few isolated cases in which solicitors have lapsed, and clients have suffered loss in respect of moneys invested with those solicitors. These, however, are only isolated cases; perhaps not 1 per cent. of solicitors have lapsed in that way. This is a straightforward, honest Bill, and, if hon. members opposite think that any clause in it can be improved, we shall be only too pleased to have their views on the matter.

Mr. POLLOCK: What are you shadow-sparring for? (Laughter.)

Mr. TOZER: I am so accustomed to hearing slurs cast on solicitors generally that I cannot fail to take the opportunity to speak in support of the profession. I know what the profession is, and I know its members do a lot of good.

Mr. PEASE: They "do" a lot of people, too! (Laughter.)

Mr. TOZER: The hon. member may possibly know that there are instances where clients do not play fair with the solicitors. I venture to say that most practising solicitors have experienced cases where they have been imposed upon by clients.

Mr. POLLOCK: You would not say that that is the general experience.

Mr. TOZER: Of course, there are black sheep in every section of the community. Let me give an instance of how a solicitor can be taken down in his dealings with a client whom he considers to be an honest man. Some time ago I received a communication from a man who claimed to be a doctor asking me to prepare a will and marriage settlement for him. I did so, and I sent the documents to my client for completion. The marriage settlement was returned to me with a request that I could attend to the stamping. I did so, paying the stamp duty myself, and then returned the document to the man. Since then I have received no word from him. I have discovered, however, that he has endeavoured to borrow money on the strength of this marriage settlement document, because I was communicated with by a firm of solicitors in another part of the country asking me for confirmation of this document, in respect of which they had been requested to advance money. I was able in that instance to frustrate any further attempt at imposition. I merely mention that case to show that there are instances where solicitors can be detrimentally affected.

I commend this Bill to hon. members, and I trust that it will be the means of preventing a recurrence of the few isolated instances of unprofessional conduct on the part of legal practitioners that have occurred.

Mr. COOPER (*Bremer*): Having listened to the speech of the hon. member for Gympie, I want to say that the author who wrote the song "Give yourself a pat on the back" did not write it a day too soon. (Laughter.)

The SECRETARY FOR PUBLIC INSTRUCTION (Hon. R. M. King, *Logan*): I want to say a word or two before the Bill goes through, not because I am a member of the Government, but because for some time I was the only qualified legal member in this House. As a practising member of the legal profession, I agree entirely with the principles of the Bill. It is going to create a certain amount of confidence in the minds of the public, and that is desired more than anything else. Unfortunately, at present the profession, for some reason or other, has got a name that is not altogether healthy.

Mr. PEASE: You cannot put the price-fixer on their bills.

The SECRETARY FOR PUBLIC INSTRUCTION: You can put the price-fixer, in the shape of the taxing officer, on their bills, and this is the only profession that has its costs taxed. When the Trust Accounts Bill was before the House, I gave it all the support I possibly could, but at the same time I resented certain reflections that were cast on the legal profession, and I still resent those reflections being cast on the legal profession. When one considers that members of the legal profession have exceptional opportunities for turning out blackguards, it is to the lasting credit of the profession that we find so few instances of these wrongdoings; and to their lasting credit let it be said that they have not been nearly so bad as they might have been. A great majority of the profession are men of integrity and unblemished reputation.

I welcome this Bill, not because it is going to make a legal man any more honest than

he is at the present time—if he has not honesty inbred in him, nothing in the world will make him an honest man—but because it is some protection to the public, who place confidence in legal men. Most people could drive a coach and horse through any Act of Parliament.

If a solicitor desires to be dishonest, this Bill is not going to prevent him from being dishonest; but it will create a certain amount of confidence on the part of the public, and I welcome it with all my heart and soul. It is to the lasting credit of the legal profession that, with the exceptional opportunities they have for being dishonest, they are not nearly as dishonest as they might be. I have been a practising solicitor in Queensland for over thirty-five years, and, speaking with a knowledge of the legal

[12 noon.] profession—the men I come in contact with—I say that, with one or two exceptions, they are men whose word I would take without the slightest doubt. That is as it should be, and what we all desire; but I do resent aspersions being cast on the legal profession, when I know that, as a profession and as individuals, they stand as high as any individuals or body of men in the community.

Question—"That the resolution (*Mr. Macgroarty's motion*) be agreed to"—put and passed.

The House resumed.

The TEMPORARY CHAIRMAN reported that the Committee had come to a resolution.

Resolution agreed to.

FIRST READING.

The ATTORNEY-GENERAL (Hon. N. F. Macgroarty, *South Brisbane*) presented the Bill, and moved—

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

Question put and passed.

SECOND READING.

The ATTORNEY-GENERAL (Hon. N. F. Macgroarty, *South Brisbane*): I beg to move—

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

Question put and passed.

COMMITTEE.

(*Mr. Maxwell, Toowong, one of the panel of Temporary Chairmen, in the chair.*)

Clauses 1 to 7, both inclusive, agreed to.

Clause 8—"*Audit of accounts*"—

Mr. MULLAN (*Flinders*): Subclause (1) of this clause reads—

"The accounts of the fund shall be audited from time to time by the Auditor-General, or a public accountant appointed by him, and at least once a year."

I suggest that the word "certificated" be substituted for the word "public." The word "public" does not carry the same value as the word "certificated."

The ATTORNEY-GENERAL: I would suggest that the clause be amended to read, "certificated public accountant."

Mr. MULLAN: That seems satisfactory as far as it goes, but it is now suggested to me that by excluding the word "public" we may cut out a man who is not certificated but is entitled to practise under some other Act of Parliament. I think it would be better to make the clause read, 'a certificated or public accountant."

Mr. KELSO: I would leave out the words "or public" in that case.

Mr. MULLAN: The Leader of the Opposition suggests to me that there may be some individuals—and possibly the hon. member for Nundah may be aware of the fact—who do not hold certificates, but who are clearly qualified by practice.

The ATTORNEY-GENERAL: Perhaps it would be better to say "a public accountant or accountant duly authorised under the Trust Accounts Acts."

Mr. MULLAN: Is an accountant under the Trust Accounts Acts a certificated accountant?

The ATTORNEY-GENERAL: Yes, by regulation.

Mr. MULLAN: Then I beg to move the following amendment:—

"On page 3, lines 35 and 36, omit the words—

'a public accountant'

and insert in lieu thereof the words—

'an accountant certified under the Trust Accounts Acts.'"

Amendment agreed to.

Clause 8, as amended, agreed to.

Clauses 9 and 10 agreed to.

Clause 11—"*Practising practitioners to pay prescribed contribution into fund*"—

Mr. MULLAN (*Flinders*): Subclause (1) reads—

"Except as provided in the next succeeding section, every practising practitioner on making application in any year for a certificate under section twenty-eight of this Act shall, in addition to all other fees then payable by him, pay such contribution to the fund as may from time to time be prescribed for the purposes of this Act."

What other fees would be payable by him?

The ATTORNEY-GENERAL: There would be the fee of £2 2s. payable to the Law Society.

Mr. MULLAN: He may not be a member of the Law Society.

The ATTORNEY-GENERAL: There is the practising certificate fee.

Mr. MULLAN: This clause provides for the payment of that fee, which is to be not less than £5 nor more than £10. If he is not a member of the Law Society, then there are no "other fees."

The ATTORNEY-GENERAL: There is, in addition, the practising fee payable under this Bill. If he is a member of the Law Society, he will have to pay certain fees; but, if he is not a member of the society, the fees will not be payable.

Clause 11 agreed to.

Clause 12—"*No contributions after fund reaches* £50,000"—

Mr. MULLAN (*Flinders*): The fund will be limited to £50,000, but the New Zealand Act provides for a fund of £100,000.

The ATTORNEY-GENERAL: New Zealand has 1,500 practitioners, whereas we have only 356.

Mr. MULLAN: It may be necessary later on to increase the amount, and I thought it would be wise to provide that the amount could be increased at the discretion of the Governor in Council.

Clause 12 agreed to.

Clauses 13 to 16, both inclusive, agreed to.

Clause 17—"*Council may settle claims without action*"—

Mr. MULLAN (*Flinders*): Will the Attorney-General inform the Committee whether the power given to the council of the Law Society to settle a claim implies that it might meet a claim from the fidelity fund in the case of defalcations by a solicitor without criminally prosecuting him? I know that there is similar redress under another Act, and that, if a solicitor defaults, the person whose money he was given to invest must initiate legal action against him. That principle implies a civil remedy. Does this clause carry with it the necessary safeguards so that, before the fidelity fund is called upon to repay the amount of the defalcations, the solicitor concerned may be criminally prosecuted?

The ATTORNEY-GENERAL (Hon. N. F. Macgroarty, *South Brisbane*): Most certainly he may be prosecuted; but it is possible for the council to settle an action. It might so happen that the fidelity fund might be at a low ebb. For instance, Smith might agree to accept £500 from the fund in settlement of a claim he had against a solicitor for £600, and the council might negotiate to get out of the claim for that amount.

Mr. MULLAN: There is no power in this clause enabling the council to compound a felony?

The ATTORNEY-GENERAL: No. This clause merely gives the council power to negotiate for a settlement. It has nothing to do with a criminal prosecution.

Mr. MULLAN (*Flinders*): That explanation appears to be satisfactory. There is another point in connection with paragraph 4 of this clause. If a solicitor is such an unreliable individual that the Law Society deems it necessary to warn his clients against him, then is he a fit and proper person to remain on the roll?

The SECRETARY FOR PUBLIC INSTRUCTION: There may not be evidence available to justify his being struck off the roll.

Mr. MULLAN: I am exploring for reasons why he should not be struck off the roll. While the society may have good grounds for believing that he is an unsafe man financially, there may not be sufficient evidence to strike him off the roll.

Mr. KELSO: He may act within the law.

Mr. MULLAN: Generally speaking, the Law Society is composed of a very careful body of men; and it usually secures the necessary evidence before it moves. I can hardly believe that the society would take upon itself the responsibility of writing to a client and warning him against a solicitor whom he has trusted to invest money for him unless it had evidence which would satisfy a judge that that solicitor should be removed from the roll. In that case the society should take that action. Of course, I realise that a solicitor might be dishonest financially and at the same time be an excellent advocate.

[*Mr. Mullan.*

The SECRETARY FOR PUBLIC INSTRUCTION: Subclause (5) gives the society ample protection if it should be deemed necessary to warn a client.

Mr. MULLAN: The society is safeguarded, and rightly so, against the solicitor for its action in warning a client; but if the conduct of a solicitor is such that the society considers that his clients should be warned, how can he be entrusted with the conduct of a case? It appears to me that such a man should not be allowed to remain on the roll.

The ATTORNEY-GENERAL (Hon. N. F. Macgroarty, *South Brisbane*): I am inclined to agree with the hon. member's contention, with this proviso: It is possible to have a case where the council of the Law Society is satisfied that a practitioner is not to be trusted with trust funds, but is unable to prove a case against him and, therefore, cannot deal with him. In such a case, it is a very good provision that the council should have power to warn clients against employing such a practitioner. I am hopeful, however, that in all cases it will be possible to prove charges if they actually exist, so that the name of the offending practitioner may be erased from the roll of solicitors. In that event there will be no necessity to warn clients against the employment or continued employment of that practitioner.

Clause 17 agreed to.

Clauses 18 to 22, both inclusive, agreed to.

Clause 23—"*Council may appoint public accountant to investigate affairs of practitioner*"—

Mr. MULLAN (*Flinders*): I suggest that the accountant who may be appointed shall be an accountant certified under the Trust Accounts Acts.

The ATTORNEY-GENERAL: If the hon. member will read clause 23 (1), he will see that that provision exists.

Clause 23 agreed to.

Clauses 24 and 25 agreed to.

Clause 26—"*Solicitor's practising certificate; conveyancer's practising certificate*"—

Mr. W. FORGAN SMITH (*Mackay*): This clause is a very interesting one. It reads—

> "(1.) No barrister-at-law or solicitor shall on or after the first day of June, one thousand nine hundred and thirty-one, act or practise as a solicitor unless he has obtained from the secretary on application in proper form a certificate which is then in force to the effect that he is on the roll of the court as a barrister-at-law or solicitor thereof, as the case may be, and entitled to practise as a solicitor
>
> "(2.) No conveyancer shall on or after the first day of June, one thousand nine hundred and thirty-one, act or practise as such unless he has obtained from the secretary on application in proper form a certificate which is then in force to the effect that he is on the roll of the court as a conveyancer and entitled to practise as a conveyancer."

This is a very carefully drawn provision to ensure preference to unionists, the union in this case being the Law Society. It provides, first of all, that, to become a member

of that union, a man shall present certain credentials. He must have certain qualifications to become a member of that union; and any person not qualified is rejected, and the person so rejected is debarred from practising as a solicitor or conveyancer.

The idea is to maintain and build up the professional status of the men engaged in these professions. I am not objecting to the principle, but I want to draw an analogy where it can be applied in other directions. For example, a wharf labourer may be highly skilled in the art of handling cargo. He may have received or acquired a highly technical training in the art of manipulating slings and other appliances for the handling of merchandise. I have watched with considerable pleasure and admiration the able manner in which men manipulate slings and deposit goods on the wharf. These men have acquired certain skill in their profession. In addition to that, it is a hazardous occupation—and not only hazardous physically, but because the nature of the employment is casual in character. These men have banded themselves together in an organisation to protect their mutual interests, and to raise the status of the profession of handling cargo. The principle that applies to barristers and solicitors can, with equal justification, be applied to the highly skilled men who handle cargo at the ship's side or in the hold.

The same applies to your profession, Mr. Maxwell. A man engaged in that profession should be able to lay claim to the same legal rights as are set out in this clause. Such a man serves five or six years' apprenticeship to a highly skilled process trade; and it would be a good idea if we gave protection along the lines provided by the Minister in regard to other professions. I am offering no objection to only properly qualified men being allowed to practise law. That is in the interests of all concerned, provided there are ample public safeguards such as are contained in this Bill; but, if the principle is good in one case, I suggest that Parliament should extend the principle to other cases.

The ATTORNEY-GENERAL (Hon. N. F. Macgroarty, *South Brisbane*): I do not think the comparison made by the Leader of the Opposition is quite a fair one. As a professional man, I do not want to place professional men on a higher plane than anyone else; but I would point out that professional men have to go through a course of study for years and pass qualifying examinations before they are entitled to practise, whereas tradesmen only do practical work.

Clause 26 agreed to.

Clauses 27 to 33, both inclusive, agreed to.

Clause 34—"*Governor in Council may make rules for purposes of this Act*"—

Mr. W. FORGAN SMITH (*Mackay*): This clause gives power to the Governor in Council to make regulations. The powers to make regulations are specifically stated and easily understood, and are in conformity with the general purposes of the measure. My object, however, in speaking on this clause is to congratulate the Attorney-General on having dropped what I referred to earlier in the session as "the new despotism." He has not taken power to legislate or do anything that is properly the function of Parliament. The way the regulation-making power is fully set out clearly and definitely in this clause is a model to be followed in connection with any other Bills which other members of the Ministry might well emulate.

[12.30 p.m.]

The SECRETARY FOR LABOUR AND INDUSTRY: You initiated a very bad practice—you were the worst offender.

Mr. W. FORGAN SMITH: No. If the hon. member had followed my practice, he would not have strayed so far from sound policy as he has done. I am drawing attention to the fact that this clause is properly drafted and is in accordance with what clauses of a similar character should be, and is a model which should be followed in future in regard to any other legislation which may come before the Chamber.

Clause 34 agreed to.

Clauses 35 and 36 agreed to.

Clause 37—"*Amendment of section 5—Statutory Committee*"—

Mr. W. FORGAN SMITH (*Mackay*): I would like to get some information from the Attorney-General. The clause provides—

> "When any charge, question, or matter is heard by and before three or more members of the statutory committee, and such members are divided in opinion as to the decision to be given on any point arising during the hearing or as to the order to be made on such charge, question, or matter, such point or order shall be decided or made according to the opinion of the majority of such members, if there be a majority, but if such members are equally divided in opinion then the opinion of the chairman of the statutory committee if he is one of such members, or if he is not, the opinion of the member appointed by the members, taking part in such hearing to act as chairman on such hearing shall prevail."

Does that mean that the chairman shall have a casting vote?

The ATTORNEY-GENERAL: If there is an even number voting.

Mr. W. FORGAN SMITH: The clause further provides—

> "Provided further, that any charge, question, or matter may be heard and determined by not less than three members of the statutory committee, notwithstanding that at the time of such hearing or determination the total number of the members of such committee is less than five."

In other words, the committee deals with any question of improper practice that comes within the ambit of the Act.

The ATTORNEY-GENERAL: That is so.

Mr. W. FORGAN SMITH: I have not had the opportunity of following the Act very closely; but in the event of a close division of opinion on the statutory committee, is there any provision whereby an appeal may be granted?

Suppose the point is so fine that there is reasonable ground for a division of opinion, and that division of opinion actually takes place? Assume also that the voting of the members attending the meeting is even, and the chairman gives his casting vote, is there any provision whereby the person affected has the right of appeal? It appears only just that he should have that right.

The ATTORNEY-GENERAL (Hon. N. F. Macgroarty, *South Brisbane*): Section 5 of the principal Act provides for the appointment of five members of the society to be the statutory committee; and provision is made in that section for the right of appeal from the decision of the statutory committee. Section 5 (4) says—

> "An appeal to the court from any order of the statutory committee made under the powers of this Act shall lie at the instance either of the applicant or of the practitioner or of the council. Every such appeal shall be in the nature of a rehearing, and shall be made within such time and in such form and shall be heard in such manner as shall be prescribed by rules in that behalf to be made under the authority of this Act."

The present clause is only designed to give the chairman or the member acting as chairman of the statutory committee a casting vote in the event of an equal division of opinion. The quorum is three, and the occasion would only arise when four members were present.

Clause 37 agreed to.

Clause 38—"*Validation of proceedings, etc., of statutory committee*"—agreed to.

The House resumed.

The TEMPORARY CHAIRMAN reported the Bill with an amendment.

THIRD READING.

The ATTORNEY-GENERAL (Hon. N. F. Macgroarty, *South Brisbane*): I beg to move—

> "That the Bill be now read a third time."

Question put and passed.

INDUSTRIAL CONCILIATION AND ARBITRATION ACT AMENDMENT BILL.

SECOND READING.

The SECRETARY FOR LABOUR AND INDUSTRY (Hon. H. E. Sizer, *Sandgate*): There is only one principle in this measure, besides one or two machinery clauses the wisdom of which has been dictated by experience.

I do not propose to deal with the Bill at any great length, but I do wish to refer for a moment to some of the general statements which the Leader of the Opposition is continually making, and which I hope to be able to show are not borne out by facts. I was rather amused at his attitude yesterday. His speech descended more or less to the level of a harangue, with a chorus from his supporters. Harangues do not prove very much.

Mr. DUNLOP: It was common sense.

The SECRETARY FOR LABOUR AND INDUSTRY: Let us consider the amount of common sense expressed. It is not a fact that the Government are out to destroy arbitration.

Mr. HYNES: To destroy unionism.

The SECRETARY FOR LABOUR AND INDUSTRY: There is not the slightest proof of that. It may be argued that, because of an unprecedented position in Australia, in the interests of the community and in an endeavour to provide them with work, it was found necessary that industrial awards should be temporarily set aside. That action was taken purely for the purpose of providing employment for people in a time of extreme difficulty. Unprecedented conditions demand unprecedented actions. Had the Government been desirous of destroying arbitration, as stated by the Leader of the Opposition, we could have done it long before now.

Mr. HYNES: You were afraid of public opinion.

The SECRETARY FOR LABOUR AND INDUSTRY: The Government are not afraid to do what they consider right and proper, despite all criticism. I have completely disposed of the argument that the Government are anxious to destroy industrial arbitration.

The Leader of the Opposition pointed to the action of the Government in removing the public servants from the ambit of the court, but there is a precedent for that in the action taken by the Labour Government of which the hon. member was a member. If it is true that we have attempted to destroy arbitration by taking necessary action in connection with the public servants, then the same is true of the Labour Government, who took similar action in respect of a section of the public service. I have completely destroyed the argument that we are out to abolish arbitration.

Mr. HYNES: What about the mining industry and the rural workers?

The SECRETARY FOR LABOUR AND INDUSTRY: An unprecedented position has arisen in connection with the mining industry. The Government are anxious to provide work for the unemployed and to remove all restrictions from the mining industry so that there may be an incentive to the people concerned to win all the gold they can from the soil. At the present time Australia is particularly in need of an increased gold production. The wisdom of our action is amply demonstrated by the tremendous impetus given to gold-prospecting since that action was taken. Gold discoveries have been reported almost daily, but whether the finds will be large or small remains to be seen. The action of the Government in subsidising mining prospectors, thereby inducing hundreds of men to carry out this useful quest under a relief scheme, combined with the action of the Government in removing all restrictions from the mining industry because of national necessity, does not in any way indicate that we are out to destroy the principle of arbitration.

Mr. POLLOCK: These men were always given money in order to go prospecting, and they always did the work.

The SECRETARY FOR LABOUR AND INDUSTRY: There is increased activity in this direction. No exemption was granted to the Mount Isa and other mining fields that demonstrated their ability to carry on operations under the award, clearly substantiating my statement that the Government are not out to destroy arbitration. Those facts definitely confirm my statement that the object of the Government was simply to endeavour to encourage the people of this State to win wealth from the soil and to provide employment for the unemployed.

Mr. HYNES: You knew that they would not tolerate your action at Mount Isa because they were properly organised.

The SECRETARY FOR LABOUR AND INDUSTRY: The Leader of the Opposition has stated that the Government are responsible for the reduction in the basic wage.

The hon. member also said that the reduction in the basic wage was made at the desire of the Government. He also endeavoured to make the point—you could read his intention between the lines of his speech—that we had established the "Harvester" standard in Queensland.

Mr. W. FORGAN SMITH: You tried your hardest to do so.

The SECRETARY FOR LABOUR AND INDUSTRY: I will deal with the hon. member on that point before I go any further. He tried to create the impression, without saying it specifically, that the Government had reduced the basic wage to the "Harvester" standard.

Mr. W. FORGAN SMITH: In some cases you reduced wages below that standard.

The SECRETARY FOR LABOUR AND INDUSTRY: That is untrue, and cannot be borne out by facts. The closer the analysis made, the further the hon. member seems to be astray. During the period from November, 1921, to June, 1927, when Labour was in office, the index figure fell 107 points, and the basic wage fell by 5s. In March, 1922, when Labour was still in power, on a falling index figure, the court reduced the basic wage by 5s. per week. In July, 1922, the Government, of which the hon. member and his supporters were members, applied for the benefit of that reduction.

Mr. W. FORGAN SMITH: We applied for the court's finding.

The SECRETARY FOR LABOUR AND INDUSTRY: That is the point on which they pin their faith. There have been many arguments in this House and much splitting of straws to prove that the late Government were not a party to that act. I propose to read from a document to show that they were a party to that application, and it is well that it should be placed on record.

Mr. POLLOCK: Read it in full; that is all we want.

The SECRETARY FOR LABOUR AND INDUSTRY: On 1st July, 1922, the Government applied for the reduction in the basic wage to be applied to Government employees from 1st July, 1922. The application was signed by Mr. Theodore, Mr. Gillies, Mr. Jones, Mr. Larcombe, Mr. Huxham, Mr. Mullan, Mr. McCormack, Mr. Coyne, the Commissioner for Railways, the Commissioner for Trade, the Commissioner of Police, and the manager of the State Advances Corporation. The Leader of the Opposition tries to run round that point by saying, "We did not initiate the movement." He says, in effect, that the movement was initiated by someone else in March, and that in July his Government took advantage of it. Does not the same argument apply as between the thief and the receiver? Which is the greater criminal?

Mr. MULLAN: There is no analogy.

The SECRETARY FOR LABOUR AND INDUSTRY: If there were no "shelves," there would be no thieves. The only point in the matter is that they were somewhat cowardly in their action. They allowed the application to be made by someone else, then permitted the decision of the court to remain in abeyance for a month or two, and then came in to get their share of the spoil.

The Leader of the Opposition has tried to make out that because there is a fall in the basic wage now there is a fall in the standard of living, and that we have lowered the standard of living. If that is so, the party opposite lowered the standard when, in July, 1922, they applied to take advantage of the court's previous finding.

That proves conclusively that the court made its findings in March, 1922, on a fall in the index figures of 107 points, and that the late Government took advantage of it a few months later. If the standard was lowered then; they lowered it.

The same procedure has been adopted to-day, and, if the court—and I will show by figures that the fall in the index figures is much more drastic now than in that period—then lowered the standard, we are equally guilty of lowering the standard to-day; but, as the court adopted the same methods as were adopted then, we cannot in any way be different in that respect from hon. members opposite.

Mr. W. FORGAN SMITH: The present Act is different.

The SECRETARY FOR LABOUR AND INDUSTRY: I shall deal with that statement that the Act has now been altered. The section regarding the basic wage that was in the law passed by the late Government is in the law to-day.

Mr. W. FORGAN SMITH: With additional sections.

The SECRETARY FOR LABOUR AND INDUSTRY: Following the position further, we find that in December, 1929, the index figure was 1660. By September, 1930, it had fallen to 1458, and although I have not the official figures for December, I believe that the index figure will not now exceed 1400. It will be seen that since we assumed office there has been a reduction in the cost of living, based on the index figure of 260 points, as compared with a reduction of 107 points during the Labour regime. If a reduction was justified in the case of the Labour Government, surely it will be admitted that a greater reduction is justified at the present time under the circumstances I have disclosed. Although the cost of living has fallen by 13.4 per cent. during the year, wages have been reduced by only 9.4 per cent., so that the effective wage of those employed in Queensland is 4 per cent. greater than it was a year ago.

Mr. MULLAN: Except to the unemployment relief workers.

Mr. POLLOCK: And the pastoral workers.

The SPEAKER: Order!

The SECRETARY FOR LABOUR AND INDUSTRY: Considering the matter on the basis of the purchasing power of the £1 as laid down by the Commonwealth Statistician in relation to the cost of living figures, we find that, whereas in 1923, under the late Labour Government, goods that on the five-yearly basis 1923-27 cost 18s., in the third quarter of 1930, under the present Government cost 16s. 8d., and since then there has been a further fall of 3.1 per cent. That proves up to the hilt that under our Government the effective wage has increased—a fact

which cannot be refuted by any economist or mathematician.

The SECRETARY FOR RAILWAYS: There is a better effective wage to-day than ever there was.

The SECRETARY FOR LABOUR AND INDUSTRY: That is so. The Leader of the Opposition, waving his arms widely, has indulged in a harangue, claiming that the present Government are responsible for reducing the standard of living. Such a statement cannot be proved, because the basic wage is more effective in Queensland than anywhere else in the Commonwealth. Even if the Government were responsible, can the hon. member explain why the South Australian Government—which is a Labour Government—reduced the basic wage from £4 5s. to £3 15s. per week—a much greater reduction than was made here? One could go further and ask: Why has the Federal basic wage, under the control of the Federal Labour Government, fallen in Queensland?

Mr. W. FORGAN SMITH: It is not under the control of the Federal Government.

The SECRETARY FOR LABOUR AND INDUSTRY: The legislation is under their control. They have the power to amend the Act. Why has the basic wage under the Federal Government fallen in Queensland? The State basic wage in Queensland is £3 17s., and the Federal basic wage in Queensland is only £3 10s. 6d.

The Leader of the Opposition tried to make out that the Queensland Government had brought the workers down to the "Harvester" standard. The "Harvester" standard including the Powers' 3s., is £3 10s 6d., whereas our basic wage is £3 17s., which is 6s. 6d. above the "Harvester" standard

Mr. MULLAN: There is also a family allowance.

The SECRETARY FOR LABOUR AND INDUSTRY: There is no family allowance; what there is is the Power's 3s. The Leader of the Opposition concentrated his argument on the "Harvester" standard. Labour, as a party, is helpless, and the unions are helpless to prevent the position. The Labour Party cannot improve the position, because in each of the other States the basic wage has fallen to a greater extent than it has fallen in this State—not because Labour Governments want to do it, but because of the economic position, over which they have no control. It is perfectly idle for the Leader of the Opposition to wave his arms and say, "Your Government have done these things." He is exactly the same as Mr. Lang in New South Wales, who said, "Give me the chance, and I will get millions." He is going to get the millions out of the pockets of the workers. The Leader of the Opposition is in the same category as Mr. Lang. Mr. Lang said, "I shall not allow the police to have batons"; and the first day he gets into Parliament the police have to use batons to protect him. (Interruption.)

The SPEAKER: Order! Order!

The SECRETARY FOR LABOUR AND INDUSTRY: I do not blame the Leader of the Opposition He is playing to the multitude, just as Mr. Lang played to the multitude; but before we meet next session the picture in New South Wales will be much clearer, and it will be much more difficult for the Leader of the Opposition to wave his arms about and get away with empty statements.

In this Assembly we should argue on facts, and the facts prove beyond all doubt that the standard has not been lowered; but, on the contrary, the effective wage has been improved. In this State there is the most effective wage in the Commonwealth; and each member of the Opposition, if he is honest, will admit that the conditions in Queensland are 50 per cent. better than they are in any other State of the Commonwealth.

Mr. HYNES: Fourteen years of Labour government is a large factor in that.

The SECRETARY FOR LABOUR AND INDUSTRY: We could just as truly say that the present position in South Australia is due to Mr. Hill. I do not believe it, and would not use that argument.

The economic forces have left the Labour Party helpless. What are the unions doing for their members to-day? What have they done for the unionists? The Australian Workers' Union has thousands of pounds worth of bonds.

[2 p.m.]

The Leader of the Opposition made reference to some representations that he said were made to the Industrial Court. Anyone will realise that the Government have no control over that matter. The point the hon. member made was that it was referred to me and then to the Industrial Court, and that the Industrial Court, knowing the Government's policy, did nothing. I am not quoting the hon. member's exact words, but the inference he made—which was quite wrong—was that the Government influenced the court.

Mr. W. FORGAN SMITH: An officer of the Industrial Court—because the court can do price-fixing.

The SECRETARY FOR LABOUR AND INDUSTRY: He has no ministerial direction whatever. I have never approached any member of the court; I have had no communication with the court, which is an independent body, just the same as the Supreme Court. It would be quite wrong for me or any member of the Government to attempt to influence the court, which I am glad to say would take no notice—and quite rightly—if any representations were made to it. Any representations must be made to the court at the proper place and time; and that is where the Government would make them.

The next point I want to deal with is that the present depressed conditions have been brought about by the fact that the Federal Government have made it impossible by their tariff for people to obtain employment, and we are consequently in a very difficult position.

I might summarise the hon. member's remarks and say they are vague statements which cannot be borne out by facts. The Government have not reduced the standard of living. If the standard has been reduced by the fall in the basic wage, then the Labour Government were also guilty of reducing it in 1922, when they took advantage of the reduction of the cost of living which then took place.

Mr. KENNY: They reduced it to a greater extent.

The SECRETARY FOR LABOUR AND INDUSTRY: The hon. member also said that our Government have accentuated unemployment through our industrial policy, but there is no evidence of that. I do not intend to rely on my own statement. The latest unemployment figures supplied by the Commonwealth Statistician show the position to be—

	Per cent.
Queensland	11.6
Western Australia	18.4
Victoria	19.4
New South Wales	23.3
Tasmania	23.4
South Australia	24.7

The average for Australia is 20.1 per cent., while the figure for Queensland is only 11.6 per cent.

Mr. HYNES: An increase of 4 per cent.

The SECRETARY FOR LABOUR AND INDUSTRY: It may be an increase of 4 per cent., but the increases in the other States are much greater, and the increase in this State is not due to the Government.

The Government have made an effort to find work for the unemployed. What are the Federal Government doing? Members of their own party cannot get the Cabinet to move. They have demanded that Parliament shall sit until something is done, but the Federal Cabinet have done nothing for so long that only to-day we read that a member of the Labour Opposition in the Western Australian Assembly said to the Government of that State, 'Go on, and don't wait for the Federal Government!" meaning that the Federal Government are beyond all hope. The truth is that Labour cannot help the present situation. Nor can the unions help. What can the unions give in the way of employment? What are the unions doing?

Mr. HYNES: What are you doing? Giving jobs at £3 a week.

The SECRETARY FOR LABOUR AND INDUSTRY: Despite the jibes of the hon. member, by Christmas time we shall have provided 10,000 jobs—no other State has done that. In the Commonwealth sphere Labour members cannot force their own Government to do anything at all. That Government offered £1,000,000 for unemployment, and then they took it back again.

Mr. BRASSINGTON: You would not accept it.

The SECRETARY FOR LABOUR AND INDUSTRY: They have retrenched in the public service all the way through—in the Defence Department in particular.

Mr. BRASSINGTON: So have you.

The SECRETARY FOR LABOUR AND INDUSTRY: Not to the same extent. We have not done nearly the retrenchment that the Federal Government have done. I repeat that there is a mass of evidence—whether you regard the conditions in the Commonwealth, South Australia, or Victoria—I shall not include New South Wales yet, because the Labour Government have not had sufficient time to do anything—to prove that the States controlled by Labour Governments are in a thousand times worse condition than Queensland. Those Governments are not relieving unemployment to the same extent. They have a far higher percentage of unemployment. Their Parliaments are practically sitting down and doing nothing. Hon. members opposite jibe about jobs at £3 a week, but in Victoria, if they can squeeze out enough money to give £2 5s. a week, it is as much as they can do, notwithstanding that the cost of living is from 10 per cent. to 15 per cent. higher than in Queensland. These are facts. They are not mere statements or assertions. They are borne out by every official record.

There may be some criticism of the Government as to the thirteen weeks' rotation system under the unemployment relief scheme, but the fact remains that in Victoria the Government give from two weeks' work up to eight weeks' work, and there they have not as many men at work as we have, although they have much more revenue, a much greater population, and although they pay lower wages.

These facts prove that the general statements of the Leader of the Opposition cannot be sustained, and that, if he had the responsibility of governing this State, he could do no more than is being done by Labour Governments in other States of the Commonwealth, and that he could not do nearly as much as we are doing. That conclusion is strengthened by the fact that, when in power, he did not do nearly as much as we are doing .

Mr. HYNES: Get out and give us a chance.

The SECRETARY FOR LABOUR AND INDUSTRY: I have a much higher sense of responsibility. If we can judge by the action of Labour Governments in Australia, then this Government would be betraying the workers if they allowed the Labour Party to be returned to office again. I have effectively replied to the vague generalities of the Leader of the Opposition.

The existing Act provides that the parties to a dispute must exhaust conciliation methods before being allowed to approach the court. Those methods must extend over a period of three months; but it is now proposed to reduce the period to one month. I suppose hon. members opposite will say, "I told you so."

Mr. HYNES: We did, too. The whole thing was ridiculous.

The SECRETARY FOR LABOUR AND INDUSTRY: My anticipations are correct. I believe that the principle of conciliation supplies the best method; but I must frankly admit that there is a disinclination on both sides to adopt this method. The system of arbitration has created a kind of vested interest. The advocates for both sides probably know what is fair and reasonable, but they are not prepared to accept the responsibility of coming to a decision. I do not blame one side more than another. One side decides to apply for a reduction in wages, and the other side is determined to apply for an increase in the wages. Both sides are then in a position to inform their principals that they did their best in their interests. The court must then give a decision, and there the responsibility rests. I do not blame the union movement any more than I blame the employers. A big majority of union men understand the position, and the employers also are aware of the situation existing, but neither side will accept the responsibility for coming to a decision. They look to someone else to carry the responsibility. They have got into a groove, which is an easy matter; but it

is not the best method. I again confess that it is difficult to overcome the existing practice.

I am not prepared to say that conciliation has failed—far from it—but I admit that the extraordinary conditions now prevailing make it inopportune to endeavour to make a success of conciliation. The unions are pledged not to reduce wages. That is their policy, even though it is obvious that a reduction is necessary in the interests of their members. The unions know in their heart of hearts that a reduction in wages is necessary, whilst on the other hand the representatives of the employers say, "We will not concede anything; we will get all that we can. If we concede this much, the court may go a little further"; and so the matter is left finally for decision by the court. Admittedly, on a falling market and in an atmosphere of depression it is difficult to make a success of the conciliation method. We are now endeavouring to rectify the present situation. I am always prepared to meet any situation. I am not afraid to say that I have found it necessary to change my mind to meet an alteration in circumstances. I am not a bit afraid, for a man who does not do that does not do anything. It is now proposed that, if the parties are unable to agree, the conciliation commissioner will have power to give a decision except on vital questions. I believe that to be an advantage.

Mr. HYNES: Why one month?

The SECRETARY FOR LABOUR AND INDUSTRY: That is necessary, because many minor matters are capable of adjustment. I am not by any means prepared to abandon the whole process of conciliation.

Another provision in the Bill confers power upon the court to vary agreements if it is considered in the interests of the public to do so. During my experience in the Department of Labour and Industry, I have found that there is a tendency on the part of some employers and employees in a particular industry to believe that they are the whole community. They argue from the viewpoint of what is good for themselves without thinking of the general public. I have discovered that some conditions in these agreements are outrages on the rights and liberties of the general public—in fact, that the agreements are quite against the public interest. One has to recognise facts, but in this time of depression, and in this time of falling markets, there is a disinclination to do the things I have mentioned, and there is also a strong inclination to tighten up these agreements against the public and attempt to defeat the ordinary economic laws in the interests of one section of the community.

A further amendment in this Bill which is of considerable importance is the granting of power to the court to enter into and make arrangements for industries to ration work with the object of preventing further unemployment or retrenchment in an industry. I confess that this amendment confers wide powers upon the court. That is because the powers of the court should not be restricted in this matter, especially if it can see that, by rationing and spreading the available work among all the employees in an industry during this time of abnormal depression, the unemployment problem will not be aggravated. There is no desire to restrict the powers of the court in the matter. The desire is to give it whatever power it thinks fit to exercise in that direction. That is a matter that might very well be left to the court.

The hon. member for Townsville has several times interjected in this strain: "What about your 'Harvester' rate?" What is the "Harvester" rate to the man who cannot get work? I am not one of those who are wedded to the viewpoint that any one set of hours, whether they be forty or forty-eight, is going to solve the industrial problem.

If, wherever practicable, the court will use the hourly rate of pay—with, of course, adequate safeguards—I think it will do much to improve the situation. It will overcome many more difficulties than could be overcome by tinkering with the hours of labour. I am definitely of the opinion that much of the present difficulty could be overcome if the hourly rate were established in industries where it can be worked satisfactorily, because it would result in the employment of a great deal of casual labour—and that is particularly essential during the present financial crisis. It may not be a complete solution of the problem, but it will go far in the direction of meeting the difficulties during this abnormal period. The Bill gives the court power to adopt such methods as it thinks necessary to prevent unemployment or retrenchment in an industry.

Section 5 (*n*) of the principal Act is being amended to provide for the omission of words which make the section ludicrous in the extreme. We are omitting those words, under which the late Chief Justice McCawley said he could grant a divorce! I refer to the definition of "Industrial matters," which the principal Act includes as "any matter, whether industrial or not . . . ," which we are altering to read "industrial matter." It was never intended that, under a section of the Industrial Conciliation and Arbitration Act, it would be possible to grant a divorce.

Mr. W. FORGAN SMITH: You might divorce a man from his job.

The SECRETARY FOR LABOUR AND INDUSTRY: Surely the hon. member remembers having sacked 18,000 employees in one night! His cheap jibes in that direction will get him nowhere. The late Chief Justice pointed out how ludicrous these words were, and we are making the necessary amendment in this Bill.

The Bill also provides for a unification so far as juniors and minors are concerned, along the lines laid down in "The Apprentices and Minors Act of 1929," whereby progressive percentages can be prescribed.

The next point, and one that is probably the most interesting, because it will doubtless create a great deal of discussion, is the repeal of section 57 of the principal Act, providing for the abolition of preference. I say definitely that, in my opinion, it will not accomplish all that some people think it will accomplish; but the more one looks into the question the more one is convinced that, from an ethical point of view, preference to unionists cannot be justified.

Mr. HYNES: You are determined to smash the unions for political purposes.

The SECRETARY FOR LABOUR AND INDUSTRY: I shall put the hon. member in the witness-box very soon, and he will be very uncomfortable. Apart from the fact that preference to unionists cannot be justified on ethical grounds, it becomes more

difficult to justify when we consider that, although the law of the land states that industrial conditions shall be adjusted by an industrial tribunal, it also provides that, before a man can get to that court, he must be a member of a union. Further, the position becomes even less justifiable when we consider that the unions are affiliated with a political party. The net result is to make the Industrial Court—which is a court of law of Queensland—a political organisation. It is difficult to justify from that point of view.

Mr. HYNES: It is not.

The SECRETARY FOR LABOUR AND INDUSTRY: I say definitely that it is. I have no quarrel with the unions, and I have no quarrel with the men who belong to unions. There are some very excellent members of unions and union secretaries. I have no objection to them at all; but I do strongly object, and would strongly object personally, to being dragooned into doing something that I did not want to do. I would not mind so much if it applied to industrial matters only; but, when you dragoon me and my politics at the same time, then it means that a man is bought body and soul, and it cannot be justified.

Mr. DUNLOP: That is not true.

The SECRETARY FOR LABOUR AND INDUSTRY: It is true. Ninety-five per cent. of the unions are affiliated; therefore every unionist has to vote for things that he does not want.

Mr. DUNLOP: What about the Nationalist organisations? They have to vote as they are told.

The SECRETARY FOR LABOUR AND INDUSTRY: No; they can vote as they please.

I now come to the question of coercion. The value of coercion is not very great; and that was argued by the hon. member for Mount Morgan, who definitely opposed legalised preference to unionists on the basic principle that people coerced into a union were not of much value to that organisation or to the community. The man who joins a union of his own free will is a man who believes in it by conviction; but the man who is forced into a union is no good to the union. At a later stage in this debate the speech of the hon. member for Mount Morgan will be quoted at length; but that hon. member put up the strongest argument that can be used for the abolition of this principle of preference. His argument was sound, and is sound particularly when legalised preference is hedged around as it is. I shall be interested to hear the hon. member's argument in opposition to this clause. The Federal Arbitration Court has been in existence for many years, but I believe that on only one occasion has it granted preference.

Mr. W. FORGAN SMITH: Nonsense! The Federal Court has granted preference frequently.

The SECRETARY FOR LABOUR AND INDUSTRY: I do not think it has granted preference frequently. I believe I am correct in saying that it has not granted preference more than once, or at any rate not many more times, and it has refused it many more times than it has granted it.

Mr. W. FORGAN SMITH: You are badly informed.

The SECRETARY FOR LABOUR AND INDUSTRY: I am not badly informed.

[2.30 p.m.]

The next point I want to deal with is the argument of the Leader of the Opposition about the waterside workers—a very excellent one; but the only flaw in the argument is that the waterside workers are under the jurisdiction of the Federal Arbitration Court.

Mr. W. FORGAN SMITH: Not in Brisbane.

The SECRETARY FOR LABOUR AND INDUSTRY: They are.

Mr. W. FORGAN SMITH: They are not.

The SECRETARY FOR LABOUR AND INDUSTRY: I say they are under the jurisdiction of the Federal Arbitration Court, and the Federal Government, supported by hon. members opposite, have not helped them in their difficulties.

Mr. W. FORGAN SMITH: That gives you an opportunity to help them.

The SECRETARY FOR LABOUR AND INDUSTRY: The hon. member has to remember that the Federal law is paramount. If we said we would give all the waterside workers work to-morrow, we could not do it.

We say that there is provision in the law—and we have not altered it—that no one shall be discriminated against—that they can please themselves exactly as to what they want to do. We say definitely that the court should not give preference, because we believe it is unwise that preference should be given. There is another good reason, which I have mentioned before: There are instances where men have had as many as seven different union tickets, and then they could not get a job, because of preference to unionists. I was hopeful that the section we put in the original Act would have been observed; and it certainly shows that we were not vicious on the point. I want to say in fairness to some unions that they have obeyed that direction, but others have abused it, and abuse it every day. There are a number of unions in this State which play the game; but there are others—and some of the big ones—which are not playing the game and which strangle people when they want to get work. I had a case brought before me the other day of a man who had found a job for himself and another man; but he was not allowed by the union to take it. The action of the union was illegal, and I am not going to permit that. In the Committee stage I shall be able to quote dozens of cases where men have found work for themselves and have been penalised because they have not had union tickets, while a man who has seven union tickets has not been allowed to take a job. If a privilege is to be so abused, there is only one thing to do, and that is to get rid of it.

Another thing: If we are taking away the right of preference, the hon. member's own Federal Government have not established the right of preference to unionists. They attempted to do so, and then they backed down. The hon. member's own Federal Government backed down; they tried to coerce returned soldiers into unions before they would give them preference, but they backed down in face of the opposition to the proposal, and they have not established preference in their own Government service. Therefore, if hon. members opposite criticise us as a political party for

removing preference, we can charge them as a political party with not establishing preference, because they could not establish it, as the force of public opinion was too strong. In this case we have not taken away the privileges which have been given to returned men, because they are based entirely on a different ground altogether in so far as they are based on the ground of services rendered to the country in its vital hour of need.

An OPPOSITION MEMBER: They get the privilege to starve.

The SPEAKER: Order!

The SECRETARY FOR LABOUR AND INDUSTRY: I shall deal with that question in committee. Some hon. members opposite would like to see us have industrial trouble; but we are not going to have trouble because of two things. One is that the responsible leaders of unions are sufficiently alive to the seriousness of the position not to have trouble for political purposes, even to suit the hon. member for Cairns. Many of the leaders—for whom I have a good deal of respect—are finding difficulty enough in trying to get men work and keep them in work rather than to throw them out of work. In spite of all the efforts the hon. member may make, he will not stir up difficulties in industry in this State.

Mr. O'KEEFE: You are starving them out.

The SECRETARY FOR LABOUR AND INDUSTRY: I deny the hon. member's statement. We have not done anything of the kind, because our wage is the most effective in Australia. We are paying the best relief wage paid in Australia, whether by a Labour or any other Government, as I shall prove up to the hilt on another Bill. I am not going to have it said in this or any other debate that our Government are starving them out.

Mr. BRUCE: You are starving them more and more every day.

The SPEAKER: Order!

Mr. BRUCE: You are starving them more and more every day.

The SPEAKER: Order! If the hon. member does not obey my call, I shall have to take further action. I have allowed a considerable amount of latitude in this debate, but I am certainly not going to allow repeated interjections on either side.

The SECRETARY FOR LABOUR AND INDUSTRY: I am not making misstatements. I am making statements of fact, and every one I have made can be proved by facts. I definitely repeat that the position here is better than elsewhere. I am not claiming that it is satisfactory; but I say that we have a lower percentage of unemployment, that our relief conditions are the best in Australia, that we are giving the most in pounds, shillings, and pence to relieve unemployment of any State in the Commonwealth, and that our relief rations are on a higher scale than anywhere else in Australia. We are giving 14s. 6d. where the Labour Government in Victoria are giving 6s. 9d. Whether in this debate, or in any other debate, I am not going to allow misstatements flung across the floor of the Chamber to go uncorrected. We are giving the highest relief rations in Australia—double what they are in any Labour State.

Mr. HYNES: Not higher than under the previous Government.

The SECRETARY FOR LABOUR AND INDUSTRY: Yes. We are giving the best relief conditions, and our relief wage is the most effective of all. We have less unemployment and less hardship than anywhere else. That, however, is beside the point with which we are dealing, and I realise that I was drawn off the track somewhat and that you, Mr. Speaker, allowed me latitude in which to reply.

I do not see any reason for labouring the question any further. The Bill is not a long one. It has only one vital clause—if hon. members call it vital—but it is necessary. Anyhow, I want to tell the hon. member for Townsville that we are doing this by legislation, and not, as some unions asked us to do, by Order in Council, but that is a question with which I shall deal at a later stage.

Mr. HYNES: Give me an opportunity to reply. Don't make innuendoes. Make statements.

The SECRETARY FOR LABOUR AND INDUSTRY: The hon. member will have an opportunity to reply. I have much pleasure in moving—

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

GOVERNMENT MEMBERS: Hear, hear!

Mr. W. FORGAN SMITH (*Mackay*): I listened with attention to the apology for the Bill and the excuse for Government policy put forward by the Secretary for Labour and Industry. As the hon. gentleman pointed out, the Bill contains very little in the way of new principles, but, to a further extent than has hitherto been attempted, applies the Government policy to industrial matters.

In the course of his speech, the Minister covered a wide range of industrial subjects. He sought to excuse his Government for many actions they have taken since they became the Government of Queensland. He excused them by quoting the Governments of South Australia, Victoria, the Federal Government—some other Government than the Government of Queensland. It is quite easy to argue on the basis that, no matter how bad an individual may be, someone else is worse. If that can be accepted as an excuse, then the Minister has produced a satisfactory excuse. The point I wish to make here and now is that we in this Parliament are concerned with the people of Queensland, with the laws of Queensland, and with the opportunities that are given to the people of Queensland to develop the resources of the State in their own way and according to their own peculiar genius.

The States referred to by the Minister were in a worse position than Queensland many years ago. South Australia is suffering from six years of Governments comprising men like Sir Henry Barwell and Mr. Butler. The Victorian Labour Government, although in office, have never been in power. The same applies to the Commonwealth Government.

I am not here to make excuses for any of these Governments. The Government sitting opposite me to-day have a mandate from the people of Queensland—a mandate based on the pledges they made to the people; and we are concerned as to how they have made use of that mandate and to what extent they are carrying out the pledges they made to the people. No matter how they might

excuse themselves with regard to the alleged dereliction of duty on the part of other Governments, it is our job to keep the Queensland Government to the main point—that is, their mandate, their pledges, and the effect of their general policy. They obtained office by a number of specious promises—among them, 10,000 jobs and the expenditure of £2,000,000. They promised not to interfere with industrial conditions; they promised not to lower wages or extend hours. In effect, they said to the workers of Queensland, "Trust us with the control of government, and we will remedy unemployment, and at the same time we will see to it that the wages and conditions that you have obtained as a result of years of organisation will be protected and retained intact." What has occurred? After a period of twenty months in office, the Government have performed more acts of repudiation of policy than any other Government have ever done in any part of Australia. No part of their policy, other than that part which is most reactionary and vicious, has been given effect to. Whilst they are prepared to keep their promises to some of their supporters—so far as they are reactionary and conservative—the pledges they solemnly made to the great bulk of the people have been treated with cynical disregard and repudiated in every respect.

The Minister spent a good deal of his time in replying to my speech of yesterday. He excused the action of his Government by quoting the action of our Government in 1922. What are the facts? The facts are that the Government of which I was a member believed in a policy of orderly control of industry by reason of the wages fixed and conditions determined by the Board of Trade and Arbitration. We realised that, owing to the fluctuating conditions of industry and the cost of living, wages will naturally rise and fall with those factors on which wages are determined; but the Government of which I was a member never on any occasion failed to pay the award rates and conditions laid down by the court. In March, 1922, the basic wage was reduced by the court. The Labour Government were in no way represented at the hearing. After the reduction in the basic wage took place in March, a minute was sent round the departments, signed by myself as Secretary for Public Works, to the following effect:—

> "Notwithstanding the judgment of the Board of Trade and Arbitration, the Government will continue to pay existing award conditions until the end of the financial year, when the matter will then be reviewed again."

The Government paid the higher rate of wages for three months; and, on the commencement of the new financial year, the Estimates were framed on the basis of the awards of the court. In other words, awards affecting the Government were varied in July in accordance with the decision arrived at by the court in March of the same year.

The SECRETARY FOR LABOUR AND INDUSTRY: Wages were reduced by 5s. per week.

Mr. W. FORGAN SMITH: Contrast that with the action of the present Government! I repeat that never on any occasion did the Government of which I was a member approach the court for any reduction in wages so far as the basic wage standard was concerned. It was always our policy to apply to the people we employed the awards delivered by the court. To adopt any other policy than that would have been to argue that the Government should not pay the same rate for similar labour employed outside the service. The Minister may have a case, if he is prepared to argue along those lines; but compare that policy with the attitude of the Secretary for Labour and Industry. He introduced an Act, of which this Bill is an amendment. In that Act he deliberately altered the law to change the standard on which wage fixation was based.

The SECRETARY FOR LABOUR AND INDUSTRY: That is not correct.

Mr. W. FORGAN SMITH: He altered the terms and conditions under which the court operated; and that fact has been referred to by the judge of the court. Immediately the question for the basic wage had to be determined, what happened? The Government repudiated all their pledges to the workers of the State by taking the initiative in moving the court for a reduction in the basic wage down to the "Harvester" standard. They did not leave the initiative to the Employers' Federation or any combination of employers in industry. The Government, for and on behalf of the Employers' Federation of Queensland, moved the court with a view to getting the basic wage standard reduced to what is known as the "Harvester" standard. The argument was put forward in court by the representatives of the Government that that was the intention of the Act, and that it was the duty of the court to alter the basic wage accordingly. On that occasion the court, on the figures before it, refused to interfere with the basic wage then existing. What then happened? Here is what one Minister had to say in regard to the action of the court.

The following appears in the "Daily Mail" of 1st April last—a very appropriate date for a statement to be made by any of the present Ministers:—

> "WAGES LEVEL TOO HIGH.
> "WILL TAKE ACTION TO READJUST.
> "*Court's Decision Dissatisfies.*
> "Minister Discusses Government's Intention.
>
> "Speaking at Kelvin Grove, the Attorney-General (Hon. N. F. Macgroarty) said the Government allowed the court, in accordance with constitutional procedure, to function, but the court had not functioned in the way it should have done. Wages could not be maintained at their present standard, and the Government had to face the position, irrespective of what people thought, doing only what is considered right in the hope that a readjustment of affairs would help towards restoring the stability of Queensland."

That is a definite and clear statement made by the Attorney-General—an hon. gentleman learned in law—whose statement was based on the known desire and intention of the Government that the court, in fixing a basic wage, should reduce the standard that hitherto prevailed.

Later on the Government again approached the court for a further reduction in wages, again applying for the application of the "Harvester" standard, and again sending one of their officials into court to argue that wages should be fixed on a falling standard and on his estimate of what the index figure

would be some months ahead. The court very wisely refused to act on what a certain witness supposed would be the position at a later date, and it reduced the wages by only 5s. per week, which reduction was applied immediately and drastically by the Government.

Not satisfied with that reduction, the Government went further, and at a later date secured a reduction in the basic wage to £3 17s., or a reduction of 8s. per week in the basic wage, and all marginal awards made since their assumption of office. Neither now nor at any other time do I complain of what the court has done. The court has to act in accordance with the law under which it operates; and I do not complain of any decision of the court acting in competent jurisdiction. I do, however, take exception to the action of the Government in denying that they attempted to reduce wages, when in actual fact they used every resource at their disposal to bring about that result.

The SECRETARY FOR LABOUR AND INDUSTRY: We went to the court, the same as you did.

Mr. W. FORGAN SMITH: Not the same as we did. We applied the court's basic finding; we did not move the court for a reduction in a general finding.

The SECRETARY FOR LABOUR AND INDUSTRY: We were summoned before the court.

Mr. W. FORGAN SMITH: But the Minister was not satisfied with that reduction of the court; and, sharing the belief of the Attorney-General that the court had not functioned in the way it should have done, the hon. gentleman issued an Order in Council withdrawing the employees of the Commissioner for Railways, the Department of Public Instruction, and public servants generally, from the ambit of the court. The Government also withdrew from the ambit of awards pastoral workers, miners, and others engaged in various industries, with the result that, by Order in Council, 25 per cent. of the workers in Queensland have been industrially outlawed.

The Government who said they believed in a high standard of living, whose Secretary for Labour and Industry says he believes in arbitration, having withdrawn all their employees from the protection of the court, introduced a Salaries Reduction Bill—a Bill which gives the Governor in Council not only power to reduce wages lower than the standard fixed by the court—which they have already done—but gives the Government authority to reduce them still further. And the Government went even further than that. This party opposes that Bill on the ground that the employees of the State should have equal rights with any other workers in Queensland. We believe that any facilities that are given to any employee should be free and open to the employees of the State—a principle that no reasonable or just man would endeavour to combat. We failed in convincing any member of the Government, and, as a last resource, the hon. member for Mundingburra, one of my colleagues, moved the following amendment to the Bill:—

> "Notwithstanding anything hereinbefore contained, the Governor in Council in fixing a wages rate shall not reduce any wages rate below the basic wage as determined by the Court of Conciliation and Industrial Arbitration."

Every member of the Government Party voted against that amendment, which prescribed a very elementary piece of justice for the employees of the State. Not only did they take steps to reduce the standard of living of the people; not only did they make a frontal attack on the wages of the employees of the State; but deliberately every member of the Government Party voted against an amendment that prescribed the minimum basic wage for the public service. The Secretary for Labour and Industry has the temerity to stand in his place to-day and say that the Government have done none of these things. As a matter of cold fact, it can be demonstrated beyond a shadow of doubt that the devastating hand of the Government has paralysed industry and undermined the confidence of the people to such an extent that widespread unemployment is rampant throughout Queensland; and we have the spectacle of Archdeacon Dixon at the Constitutional Club yesterday, when appealing for funds for the people of Queensland, quoting the Minister's own words that there are 80,000 destitute people in the State to-day and they expect the number to increase to 100,000 before March next. Those are the figures quoted yesterday

The SECRETARY FOR LABOUR AND INDUSTRY: They are quite wrong.

Mr. W. FORGAN SMITH: The gentleman who used them quoted from the Minister's own statement. Everyone who knows anything at all knows that since the present Government have come into power the people of this State are suffering in a way none of the people ever suffered before. There is poverty in Brisbane and in every part of the State of an intensity that has never been known before. Not only have they reduced all standards of living, but they have applied their leprous hand to other things. They are the people who reduced even the allowance to State orphans by 1s. a week.

[3 p.m.]

Petty meanness and vindictive reactionary policy could not carry a Government any further. I am, therefore, justified in saying that the Government are to a large extent responsible for aggravating the depression which exists at the present time. They have created and intensified unemployment; they have reduced the living standards of the people, with the result that this State is in a worse condition to-day than it has been for the last twenty years, very largely due to the policy pursued by the Government. Hon. members opposite talk about Mr. Lang saying, "Give me millions, and I will give work to the people of New South Wales!" The facts are that the Government opposite had millions, but they refrained from using them. They dissipated them by means of loans to the Southern States, while refusing advances to local authorities which would have provided public work in Queensland, on the ground that no funds were available. They lent to New South Wales, Victoria, and South Australia money that should have been used for and on behalf of the people of Queensland. They evidently thought that it was more important to complete the North Shore Bridge and the underground railway in Sydney than to look after the citizens of this State.

The ATTORNEY-GENERAL: What did you hoard it up for?

Mr. W. FORGAN SMITH: I again state definitely that, in regard to the industrial control to be exercised in the State, the Government stand for a policy devised with the final objective of destroying the orderly control of industrial conditions. The real control of the party opposite is vested in such organisations as the National Union or the Single Purposes League. Their real purpose is to destroy arbitration and to get back to the old conditions, when economic circumstances determined the conditions of labour, when economic pressure could be exerted, and a man's wage determined, not by what was fair and reasonable, not by means of the value of the product or the services rendered, but at the least amount for which the unemployed man who required work was prepared to take the job. That is the real desire of the Government.

Following in chronological order the sequence of events, the first action of the Government was the repeal of the award relating to rural workers, then the removal from the court of a body of other workers, including the State employees, an alteration in the legislation which deprived unions and organised labour of the advantages that had been maintained for very many years; a gradual process of attack, taking away a section at a time with the hope that they would so weaken industrial unionism that they would be able finally to make a frontal attack and abolish the Industrial Court altogether, and revert to the old individualistic conditions which obtained in what they call the "good old days."

The Minister said that Federal awards have very rarely prescribed preference to unionists. He is singularly ill-informed in regard to the Federal law. The Federal law in relation to arbitration—no more than the previous State law of Queensland—never distinctly specified that there should be preference to unionists. In the law that existed prior to this Government obtaining office there was no specific section providing for preference to unionists; neither is there in the Federal Act; but both the Federal and the State courts, in the interests of industrial peace and the orderly control of industry, have frequently applied the principle. In a famous judgment Judge Higgins quite definitely stated that, while the statute did not provide for preference to unionists, he intended to apply the principle because it was the logical corollary of the legalised control of wages and industrial conditions.

The same thing holds good with respect to the Queensland court, where the late Chief Justice McCawley and those who succeeded him frequently applied the principle of preference to unionists when they thought it to be a sound proceeding. It is noteworthy, moreover, that the law placed on the Federal statute-book by the Bruce Government made no attempt to interfere in any way with that principle, and in about 90 per cent. of the awards made by the Federal court preference to unionists was granted. Anyone who cares to look up the history of arbitration in the Federal jurisdiction will find that to be correct. No attack on the principle has been made by the Commonwealth Government—whether the present Administration or their predecessors. The principle laid down by the late Mr. Justice Higgins has been followed by other judges. It has, in fact, obtained general acceptance from the majority of the judges who have dealt with the matter.

This Bill goes further than any other Government have attempted to go in similar circumstances. Not only does it propose to repeal the section specially providing for a limited form of preference, but it enacts a definite and drastic prohibition against the granting of any such right. In other words, instead of leaving the decision to the court, instead of leaving this matter of industrial policy to the decision of the tribunal which deals with each case on its merits, as has been the case for many years, the Government set out to enjoin on the court that it shall not grant preference to unionists. This clause prohibits either the court or an industrial board or any other tribunal from giving it—another attempt, I repeat, to weaken the influence of unions so that the final objective of the Government may be brought so much nearer.

I take this opportunity of saying to the unions of Queensland that, unless they solidify their ranks, unless they organise with an intensity with which they have never organised before, unless they combine in every possible way in the industrial field, they will find that this Government, thus given the opportunity, will finally destroy the whole of the industrial code of Queensland and deal Labour a blow from which they hope it will not recover for some time to come. But I realise that efforts of this kind by the Government will fail. Mr. Baldwin, the Leader of the Conservative Party in England, introduced a similar policy, passing a Trade Unions Act which he thought would hamstring the unions of Great Britain, curb their activity, or even deal a death-blow to Labour politically and industrially. The result, however, was that, after that law came into operation, industrial organisation was accelerated, and each union gained greater accessions of numbers than ever before; and finally, at the first election following the passage of the Act, the Baldwin Government were ignominiously defeated.

Neither this Government nor any other Government can destroy unionism; for it is based on a principle that is inherent in all decent men; it is based on the knowledge that, by co-operating one with another, men can improve their industrial conditions and raise their standard of living in the community. Anyone who understands anything of industrial history knows that all the improvements that have been effected in the conditions in industry have been effected as a direct result of the influence of the Labour movement, using that term in its widest sense.

OPPOSITION MEMBERS: Hear, hear!

Mr. W. FORGAN SMITH: Had it not been for unionism there would have been no factories and shops legislation. If there had been no unionism we would not have had a comprehensive industrial code on the statute-book of this and other countries; and we would still have been living under conditions under which men worked any hours that were dictated by the employers, and for wages merely sufficient to keep body and soul together. The Minister and his colleagues are political atavists. They are the lineal descendants of the people who said that child labour was necessary in the cotton mills of Lancashire; otherwise that industry would be destroyed and the Empire endangered. The

attitude of mind of the Government and their supporters is the attitude of mind that opposed Lord Shaftesbury in the legislation that was passed to control, improve, and provide the humane conditions that he advocated in the coalmining industry. Every progressive step that has been made by the worker and those on whose behalf he fights has been made in the teeth of bitter and relentless opposition by people such as the Minister and his Government, who have no belief in human aspirations. They stand for the maintenance of conditions as they are enabling a privileged class to exploit the rest of the community and take for themselves the greater share of the product of labour.

This Bill will fail in its intentions. Whilst it may handicap and restrict the operations of unions to some extent, still Labour has always thrived in the face of opposition. Where the fight is the hottest there you will always find Labour at its highest pinnacle of perfection. While the Minister may hope to gain an advantage over Labour by means of this measure, Labour will come out of the test stronger than ever before to carry on its historic work of improving the conditions of those engaged in wealth production and those who toil and work for the things that are worth while.

The Minister went on to say that, whilst the court is to be debarred from granting preference, the awards providing for preference to returned soldiers will not be interfered with, because that is a reward for the services rendered to the nation in the days of its peril. That might be so; but I wish to draw attention to another aspect of the problem. The very fact that it was necessary for the court to adopt a clause providing for preference to returned men, and the very fact that the Minister finds it necessary to retain the clause providing for preference to returned soldiers in employment in some shape or another, is a vindication of our claim that the employers of the State who are getting an advantage by this new legislation would otherwise repudiate the promises made to these returned soldiers. What a pitiable condition we have come to when the Minister says that it is necessary to pass a statute to compel the employers in this State to give a modicum of preference to men who made great sacrifices during the Great War! I remember well the speeches of the employing class during the war—"You enlist, my boy, and we will see that you are looked after. You will get your job back, and everything else that can be done for you we will do." The history of the past has been repeated. When the flags are furled, the drums laid aside, and people get back to the old humdrum way of living, employers and other people speedily forget their promises, and proceed to carry on their business relations on the basis of what is most profitable to themselves.

I object to the clause in the Bill; and I object to any tinkering with industrial conditions that is likely to cause a reversion to the conditions that obtained prior to the introduction of a reasonable system of arbitration. There is a choice between two policies. Either we must continue to develop the orderly control of industry by means of legal tribunals dispensing justice between those engaged in industry, or we must revert to the forms of industrial anarchy that obtained prior to the introduction of such a policy.

The Minister said that some unions carry out their obligations under the law, but others do not. As a matter of fact, under this Bill and under the previous statute, there was ample authority on the part of the court to police awards and see that they were carried out. While the Minister and his supporters dilate at considerable length on the few industrial disputes that take place, they say nothing at all of the 95 or 98 per cent. of the workers who operate peacefully under awards of the court, and with whom there is no real dispute at all. If any union disobeys the law, then there is power under the law to deal with it. But that is not the real reason why the Minister objects to this provision and is now moving to remove it from the statute. He is removing it—not because of what any union has done or has failed to do—he is doing it because he desires, on behalf of the people he represents, to deal a damaging blow to unionism and everything that unionism stands for.

I repeat what I said yesterday—that the industrial conditions of Australia compare more than favourably with those of the United States of America or of Great Britain, and that there are fewer strikes and fewer industrial disputes in Australia than in those countries. Dr. Carter Goodrich, who visited Australia a couple of years ago on behalf of the Harvard University to inquire into industrial conditions in Australia, in an article in the "Economic Record," compared the figures relating to our industrial disputes with those of America over the ten-year period—1917-1926. He showed that the percentage of workers to the total union membership directly involved in disputes in Australia was seventeen as against thirty-seven in the United States. He added these remarks to the figures he quoted—

> "The American trade unionist, in spite of his reputed conservatism, goes on strike more than twice as often as his Australian fellow."

On reading the newspapers and listening to the speeches of Nationalist agitators, one would imagine that Australian workmen engaged more in industrial disputes than was the case in any other country, whereas the real facts are that, under a reasonable system of arbitration and conciliation, industrial conditions are more peaceable in Australia than they are in any other part of the world. It is because industrial disputes are frequently made political questions, and because the press rush in and immediately condemn the workers, who they assume are always in the wrong, that this difficulty is created. That is what intensifies industrial bittterness and sometimes causes an extension and a continuation of an industrial dispute.

A Government must either stand for the maintenance of orderly control of industry on behalf of the people of the State or desire a reversion to conditions under which victory goes to the strong and economic pressure can be applied without regard to equity or morality.

The Minister stated that the position of waterside workers in Brisbane was a matter for the Federal Government to deal with. I would suggest to the Minister that, despite the high emoluments received by many of the officers of his department, and despite their attempts to instruct him prior to

coming into this House, he remains singularly ill-informed in regard to industrial law and conditions. It is quite true that the Federal court has an award dealing with waterside labour throughout Australia; but that court cancelled the award in many ports as the result of the industrial dispute that ended so disastrously for those concerned in it. The Bruce Government passed the Transport Workers Act, which prescribed that before any man could work on any of the wharves he must register and obtain a license to do so. That condition of affairs obtained in Brisbane and other ports of Queensland, and under that law only licensed men were eligible to apply for employment and to obtain it. When the strike was declared off, the members of the Waterside Workers' Union in Brisbane and other ports throughout Queensland decided to register under the Act, but, so far as Brisbane is concerned, the employers steadfastly refused to employ more than 400 members of the Waterside Workers' Federation, in addition to the free labourers whom they continued in employment. The present Federal Government repealed the regulations demanding the registration of men for employment on waterside work, with the result that men can nominally secure engagement if they can find an employer. In addition to that, the award has been suspended, although, for the sake of convenience, the shipping companies continue to work under its terms and conditions relating to wages. The position on the waterfront in Brisbane is not one of preference to unionists; rather is it a question of preference to non-unionists and prohibition of union labour. If there is anything at all in the case against preference to unionists, it is based on the right of every person to obtain employment—to seek, without let or hindrance, employment where he can find it. Notwithstanding that the waterside strike ended two years ago, the fact remains that, with the exception of 400 men, the members of the Brisbane branch of the Waterside Workers' Federation are denied the right to seek employment on the wharves of Brisbane. That is the position that continues here. It is subject to the State law of Queensland, and is a matter that the Minister can remedy, if he so desires.

The SECRETARY FOR LABOUR AND INDUSTRY: What law?

Mr. W. FORGAN SMITH: Does the hon. gentleman suggest that he has no authority to prevent men being discriminated against?

The SECRETARY FOR LABOUR AND INDUSTRY: There is no law operating in Queensland governing that matter.

Mr. W. FORGAN SMITH: I am glad to have that admission, because I shall take the opportunity in Committee of moving to make it an offence for any employer to discriminate against a worker simply because he is a member of a union.

The SECRETARY FOR LABOUR AND INDUSTRY: That is the law now.

Mr. W. FORGAN SMITH: Then why does the hon. gentleman not operate it?

The SECRETARY FOR LABOUR AND INDUSTRY: Because they are not registered under our court.

Mr. W. FORGAN SMITH: They are registered under our court. The further the Minister goes the more he shows how little he knows of the position. First of all, he said they were subject to Federal jurisdiction. I have proved clearly that they are no longer subject to Federal jurisdiction. I pointed out that two years after the strike took place 90 per cent. of the members of the Waterside Workers' Union—among whom are many returned soldiers—not only are denied employment, but are denied the right to go to the place where employment is usually given. That can be made subject to the State law, if the Minister so desires. If the hon. gentleman believes that everyone should have the right to work; if he believes that everyone should have the right to apply for work and should not be discriminated against, why is it that he allies himself with the shipping companies in the maintenance of existing conditions? I shall take an opportunity of dealing more fully with that at the Committee stage, and I shall give the Minister an opportunity of accepting an amendment that will stabilise the position and place beyond all doubt the right of men to seek employment in any occupation they are fitted for.

Another provision in this Bill that calls for attention is that which deals with those whom the Minister defines as "juniors." For anyone under twenty-one years of age the court has power to fix a rate of pay proportionate to what is paid to an adult. In other words, it provides that the full rate of any award shall not be paid until after the person reaches twenty-one years of age. By this means the hon. gentleman proposes to make a gift of a percentage of wages to employers. In a number of awards the full rate must be paid, provided the male or female employee is qualified to do the work. Take as an example the Hotel and Cafe Employees' Award. Is it going to be argued that a girl of twenty years of age working as a waitress is not qualified? The whole position is absurd. The same thing applies to quite a number of other industries. Just as the Minister, in connection with his policy of junior journeymen, gave men in the building trades a present of 20 per cent. of the wages of junior journeymen, he proposes to do that in connection with other awards.

A further principle in the Bill deals with the rationing of work, which can be more suitably discussed at the Committee stage. On behalf of the Opposition, I wish to say that the Bill is a further step in the Government campaign against organised labour. Their objective is to destroy the Industrial Court, repeal awards, and have economic conditions determine the rate of wages and the standard of labour. They will fail finally in their task, because it will be resented by all just people in the State, who will repeal the unjust laws immediately they have the opportunity so to do. The Minister has signally failed to make out any case for this Bill.

[3.30 p.m.]

An important and significant fact in regard to this Government is that no Minister who introduces a Bill in this Chamber makes any attempt to establish any principle for the Bill, and no attempt to justify it on the ground of equity or sound economics. The Minister's speech was an attempt to justify the Government's policy, to apologise for their acts of repudiation in regard to industrial matters, and to hide from the people the real purport of the measure.

The Bill is one which, while creating difficulties for the workers for a time, will finally fail, because I repeat that no action of this kind can prevail against the principles of the Labour movement, which are based on the eternal verity of things.

Mr. COOPER (*Bremer*): It is difficult to understand why an important measure such as this has been left to the dying hours of the session—that is looking at it from the point of view of something that is necessary to be debated and settled. Throughout this session we have had rumours that an amendment of "The Industrial Conciliation and Arbitration Act of 1929" was to be brought forward.

The PREMIER: It was a definite statement—not a rumour.

Mr. COOPER: A definite statement was made after the rumour got abroad; and, although it has been known in this Chamber that the Bill has been ready for some months, it is not until the session is about to end that it is introduced.

The SECRETARY FOR LABOUR AND INDUSTRY: Do you know when the session is going to end.

At 3.33 p.m.,

Mr. HANSON (*Buranda*), one of the panel of Temporary Chairmen, relieved Mr. Speaker in the Chair.

Mr. COOPER: I said it was about to end, and I may be as good a prophet as the hon. gentleman on the point.

It is astonishing that the Minister in charge of the Bill has been satisfied to allow such an important piece of legislation to be delayed so long. But there are reasons for it; and, while time is the great healer, time is also the great tester. The little time the Act which is to be amended has been running has been sufficiently long to find out points in it that are weak from the Government viewpoint. It is always the case that the inexperienced man is dazzled by the gaudy rather than attracted by the solid parts of anything. If there was one gaudy provision in the Act that is now to be amended, it was the gaudy provision of conciliation. Throughout the debate on the principal Act every member of the Government Party who spoke stressed the beauties of conciliation, and said what a wonderful thing it was to achieve. I have taken the trouble to extract from that debate one or two of the things said by hon. members opposite.

It must be admitted that there was something covered up in this conciliation, which is also to be amended just now, and that is the question of preference. The Government really believed that they had effectively hamstrung preference. While including it in the measure, they provided so many restrictions and conditions that they believed that preference as given by them would be absolutely ineffective. They have now found to their sorrow that even the provisions they made in the Act to do away with preference have been ineffective; therefore, this measure is being introduced in the dying hours of the session to cut out, not only preference, but the few safeguards that were given with it.

In the debate that took place on 20th November, 1929, as reported at page 1725 of "Hansard" for last year, these words are credited to the Minister—

> "We say that the machinery of conciliation must be used."

It is remarkable that on the occasions when the conciliation provisions of the Act were most effectively used the Government rose up in arms against both parties who used it. Not only were the employees condemned, but the employers were roundly condemned, and were told that they must not do such things in future, and that, if they dared to do so, the conciliation provisions and the provisions of the Act in regard to preference would be taken away. The Minister went on to say—

> "The Bill is . . . . basically a conciliatory measure introduced in fulfilment of a promise made by the Government."

I just want to stress this further thing that the hon. gentleman said—

> "The Bill will . . . . give the opportunity to leaders of industry on both sides to rise to the occasion and be bigger men; to make conciliation a success, to place industrial peace and progress foremost in Queensland; to let Queensland lead Australia towards the dawn of a new era."

How hollow the words sound now! How mockingly they must echo in the ears of all those who honestly believed that this Government would do something in the direction of providing a better arbitration system and a wider measure of conciliation! How must the hon. member for Maree laugh at the words which he used when debating that measure—

> "I believe this Bill has been designed to and will bring about a greater degree of co-operation in industry than exists to-day, but a good deal depends on the attitude adopted towards this Bill by organised Labour."

In the instances where organised Labour and the employers used this right to grant preference, strong exception was taken to that course, not only by the hon. member for Maree but also by the Government which he supports.

The hon. member for Cook had this to say—

> "The conciliation boards which we propose will enable employer and employee to make an agreement satisfactory to both."

There was one remarkable occasion when the employer and employee did make an agreement satisfactory to both—an agreement which contained a clause for preferential treatment of members of that union—but the Government have since roundly condemned that agreement, and it is the intention of this amendment of the law to smash it completely. Even the Attorney-General blundered into the same position, because when somebody interjected to him in the same debate—

> "You have preference in your Bill,"

he said—

> "We have it in our Bill in a very mild form, and I accept it."

But his Government did not accept the preference that was in the Bill when a body of employers agreed to grant preference to the members of a particular union.

The section that is to be repealed is section 57, and it is worth noticing that the method

that was followed in dealing with the Bill last year was such that hon. members were absolutely prevented from debating it in Committee. Consequently, we had no opportunity of getting from the Minister an explanation of what the section meant. The section reads—

> "Where it is mutually agreed by the parties concerned or considered advisable by the court or board to grant preference to any particular union or organisations, such preference shall be granted only subject to the following conditions:—"

The first of those conditions was that there should be no restriction in the matter of employment—that any man could get employment in any industry where preference was granted—the only restriction being that fourteen days after getting such employment he must take out a ticket in that union, or, if he had a ticket in another union, that ticket was to remain good in the union which had preference until such time as that ticket had expired. That provision was inserted in the belief that it would be sufficiently strong to prevent any union from getting preference. Hon. members opposite believed thereafter that the restriction that anybody could get employment in an industry in which preference was granted so long as he took out a ticket fourteen days would be sufficiently strong to prevent effective preference being granted. But the Government found that the measure on which they had built so much failed absolutely, and that it was availed of by a union and a body of employers; and it was then decided to cut out even the preference that had been given by way of conciliation in the Act that is now being amended. It is a remarkable instance of how the Government did not understand the position, and how they failed to grasp the fact that there are employers in this State who know that the very best body with which they can deal is an organised body of workers, and who prefer to deal with such a body rather than with individual employees.

They believed that, if they provided that a man could get employment in any industry although preference was granted, that would be sufficient to neutralise any preference that had been given. It has not been a sufficient blow, and the Bill now makes it absolutely impossible for employers and employees to arrive at a mutual agreement granting preference. This was their boasted conciliation! This is what the Act was built upon—conciliation, the round table, where the employer and the employee were to get together to talk things over so as to arrive at an equitable decision and to work harmoniously! This was the provision which, in the words of the Minister, was to be "the dawn of a new era"! Is it not remarkable that, even when a little advantage is given to the workers under these provisions, those provisions are to be cut away? Where is their boasted conciliation? Where is the thing that was to lift arbitration above the level that it had reached under a Labour Government? It shows that, when the Government now in power boasted about what they were going to do in the matter of conciliation, they did not know what they were doing.

The other night the Premier flew into a rage about the question of preference, instancing the fact that some man somewhere, with five or six or seven little children, was unable to get work because he was not a member of a union. He pointed out that preference prevented him from getting work; but the Act passed by the Government denies that. The Act provides that, if a man has not a union ticket, he can obtain employment in any position, whether preference is granted or not; but he must take out a ticket in the union within fourteen days after obtaining employment. Section 57 of the Act definitely makes that provision, and the Minister cannot get away from it. Yet the Premier, with tears in his voice, cried about a man being unable to get a job. The hon. gentleman made the mistake that all people make in such circumstances. He argued from the particular to the general, and supposed that it would stay that way. That is a very fallacious form of argument. I could say here, "The Secretary for Labour and Industry is a handsome man; he is a Nationalist; therefore, all Nationalists are handsome"; but that would be a wrong method of arguing. I could say—and this would be the right argument—"As it is said in the Scriptures, 'All men are liars'; the Secretary for Labour and Industry is a man; therefore"—I need not conclude the logical deduction to be drawn from that. It is an improper thing to argue from the particular to the general, although we may argue from the general to the particular.

Last night the Premier complained that a man with five, six, or seven children was denied the right to work because he could not get a ticket in a union in which preference was granted; and, as that man was denied the opportunity to obtain work, the principle of preference was wrong. That is no reason for denying preference. The argument against preference must be based generally, and not upon an individual case.

The PREMIER: He should have the right to work.

Mr. COOPER: The right to work is something that this party has stood for throughout; but the people who are in a position to provide work do not provide the work. During his speech the Minister asked, "What have the unions done in the matter of finding employment for their members?" This is the first time that I have heard it given out that it is the duty of a union to find employment for its members. Employment is found by employers; and it is not the main duty of a union to find work for its members. The unions have done much in the matter of spreading the work, in getting more work, and in asking for work—being commercial travellers for work—but that is not the main object of a union.

Mr. KELSO: The object is to agitate.

Mr. COOPER: I would refer the hon. gentleman to the Encyclopædia Britannica. I would not like to quote anybody else to the hon. gentleman, who is so particular about his authorities.

This authority states—

> "The principal object of every trade union is to protect the trade interests of its members and to strengthen their position in bargaining with their employers with regard to the conditions under which they work."

An enterprising authority, such as the writer of the article on "Trade Unionism" in the "Encyclopædia Britannica," would not make the blundering statement that it was the

duty of a union to find employment for its members.

The great point that the Minister missed in introducing his measure was this: He argued that there should be no interference with the liberty of the subject. That is a phrase that comes very frequently from the mouth of the Premier. We also hear this: "Why should a man be denied employment because he is not a member of a union?"

They say that interference with the liberty of the subject must not be tolerated. Let me tell them that the civilisation which we enjoy to-day is built up by the restriction of the liberty of the subject. If there was no restriction of the liberty of the subject, there could be no possible civilisation. It is only when there is an abnormal interference with the liberty of the subject that we notice it. There are very few cases where it cannot be shown that those who think they suffer abnormally because of restriction of individual liberty gain as much as anybody in the end. I frequently use the simple illustration so common to us all of "Keep to the left!" Is it not an interference with the liberty of the subject to force a man to drive along the left side of the road? Why can he not dash down the road if he wants to do so? Why interfere with his liberty in that way? Why make him go to the intersection of the street before he can turn his car? Why should he not have the liberty to turn his car where he likes? The reason is that, if he were allowed to dash hither and thither as he likes, and if he were allowed to turn where he liked, he would obstruct the ordinary traffic of the street and throw it into confusion. Although his movements are slightly hampered, he must realise that, by reason of that very interference, unauthorised traffic is not allowed. Other traffic is regulated for his benefit just the same as his traffic is regulated for other people's benefit. The attempt of the unions to regulate trade has been just as much for the benefit of the employer who did not want the conditions regulated as it was for themselves. There is no question that the work that unions have done in the matter of regulating employment and making conditions better has helped those who absolutely objected to that regulation just as much as it has helped those for whom it was done.

Of course, this measure will pass, and the statute will be amended in the directions in which the Minister desires. I just want to tell the hon. gentleman that his amendment will not have the specific effect on industry that he and some of those supporting him believe. It will not make for the betterment of industry in any one particular. It may have a detrimental effect on a union here and there; but the great effect will be to make Labour organise more strongly, to make unions work harder, to lead them to make their organisation much more secure, and to make them keener men to fight for the rights of Labour. It will do all these things, and it will make unionism much stronger than it is to-day. In the end it will be a benefit to the workers.

If the Minister believes that he is going to destroy preference to unionists, he is making a mistake. If he thinks this Bill will get one man a job where he cannot get it to-day, he is making a mistake, for no man will employ a man whom he does not want. If the Premier knows of any case where a man cannot get work because, as he says, he does not possess a union ticket, I will give him the history of it. Before the Apprentices Act was amended, there were hundreds, if not thousands, of mothers in this State who were told that their boys could not get jobs because the Apprentices Act absolutely forbade employers to take apprentices.

That was a very common cry of the employer. A mother would go to an employer with her boy, and the employer would say, "I am very sorry, I would be only too pleased to give your boy a job, but the unions will not let me. I cannot do anything. The unions have me tied hand and foot." That was repeated by the Premier, not once but a dozen times, and it was also emphasised time after time by hon. members on the Government side, who declaimed from every platform that, were it not for the tyranny of the unions, there would be plenty of employment for apprentices. Then the Act was altered, and there was no possibility of restriction by the unions, and every opportunity was given to the employer to employ apprentices. What was the result? The employer then said, "I have not got any work for your boy." Some of the employers kept up the old tale, "If it were not for the Apprenticeship Act, I could give your boy a job." Some of the parents came to me, and I took them to the labour agent. The labour agent, in turn, went to the employer, who had to admit that he had no work for the boy. How many employers have explained to the Premier, "I could give much more employment if it were not for the unions"? The Premier swallowed these statements, and he came to the House last night and said that it was the absence of a union ticket that prevented a man from getting a job. His own act allows a man to get a job, whether he has a union ticket or not, and the employer may give him a job whether he has a union ticket or not.

Not only have the mothers been misled in the matter of apprenticeship, but the Government of the State have been misled, or have wilfully connived at misleading the electors by saying that the employers had been prevented from giving employment by reason of the unions.

Mr. TOZER: I have known of a union forcing men out of work.

Mr. COOPER: Let me tell the hon. member that I have known where unions have forced men into work—where employers have refused to employ men and the union representatives have gone along and been successful in advocating the employment of these men. I have known instances where the Government have wanted to dismiss men, and the unions have prevented them. I have also known where employers intended to dispense with the services of many men, and the unions have prevented that. I, myself, have taken union representatives along to many places, and the advocacy of those representatives has been instrumental in men being retained in employment. Unions have no desire to force men out of employment.

One need only follow that argument to its logical conclusion to see how it would end. Supposing the unions forced every man out of employment, where would the unions be? The greater the number of men in a union, the stronger the union, and the

stronger it is, the better opportunities it has for getting for a man that to which he is entitled.

Mr. TOZER: You will not take them into the unions unless they pay the fees.

Mr. COOPER: We will. Many unions will take men without a fee, and men can get a fortnight's work before they are asked to pay a fee.

Mr. TOZER: Since this Government came in.

Mr. COOPER: Before this Government came into office. I can take the hon. member to twenty union secretaries who have themselves advanced the money for union tickets. The Minister himself boasted that he had paid the fees in respect of a number of union tickets. Is there an hon. member on this side who has not paid for a union ticket?

The SECRETARY FOR LABOUR AND INDUSTRY: Did you ever have any dealings with the Butchers' Union?

Mr. COOPER: Yes, and you get a very fair deal from the Butchers' Union, although there may be butchers who "give a little with the throw." The Butchers' Union is a strong union that enforces preference without going to the Industrial Court, and will continue to enforce preference notwithstanding the provisions of this Bill. Fortunately, the Minister is going to do that for all unions, because he is going to make them all strong, virile organisations, which will act for themselves irrespective of any court.

Mr. EDWARDS: What are you growling about?

Mr. COOPER: I am not growling about anything. I am pointing out to the people of my electorate how they have been misled by hon. members opposite when they have said that it is the unions that are killing industry. If anyone is doing anything to the detriment of industry at the present time, it is the Government. By amending the present Act, bad as it is, they are attempting to stir up strife between employer and employee. Evidently there has not been sufficient strife in the past. Evidently the Minister has not got over the setback he got from the storemen and packers, and that still rankles. Evidently the Minister did not get from the Act all that he expected to get. I believe that the hon. gentleman has sufficient acquaintance with the industrial movement to know that that movement is something that cannot be set aside like that; but he has been forced, as other Ministers have been forced, by those behind him to adopt methods that he knows to be wrong. However, those who live longest see most; and I believe that the members of this Parliament will live long enough to see that this amendment of the Act will be as futile as the Act that was passed last year.

Mr. DASH (*Mundingburra*): As one who paid particular attention to what the Minister said during his second reading speech on this Bill, it is most remarkable to me that the hon. gentleman should go on with the proposal to abolish preference to unionists, more especially after supporting a Bill this morning which gave preference to members of the legal profession. We put through a Bill this morning in regard to which the Attorney-General admitted that anyone wishing to practise as a legal practitioner would not be granted a certificate, if he did not pay his fees to the Law Society.

The SECRETARY FOR LABOUR AND INDUSTRY: Those were payments to the fund to protect trust funds.

Mr. DASH: The union is of benefit to its members. It always safeguards the interests of its members, and, therefore, it must be a benefit to its members. On the hustings the hon. gentleman told the workers that he believed in arbitration; and the Premier stated in his policy speech that he believed that all matters should be left to the Industrial Court—that it was not the function of Parliament to interfere with the conditions of industry. But immediately they got into power they started to interfere with the industrial conditions of the workers of this State. The actions of the Government have been mentioned by previous speakers, not only during the discussion on this Bill, but during the discussion on a similar Bill introduced last year, when it was pointed out that the provisions of that measure would not work out as the Government anticipated. At that time we sought to amend the Bill; but the Minister was so cocksure of his position that he refused to accept any amendment. Yet we find in this Bill some of those very clauses are being amended.

We pointed out that it was undesirable both from the employees' and employers' points of view to allow a dispute to go on for three months before the court could intervene—that it was dangerous [4 p.m.] to those engaged in the industry —and the Minister has now come forward with an amendment to reduce that period from three months to one month.

We also pointed out when the Bill was going through that the round-table conferences which were dilated upon by the Minister would not eventuate, and we find that not one industrial board has been created by the court in connection with any industry. We said at that time that his anticipations in that regard would not be realised. He is now attempting to give the conciliation commissioners power, when a dispute cannot be settled by a conference, to refer the matter immediately to the court, which is something we advocated last year.

The Minister also seeks to destroy the efforts of round-table conferences. Quite recently several unions have met the employers in conference, and it has been decided to give preference to members of the particular organisation concerned. The Minister thought that he had power to prevent that being done under the Act; but he discovered that he had no such power, and he now seeks to prevent unions and employers from giving preference when decided upon at round-table conferences.

There is no doubt that Government members showed they were young in experience when they promised to leave all matters to the court. The Minister also said in his speech that the Government had a mandate from the people of Queensland to do these things. They had a mandate from the people of Queensland to carry out their promises, one of which was to find work for 10,000 people, and also to find work for boys and girls. Under this scheme, which is very cleverly worded, the Minister says that he will seek to find employment for many

workers. We know that the system which he proposes to inaugurate under this Bill is to pool the wages so that employers will be able to put on 10 per cent. or 15 per cent. more workers for the same amount of money, thereby putting the workers on the breadline the whole of the time they are employed; and that will be a very disastrous state of affairs. If an industry cannot carry more than twenty people, no more than twenty should be employed in that calling. The employment of more men at reduced wages is another attempt of the Government to bring about a low-wage policy.

What is the position in regard to industrial unions? An industrial association of workmen is created for mutual assistance and protection, and to secure the most favourable conditions for labour. That is the primary and fundamental object, and it includes efforts to raise wages or prevent a reduction of wages, to resist demands to increase the hours of labour, and to improve conditions of employment and methods of working. What is wrong with that? The Minister is not prepared to extend those privileges, to secure which an industrial organisation is created. For years and years the workers were denied any protection whatever by past Governments. Many years ago, when the workers had a conflict in this State, it was suggested that some tribunal should be created before which they could place their case and have their grievances adjusted, and, after forty years of agitation, the workers of Queensland secured the right to have their cases heard by a tribunal without interference by the Government. Yet, after they have got to that stage, the present Government are assisting the employers to defeat the objects of unionism.

The SECRETARY FOR LABOUR AND INDUSTRY: Your Government interfered with the court.

Mr. DASH: Our Government did not. The court fixed a certain wage, and the Government merely re-enacted its judgment, and thus made it part of the industrial conditions of Queensland. An unfortunate occurrence happened at that time. A combined judgment had not been delivered by the court before the president passed away. The position was hurriedly met by the remaining members of the court; but it was an order of a temporary character, and the Government, in their wisdom, saw fit to re-enact a previous judgment. That is all we did.

As to the effect which this Bill will have on workmen in everyday life, we have to remember that the sphere of action of unions extends to almost every detail of their labour and the wellbeing of their daily life, so that they can rear their families in decency and comfort. We may say that the object for which trade unions have been formed may be expressed briefly as overcoming or offsetting the disabilities of labour. Of these disabilities the chief is that, owing to the lack of a reserve fund, the labourer cannot stand out, as all other sellers do, for his price. The labourer must sell to-day; the employer need not buy till to-morrow. To the master it is only a question of profits; to the labourer it is a question of life. That is the condition to which the Minister wants to revert. He wants to put the workers in such a position that they will not have the protection of the court, and when they do apply to the court they will find that they will get no protection in the direction of enforcing its decisions.

Every effort is made in this Bill to get at the unions behind their backs. One clause enables non-unionists to meet employers and submit a case to an industrial magistrate, and agree to a reduction in wages or an increase in working hours. The industrial magistrate will then notify the Industrial Court, and the Industrial Court, in turn, will notify the unions, who will then learn of the agreement for the first time. That is a radical change, and it gives the unions no protection, because always in industry sufficient men will be found to meet the employers and agree to any demands they are prepared to make.

This, indeed, is one of the reasons why unionism has been created. In the shearing industry in the past, when there were no awards, the employer or his overseer would go to the huts and read out the agreement which he wanted the shearers and rouseabouts to work under; and, if they did not like it, they could go "on the tramp." Anyone who protested against the conditions laid down was told to go about his business; and so he went from place to place, and often found it impossible to get employment. Hon. members opposite have said that they are out to curb the agitator, and they are still attempting to curb him. The object of the Government is to compel employees to deal individually with employers, as in years gone by, and take piecework rates, or what is called an incentive wage, although the Minister, in spite of all his talk about the incentive wage, does not place any definition of it in the law. That is a meaningless, high-falutin phrase that is periodically used by the employers. To them an incentive wage is something that will suggest to the employee that, if he works long hours arduously and strenuously, he may be able to earn a little more by the end of the day.

Last night the Premier complained that people in the community were unable to obtain employment unless they were members of a union, and therefore preference should not be allowed. The Home Secretary said "Hear, hear!" to the remarks of the Premier. I want to remind the Premier that, when the present Home Secretary was a member of the Labour Party, he held very different views. These are his remarks in "Hansard" for 1916 at page 554—

> "He could not understand why hon. members opposite—— "

He was referring to members of the Tory Government—

> "took such umbrage at the fact that the clause provided that the court might give preference to unionists. For many years past preference to unionists had obtained, principally with the employing class, and with regard to various associations which supported hon. members opposite. Men join the unions for the purpose of bettering their conditions."

Every word that the hon. gentleman uttered on that occasion was true. Men did join unions to better their conditions.

The PREMIER: We are not denying that.

Mr. DASH: Last night the Premier said that the unions were responsible for all the ills in industry.

The PREMIER: I did not. I referred to preference.

Mr. DASH: The Home Secretary also said this in 1916—

> "The preference to unionists provided in the clause was one that they could be proud of, and he hoped it would go through another place—

the Legislative Council—

> "so that the workers who denied themselves a little luxury in order to meet their union contributions would be able to get their reward in preference to unionists."

At that period the hon. gentleman was in favour of preference to unionists, and I cannot understand why he has since altered his opinions. The Minister knows that several unions at present are working under industrial agreements with the employers which provide for preference. I refer particularly to the Australian Workers' Union, which has an agreement providing for preference with the employers in the sugar industry. When the Minister passed the principal Act, he was under the belief that there was power to prevent a union from obtaining preference from an organisation of employers, but a loophole in the section enabled the unions to enter into an agreement which has stood the test up to the present. The Minister seeks now to cancel that agreement by the passage of this Bill.

The SECRETARY FOR LABOUR AND INDUSTRY: The Australian Workers' Union asked the Government to remove preference to unionists from the sugar industry.

Mr. DASH: The union asked the Government to remove the sugar industry from the operations of section 57; but it did not ask the Government to abolish the section altogether. The Australian Workers' Union has entered into an agreement with the employers in the sugar industry, and the Minister now proposes to cancel that agreement.

The SECRETARY FOR LABOUR AND INDUSTRY: We are not cancelling the agreement.

Mr. DASH: Yes, you are. This Bill states that all existing agreements wherein preference is conceded shall be cancelled.

Mr. KELSO: That was given under duress.

Mr. DASH: The hon. member for Nundah does not know what he is talking about. The officials of the Australian Workers' Union waited on the Premier and the Minister, and told them that the preference given to their members in the sugar industry meant a good deal to that industry, and that wages and conditions should be settled, not for one year, but for several years.

The SECRETARY FOR LABOUR AND INDUSTRY: They asked that an Order in Council should be issued exempting the sugar industry from preference to unionists.

Mr. HYNES: Who did?

The SECRETARY FOR LABOUR AND INDUSTRY: You were one of them.

Mr. HYNES: We simply asked that the industry should be removed from the operation of section 57.

Mr. DASH: The union gave as its reason that such an act on the part of the Government would stabilise the sugar industry. If an attempt is made to interfere with that agreement, it might interfere considerably with the sugar industry. That industry has been carried on this season without any disputes whatever. The work has proceeded efficiently, and no complaints have been made by the employers or by the unions. I fail to understand why the Government should seek to interfere with agreements made between employers and employees. The only reason I can suggest is that the Government desire to make the conditions in the sugar industry such that there will be a rush of workers to it, and that it will offer an incentive to the employers to institute a system of piecework throughout the industry, including field and mill work.

At 4.19 p.m.,

The SPEAKER resumed the chair.

Mr. DASH: The Minister is sadly mistaken if he believes that he can bring about that state of affairs, because in 1911, before ever preference to unionists existed, the union was able to establish itself in the industry and bring about better conditions, not only for the workers engaged in it, but also for the farmers. The benefit accruing to the industry arising from the recognition of unionists is one that must stand as a monument to the industry; and no attempt should be made to interfere with the right of employers to give preference to an industrial union.

I have my suspicions regarding the Government on the preference question. Many years ago, before unions were formed, a little organisation in the Cloncurry district attempted to secure better working conditions for the miners; and an attempt was made by the employers to break up that union by the formation of a "scab" organisation known as "The Western Workers' Industrial Association." When the dispute took place, the Hampden-Cloncurry Copper Mines, Limited, did its best to establish this "scab" organisation. It made an agreement with it, under which it agreed to give preference of employment to its members. It also contributed £50 to assist the organisation in its establishment and for the printing of its rules and tickets.

Fortunately for the union, although unfortunately for the company, the receipts for the money that was paid over were lost in the street and were picked up by a member of the organisation. We secured a photograph of one of those receipts, and I intend to quote it because we are suspicious of the Government and we think the intention of the Government is to leave the way open for a recurrence of these attacks upon the workers. This receipt reads—

> "The Hampden Cloncurry Copper Mines Limited Friezland, via Cloncurry, North Queensland.
>
> "Dr. to W. Leighton, Friezland.
>
> "Cheque No. 2085.
>
> "1913. June 20: To cost of advertising and preliminary expenses of Western Workers Industrial Association, £50.
>
> "We certify that the above sum was expended for the benefit of the Hampden Cloncurry Copper Mines, Limited.
>
> "W. W. DRUMMOND, Accountant.
>
> "ERLE HUNTLEY, General Manager.
>
> "Received the sum of £50 sterling in full settlement of the above account.
>
> "Friezeland & Selwyn Publishing Co., Ltd., per R. B.
>
> "21st June, 1913."

That goes to show the attempt made by the employers to break up the union. The

same position can arise under this Bill. Employers can enter into an agreement with non-unionists, and can have that agreement forwarded to the Industrial Court for registration. The industrial registrar will notify the unions concerned that certain conditions are now operating in the industry. What is the reason for getting behind the backs of the unions in this manner?

The SECRETARY FOR LABOUR AND INDUSTRY: The court will have power to vary any agreement that is against the public interests.

Mr. DASH: The first intimation that the unions will have of these new conditions will be the notification from the industrial registrar that the agreement has been approved. Why not be honest and straightforward about the matter, and allow representatives of the unions to be present when these agreements are entered into? Why have a clause in the Act to allow members of an organisation to register as an industrial union, if they are to get no protection from the court? Why does provision exist for the registration of a union when non-unionists can enter into agreements with employers, and when those agreements can be registered with the court without the intervention of the unions concerned? These are distressful times; and it is not likely that the court will interfere with an agreement which is made between employers and employees, when the union representatives have no authority to intervene at the making of the agreement.

The SECRETARY FOR LABOUR AND INDUSTRY: If the agreement is in the interests of the employers and the employees, I hope there will be no intervention.

Mr. DASH: The union will only know of the existence of the agreement after it has been entered into.

I do not wish to reiterate statements made by other hon. members on this side of the House; but, if the Minister thinks that he will break unions by the provisions contained in this Bill, then he is sadly mistaken. In the past, when unions were small in numbers and strong in spirit, they were able to hold their own and to get improved conditions in the industrial field, even although that entailed a certain amount of hardship.

One of the reasons why an industrial tribunal was established was to minimise industrial strife as much as possible.

During the whole of this year, at all events, and since we have had an Industrial Court established whereby unions have had preference, very few disturbances have taken place in industry. I cannot understand why the Minister seeks to upset those conditions and those mutual arrangements that have been entered into. Harmony has been paramount ever since industrial arbitration has been placed on the statute-book. The Minister may injure unions for a time; but whatever is taken away by coercion the unions will get back when the time arrives. I hope the time is not far distant when the unions will exert themselves and regain what has been taken from them by the actions of the Government.

Mr. BRASSINGTON (*Balonne*): Whatever claim for recognition arbitration in Queensland may have had since the present Government assumed power, that claim has gone by the introduction of this measure. The Government have done everything possible to nullify the principle of arbitration and make the court ineffective. Awards have been suspended or varied to suit the wishes of those who support the Government, and, generally speaking, arbitration has absolutely no chance of making progress under the present Government. The Minister must feel pleased to be nearing the end of his appointed task of bringing to this House measures for the purpose of crippling arbitration, because the hon. gentleman will receive both the plaudits and the reward from interested persons outside who are desirous of seeing arbitration destroyed.

The TREASURER (Hon. W. H. Barnes, *Wynnum*): Mr. Speaker, I rise to a point of order. Is the hon. member in order in saying that the Minister is going to receive a reward from outside in connection with this measure?

The SPEAKER: I did not hear the hon. member make use of those words, but, if he did so, he certainly is not in order.

Mr. BRASSINGTON: I did not mean to say anything derogatory of the Minister.

The SPEAKER: Order!

GOVERNMENT MEMBERS: Withdraw!

Mr. BRASSINGTON: I withdraw. For years we have had prominent employers representing the Employers' Federation and other organisations outside continually clamouring for the abolition of awards, for the removal of restrictive conditions operating in industry, and so forth, which can only end in the abolition of arbitration. Prominent amongst those gentlemen are Mr. M. P. Campbell, of the Chamber of Manufactures, Mr. J. Plumridge, Mr. W. G. King, and other prominent business men in this city. They have claimed that the restrictions imposed on industry should be removed, and, as a result of their agitation, this measure has been brought forward to harm arbitration.

If this measure and the policy of the Government are put into effect, the workers stand to lose practically the whole of the benefits that they have won during the last thirty or forty years. There is nothing very bright for the workers of this State in the future if the Government are allowed to continue their policy of crippling arbitration.

I listened very attentively to the Minister defending the policy of the Government and claiming that the Government have made every endeavour to rectify the depressed conditions now operating in Queensland. He also claimed that the Government were supporters of arbitration and stood definitely at all times for that principle. It is well that we should recapitulate some of the events that occurred during last session and this session, as they show conclusively that the intention of the Government at all times is to attack arbitration and seriously harm that principle.

The Premier, when touring the country during the last election, amongst many other things, said this:—

> "I stand for an independent and impartial Arbitration Court and the enforcement of its decisions."

On that point I desire to join issue with the Government, and to say, firstly, that the Industrial Court has had occasion to adjudicate on claims made by [4.30 p.m.] employees of the Government, and has made an award which includes those employees and binds both them and the Government. Shortly after the

Premier, representing the Government, went ahead and deliberately side-stepped and practically discarded the award covering public servants, and placed them under conditions created by the Government and sanctioned by this House.

Following on that, we have a lurid example of inconsistency on the part of hon. members opposite, by reason of the fact that one of the first actions of the Government after being returned to power was to suspend the rural workers' award. In addition to that, the constitution of the Arbitration Court had been so altered under "The Industrial Conciliation and Arbitration Act of 1929," passed in the first session of this Parliament, that it was very hard for it to function and give satisfaction to all parties—so much so that Mr. Justice Webb, the President of the Industrial Court, had occasion to remark, when dealing with the application of the Crown for a reduction of wages of public servants, that never before in the history of Australia had any judge been placed in the position in which he was placed. Whilst professing to stand by the policy of arbitration, the Government have by their every action done something to damage that policy and to lower it in the eyes of the people of the State generally.

The PREMIER: You do not often see a court that gives satisfaction to all parties.

Mr. BRASSINGTON: I understood that it was the policy of hon. members opposite in the past to honour the decisions of the court; but apparently they have gone back on that policy and discarded the award of the court in connection with the public service.

Another very important action of the Government, and one that has a very far-reaching effect on the policy of arbitration, is the decision to remove from the protection of the court something like 40 per cent. of the Western workers. That move alone is a disgrace to the party now in power. The position now obtaining in the West is that, where formerly men engaged on sheep stations were in receipt of an award rate of £3 a week, they are now forced to work for £1 a week and keep. That is generally the position throughout the West, and it is something of which the Government cannot be proud.

I would also direct the attention of the Treasurer to the case of a section of Government employees—ships' painters and others—who were recently treated very unfairly in connection with payments under the Federal award. These employees came under the Federal award and were receiving payments in accordance therewith; but, under the Salaries Act passed this session, the Government removed those workers from that award, and then applied to them the reductions under the Salaries Act; so that the employees concerned found that for over a period of twelve months their wages would not amount to £2 2s. per week. Worse than that was to come from hon. members opposite, who professed to stand for arbitration and to put that principle into effect. Immediately there was a reduction in the Federal basic wage, the Treasurer, on top of the reduction under the Salaries Act, applied the reduction in accordance with the Federal basic wage. Were it not for the action of the hon. member for Brisbane, who raised the matter in this House, those employees would have been forced to carry on under the conditions prescribed for them by the Treasurer.

The TREASURER: That is absolutely incorrect.

Mr. BRASSINGTON: Thanks to the hon. member for Brisbane, we have had an assurance from the Treasurer that the position will be rectified, and that these men will be refunded a certain amount of money in accordance with the Federal award.

The latest move in the development of the Government's policy to cripple arbitration is this proposal to abolish preference to unionists. The actions of the Government since they have been in power can only lead to the conclusion that they have set a very bad example to the people outside in so far as the breaking of awards is concerned. If the Government, the highest authority in the land, are prepared to break awards, how can they honestly and sincerely ask the working people of this State to honour them? The Government stand condemned on that issue alone, and are deserving of the severest censure from the people of this State. They have practically insulted the court, and set a very bad example to the workers.

Some considerable time ago a delegation representing industrial unionists in Brisbane had occasion to wait upon the Secretary for Labour and Industry, who said that he was never in favour of a form of super-preference, but that he believed in a form of preference that would be fair and just to the workers generally, adding that his father had been a unionist before him and had stood for preference, and that he, too, as a unionist was in favour of the same principle. That is something like nine or ten months ago; but, after giving an assurance to the workers that he would not tamper with the principle, we find him introducing in this House a Bill to abolish preference and create the open shop in Queensland. I would like to know what pressure has been brought to bear upon him, and whence it has come, because he has obviously been induced to somersault and go back on the very definite solemn promise which he made to the representatives of the workers on that occasion.

To-day the hon. gentleman said that a section of unionists or one union had to some extent abused the principle of preference, and he proposed to abolish it, thereby penalising something like 50,000 industrialists in this State. That is not a valid reason for this action of the Government. The vast majority of unionists are law-abiding citizens, who honestly obey awards; and it is unfair and mean to adopt a policy which will penalise such a vast majority because a few may have done what the Minister does not consider to be a fair thing.

Last night the Premier said that there were men in the State who were willing to work, but who were refused the opportunity to obtain employment because it was necessary for them first to possess union tickets. But on analysing the position in connection with unemployment we find that, in spite of the fact that hon. members have been in office for a period approaching two years, the number of unemployed has materially increased. According to Mr. Story, the Crown representative in recent proceedings in the Industrial Court, the figure is not less than 22,000, so that there are 22,000 more workers in this State than there are jobs offering, and whether a man is a unionist or

a non-unionist, if there is no job for him, he has absolutely no chance of getting employment.

A unionist and a non-unionist can apply for a job; but, as only one can be successful, there is still one unemployed. It is unfair to say that, because the workers of the State are encouraged to join unions and to become possessed of union tickets, members of the community are denied the right to live. The real reason why many non-unionists cannot obtain employment is because of the failure on the part of the Government to make employment available. They are compelled to remain idle; and the argument of the Premier in this connection is very unfair and very unsound. Hon. members opposite have charged the unions with refusing to issue membership tickets; but my long association with the industrial movement, particularly the Australian Workers' Union, enables me to refute the charge by pointing out that the Australian Workers' Union allows every person to become a member and to enjoy the benefits of the union. The same thing applies to the Storemen and Packers' Union and the Australian Railways Union, who have at all times endeavoured to organise and to recruit as many members as possible. It is most unfair and unreasonable to the majority of the unionists in this State for the Government to base their action upon any alleged refusal on the part of small craft unions to admit workers to their unions. The principle of preference to unionists is one that is near and dear to the hearts of every unionist throughout the State. It is a principle that is sound and reasonable, and one for which the industrialists fought strenuously for years. Realising the conditions in the pastoral industry, the Australian Workers' Union undertook to fight for an improvement, and, after years of effort, an award providing for better conditions was secured. Those benefits were made possible only by the activity of the union; and the employees, recognising that these benefits could be won only by an organised body gladly paid the membership fees of the union. The pastoral industry enjoyed a long period of industrial peace following the action of the union in securing benefits for the pastoral workers, including preference to unionists. Who has a better right to enjoy the benefits won by a union than the members who have willingly subscribed to the funds of the organisation for that purpose? The Minister is bound to be sadly disappointed in his belief that he can break down the ideal of the workers by abolishing preference to unionists. No matter how he endeavours to cripple the unions in this way, the members will rally to the standard, and the unions will progress and become stronger than ever.

Whilst decrying preference to unionists, hon. members opposite deliberately overlook some of the organisations with which they are closely asociated. I refer to the British Medical Association and the Queensland Law Society.

Hon. members opposite will argue that the members of those associations are not unionists in the strict sense of the word, but the fact cannot be gainsaid that they are members of those organisations for the purpose of protecting themselves; consequently they can be compared to members of industrial unions. As an hon. member reminds me, they are very class-conscious. Hon. members opposite would prevent any person from endeavouring to infringe the rights of the members of those associations. If it is just and right that a definite measure of preference should be given to the members of those professions, then the members of industrial unions should receive the same rights and the same protection from the Government.

The history of preference to unionists in Queensland is one of which every hon. member on this side of the House is proud. Under preference to unionists industries have proceeded smoothly, and have expanded. There has been very little, if any, discontent on jobs. That is readily understood, because, if every worker on a job is a member of an industrial union, it naturally follows that harmony exists. If one section of workers on a job are unionists and another section non-unionists, it must follow that friction will occur, and consequently work will not proceed smoothly. The deletion of preference to unionists will lead to strife and dissension. It is only a quibble to say that its deletion will assist industry. It will lead to a lot of trouble.

The SECRETARY FOR LABOUR AND INDUSTRY: We shall meet that situation when it arises.

Mr. BRASSINGTON: I shall show how preference to unionists and the open shop operates in the United States of America, and prove that there are more disputes in the open shops than in works where preference to unionists exists. Where a unionist is on a job, and he enjoys the benefits that have been won for him by his union, it is only natural that he should object to any interloper coming on the job without a union ticket. He feels that that person is receiving benefits to which he did not subscribe and for which he did not fight.

Mr. MAXWELL: Has he not the right to live?

Mr. BOW: Yes, by joining the union.

The SECRETARY FOR LABOUR AND INDUSTRY: The hon. member for Mitchell has put his finger right on the question.

The SPEAKER: Order!

Mr. BRASSINGTON: Industrial organisations stand for the principle that every man shall have the right to live, and we give him that right when he joins an industrial organisation and stands right behind it. That is contrary to the policy of the Government, who on every conceivable occasion are denying the people even a handful of rations.

Mr. W. FORGAN SMITH: We have combinations of employers freezing competitors out of business.

Mr. BRASSINGTON: That is so. Let hon. members opposite compare the position of a man who joins a union and then enjoys the benefits that the union has fought for and acquired with a person who is compelled to use a hospital or any other public utility. If possible, such a person is required to pay for the benefits he receives and enjoys. The position of the non-unionist is practically the same.

Mr. NIMMO: But the other man can get those benefits, and, if he cannot pay, he is not asked to do so.

Mr. BRASSINGTON: A person is supposed to subscribe to a public utility if he is in a position to do so. The same applies in this instance. Any non-unionist who is enjoying the benefits for which a union has fought and won is in the same position as a person who uses a public utility. He should be prepared to accept his responsibility and be fair to the organisation which secured the benefits for him. The hon. member for Oxley made reference to people who cannot pay not being asked to pay. In fairness to the industrial organisations, it should be known that since this depression took place the majority of the unions have adopted the policy that, where a member is not in a position to renew his ticket, he is given a considerable period of time to do so, and in the meantime he is considered a member of the organisation. The unions have been fair and reasonable, and from that point of view there is no sound argument why preference should be abolished.

Hon. members opposite are always pleased to take up the cudgels on behalf of those who, they allege, are refused membership in industrial organisations. These hon. members need not worry about this alleged tyranny of the unions. They may take it quite definitely that any non-unionist who decides to become a member of an industrial organisation, on paying a subscription of £1 or £1 5s. per annum, will receive in return far greater benefits than the initial sacrifice which he makes—so much so that if every non-unionist in this State realised the necessity for joining a union to prevent the present Government from filching the conditions now enjoyed by the workers, I venture to say that before to-morrow morning there would not be a non-unionist in Queensland. They would realise that they would receive in return a fair and decent remuneration and sound protection from the designs of hon. members opposite, who on all occasions press for wage reduction and lengthening of hours.

Mr. MAXWELL: Unionism to-day is not industrial but political.

Mr. BRASSINGTON: That bogy will not stand the test of investigation. Unionism to-day is industrial. Every responsible organisation in this State is registered in the Industrial Court as an industrial organisation, and applies to the court for an industrial award to protect its members.

Mr. MAXWELL: Are they not all affiliated with the Labour Party?

Mr. BRASSINGTON: Industrial organisations outside have the same right as the Employers' Federation or any other similar organisation in regard to the political organisation that they support. If it pleases an industrial organisation to support the Labour Party, there can be no objection to it. If it pleases the Employers' Federation—the "Vigilants," or any other like organisation—to support hon. members opposite, then I have no objection to that action being taken, because it is purely the business of the organisation concerned. Hon. members opposite cannot sustain their argument that unionism to-day is merely political. The abolition of preference to unionists will mean considerable confusion on the job.

The SECRETARY FOR LABOUR AND INDUSTRY: Why?

Mr. BRASSINGTON: Because the unionists will resent the presence of non-unionists, and trouble will occur. Behind this policy of the Government is the desire to weaken industrial unionism and place industrial unions in a bad position, and force the workers of this State back to the position they occupied in the bad old days. Their desire is to bring about a collapse of unionism, so that the "open shop" will operate in this State as it does in some of the States of America.

The cardinal point in the demand of the "Vigilants"—the business men's move in Brisbane—is that arbitration shall go, that wages shall fall, and that the hours of labour shall be increased. They are continually pressing hon. members opposite to carry out a definite policy along those lines. Hon. members opposite are endeavouring to create an impression in the minds of the people outside that they repudiate these organisations; but such is not the case. Their endeavour to create that impression is mere window-dressing. The fact remains that at Terrica House representatives of all these organisations assemble and lay down the policy that the Government are putting into effect. If the non-unionists accept the view that the Government are sincere, they will be used as an instrument to break down awards and the conditions now operating in this State.

The principle of preference to unionists throughout the United States of America is not general. In certain States the Legislatures and wages boards recognise the necessity for peace in industry, and agreements are enforced whereby any employee going on to a plant shall be a member of the industrial organisation operating in that industry. In other States what they call the "open shop" is in operation. Under that system it is possible for employees to work on jobs without holding union tickets. It is the policy of the Administration in power in those States, just the same as it is the policy of the Queensland Government, to encourage non-unionism and to break down awards so that industrial organisation can never be brought about in those States.

An examination of the industrial disputes in the United States of America for the twelve months ended June last shows that 78 per cent. of the disputes occurred on plants that were operating under the "open shop" system, showing that, where both unionists and non-unionists are employed, bitterness creeps in, and, in the end, trouble occurs and the plant is held up.

Those figures suggest that under the "open shop" method which hon. members opposite wish to introduce into this State there is a likelihood of a large number of disputes occurring, and industries being held up and considerably dislocated. I ask hon. members opposite to investigate the position in America for themselves; and, after doing so, they will realise that in the interests of industrial peace and progress the best and wisest course would be to continue the existing policy of preference to unionists in this State.

[5 p.m.]

In conclusion, there are two other principles contained in this Bill to which I desire to make passing reference. One is that all

agreements must be in accordance with the awards, and consequently must be verified sooner or later by the Industrial Court. In connection with many industrial agreements operating in this State, in cases where there has been a particular kind of work to be performed, industrial organisations have met the employers in conference and secured special agreements to cover employees engaged on those special classes of work, with the result that the employees have received better conditions and increased pay. The principle now introduced by the Minister simply means that, where any section of employees make an agreement by means of conciliation, and bring about an industrial agreement which is an improvement on the award, it cannot legally do so, and that the award shall be at all times binding and shall force both employers and employees to discard the proposed agreements. That in itself is a rank injustice to many thousands of workers in this State who are fortunate enough to be covered by industrial agreements which prescribe better conditions and rates of pay than the award itself. I suggest that this Bill is a sop for the employers, and for which the Government will receive their sincere thanks when the Bill passes this Chamber and becomes law.

The tinkering with the apprenticeship conditions is another effort to weaken the very fine system built up by the Labour Government. It is intended under the Bill to abolish the proportion of apprentices now employed as compared with the number of adults on a job. That paves the way for the wholesale exploitation of child labour in this State.

The SECRETARY FOR LABOUR AND INDUSTRY: It does not do that.

Mr. BRASSINGTON: It is something of which the Government cannot be proud, and will lead to trouble if it is put into practice after this measure becomes law. When the Government were tampering with the apprenticeship conditions last session, we on this side pointed out that it was an attempt on the part of the Government to weaken industrial conditions in this State and prejudice apprenticeship conditions. The stand we took on that occasion shows us that the policy has been put into effect.

I conclude by voicing my protest against this proposed policy of retrogression, and express the hope that before it is too late the Government will reconsider the matter in the interests of industry generally and of both the employers and employees in the community. It is highly essential that industrial peace shall continue to reign and that industry shall continue to expand in this State.

Mr. HYNES (*Townsville*): I view with no little concern the introduction of this amending Bill. It is an indication to me that that vendetta—that war—which has been carried on by the present Government against organised Labour in this State since they took office last year is to be pursued in the future more relentlessly than it has been in the past, until not a vestige of the legal protection which the workers enjoy in connection with their living standards is left to them.

When the principal Act was being enacted last year we told the Minister that certain machinery which was prescribed would be absolutely impracticable. The Minister ignored that advice, and refused to accept amendments, with the result that in this Bill we find provisions designed to give legislative effect to the suggestions we made last year.

The vendetta to which I have referred, born of the very evident desire of the Government to smash organised Labour in this State, again shows itself in this Bill. The Government made promises to the workers of Queensland that they would not interfere with their standards of living; yet they have on every occasion done everything they could to reduce them. It has been said that the chief reason why this measure has been brought down is to to be found in the desire of the Government to give more opportunities to workers of this State. When I heard the Minister using that term, I thought of an utterance of a famous character in the French Revolution, who said—

> "O liberty, what crimes are committed in thy name!"

The Minister would have us believe that this Bill is introduced in the interests of the workers. It is obvious that it is brought in to break down the legal protection of the living standards which the workers have hitherto enjoyed. Hon. members opposite think that, because of the depression and the crisis of unemployment through which they are passing, the present is an opportune time to attack those standards. It is a cowardly thing for any Government to do. The object of any Government should be to uplift the great mass of the people; but the endeavour of hon. members opposite at every possible opportunity is to make some attempt to fling the workers back to the wretched conditions which obtained in this State a quarter of a century ago.

The SECRETARY FOR LABOUR AND INDUSTRY: Ridiculous!

Mr. HYNES: It is not ridiculous. What we may call the aristocratic unions may go on exploiting the community with impunity. No attempt is made by this Government to curb the predatory activities of the British Medical Association or the Law Society; yet we all know that these bodies are exploiting the people. Industrial unions are certainly just as helpful to society as the two aristocratic unions I have mentioned; yet we find measures brought down here protecting the interests of the one whilst attacking the living standards of the other. The Government give doctors and lawyers further facilities for aggrandisement, whilst workers are to be branded as criminals if they happen to belong to an industrial union.

Anybody who has given this question unprejudiced thought must admit that the living standards of the people in this State, in common with those of the people of the rest of the civilised world, have been brought about chiefly by the activities of industrial unions—not by political parties—not by apathy, but by hard fighting and sacrifices on the industrial field by members of industrial organisations.

The SECRETARY FOR LABOUR AND INDUSTRY: Where does this Bill interfere with them?

Mr. HYNES: Everywhere. It makes it impossible for an industrial organisation to retain its confidence in arbitration as a means

for improving the industrial conditions of its members or of holding what they already have—the things for which we have fought so hard in the past.

At every opportunity the Government attempt to emasculate the present Act until such time as the great mass of the workers will have no confidence at all in arbitration as a means of protecting their living standards. I believe that all these pernicious acts on the part of the Government are designed to bring about that attitude of mind amongst the working classes of Queensland. We know that, prior to the defeat of the Bruce-Page Government on the vital question of arbitration, a concerted effort was planned by the Tory Governments of Australia to abolish arbitration altogether. We also know that the people of Australia would not stand for such a policy, and in an emphatic way registered their protest against it. When the present Government took office, they knew that, if they abolished the Arbitration Court, as we then knew it, in a direct and frank manner, public opinion would have compelled them to resign. So they decided to do the other thing—the cowardly thing—the thing that they had not the "guts" to do openly and frankly——

The SPEAKER: Order! I ask the hon. member to moderate his language somewhat. His remark is unparliamentary.

Mr. HYNES: I withdraw the expression, Mr. Speaker. I deeply regret that I used unparliamentary language; but I feel so keenly about this matter that I find it most difficult to express myself in temperate language when dealing with it. For many years I assisted in my humble way to build up the conditions that the workers have enjoyed during the past fourteen or fifteen years; and, when I see these conditions being filched from them, I think that I can be excused for expressing myself in unparliamentary language. The Minister made a very nasty innuendo concerning an agreement that was entered into by the Australian Workers' Union, the organisation of which I have the honour to be vice-president in Queensland. The ramifications of that organisation extend over the length and breadth of Australia. That organisation has adopted arbitration as its policy, and, if the Minister is honest, he must admit that the executive of the organisation has at all times endeavoured to give effect to that policy honestly and fairly.

The SECRETARY FOR LABOUR AND INDUSTRY: I agree with you.

Mr. HYNES: In June of the present year the great sugar industry of Queensland, upon which we depend so much for our prosperity, particularly along the eastern seaboard of the State, was in a parlous condition; and, in order to bring about some stability in conditions in the industry, it was necessary to do certain things.

The SECRETARY FOR LABOUR AND INDUSTRY: What were they?

Mr. HYNES: The prosperity of the industry depends to a very large extent upon the embargo against the importation of foreign-grown sugar. It is well known that it is impossible for the Australian sugar-grower and manufacturer to compete with the sugar grown overseas by coloured labour. We were agitating for a renewal of the embargo, and certain things had to be done in order to bring that about.

The various sections of the industry took the advice of the present Administration. They met together at a round-table conference. At that conference the manufacturing interests, the growers' interests, and the workers' interests were all represented. I had the honour of representing the Australian Workers' Union, or, in other words, the employees engaged in that industry. We arrived at an agreement in respect of the conditions that were necessary, not only for the control but for the safeguarding of the industry. That agreement conceded preference to certain members of industrial organisations. We found that, under section 57 of the Industrial Conciliation and Arbitration Act, it was impossible to give effect to that agreement unless we had exemption from the operation of that particular section.

The SECRETARY FOR LABOUR AND INDUSTRY: You wanted us to abolish section 57 by Order in Council.

Mr. HYNES: The various sections of the sugar industry were represented by strong men who thoroughly understand their business. The men engaged in the industry have some idea of its economics. After mature consideration of the situation confronting them, they considered that their only hope of retaining existing conditions and of getting a fair price for their products was to have that agreement registered for a definite period. When we found that section 57 did not enable us to give effect to that agreement, we took the only and the obvious course, and that was to request the Government to exempt the sugar industry from sections 57 and 58 of the Act.

The SECRETARY FOR LABOUR AND INDUSTRY: You even wanted us to use section 64 in order to comply with your wishes.

Mr. HYNES: Yes—to use any section of the Act to give effect to the decisions of that round-table conference. That is what transpired. If the policy of the Government is right and they believe in the employers and employees engaged in an industry getting together at a round-table conference and arriving at a mutual agreement, then any decision of that conference should have received their blessing and wholehearted support. Owing to the scurrilous innuendoes which the Minister has made in this House, I intend reading the correspondence which passed between the Australian Workers' Union and the Premier on the subject.

The first letter is one dated Brisbane, 17th June, 1930, and is addressed to the president of the Australian Workers' Union—

> "Dear Sir,—With reference to the request of the Australian Sugar Producers' Association, Limited, the Queensland Canegrowers' Council, and the Australian Workers' Union made to me yesterday for the exclusion of the sugar industry from section 57 of the Industrial Conciliation and Arbitration Act, it has been decided that it is undesirable to take such action by Order in Council. The Government will, however, do what is required by amending the Act to effect this purpose, including the necessary

amendment to section 58, as soon as practicable after Parliament meets.

"Trusting this will satisfactorily meet your requirements.

"Yours sincerely,

"(Signed) A. E. MOORE, Premier."

The secretary of the Australian Workers' Union, Mr. W. J. Riordan, Brisbane, sent the following letter to the Premier under date 19th June, 1930:—

"With reference to your letter of the 17th instant to the effect that you have decided that it is undesirable to give the sugar industry relief in the manner suggested by the organisations concerned, and that you proposed to meet the position by amending the Act, I have been instructed by my executive to advise you that it has given careful consideration to your letter, and that it cannot see its way clear to agree to the proposals contained therein. While we are very anxious that relief should be given the industry in the manner already suggested to you, we decline to be made parties or agree to any action which might adversely affect organisations outside of the sugar industry.

"We are of opinion that your Cabinet is conversant with the difficulties confronting the sugar industry, and very much regret that you cannot see your way clear to assist by excluding the industry from sections 57 and 58 of the Act as suggested by the organisations concerned.

"In view of the seriousness of the position and the urgent necessity for immediate action, might we suggest that you review your decision."

In reply, the Premier addressed the following communication to the secretary of the Australian Workers' Union, under date 4th July, 1930:—

"In reply to your letter of the 19th instant, in which you suggest that the decision to amend the Industrial Conciliation and Arbitration Act rather than exempt the sugar industry from certain provisions by Order in Council be reconsidered, I desire to inform you that Cabinet has given the position most careful consideration, but deems it better, in view of the policy of the Government, to amend the Act rather than exempt one industry by Order in Council."

This is the reply which was forwarded to the Premier by the secretary of the Australian Workers' Union on 8th July, 1930:—

"I have your letter dated 4th July in reference to previous communications in the matter of the exemption of the sugar industry from sections 57 and 58 of the Industrial Conciliation and Arbitration Act and advising that Cabinet deems it better, in view of the policy of the Government, to amend the Act rather than exempt one industry by Order in Council.

"I have now to inform you that the assistance which your Government declined to render the industry at a very critical moment is no longer necessary, as the organisations concerned have been forced to manage without it.

"With reference to your Government's policy and its intention to amend the Act, I desire to again advise you that my organisation is definitely opposed to any such action for reasons stated in my previous communication."

The SECRETARY FOR LABOUR AND INDUSTRY: "Methinks the lady doth protest too much."

Mr. HYNES: That is the correspondence which passed between the Australian Workers' Union and the Premier. The Minister knows that, when I met him in his office, the Australian Workers' Union was opposed to the Government wiping out section 57 altogether. We asked the Minister for an Order in Council to exempt the sugar industry from the operations of that particular section, because the Australian Workers' Union was not prepared to do something that might be detrimental to the other organisations within the State. The Australian Workers' Union has never at any time adopted such a cowardly attitude as that; but has always been prepared to assist smaller unions, and, whenever the opportunity to do so has been present, it has been availed of. The Minister told us that he would refer to this matter later on. He was going to read this correspondence and tell us that the Australian Workers' Union favoured the action which is being taken here to-day. I say that is a deliberate lie.

The SPEAKER: Order!

Mr. HYNES: I withdraw that statement. I say that is a misstatement of the facts. During the whole of the negotiations between all the sugar interests of the whole of Queensland which were carried over a period of two weeks, the Australian Workers' Union was in favour of a certain agreement being signed and registered in the interests of the future of the industry, and the present Government turned it down. All we asked was an Order in Council exempting the sugar industry from section 57; and, when we hear the cry of the "Get together" spirit, can we be blamed if we look upon it as so much humbug and hypocrisy? There was a definite instance in which we made an effort to give effect to the round-table conference, and we were frustrated by the present Administration.

The SECRETARY FOR LABOUR AND INDUSTRY: Tell the whole truth!

Mr. HYNES: I am telling the whole truth. When the hon. member for Cook returns to his electorate, he will have some difficulty in explaining why the sugar industry was turned down by an unsympathetic Tory Government. The Government representatives generally contended that they were sympathetic with the objects of that conference, and we were led to believe that we were going to get sympathetic treatment. Then we had the Minister making a statement in order to disparage and traduce one of the biggest unions of the State, and trying to make out that it had endeavoured to bring about an amendment of the Act as contained in the Bill which we are considering to-day.

I do not wish to speak any further on that particular point. I think unprejudiced people outside will realise that the Australian Workers' Union endeavoured, in the interests of the industry, to do the decent thing, and that the present Tory Government

did not show much sympathy. Hon. members opposite have tried by innuendo to make out that the Australian Workers' Union were in favour of this amending Bill which we are now considering. We are absolutely opposed to the Bill, every provision in which strikes at something for which the Australian Workers' Union has stood and fought for many years.

There is a proviso under the existing Act exempting certain employees in the pastoral and other industries from the protection of the court, the term used being "casual employees." Casual employees were exempted from the protection of the court. That is being altered by the substitution of the word "permanent" for "casual"; that is, all permanent men who are employed in those callings, even if they are employed for one, two, three, or five years, are to be exempted from the protection of the court altogether. We are totally opposed to that.

One good feature in the Bill, although it does not go far enough, is the provision which will enable the Conciliation Commissioners to make awards. This is something we referred to when the principal Act was going through the House last year. We said that it was impossible to make a success of the conciliation boards, the machinery for which was provided in the Act.

The House adjourned at 5.30 p.m.