Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 3 NOVEMBER 1915

LEGISLATIVE COUNCIL.

WEDNESDAY, 3 NOVEMBER, 1915.

The PRESIDENT (Hon. Sir Arthur Morgan) took the chair at half-past 3 o'clock.

MEATWORKS BILL.

ABSENCE FROM BUSINESS-PAPER.

HON. P. J. LEAHY: I do not know whether the Minister intends to give notice of motion with regard to the consideration in Committee of the Assembly's message with respect to the Meatworks Bill. If he does not, I intend to move that the consideration of the message be made an Order of the Day for Tuesday next. I do not wish the hon. gentleman to think that I am interfering with his business, and I will at once sit down if he intimates that he intends to give notice of motion for the consideration of the message. If the hon. gentleman does not take that course, then I shall do so to protect the interests of the Council, and to prevent something that I do not like to describe by the name which ought to be applied to it. (After a pause.) As the Minister does not seem inclined to take action, I now give notice that the Assembly's message regarding the Meatworks Bill be taken into consideration in Committee on Tuesday next.

HONOURABLE MEMBERS: Hear, hear!

The SECRETARY FOR MINES (Hon. W. Hamilton): The hon. member and his colleagues are responsible for the present position. If he likes to give notice of such a motion, he can do so. The Government are finished with the Bill. The hon. gentleman and those who helped him to cripple the Bill can take all the onus on themselves.

Hon. W. STEPHENS: What do you mean by saying "The Government are finished with the Bill"? Do you mean that you are not going to proceed any further with it?

The SECRETARY FOR MINES: Hon. members can take the onus of proceeding with the Bill. The Assembly have refused to accept the Council's amendments, and this Chamber insists on its amendments.

Hon. P. J. LEAHY: And you are trying to steal a march on us.

The SECRETARY FOR MINES: I am not. Hon. members must take the responsibility.

The PRESIDENT: The Minister has said that he does not propose to take any further action in the matter. It is quite competent for any other member of the Council to give notice of a motion in respect to the Meatworks Bill; and if any other member of the Council desires that further action should be taken, he should give notice of motion in the ordinary way and hand the motion to the Clerk, and it will appear on the business paper. (Hear, hear!) But only with the concurrence of the Minister can the motion appear at the top of the business paper on Tuesday next. Wednesday is private members' day, and to ensure the motion being placed on the top of the business paper without the consent of the Minister, it would be necessary to give notice of motion for private members' day.

HON. A. G. C. HAWTHORN: With the permission of the Council, I would like to say a word to see if we can evolve a position satisfactory to ourselves. Are we to understand from the Minister that the Government have dropped the Bill, and that they are not going to present it to the Governor for his assent? If that is so, it seems to me we have nothing further to do. But if the Bill is going on for the Governor's signature, we ought to have something further to say on the matter before that is done. I would like the Minister to say definitely that the Government are not going to proceed in any way at present with the Bill.

Hon. F. T. BRENTNALL: He has said that.

Hon. W. STEPHENS: Not quite.

The SECRETARY FOR MINES: I say hon. members are responsible for the position that has been created.

Hon. W. STEPHENS: You said you were finished with the Bill. Does that mean that you are not going to send it to the Governor for his assent?

HON. P. J. LEAHY: I take it, from what the Minister has said, that he intends to drop the Bill. If that is his intention, and we are to hear no more about it, I certainly do not want to force it on to the business paper. If the intention is to try by a subterfuge—if I may use the word—to get the Royal assent to the Bill, then I shall endeavour to get it on the business paper for Wednesday next. Possibly, the better way will be for me to give notice of motion, and I need not go on with it on Wednesday unless I like.

Hon. W. STEPHENS: Give notice, and make certain.

HON. P. J. LEAHY: I beg to give notice—

> "That the Meatworks Bill be restored to the business-paper, and that the consideration in Committee of the Legislative Assembly's message, of date 27th October, relative thereto, be made an Order of the Day for to-morrow."

HON. F. T. BRENTNALL: Are we to understand that this is a notice of motion for Wednesday next?

The PRESIDENT: Yes.

HON. F. T. BRENTNALL: So that we cannot say anything more about it now?

The PRESIDENT: That is the position.

HON. F. T. BRENTNALL: Well, I am sorry that that notice has been given. I think the Bill is dead, and we should leave it dead.

BRANDS BILL.

THIRD READING.

On the motion of the SECRETARY FOR MINES, the Bill was read a third time, passed, and ordered to be returned to the Assembly by message in the usual form.

BUILDING SOCIETIES ACT AMENDMENT BILL.

THIRD READING.

On the motion of the SECRETARY FOR MINES, this Bill was read a third time, passed, and ordered to be returned to the Legislative Assembly by message in the usual form.

MINING ACT AMENDMENT BILL.

SECOND READING.

The SECRETARY FOR MINES: This is a short Bill of four clauses dealing with the forfeiture of mineral leases. At the present time, no matter how long a lease may have been abandoned, no matter how long it may have been lying idle contrary to the provisions of the law, the Minister has no power to forfeit until he has twice imposed a fine. At the present time a mine may be lying idle for years, and if somebody makes application for forfeiture, the Minister has to impose a fine. Many people have been making application for forfeiture of leases so that they could take them up and work them—leases which have been left idle for long periods, and which are under no exemption of any sort, and it is impossible for me to allow them to come in because the Act distinctly states that on the first two occasions a fine must be imposed. The Minister may impose a fine if he thinks fit, and, of course, the Act gives him power to fine up to £100, but I do not think that has ever been done. The usual thing is to fine up to £10. Then the lease has to remain until another application comes in for forfeiture, and the Minister then has to impose a fine a second time before he can declare the lease forfeited. I am doing all I possibly can to stimulate the production of our minerals, and hon. members will see that the production of minerals for the last quarter has increased nearly 50 per cent. above what it was for the corresponding quarter last year, and I am in hopes that for the coming quarter there will be just as big an increased production as compared with the corresponding quarter of last year. I do not want people to hold large areas of mineral leases idle if there are other people willing to come in and work them. In many instances that is the case. Of course, the unsuccessful applicant is generally paid his expenses for coming into the warden's court and giving evidence out of the fine imposed. But I find that is retarding production. Under the section of the Act which is repealed by this Bill, when a place is declared forfeited the warden has to go out and declare the lease forfeited. In many places the lessees have not been on the lease for years, and the warden has to address a gum-tree declaring the place forfeited or post up a notice that possession is taken by the Crown. Take the Cloncurry field and some of the large mineral fields in North Queensland: it is a long distance for the warden to go out just for the formality of declaring that a lease is forfeited or to post up a notice of resumption by the Crown. Under the repealed section, possession of a forfeited lease had to be taken by the warden orally declaring on the ground that he had taken possession, or by posting thereon a notification that possession had been taken on behalf of the Crown, and as at certain periods a large number of leases at various parts of the field become forfeited, a considerable time elapses before the lease becomes open to fresh application. Clause 4 of the Bill provides that the posting of notices of forfeiture outside the warden's or mining registrar's office is the only action necessary to complete forfeiture. No Minister, I do not care who he is, will forfeit without cause. When an application for forfeiture comes before the local warden he takes all the evidence and forwards it to the Minister with a recommendation as to what action should be taken.

[*Hon. W. Hamilton.*

Hon. A. G. C. HAWTHORN: Should not that notice be posted outside the office for some days—say, a week or a month?

The SECRETARY FOR MINES: You could post it up for any length of time. There is no term here, but we can indicate the term; but we do not want to make the period too long. It should not be necessary for the warden to make a journey out to some of these large fields just for the sake of declaring that a mine has been forfeited, when it has been abandoned for some years. In many instances it is hard to find out where the late lessees were living. In many cases they make no application for exemption. Sections 28 and 34 of the Mining Act of 1898 provides that for a first and second breach of any of the covenants of the lease the lessee should pay such fine or penalty not exceeding £100 as the Minister may have seen fit to impose, and for the forfeiture of the lease on non-payment of any such penalty or on the commission of any further breach of any of the covenants. The proposed amendment provides that leases of the nature abovementioned shall contain a condition that for any breach of any of the covenants the Minister may either forfeit the lease, or, in his discretion, impose upon the lessee a fine not exceeding £100, and on non-payment of any such fine may forfeit the lease. The sum of £100 in the present Bill has been there for some years, and if any individual or company is not in a position to go on with the work on the lease or wants time to put up machinery, if they can show good cause, the Minister will always grant exemption for the period required for those services. We know that in many instances it is necessary to grant exemption to allow time for the reconstruction of a company or for the erection of machinery; or some individual may want exemption for a time to try and raise capital to do the work, and any Minister who has the industry at heart would try to help those people all he could. This Bill is not to deal with those people. It is to deal with those who are holding large areas without working them, and in many cases they have never intended to work them. Hon. gentlemen will recognise that there is nothing unfair in the Bill, because the Minister will use his judgment. If the warden makes a recommendation, the Minister will use his discretion as to whether he accepts the warden's recommendation in full or partially. Speaking for myself, before I forfeit a lease, application for exemption or anything else will always be considered. If anybody wants to hold on to a lease, and something occurs over which they have no control, and they want a little breathing time, all they have to do is to apply for exemption, and if they can show good cause, their case will be met. That is the gist of the short measure we have before us.

Hon. T. M. HALL: What would happen to the machinery that may be on a lease of that description? Would the owners have a right to remove it?

The SECRETARY FOR MINES: That is always the property of the leasehold. I beg to move that the Bill be now read a second time.

HON. E. H. T. PLANT: I beg to move the adjournment of the debate.

Question put and passed.

The resumption of the debate was made an Order of the Day for to-morrow.

TRADE UNION BILL.

FIRST READING.

On the motion of the SECRETARY FOR MINES, this Bill, received by message from the Assembly, was read a first [4 p.m.] time. The second reading was made an Order of the Day for to-morrow.

METROPOLITAN SEWERAGE WORKERS' AWARD BILL.

MESSAGE FROM ASSEMBLY.

The PRESIDENT announced the receipt from the Assembly of the following message with regard to this Bill:—

"Mr. President,—

"The Legislative Assembly having had under consideration the Legislative Council's amendment in the Metropolitan Sewerage Workers' Award Bill, beg now to intimate that they—

"Disagree to the amendment—

"Because it would have the effect of nullifying the intention of the Bill, and relieving the contractors of a liability which they should bear.

"W. MCCORMACK,
"Speaker.

"Legislative Assembly Chamber,
"Brisbane, 2nd November, 1915."

On the motion of the SECRETARY FOR MINES, the consideration in Committee of the message was made an Order of the Day for to-morrow.

WORKERS' ACCOMMODATION BILL.

MESSAGE FROM ASSEMBLY.

The PRESIDENT announced the receipt from the Assembly of the following message with regard to this Bill:—

"Mr. President,—

"The Legislative Assembly having had under consideration the Legislative Council's amendments in the Workers' Accommodation Bill, beg now to intimate that they—

"Disagree to the amendment in clause 5, lines 45 to 51 (now 45 to 50)—

"Because it would destroy the complete effectiveness of the administration of the Bill—honorary inspectors being necessary, especially in far out sheds, where it may not be possible to have paid inspectors at one and the same time. Moreover, such honorary inspectors will be enabled to keep in touch with the departmental inspectors.

"Disagree to the amendment in clause 6, page 4, lines 5 and 6—

"Because it would destroy the principle of the Bill—the employer has to provide accommodation. If this were agreed to, power would be given whereby the worker might have deductions made from his wages for such accommodation.

"Disagree to the amendment in clause 6, page 4, lines 8 to 12—

"Because if these lines were omitted there would be nothing in the Bill to prevent contracting out—an objectionable practice and antagonistic to the present Government's principle. If this provision were omitted an employer could easily obviate the necessity for providing the accommodation required by entering into an agreement whereby the worker might be compelled to reside, say, in a tent or, at any rate, outside the shed; and

"Agree to all the other amendments in the Bill.

"W. MCCORMACK,
"Speaker.

"Legislative Assembly Chamber,
"Brisbane, 2nd November, 1915."

On the motion of the SECRETARY FOR MINES, the consideration in Committee of the message was made an Order of the Day for to-morrow.

INDUSTRIAL ARBITRATION BILL.

COMMITTEE.

(*Hon. W. F. Taylor in the chair.*)

On clause 1—"Short title and commencement of Act"—

The SECRETARY FOR MINES said that last week he moved the second reading of the Bill, which was a fairly big measure, and gave ample time for the preparation of the amendments before the Bill was considered in Committee, so that he and other hon. members would have time to consider those amendments. Owing to the funeral of the late Mr. Connah that morning, he had not been at his office and did not know whether a copy of the amendments had been sent there or not. There was a very large sheaf of amendments circulated that morning, and it was only within the last half hour that he had seen them. That was not fair either to the Minister or to other hon. members, as they had no time to see the effect of the amendments and to compare them with the original Act. In justice to himself and to other hon. members, he hoped that hon. members would have their amendments circulated earlier. It made it rather hard for him or for anyone else to deal intelligently with such a large number of amendments.

Hon. T. M. HALL: Postpone the Bill.

The SECRETARY FOR MINES: There is no other business to go on with.

Clause put and passed.

Clauses 2 and 3 put and passed.

On clause 4—"Interpretation"—

HON. E. W. H. FOWLES said that on page 4, line 16, in the definition of "industrial matters," the following words occurred:—

"or of persons who have been or intend or propose to be or may become employers or employees."

That included the whole population of Queensland, past, present, and future. He did not know whether it was the intention of the Minister to have such a sweeping provision in the Bill.

The SECRETARY FOR MINES: It was better to have a definition too wide rather than too narrow. At times, on account of provisions being too narrow, injustice was done and litigation took place, but he did not see that any harm could arise from the retention of those words.

HON. E. W. H. FOWLES: Could the Minister tell them why he wished to include people who had been employers or employees?

The SECRETARY FOR MINES: They may become employers or employees again.

HON. E. W. H. FOWLES: Then they would come under the second category. Not only did those words include the whole population of Queensland, but they included a large population elsewhere. He thought probably the Minister had some very good reason for including a certain class of employees.

Hon. C. F. NIELSON: This Minister did not include them.

HON. E. W. H. FOWLES: There was another dragnet clause that the judge could do anything and carry it back to the first employer in the Garden of Eden. He moved the omission, on lines 16 to 18, of the words "or of persons who have been or intend or propose to be or may become employers or employees."

The SECRETARY FOR MINES: The thing was not as involved as the hon. gentleman would make out, but if the hon. gentleman had circulated the amendment and given him time to have gone into the matter he could have made himself au fait with what the amendments proposed to bring about. If the words "employers or" were struck out, it would meet all the objections the hon. member had made. It was necessary to leave the words "employees" in, because a man who was idle to-day might become an employee to-morrow.

HON. C. F. NIELSON said he had listened with interest to the remarks of the Hon. Mr. Fowles, but he really could not see that the inclusion of the words could affect detrimentally or prejudicially any person in the past or in the future any more than it could affect a person at the present time engaged in any industry to which the Bill could apply. The Hon. Mr. Fowles pointed out that it affected all persons who had been employed. It might. They had an example with which the Council did not agree, where an Act of Parliament affected all persons who had been employers and employees. He referred to the Bill, which was amended by the Council, whereby the Supreme Court verdict in connection with the award of the Sewerage Workers' Board was to be upset. That affected all persons who were now employed and who had been employed in that industry. Their money was to be paid to them, and they would be a class of persons under the clause who had been employed, and in that sense he could imagine that an award of an industrial court might affect persons who had been employed. Very often when a dispute occurred it was arranged that the employers and employees should continue as at present on the understanding that the decision of the Industrial Court would have a retrospective effect. The person who left the employment before the decision of the court was given would be a person or one of the persons who had been employed, and in that way he was entitled to come under the Bill. It was perfectly clear that the Bill could not affect any person who was not engaged in any industrial occupation to which the Bill did not apply.

Hon. A. A. DAVEY: It applies to everybody.

HON C. F. NIELSON: It applied to everybody whose occupation was one of the kind to which the Bill applied.

Hon. A. A. DAVEY: "Has been or may be."

HON. C. F. NIELSON said it was quite right that it should be so, because it might take four or five months for the court to give a decision in a dispute wherein persons had acquired rights. If they went out of the employment in the meantime they would forfeit those rights unless the judgment of the court also applied to them, and in that way only could the Bill be said to apply to persons who had been employed in an industry. It could not apply to a person who had been able to retire out of his savings and who was no longer employed. Naturally, a decision of the court laying down certain conditions must affect persons who might become employed because they came in under the existing award. He could not see any harm in leaving the words in the clause.

HON. A. A. DAVEY: The hon. member who had just sat down said he could not see any objection to the words remaining in the Bill, but the hon. member was not omniscient and could not see everything. It appeared to him (Hon. Mr. Davey) that they only wanted to deal with things which they could see. The Bill was introduced for the purpose of granting industrial arbitration, and industrial arbitration could only apply to the people who were interested in industrial affairs, either employers or employees. The hon. member had quoted an instance where the words in the clause would be of some advantage. That was a matter of opinion; but that argument did not hold good in regard to the persons who might become employers or employees. As soon as they became employers or employees they came under the Bill; but why did they want those surplus words in the clause? It appeared to him that in the legislation they were getting there was an attempt on the part of Governments generally to absolutely enslave the people; chain up everybody. Every link of legislation that had been placed on the statute-book in recent years in this so-called progressive country had been, as a matter of fact, an enslavement of the people; forging another link in the chain. It seemed to him that the Legislature had the idea that rationalism did not exist in the people; that it only existed in the Governments, and Governments were accidental. Everybody in the Council was just as anxious as the Government to see that a fair and honest thing was done to the employee, but why should they, at the bidding of this or any other Government, use language in the clauses of a Bill which really had no sense at all? Were those words put in for the benefit of lawyers later on when the occasion arose? If that were so, then he could understand why the Hon. Mr. Nielson supported it.

Hon. C. F. NIELSON: We do not appear in the court.

HON. A. A. DAVEY said the amendment was a very reasonable one. It was not the people who had been in the business but those who might be in the business who were concerned in the Bill.

Hon. C. F. NIELSON: The people who had been may be concerned.

HON. A. A. DAVEY: As a matter of fact, they were not concerned in the affair, and there was no necessity for the words in the clause, because when the occasion arose, as they had seen, a Bill could be passed that had a retrospective effect. That had been

done in the past and could be done again. It was an utter absurdity to put in the words referred to, and the only ground for the words was that it was an attempt on the part of alleged democracy to chain up a man body and soul. He was as sympathetic with the Government as anybody, but he recognised the individuality of men, and the man who was willing to sacrifice the whole of his liberties was not a man at all; he certainly was not a democrat, because the idea of democracy involved that they were going to have intelligent individuals in the community, and if they were going to shut him up, they were not going to have democracy—they were going to have an autocracy.

HON. P. MURPHY: As a matter of fact, the clause was a definition in a few words—a true definition of industrial matters. It was not a question of including anyone or excluding anyone; it was a definition of "industrial matters."

Hon. A. A. DAVEY: You will have difficulty in finding it in any dictionary.

HON. P. J. LEAHY: This was a very comprehensive clause, which might almost be said to include everything in the heavens above and in the earth beneath. It certainly included everything on the earth in the way of human beings. He thought it unnecessarily wide. There was no doubt the definition in the [4.30 p.m.] Industrial Peace Act was pretty wide, but this was much wider. Evidently the Hon. Mr. Murphy thought that "industrial matters" would have the ordinary meaning of those words; but in that Bill they must mean exactly what they made them mean in the interpretation clause. There were certain parts of the definition which certainly were not necessary. There was no necessity to take a peep into the future and permit something that might be done nine or ten years from the passing of the Bill. It should be quite sufficient to declare that "industrial matters" should include any dispute affecting men working in the industry at the time the dispute occurred, or who might have left the industry since the dispute occurred, but were interested retrospectively in any award that might be made. He did not object to that; but the interpretation was very much wider than that. He sympathised with any person who had to attempt to make sense of the clause. The Hon. Mr. Fowles was entitled to great credit for his attempt to make it much more intelligible and workable than it was. He intended to support the amendment.

The SECRETARY FOR MINES: The intention of the framers of the Bill was to make it wide enough to embrace all disputes that were likely to arise. When the carriers applied for an award in the Commonwealth Arbitration Court, the judges decided that they were not employees of the pastoralists because they owned their own teams.

Hon. A. H. WHITTINGHAM: They were employees themselves.

The SECRETARY FOR MINES: They wanted to come under the Arbitration Court to have the rates of carriage fixed. There had been many disputes in the Western country between carriers and pastoralists over the rates of carriage, and it was intended to make the Bill wide enough to embrace even such disputes as those. He could not see that the danger was going to accrue that was foreshadowed by the mover of the amendment. It was quite evident that the framers of the Bill had taken into consideration all the disputes that had occurred in the past and wished to enable the Industrial Court to take cognisance of them.

Hon. T. J. O'SHEA: The Bill is to be retrospective in its operation?

The SECRETARY FOR MINES: Of course, the court would not be able to deal with a dispute that took place ten years ago, but it was desired to make it competent to deal with any dispute that took place after the passing of the Act.

Hon. T. J. O'SHEA: It does not say that.

HON. A. G. C. HAWTHORN thought the definition was altogether too wide. He could quite understand including persons who had been employers or employees, because on page 12 provision was made for making any award retrospective; but the definition would include every person who was capable of being either an employer or an employee. Seeing there would be no appeal from any decision of the court, he suggested that the Minister might agree to the omission of the words after "have been or" to the end of the amendment suggested.

HON. A. HINCHCLIFFE: It must not be forgotten that there was a large number of workers engaged in seasonal operations, such as the sugar industry. They might be employers to-day but they might be cutting cane to-morrow. The same thing applied to the pastoral industry. It was necessary, therefore, that the definition should be wide enough to cover those who might become employers in such industries, and that an award of the court should apply to all such persons. He took it that was really the intention of the subsection.

Hon. E. W. H. FOWLES: Would not an award apply to them immediately they became employees?

Hon. C. F. NIELSON: Yes.

Hon. E. W. H. FOWLES: Then this should be unnecessary.

HON. F. T. BRENTNALL: They seemed to be in danger of spending a considerable amount of time over the amendment. If the words referred to were taken out, they would not affect the clause much; if they were left in, they were capable of doing a great deal of injury at some time or another. Who was going to try to ascertain who had been either employers or employees or who intended to belong to either class? They were practically asked to take cognisance of the intention of somebody who had never declared himself to be this, that, or the other, or of anybody who proposed to be something in the future. Then came the absurdity of the clause—"or may become employers or employees." Was there a school boy who did not expect some day to be one or the other? The definition covered the whole ground, retrospective and prospective, even going into the intentions of individuals, and the possibilities of the future. There was no reason for such a far-reaching definition, and the best thing they could do was to carry the amendment.

HON. G. W. GRAY: Seeing there was to be no appeal from the judgment of the

Industrial Court, they should be very careful in the verbiage of every clause. The clause under discussion was certainly going too far, and he intended to support the amendment.

HON. B. FAHEY: He was in a quandary as to where in Queensland he could find an employer. The only person he could see who would come under that designation was the squatter. Supposing a carrier owned half a dozen teams and employed ten or fifteen hands. Surely he was an employer. He went to the station of the Hon. Mr. Whittingham, for instance, and took a load of wool on board. As an employer one would imagine that he was paid so much by contract to take that wool to the nearest railway station. He was not paid by the day. He might take a week or a month, according to the condition of the weather and the roads. Before he delivered the wool an accident occurred to one of his hands, or to two or three of them. He was liable to those men for their awards, and one with any sense of justice would imagine that the liability would end there; but, according to this clause, the carrier was not an employer but an employee, and he would be able to indemnify himself at the expense of the Hon. Mr. Whittingham. That was exactly in keeping with the character of the legislation they had been receiving from the other Chamber during the whole of the present session. Either that, or it had a sinister object. It was a clumsy attempt to rope every employer in Queensland into a union. That was the intention evidently, and at the next election they would very likely vote for the leader of the House and his party. There were people in this town who owned twenty or thirty wagons—for instance, there was Bryce and Co., who were employers. Under the Bill they would be employees. They might employ twenty drays any morning, delivering goods in Brisbane out as far as Yeerongpilly on the one side and Indooroopilly on the other side, and also to Roma Street Station. They might receive those goods from fifty different people and there might be fifty different classes of goods. Very well, they were employees. While delivering those goods there might be an accident to one or more of their employees, and who would be responsible? Bryce and Company, of course. How would they indemnify themselves? Would they look to the storekeepers from whom they received the goods, and who may not be the owners of the goods? The clause was the most fertile source of making fees for lawyers that had ever come into the Council, and he would vote for the amendment.

The SECRETARY FOR MINES moved that the consideration of the amendment be postponed until the end of the clause.

HON. P. J. LEAHY asked what would be the effect of postponing the amendment. He could understand postponing the whole clause.

The SECRETARY FOR MINES: I wish to submit it to the Parliamentary Draftsman.

HON. E. W. H. FOWLES said there were three very contentious amendments in the clause, and it might be as well to postpone the whole clause until to-morrow. He would suggest that it would be a graceful act on the part of the Minister if he were to allow members to go home at 6 o'clock, particularly as it was a very trying day.

The SECRETARY FOR MINES said it would be a graceful thing if members did what the Minister asked them to do, and gave timely notice of their amendments, and not bring in a list of amendments without giving the Minister or other members an opportunity of going into them.

Hon. E. W. H. FOWLES: This is a Bill of ninety-five clauses, and it takes a lot of thought. I only got the Minister's amendments this morning.

HON. E. H. T. PLANT said he would like the Bill to be postponed for some days, because he had had no opportunity of considering the amendments. He would like to study them, and he thought the Committee ought to have time to consider the amendments.

Question put and passed.

HON. E. W. H. FOWLES moved the insertion, on line 19, after the word "are," of the words "or may be." That was a small amendment which the Minister could accept.

The SECRETARY FOR MINES: I will accept that.

Amendment agreed to.

*HON. F. T. BRENTNALL moved the omission, on page 6, of subclauses (*i*) and (*j*). Those two subclauses opened up for debate the whole question of preference to unionists. If the Council passed them they committed themselves to the doctrine of preference to unionists, and he hoped hon. gentlemen would very carefully read the subclauses, which read as follows:—

> "(*i*) The giving of notice to the secretary of an industrial union or to the Director of Labour of any vacancy among employees, in order that the same may be filled by a member of the said or any other industrial union, and the making of any direction as to the method of employment or otherwise, in order to secure that full effect be given to the right to preference of employment, and to any decision of the court granting preference;
>
> "(*j*) Any claim that the employees in an industry be engaged through an industrial union or through the Director of Labour."

Hon. members had been reminded very frequently since the commencement of the session that, practically, they had no right to go against the voice of the people in the measures which came before them, and when certain innovations were proposed in principles—not in mere details but in principles—it was a question for the Council to consider how far they could go in assenting to the demands. That was one of the early demands made upon them—to yield to what to some of them was a very important point and an important principle, and it meant, on the other hand, a demand made on behalf of the Government as to what they regarded as an important principle. That principle had been for a considerable time a prominent plank in what was called their platform, but it was a system which had been sprung upon the world by whom, and from where? As he had intimated to the Minister previously, he should postpone the consideration of those subclauses, as they would have the question coming before them again in another form, and they would have to consider it time after time. The question was: Were they going to subvert their own

views and their own principles to a demand made upon them by a body that they knew nothing whatever about, because he took it that every plank in that so-called platform had been shaved and planed, polished and fitted into its proper place by somebody—by a convocation that none of them ever saw, except it might be one or two members supporting the Minister. They might safely say that nine out of ten members of the Council had never seen the convocation or delegation or conference, or whatever it might be called.

The SECRETARY FOR MINES: Didn't you have a convocation this week over the Meat Bill and the Compensation Bill? Didn't you have a convocation secretly away down in the cellars?

HON. F. T. BRENTNALL: So far as he was concerned, he did not mind men holding different views from himself meeting together and considering matters. They had a perfect right to do so, but what he did take a stand on was the liberty of the subject in regard to the formation of public opinion. He had just as much right to form his own opinions and give his vote when it was needed in the way he thought correct as any member of any caucus in Australia. They should remind themselves sometimes as to how those platforms were prepared. Somebody interjected just now: "In secret places." He took it that the Chamber would be a secret place if they did not let the public outside know what they were doing, and did not want anybody outside to know what their opinions were, and if they took divisions with closed doors, and took very good care that nobody could see what they were doing. He took it that that was what a secret caucus meeting was. Were they, on the authority of the Government which represented the very principle and the very people who held these private caucuses and formulated these doctrines on platforms, to accept their dictation and say they would surrender their principles to the Government platform? Were they to say to the Government, "You have your platform, and you say you are sent here by an over-
[5 p.m.] whelming majority of the people in order to enforce this platform and it is traitorous to the will of the people for you to exercise your independent judgment and say you object to certain planks in this platform"? That was the position they were put in this afternoon. Had they any independence left at all? He was not going outside that Chamber for his argument. Time and again, ever since the session commenced, it had been insisted that they had no right to oppose the will of the people. That meant that those who voted against the majority who put the present Government in power had no right to protest, and they had no right to say that they disapproved of the Government platform, or of its theories and doctrines. That was where they were with regard to the amendment he had submitted. Were they prepared in the very beginning of the Bill to vote for preference to unionists all round? If they were, then they would yield their own convictions to what they were told was the demand of the people. It was quite time that the people knew what the actual figures were with regard to the number of votes given for the respective parties at the general election. A return had been tabled in another place on the motion of one of the ardent supporters of the present Government. According to that return, the number of persons qualified to vote on the date of the election was 335,195. The voting was: Labour, 136,419; Liberals, 109,985; Farmers' Union candidates, 13,233; and Independent, 2,415. They were entitled to add the votes of the Farmers' Union candidates and of the Independents to the Liberals. If that were done, what became of the overwhelming majority of which so much was said? The majority then was only 10,786. The number of non-voters was about 36,000, and the number of informal votes was over 4,000. They would be divided about equally, so it would not make any difference to the relative strength of parties.

Hon. T. C. BEIRNE: What percentage do those 10,786 represent?

Hon. E. W. H. FOWLES: About 3 per cent.

The SECRETARY FOR MINES: We are here, anyhow.

HON. F. T. BRENTNALL: They had heard so much about the overwhelming majority by which the Government came into power that he felt as if he ought almost to go down on his knees and do obeisance to the representative of that overwhelming majority in that Chamber. Altogether, outside of the Farmers' Union and independent candidates, the Labour majority over the Liberal vote was only 26,434. That was not such an overwhelming majority as had been represented. All hon. members knew what the particular factors were which contributed to that majority. On the amendment they came face to face with one of the essential principles of the party now in power. And they had to make up their minds whether they had faith enough in their own principles and courage to maintain them to the very last by beginning their opposition now to the platform that was being thrust upon them. He could give other reasons of a different kind why he was sticking to the right of every man possessed of reason and who was of adult age to say for himself who his employer should be and what the character of his work should be. He had held that opinion for threescore years at least, and he was going to hold it to the end, because, if he believed in anything, he believed in the essential liberty of the British-born subject. (Hear, hear!) He held that a British-born subject should never be asked to submit himself to slavery of any kind. The moment a slave from any part of the world set foot in Britain, that moment he became free; but thousands of people in the Australian States dared not say, in an industrial sense, that their minds were their own, because there were penalties attached to saying it, and they probably would lose a chance of earning a livelihood if they dared to assert their freedom and say they were not going to be tied down to any union. Only a week or two ago two Commonwealth Ministers, because they happened to have a little independence of mind and had said or done something that the caucus disapproved of—the court that sat with closed doors—those two men were thrown out of the Ministry.

Hon. A. HINCHCLIFFE: Do you say they were thrown out for that reason?

HON. F. T. BRENTNALL: He did not know the reasons. The reasons were not made public. The proceedings took place behind closed doors, and probably there was a sentry outside to see that no one got to know what transpired except themselves. Again he reminded hon. members that on

that amendment they were face to face with one of the main planks of the Labour platform—that of preference to unionists.

The SECRETARY FOR MINES said he certainly could not accept the amendment. There was nothing ambiguous about the intention of the Bill or the intention of the amendment. One of the chief principles of the Bill was preference to unionists, because, unless there was power to enforce an award, the Bill would be useless. They all remembered the time of the tramway strike, when Mr. Justice Higgins, the President of the Commonwealth Arbitration Court, granted preference to unionists. He believed that was the only case in which he had granted preference to unionists. He came to the conclusion that the circumstances warranted him in granting preference to unionists on that occasion, and what was the result? Mr. Badger defied it and defeated the award given by Mr. Justice Higgins. He did not give preference to unionists, because he absolutely refused to employ a unionist or to allow a unionist on his trams and he refused to allow any of his employees to join a union.

Hon. F. T. BRENTNALL: Did not they have a union of their own?

The SECRETARY FOR MINES: Yes, Badger's union. He would allow them to join his own union, which he spread out like a spider's web. He (Mr. Hamilton) could remember instances in the Western districts where preference was given to non-unionists who had rendered certain services during the strike. For many years a man could not get shearing in any shearing-shed or at shed labour unless he could show a reference from his former employer, which stated, by secret signs which were well known, that he was a non-unionist, or whether he was a good Labour man or not. He had a few friends even amongst some of the managers on the stations, and sixteen years ago he was shown a list sent out from the then secretary of the pastoralists' association, who at that time was in Rockhampton. That list was sent round to all the stations, and the managers had to send in the names of the employees on the station with certain particulars, and he was shown the certain particulars marked on that list. It was marked "Good Labour man," "Socialist," "Extremist," "Doubtful," "Good Liberal." All those things were marked on the list, which had to be returned to the secretary of the pastoralists' association, and he saw certain directions which were given by a certain public officer at that time, that when compiling the electoral roll the local registrar had to take notice of the recommendation of the gentleman who was then the secretary of the Pastoralists' Association. He could not give the names, because he would have to give away the gentleman who showed him those things for several years. Men in Queensland, if they wanted a stand in a shearing-shed in Queensland, had to go to Sydney and engage through Sydney offices. They had to show that they were members of a certain organisation, the Machine Shearers' Union, as it was called at that time, which was subsidised and kept up by the pastoralists, before they could get a stand in a shed. All that was done by a bogus union, the same as Mr. Badger's union was a bogus union. Mr. Badger allowed them to join that union, where he was secretary, president, compiler of rules, and everything else. He was a sole dictator. As far as preference to unionists went, it was recognised in the shipping trade. They gave preference to members of the Wharf Labourers' Union. There was an agreement between the shipping companies and the Wharf Labourers' Union, that union labour should be supplied, and preference was given to unionists. He thought there was a clause in the agreement that if the unions failed to supply men, then the companies could go outside and engage other men, but while the union could supply union labour, they were employed by the shipping companies. That agreement had worked amicably.

Hon. A. G. C. HAWTHORN: Can any labourer join that union?

The SECRETARY FOR MINES thought so. He was not aware of any rule that would prevent any decent man from joining that union.

Hon. T. C. BEIRNE: Do you want to compel all employers to do what the shipping companies were obliged to do?

The SECRETARY FOR MINES: The employers have their associations to look after their own interests, and he did not blame them. It was a good thing for the employers to be organised, and it was a good thing for all workers to be organised, as they could confer mutually if a disagreement arose. He could remember what used to happen in the shearing-sheds years before there was a union. When any grievance occurred, all hands knocked off, and rolled up to the boss. Everyone was talking at the same time, and confusion arose in that way. Now it was recognised by the bosses themselves that when there was any grievance the representative of the men, whoever he might be, should interview the boss. Then there was only two of them, and nearly every time an amicable settlement came about, whereas in the olden days the spokesman was a marked man. In many instances the boss had told the men to elect a chairman or representative to interview him on behalf of the men. He had been a unionist all his life, and it was only through combination that they had got the conditions that obtained now. In nearly every industry it was the same. The employees were enjoying better conditions since they organised than what they were before. It was well recognised that when they were banded together they had more power than when they were on their own. The improved conditions amongst the workers all over the world was wholly due to their organisations, and the man who would not join a union and who was willing to take all the benefits brought about by the efforts of his fellow workmen—there was no name too low for such a man. They had been called "scabs," which was not a very nice name, but still everyone knew that that was the common term applied to a man who was willing to take all the benefits brought about by a combination of his fellow employees, many of whom had had to make great sacrifices, pecuniary and otherwise, in order to bring about the improved conditions, but who would not assist personally by joining the union. He did not say that applied alone to Australia, but all over the world. The improved conditions the world over were due to the combination of the workers, and they had a right to say that, all things being equal, preference to unionists should be given. He knew a big employer in Brisbane, in the building trade, who employed nearly all the secretaries

of the different organisations, and he said it was the best labour he could get. He would not have anything else. A person was not bound to keep employed a bad workman. The unionist was the best man in every way. A man who would join with his fellows, and do his share to bring about better conditions, was worth one hundred individuals who were willing to take all the unionists were willing to get for them while refusing to do their share to bring about better conditions. Their condition was something like that of the shirker to-day, who was willing to let the men in Gallipoli do all the fighting. They knew very well that the cream of the nation's manhood were those who volunteered, were offering up their lives in defence of our and their liberties, and he compared those men to the unionists, who were willing to do their little bit in bringing about freer and better conditions industrially; and he compared the non-unionist to the shirker who was willing to let somebody else do all the fighting while he stayed at home taking all the benefits.

Hon. F. T. BRENTNALL: You are wrong.

The SECRETARY FOR MINES said that was the way he looked at it. The whole crux of the Bill was preference to unionists, and he could not accept the amendment.

HON. G. S. CURTIS: He was thoroughly in accord with the opinions expressed by the Hon. Mr. Brentnall, and he would vote for the omission of the two subclauses. He had given great consideration to the question of preference to unionists, and it appeared to him, in the first place, to be absolutely undemocratic. It was opposed to the democratic principle of liberty and equality; hostile to the very root principle of democracy, which was liberty and equality, and he did not think all the arguments in the world would justify preference to anybody in a democratic country. He claimed that this was a democratic country, but the proposal was certainly not a democratic one. The measures that were being brought before them were not democratic measures, but socialistic measures, and were in harmony not with the principles of democracy, but with the principles of socialism. Of course, they need not be surprised at that, because socialism was the objective of the Government party. They acknowledged that they were not only trade unionists but that they were a political association; that they had political objects in view, and they, at the present time, were dominating the affairs of this State. The trade unionists in Australia had become most powerful. They were endeavouring to increase their strength, and the Bill was one of the means by which they expected to increase it. They refused to allow any non-unionist to work alongside any member of a trade union, and by means of their political power they tried to prevent anybody from living unless he was prepared to join the ranks of unionism. He quoted recently from that great philosopher, Herbert Spencer who pointed out, in an introduction to essays on the subject, what might naturally be expected to result if the enormous strength already acquired by trade unionists went on increasing from time to time, and he said at last it would become a powerful oligarchy of despotism, which would be more terrible than anything the world had ever seen. Preference to unionists was one of the means by which they proposed to strengthen their power, which was prejudicial to the best interests of the country and eventually would be prejudicial to themselves. There should be no such thing as preference for anybody in a democratic country. The late Marquis of Salisbury, who was one of Eng-
[5.30 p.m.] land's greatest statesmen, on one occasion laid down the elementary rule that the right to combine carried with it as a corollary the right not to combine. That was in harmony with the principle of democracy, and he hoped the Parliament of Queensland would not recognise the principle of preference to unionists by placing it on the statute-book.

* HON. P. J. LEAHY: He listened with great interest to the very able and interesting speech delivered by the Hon. Mr. Brentnall against the principle of preference to unionists. That speech might be said to contain the concentrated wisdom of a long and honourable life. He had very seldom listened to any speech more powerful and more convincing. If he (Mr. Leahy) had required any convincing on the question, that speech would have supplied the convincing power. Next to the speech of the Hon. Mr. Brentnall, the most convincing utterance against the principle of preference to unionists was that of the Minister. The hon. gentleman painted the unionist in roseate colours. Not only was he the most efficient worker, but he was the best man, morally, intellectually, physically, and in every other way. He was not quite angelic, but, according to the hon. gentleman, he might be described as a "Superman." If the unionist did not quite fit in with the glowing description given by the hon. gentleman, and supposing he was possessed of only half the virtues claimed for him by the hon. gentleman, he would still be much superior to the non-unionist in every way. If that statement was correct, the employers of Queensland must be fools and must be working against their own interests if they employed the inferior non-unionist in preference to the superior unionist, especially when they could get them for the same rate of pay. Employers did not care what the politics of men applying for work were, nor did they care whether they belonged to a union or not. If they had to pay a certain wage, they wanted men who would earn their pay. What kind of a poor creature must a unionist be if he could not live without getting, not only the protection of the law, but denying the protection of the law to the non-unionist? He must be something quite different from what the Minister declared him to be. He (Mr. Leahy) was against preference to unionists and against preference to anybody, whether unionist or non-unionist. He stood for liberty in the broadest sense.

Hon. P. MURPHY: Would you not give preference to returned soldiers?

HON. P. J. LEAHY: If the hon. member was prepared to support an amendment giving preference to returned soldiers who came back with a clean record, he (Mr. Leahy) was prepared to propose such an amendment. The man who fought for his country and came back seeking work, but did not ask for preference, ought to have preference, if there was to be preference at all. Certainly, preference should not be given to the man who remained here and asked for preference, and practically said

he was not able to hold his own without it. There had been absolutely no argument advanced in favour of preference to unionists. The Secretary for Mines referred to something that he said happened in connection with the pastoral industry about twenty years ago. He did not know the source of the hon. gentleman's information, but they were not concerned about what took place about twenty years ago, even supposing the hon. gentleman's statements were correct. It was quite absurd for the hon. gentleman to ask them to pass a Bill based upon conditions that existed twenty years ago, but which did not exist now. Instead of legislating for the past, their duty was to legislate for the present and the future, and in doing that they should ascertain the present conditions. Did the conditions that the hon. gentleman said existed twenty years ago exist to-day?

The SECRETARY FOR MINES: They would exist if some people had their way.

HON. P. J. LEAHY: He would be one of the first to say that no unionist must be boycotted. He must be given as good a show as anybody else. He employed a fair number of men, and he could honestly say that for the twenty years or more that he had been an employer he had never asked a man seeking work whether he was a unionist or a non-unionist. An employer had no more right to ask for information on that point than he had to ask a man what his religion was. The Hon. Mr. Brentnall quoted figures giving the number of votes cast for the Labour party as compared with the number cast for the Liberal party. He (Mr. Leahy) quoted substantially the same figures when speaking on the Address in Reply. With his usual fairness, he pointed out that there were eight electorates in which there was no contest. Six returned Labour men and two returned Liberals. Assuming that, if there had been contests, the respective candidates would have received the same proportion of votes as when contests had taken place in those electorates, and assuming that 88 per cent. of the voters on the roll would have voted, as in other cases, then the Labour party would have gained something like 4,000 additional votes. He therefore added that number to the majority mentioned by the Hon. Mr. Brentnall. If the system of proportional representation had been in operation, the strength of parties in the Assembly would have been—Labour 39, Liberal 33, or 38 Labour to 34 Liberal.

HON. A. HINCHCLIFFE rose to a point of order. Was the hon. member in order in what he was now saying?

The CHAIRMAN: I would ask the hon. member to confine himself to the question before the Committee, which is the omission of subclauses (*i*) and (*j*).

HON. P. J. LEAHY: He was coming to the question of the mandate which was given as a reason why they should pass all this legislation, and he took it he was just as much in order, or out of order, as the Hon. Mr. Brentnall was in his endeavour to show what the mandate amounted to. Under a system of proportional representation, if any mandate existed at all, it was a very slender one. It was notorious, too, that thousands of non-Labour electors threw in their lot with the Labour Party—not to help the Labour Party to carry their programme into effect, but for other reasons; and, but for those electors, the Labour Party would have been in a minority, and would have had no mandate at all. It might be a proper thing to ask, "How many unionists are there in Queensland?" They had a population of something like 650,000, and he was convinced that there could not be more than 5 per cent. or 10 per cent. of that population who were unionists. Who were that small percentage of people to say that they and nobody else should get employment? What justification was there? If there was a majority of the population who were trade unionists, there might be some justification for it, but they had evidence that the majority of electors were in favour of it and, even if they had no evidence that the majority of electors were in favour of it, that would not make him vote for something which he thought was wrong in principle. Suppose a judge exercised the powers they were giving him under the clause in regard to newspapers. It was known that there was a Journalists' Association, and he (Mr. Leahy) was running Liberal papers—naturally, he would not run anything else—and if he wanted a man to write for a Liberal paper, he would have to write to the Director of Labour, and, if he was bound to take a unionist into his employ, one of two things must happen. Either that man would do as he liked or he would have to sink his individuality and his conscience, and write things that he (Mr. Leahy) liked. Could hon. members justify that? What would happen in that somewhat extreme case might happen in a number of cases. Then again, it was a question whether, if a man belonged to one union, he could take some other occupation without becoming a member of the union which controlled that other work. Whenever a man wanted a job, was he to pay a further £1 into the union to get a job? They had heard a great deal about unionism, and he had not one word to say about industrial unionism. The men had just as much right to combine as the employers, and, if it were only industrial unionism that was concerned in the preference to unionists, then, while still objectionable, it would not be so objectionable as it was when it included political unionism. When a union had power to employ its funds in political propaganda, in running newspapers, and doing anything it liked, what right had they to say that a man who did not care for those things at all should be compelled to join a union? He might be a Liberal worker. There were plenty of Liberal workers, and that man would be compelled to join a union with political objects, and put his money into a political fund to assist in political objects in which he did not believe. Was that a right thing? It was only right that the Committee should fight the principle of preference to unionists. He was convinced that no case had been made out for preference to unionists, while a strong case had been made out against the principle of preference to unionists.

HON. A. H. PARNELL: He would like to say, in the first place, that he had always had great sympathies for unionists, and he had been connected with them in regard to wages boards in recent years, but preference to unionists was one of the greatest mistakes that could be made. He had seen it worked, and in his experience the men who asked for preference to unionists were the very worst men. They were the worst workers,

they were the least capable, and they seldom got employment. What did it mean to the employer in the country? He took it that, if the clause was passed, the agencies would be done away with, and the men put on a rotation list, and if an employer sent for one or two men, he would have to take those men on the top of that list, whether they were good, bad, or indifferent. Those men might be sent miles up the country. There was a big difference between employers out West employing men and a wharfinger in Brisbane employing men, as the latter could put them off at a moment's notice. In the former case the men might have to go miles, and their expenses would have to be paid, and when they landed at their employment they might be found to be practically useless. He should be very sorry to see the Chamber grant preference to unionists in any shape or form, because it would not benefit the good worker. It would benefit the bad, and also the lazy and indifferent worker.

HON. G. W. GRAY said he had been a large employer of labour for very many years, and, when engaging a man, he never asked whether he was a unionist or a non-unionist; he always made his appointments on the merits of the worker. He was sorry that the Bill should give preference to unionists. He intended to support the amendment, and had no intention whatever of departing from the course that he had followed for the last forty years. He did not know how many unionists or how many non-unionists were in his employ; all he looked for was that a man should do his work satisfactorily.

HON. T. M. HALL: The Minister, during the course of his speech, made reference to what he considered one advantage of unionism—to which he (Mr. Hall) agreed, in so far as it applied to industrial unionism and not political unionism—that was, that members took their grievances to one man, who could interview the employer.

The SECRETARY FOR MINES: That is the custom now.

HON. T. M. HALL: To be a unionist now implied other responsibilities which a man had to incur in connection with the union. It meant that calls could be made upon him for the sustenance of men out on strike, with whom he might not be in sympathy, for the supporting of party newspapers, and payments to organisers for political purposes, and probably to some of the honorary inspectors it was proposed to appoint. In addition to that, the Minister also said that the Government were giving preference to unionists, everything else being equal. He had no hesitation in pointing out that there would be nothing equal under those circumstances, because, if a non-unionist applied for an appointment where a unionist was employed, the unionist would go out on strike, and the employer would be compelled to employ a unionist. In that respect they were placing a large number of men at a disadvantage. If unionism was confined to the proper conditions in regard to which it was originally founded, there might be something in it, but if they were going to introduce the pernicious system and compel every man to contribute to a union before he was allowed to work for a living, he would not agree with it. Then, again, if a man belonged to one union, and wanted to get work in another capacity, he would have to join the union dealing with that employment. He knew a case in his own experience where a man had to leave the land on account of drought conditions and get temporary employment in the post office in Brisbane. When he presented himself for the temporary employment, he was informed that he had to have a union ticket. He heard of another case of a man who applied for work in another direction, and he produced a union ticket; but the union ticket did not happen to apply to the work in regard to which he was making application, and he was told that the ticket was no good, and that he must have a ticket from the Australian Workers' Union. He said, "I am a poor man. I am out of employment; and you can take it out of my first week's wages." He was told that that was not good enough, that he would have to produce a ticket before he could get employment. If they were going to have that sort of thing in Queensland, the sooner they faced the position the better. As the Hon. Mr. Brentnall had stated during the afternoon, the position was this: Were they going to allow the citizens to be made slaves, or were they going to allow them to remain free as Britishers? He should vote for the amendment.

The SECRETARY FOR MINES: There seemed to be an idea in the minds of some hon. members that, if the Bill were passed as it was, the employer would not be able to employ anyone direct himself, but that he would have to send to the secretary of the union or Director of Labour or someone else when he wanted a man. That was not so. That would only be in a case where the judge made that direction. If an employer wanted to employ somebody who he knew was a good workman, there was nothing to stop him from doing so.

Hon. T. C. BEIRNE: He would know he was not a unionist.

The SECRETARY FOR MINES: If he was not a unionist, then he (Hon. Mr. Hamilton) had no time for him. The hon. gentleman understood his feelings towards that class of individual. The man who was willing to take advantage of better conditions without helping to bring them about was not a man at all. The Hon. Mr. Whittingham made some reference to unionists. He (Hon. Mr. Hamilton) remembered that at the time of the shearers' strike a certain station-holder took no notice of the strike and went on shearing, and he was called a "scab" by other station-owners. They always referred to him as a "scab." He broke away from the association, put on men, and did his shearing. In fact, he was the only one who was shearing at the time.

* HON. F. McDONNELL: The question of preference to unionists was one of the most important subjects to be dealt with under the Bill. It was quite natural that hon. gentlemen on the other side who were opposed to the party in power, and some of whom were strongly opposed to unionists, should take up the position they had in respect to this amendment. Of course, they had a right to voice their opinions; they all had their opinions and claimed the right to voice them. As far as preference to unionists was concerned, they should be very clear that under this clause the power was given to the court or the board to provide for preference to unionists. Some of the speakers would give one the impression

from their remarks that there was no option in this matter, and that it was simply preference to unionists without any reservation; but there was a very large reservation under the clause. In the first place, the board met and drew up their award. They might provide for preference to unionists, but there was an appeal allowed from the board to the court on both sides. If they did not give preference to unionists, there was an appeal on the part of the employees for such preference to be given; but the court was not compelled to do it, and he took it that the court would take into consideration the whole of the circumstances, and only give preference where they were entitled to do so. The Minister mentioned that, as a rule, unionists were more skilful than other workers, but he was not prepared to go all the way with the Minister in that statement. Taking his own trade, in the bulk of the establishments the employees had absolute freedom, and could become members of the union if they wished, or they need not do so. Personally, he thought very little of a man who did not become a member of his union, particularly in the shop trades, because the conditions of business had been revolutionised to such an extent within the last twenty years by unionism that a man was a very poor man who did not give his union the support which it was justly entitled to. Twenty-eight years ago, when the old early-closing movement commenced in Brisbane, the hours were very long, the surroundings bad, and the wages low, and the work behind the counters was not the same as it was to-day. His friend, the Hon. Mr. Beirne, could bear him out in that statement. In the big agitation which they carried on for years to secure better conditions there was a handful of men fighting and struggling for improved conditions, while the bulk of the men who were getting regular pay and who were very largely benefited by the agitation stood idly by. They never raised a finger to support their union or gave any encouragement, but were always anxious to share in the benefits conferred upon them. If anything would induce him to vote for preference to unionists, it was that state of affairs, which had continued for years and which continued to-day. There were hundreds of young men and women behind the counters enjoying conditions which were as good as in any other part of the British dominions.

The SECRETARY FOR MINES: They can thank unionism.

HON. F. McDONNELL: They could thank unionism very largely, but they had not joined the union or given any assistance to it, and in hundreds of cases they were paid good salaries and were in constant employment. Even amongst employers the same state of things to a certain extent prevailed. The master drapers had done a lot to improve the condition of the trade, but there were employers who, while they were anxious to take full advantage of those benefits, did not give a shilling to help the union. There were men who were enjoying the benefits that the few employers banded together to win.

An HONOURABLE MEMBER: What would you do to them?

HON. F. McDONNELL: He would like, as he had said in reference to the shop assistants, to put many of them back to the old conditions which prevailed in Brisbane twenty or twenty-five years ago—to put the iron into their souls until they recognised the value of combination. He could speak personally both as an employer and as an employee. The bulk of the employers in the drapery trade to-day were not opposed to preference to unionists. They had discussed this Bill at a recent meeting, and while they were not opposed to preference to unionists, what they tried to have altered was the form under which unionists should be engaged—that was, applying through the secretary of the union or the Minister or Director of Labour—when a vacancy occurred. That had been satisfactorily explained to him, as the Minister had given the assurance that there would be no hard-and-fast line in that respect. That was simply placed there in order that employers who evaded preference to unionists should be compelled to adhere to it, and that was the only way in which they could be forced to do so. They pointed out, at a deputation to the Minister some time ago, their objections in this respect. He felt that from an employer's point of view the finest thing that could happen was preference to unionists. It might be a far-fetched idea, but he thought that, when all workers in a given trade were compelled to join a union, it would be a very good thing, as they would not have only extreme people in the union, which some employers contended unions were run by, but the moderate and sensible men and women who would have a voice in determining what a union should do. They would have a voice in the selection of their representatives on the wages board. If employees studied their own interests, instead of having a union with about one-tenth of the employees members, it would be far better if every employee became a member, even in the interests of the employers themselves. There would be more reasonable demands, and things would be discussed from a more reasonable standpoint. He thought it was a very poor compliment and very little credit to the men and women in a given occupation, whether behind a counter or working on the construction of a building or sewer, who had secured through their union good wages and hours, that they did not recognise it by becoming members of that union. They stood in exactly the same position as the employer who was prepared to take the advantages which were won by his fellows but never gave the slightest assistance.

Hon. P. J. LEAHY: But you do not compel employers to join a union, do you?

HON. F. McDONNELL: It would be a very good thing for an industry if both the employer and employee were compelled to join a union.

Hon. P. J. LEAHY: Why does not this Bill do it then?

Hon. E. W. H. FOWLES: Are you in favour of conscription for shirkers?

HON. F. McDONNELL: That was a big question, which he was not prepared to deal with just now, but he had his own opinions. He wanted to emphasise the fact that, while the Bill provided for preference to unionists, they must not forget that it conferred that

power on the court only. If the court so desired, it need not give preference to unionists. If it was detrimental to the interests of an industry, the court had the right to refuse preference. The meat industry in Queensland employed [7.30 p.m.] between 6,000 and 7,000 men, and, under a voluntary agreement, the employers were satisfied to give preference to unionists, and there was no industry working more harmoniously, so far as the relations of employers and employees were concerned, than the meat industry. Large meatworks were being started in Western Australia, and he had been given to understand that the new people over there were in communication with the Queensland union for the purpose of ascertaining the conditions under which the union and the employers co-operated. The fact that there was so little trouble with the Meat Employees' Union was because in that industry the system of preference to unionists had obtained for some years.

Hon. A. H. WHITTINGHAM: You know it is compulsory preference in the meatworks. The unionists will not work with non-unionists.

HON. F. McDONNELL: There was a mutual agreement between employers and employees which had been in operation for the last two or three years without any trouble at all. The painters had a similar agreement with the master painters, and at a meeting of master painters held some time ago it was stated that the relations between them and the men were of the best possible nature. If that state of affairs could obtain without any compulsion, it was the best possible argument in favour of the adoption of the principle of preference to unionists in that Bill. Not only would it be a good thing for the employees, but it would be a fine thing for the employers if everyone was in a union. In New Zealand, if a man sought work in a trade, and he was not a member of a union, they only required him to give an assurance that in a certain time he would become a member of a union, and then he had to join the union, and in that country industrial arbitration had been in force for a number of years under the principle of preference to unionists. According to the reports of the Labour Department in New Zealand, the principle had worked very successfully. He was a poor, ungrateful man who accepted the benefits of unionism and then declined to join a union. It was in the interests of the whole community, as well as of the men themselves, that they should be compelled to join their fellow-workers.

HON. A. G. C. HAWTHORN: He was with the Hon. Mr. Brentnall in thinking that it was not a good thing to make preference to unionists compulsory under the Bill.

The SECRETARY FOR MINES: We are not proposing to make it compulsory under the Bill. We are only giving power to make it compulsory.

HON. A. G. C. HAWTHORN: What position would the court be in if the Council were abolished? The judge of the Industrial Court would have far greater responsibility under the Bill than any judge was asked to accept under the present law. If the Upper House were wiped out, there would be no check on a single Chamber. Would any judge dare to act in opposition to the expressed wish of the single Chamber? He said "No."

Hon. E. W. H. FOWLES: We would have American judges.

HON. A. G. C. HAWTHORN: It would be impossible for him to do his duty.

Hon. P. J. LEAHY: That is why they want to wipe this House out.

HON. A. G. C. HAWTHORN: Evidently the hon. member saw further than he did. It would be very wrong to place men in the position of having to join a union if they were to make a living. The Minister had said that he had no time for non-unionists.

The SECRETARY FOR MINES: What about your association?

HON. A. G. C. HAWTHORN: Any man who proved himself qualified to dispense law by passing the prescribed examination could join his union, and no one could keep him out.

The SECRETARY FOR MINES: One barrister in Queensland was dubbed a "scab" by another because he took work below the price at which other barristers did it.

HON. A. G. C. HAWTHORN: There was no compulsion for any man to join any legal association. He could not be kept out if he had passed the necessary examination. No fees were asked for except those which he had to pay to entitle him to the use of the splendid library in the Supreme Court.

Hon. A. HINCHCLIFFE: Supposing he does not join the association?

HON. A. G. C. HAWTHORN: There was no association which he was compelled to join. The legal profession was as free a body of men as existed in Queensland to-day.

The SECRETARY FOR MINES: Can a New South Wales man practise here?

HON. A. G. C. HAWTHORN: Any man admitted in any country with which there was reciprocity was qualified to practise as soon as he was admitted by the Supreme Court here. The Hon. Mr. McDonnell and the Minister both said that any man who accepted the benefits brought about by unionism without becoming a unionist was practically a "scab." If people were required to join unions simply to enjoy the industrial benefits resulting from unionism, it would be all right; but why should any man or woman be compelled to pay into a union to carry out political objects that they did not believe in, to secure the return of political candidates whose politics they were opposed to, and to give legislative effect to theories that they objected to? If a man liked to stand outside of a union, he should have the right to do so, and his refusal to do so should not stand in the way of his right to earn a living. A man should have the right to sell his services as he liked, to work where he liked, to think as he liked, to vote as he liked, and to do as he liked generally, so long as he obeyed the laws of the country. They had seen a great deal of the tyranny of unionism. It was as great a tyranny as existed on earth at the present time. Let them consider the treatment extended by unionism to Mr. Spence, the late Postmaster-General—the author of "The Great Combine"—the man who was practically the father of unionism in Australia. Simply because his position

became intolerable by reason of the dictation of some of the unions, and he said that they were "red hot," he was put out "on his ear." They had no time for him. That was what they would do with every man who dared to express an opinion of his own.

Hon. F. McDONNELL: Did not the Government that you belonged to put you out of office as Treasurer?

HON. A. G. C. HAWTHORN: No, I resigned.

Hon. F. McDONNELL: You had to.

HON. A. G. C. HAWTHORN: He resigned when Mr. Kidston left office. He was pressed by Mr. Denham and the other members of the Government to continue in office as Treasurer, but he could not do it. He resigned entirely of his own volition. (Hear, hear!) He certainly was against preference to unionists. He believed in every man having the right to enjoy the freedom that was the birthright of a citizen of the British Empire.

HONOURABLE MEMBERS: Hear, hear!

HON. A. HINCHCLIFFE: He would do the Hon. Mr. Brentnall the justice of saying that he had never heard him say one word in favour of unionism. He had been one of the most consistent opponents of unionism during all the long years that he had known him, and it was his strong antagonism to unionism that helped very materially to build up the Labour party in Queensland. The hon. member talked about the liberty of the subject. The attitude adopted by the hon. member and many of his associates was to refuse liberty to a man to obtain work because he belonged to a union.

Hon. F. T. BRENTNALL: Do you accuse me of doing that?

HON. A. HINCHCLIFFE: That was the attitude of the hon. member and his associates.

Hon. F. T. BRENTNALL: Do you accuse me of doing that? You dare not answer the question, "Yes" or "No."

HON. A. HINCHCLIFFE: That was the hon. member's general attitude towards unionism. He could enumerate a score of men in Brisbane who, because they belonged to a trade union, could not get employment and had to leave the country. He stated the other night that he could produce the names of 800 men who were black-listed by the Pastoralists' Association of the Warrego simply because they belonged to a union. That was the kind of thing which provoked the agitation for preference to unionists. He did not want to traverse the hon. member's speech at length, but he could give numerous instances in justification of what he was saying.

Hon. F. T. BRENTNALL: I could say something about your unions, too, if I took the opportunity. The personal equation ought not to come into this debate.

HON. A. HINCHCLIFFE: There was another contention which had been urged as an argument against the passage of the clause under consideration—that was, that the unions were all right until they introduced the political element into their efforts. He remembered that in 1891, in the midst of the industrial difficulties, the party with which the Hon. Mr. Brentnall and many of his friends were then associated told the unionists that, if they wished to redress their grievances, they should adopt constitutional methods—let them go to Parliament. What happened? In 1892, acting on the good advice given, they returned to the Queensland Legislative Assembly the first pledged Labour man; and ever since the movement had grown. Not only was the political phase of trade unionism an essential part of it in Australia, but it was recognised throughout the civilised world as an essential part of the trade union movement. There was no justification for the arguments which had been urged against the provision for preference to unionists. Some hon. members who were supporting the amendment were the men who tried to deprive the unionists of their rights and of their freedom in connection with the union movement. Reference was made to the tramway incident and to the action of Mr. Badger. Mr. Badger carpeted every man whom he discovered attending a union meeting, and, without any explanation whatever, numbers of men were dismissed and deprived of their means of earning a livelihood because they exercised the right which they possessed under the laws of their country.

Hon. F. T. BRENTNALL: Why did they not prosecute him, then?

HON. A. HINCHCLIFFE: Because there was no law which enabled them to prosecute. Trade unionism was recognised by the statutes of the country, and, while Mr. Badger did not commit an illegal act, his action in dismissing those men certainly was not just and was not in accordance with the laws of the country. He hoped the amendment would be rejected.

HON. A. H. WHITTINGHAM: He was against preference to unionism entirely, and would certainly vote against it on division. He had listened very attentively to the speeches of the Hon. Mr. McDonnell and others—unfortunately he was absent when the Minister spoke—and he had heard no argument at all so far in favour of preference to unionism. The Hon. Mr. McDonnell stated that it was a disgraceful thing that men who did not belong to a union should benefit by the unions. There might be something in that. If a man thought fit to join a union, let him do so; but why make it compulsory for him to join? He knew that in the Central district and in other parts many men belonged to unions. He had been eight to ten years out there, and he had employed up to 200 men, and he had never asked a man, when putting him on, whether he belonged to a union or not.

The SECRETARY FOR MINES: He would have to belong to a union.

HON. A. H. WHITTINGHAM: He was speaking of five or six years ago. At the present time men took a ticket for peace sake, and it seemed to him the whole object of the Bill was to increase the contents of the Australian Workers' Union coffers. A man was to be compelled to join a union, and the union did not care whether he took advantage of the union or not, so long as he was improving the financial standing of the Australian Workers' Union. He could not see how any right or clean-thinking person could give preference to unionists, to non-unionists, or any other

persons. Why should a man, because he belonged to a union, have preference over another man who, for certain reasons, did not care to belong to a union? It seemed to him quite unfeasible. A comparison had been drawn between unions and associations. He happened to be president of the Pastoralists' Association of Queensland, but the two things were quite different. One was political and the other was non-political; one was compulsory and the other not compulsory.

The SECRETARY FOR MINES: Which is not political?

HON. A. H. WHITTINGHAM: The Pastoralists' Association. (Laughter.)

Hon. A. HINCHCLIFFE: Are there any members of the Pastoralists' Association who belong to the Labour party?

HON. A. H. WHITTINGHAM: Yes. They did not compel the pastoralists to join the association, but, of course, they liked them to come in.

The SECRETARY FOR MINES: It shows there are fair employers as well as fair employees.

HON. A. H. WHITTINGHAM: The point was raised a little while ago whether, if preference were given to unionists, a man who was a member of the Bakers' Union was sent to him (Hon. A. H. Whittingham) as a rouseabout in the shed, he would be compelled to take him. That was a point he would like to be clear on. He was not sure whether it was preference to unionists or preference to the members of the Australian Workers' Union or branches of the Australian Workers' Union.

The SECRETARY FOR MINES: If a man was in your shed working he would not be baking, would he?

HON. A. H. WHITTINGHAM: That was the point he wanted to be satisfied on. Supposing he wanted a rouseabout, and a young man in the shed, and he applied to the Director of Labour, and he had two men on his list whom he sent out, and they were not fitted for the work at all, was he compelled to take them? He would be compelled to pay their expenses, and then be left with men who were not even competent.

The SECRETARY FOR MINES: How long is it since you paid their expenses?

HON. A. H. WHITTINGHAM: Probably a month ago. He was not talking about shearing time. Of course, the shearers were contractors. He should certainly support the amendment to the very end.

The SECRETARY FOR MINES: There seemed to be a feeling abroad even yet amongst some hon. members that the minute the Bill was passed that they would not have power to employ men unless they sent to the secretary of the trade union or to the Director of Labour. Preference to unionists was only given under the Bill in cases where the court directed that such a thing should be done.

Hon. P. J. LEAHY: We all know that.

The SECRETARY FOR MINES: They did not all know it. They seemed to think that, if they wanted a man to-morrow, they would have to send to the secretary of the union. There was nothing in the Bill to force an employer to keep an incompetent employee. The reason for safeguards of that sort was that there were employers in the country who penalised members of unions. They knew very well that Mr. Badger penalised his men. When the men took him to court and got their award from Mr. Justice Higgins—the only time Mr. Justice Higgins gave preference to unionists—what did Mr. Badger do? He sacked the unionists, and appealed to the High Court, and they ruled that there was no industrial dispute because there were no members of the union engaged on the Brisbane trams at that time, and Mr. Badger defeated the award on that ground. They knew very well that Mr. Badger would not allow a man who was a unionist to be in his employ. That was what the Government were seeking to get over. They did not want an employer to be able to victimise a man because he was a unionist, and, if the Arbitration Court said that preference should be given, they did not want employers to be able to defy the law the same as Mr. Badger did.

Hon. P. J. LEAHY: He did not defy the law: the law was on his side.

The SECRETARY FOR MINES: He made it on his side by sacking all the unionists. He would have been under the Commonwealth law if he had allowed even one unionist to remain in his employ. There were a lot of Mr. Badgers in the community, and they would do the same thing to-morrow if they got the chance. Mr. Badger had such a hatred of unionists that he would do all he possibly could to down unionism; it didn't trouble him. What happened to those men whom he turned adrift, many of them with wives and little children? They could starve as far as he was concerned. He refused to allow them to wear a little medal on Eight Hour Day, and then turned them adrift because they persisted.

Hon. P. J. LEAHY: Only when they were on duty.

The SECRETARY FOR MINES: Whether a man was on duty or off, he should have a certain amount of liberty. There were a lot of Mr. Badgers in the community, and the Government wanted to guard against them. Preference to unionists was regarded as one of the vital principles of the Bill, and he must insist on the clause as it was. He could not accept the amendment, but, as he said in regard to the other Bill, the Council had power to "chuck" it out if they liked.

* HON. A. A. DAVEY: It had been pointed out over and over again that preference to unionists would not be insisted upon, except under an order of the court.

The SECRETARY FOR MINES: It cannot be.

HON. A. A. DAVEY: Why was it necessary, unless there was something very dangerous in the principle, to restrict it in such a way? This proposal said the Government of the country was not to [8 p.m.] be trusted. The Government would put in preference to unionists without an appeal of any sort, if it dared: but it safeguarded itself by saying that this preference was only attainable by the order of the court. The fact of making it dependent upon the order of the court was a distinct admission that it was dangerous. The judge of a court was not perfect.

The SECRETARY FOR MINES: Who is perfect?

HON. A. A. DAVEY: None of them were perfect, and the sooner they realised it the better; but certain parties seemed to be

travelling on the lines that they were perfect, and were forcing upon the people their conception of what was right. It had been said that one would think very little of a man if he did not become a unionist. They might have joined organisations and societies with the fullest enthusiasm for the uplifting of their fellow-creatures, and after years of experience have been forced to the conclusion that the objects of such organisations were not in accordance with truth and justice; and the only sensible thing to do, when they arrived at a conclusion like that, was to withdraw from it. Were they going to demand that every person who could not see eye to eye with the unionists was to be deprived of sympathy and treated as being of little account? He thought that should not be. The assumption was that unionism was perfect, and its methods of achieving its ideals were perfect, but why should they say that no one should differ in opinion? Were people who stood out to be regarded as unworthy men? He maintained that such men had given the greatest possible evidence that they were men. Of course, it was quite possible that there were some mean people who were prepared to take advantage of the privileges which had been secured by others. They had heard regrets expressed to-night that a number of people employed in certain walks of life, such as in a draper's shop, were not unionists, but he supposed they were competent salesmen, or they would not suit. He thought it would be a pitiful thing if they were to be engaged as members of unions in place of being engaged as competent salesmen. He was certain that the average employer was in favour of unionism, provided it was on reasonable lines; but no man of independent spirit would stand quietly by and have these things forced upon him without raising his voice, otherwise he would not be worthy of the name of a man. The unionism of to-day was not the unionism of the past. At its inception the Labour party had a platform which, when it was put forth, was the only serious attempt on paper to deal with the evils which surrounded industrialism. The unionists for years and years confined themselves to the legitimate work of bringing about fair wages and conditions for labour, and the only way that those reforms could be brought about was by returning to the Legislature those who advocated such ideas. They had seen the steady growth of unionism based upon an intelligent propaganda of those doctrines until it was openly taught by representative people that they were in a battle in which they were fighting for class-consciousness. That was the most terrible thing about the whole affair. He did not believe there was one hon. gentleman present who would not like to see the conditions of every working man improved.

Hon. P. MURPHY: Unionism has improved the condition of the worker.

HON. A. A. DAVEY: He was prepared to grant that. If he was a working man he would be a unionist straight away, but he objected to being told that he had to be a unionist, because his liberty was as dear to him as his life, and when they deprived a man of his liberty they might as well destroy his life.

The SECRETARY FOR MINES: Every Act of Parliament that is passed seems to curtail individual liberty.

HON. A. A. DAVEY: That was the curse of the legislation that was coming in.

The SECRETARY FOR MINES: But all our laws do that; you cannot do as you like.

HON. A. A. DAVEY: He did not want to do as he liked, but, as a member of a democratic community, he was justified in doing what he liked if it did not interfere with the freedom of somebody else, and, if he did interfere with other people, the law punished him. He could not understand why people were not unionists, but he had had occasion during his experience to change his opinions many times in life. He wanted to see men in possession of liberty, to develop their characters, and, if they compelled a man to join a union against his will, they were robbing him of that which distinguished him from the ordinary animal. God had placed them in the world in equilibrium and with rationality. They had all got the tendency for good and evil, but they had the rationality to judge between those things. No organisation or government had the right to dictate to him as to what he was to do about these things. Granting that the people outside the unions were intelligent people, if it was such a good thing for them to join a union and it had none of the disadvantages which he had just hinted at, why did they not join?

The SECRETARY FOR MINES: You know there are creatures mean enough in order to get something for themselves who would be working under others all the time.

HON. A. A. DAVEY: If the union could guarantee efficiency there might be some justification for compelling a man to join it.

The SECRETARY FOR MINES: There is nothing in the Bill compelling a man to employ an inefficient worker because he is a unionist.

HON. A. A. DAVEY: He knew that, but there was no efficiency guaranteed by the union. If every wage-earner was a unionist when it came to the selection of the particular individual for work, the man who rendered the best service would have the preference. When it was boiled down, that was what it would amount to. There had been a reference to the black-listing under the old organisations; but two wrongs did not make a right. To attempt to deprive a man of his opportunity of earning a living because he did not see his way clear to join a union was a manifest injustice. They had to-day an educated democracy; they had competent workmen and, proportionately, only a small number of unfit and undesirable workers, and conditions which were not equalled in any other country in the world. It would be better to leave things to adjust themselves, and it was a mistake to try and drive all the people like a lot of sheep. He was afraid they were drifting on in Australia to something which was going to be very bad. He knew the Government did not think so, but they were going to bring about a condition of things whereby it would be impossible eventually for any man to live unless he subscribed to this high theology—to the doctrine of this, that, and the other. Let them be men and seek for themselves and grant to others full liberty, but at the same time use every effort they possibly could to better the conditions of the people. They were not going to improve men by driving them. There was only one way to save men politically, morally, and spiritually,

and that was by leaving them their freedom and allowing them to make a choice regarding what they were going to do. He would conclude by reading a short passage written by a professor—

> "Human nature is not a machine to be built after a model and set to do exactly the work prescribed for it; but a tree which requires to grow and develop itself on all sides according to the tendency of the inward forces which make it a living thing."

That was the only thing that distinguished human beings from the animals. It would be a mistake to introduce preference to unionists. He had nothing against unionism, but, in the interests of unionism itself, it would be a great mistake to give it preference.

HON. P. MURPHY did not suppose there was any assemblage of gentlemen in the world where there was a larger majority opposed to unionism than in that Chamber. The condemnation of unionism by hon. members was not based on the harm that unionism had done. Speech after speech had been made against preference to unionists, but not one single sentence had been uttered against the admitted good that had been done by unionism. The whole of the arguments had been based on the supposition that, if unionists were given preference, something evil would happen. When unionists had very little power, the same thing was said. Now they had a majority in Parliament, and all the time they had been gaining in strength they had continued to improve the conditions of the whole community, and especially of the worker and the poor. Unionism could not be an evil thing when it had done that. They had heard a great deal about interference with the liberty of the subject, but, as had been pointed out, nearly every Act of Parliament curtailed the liberty of the subject to some extent. Were it not so, they would probably revert to a state of savagery. People were not allowed to walk about naked. Was not that an interference with the liberty of the subject? But, if they were allowed to do that, would it not be a reversion to savagery? He was satisfied that unionism had improved the condition of even the employer. The employer of to-day was better off than the employer of twenty or thirty years ago; he had less trouble with his employees, because he had legal methods of settling difficulties with them. Because he firmly believed that unionism was a good thing for humanity generally, he intended to support the Government.

HON. B. FAHEY wondered during the recriminations that had taken place two or three times during the debate whether human nature had improved in the last century and a quarter, when religionists were at one another's throats more vehemently and with more serious consequences than hon. members had been that evening. History said that when the Catholics were in the ascendant they used to burn their Protestant fellow-countrymen; when the Protestants gained the ascendency they returned the compliment with interest; and he was just wondering whether since those days human nature had made much improvement. The Minister had delivered a very eloquent speech in favour of unionism. He (Mr. Fahey) believed in a good deal of what the hon. gentleman said, because he believed in unionism, and before he sat down he would say why he believed in it. But the hon. gentleman also told them yesterday, in an equally fervent and enthusiastic speech, that he was a Britisher to the spinal marrow.

The SECRETARY FOR MINES: As far as the war is concerned.

HON. B. FAHEY: How did the hon. gentleman reconcile that splendid sentiment with his desire on the present occasion to coerce his fellow-countrymen? There was no coercion in England, the home of freedom.

The SECRETARY FOR MINES: You try to earn your living as a "scab" in England and see how you will fare. The feeling there is stronger than it is here.

HON. B. FAHEY: That was one direction in which he found the hon. gentleman inconsistent. He could give utterance to those exalted sentiments, but somehow they did not appeal to him under certain circumstances. He said that he had no time for those who would not join a union. The hon. gentleman did not say why he had no time for those people. He simply gave utterance to his prejudice. Was the hon. gentleman living in a free country? Did he prize freedom? He was a big, strong man; if any man curtailed his liberty, he would knock him down unhesitatingly. Why did he not carry out his principles in the business of life? Why did he not carry them out in another place with his colleagues? Why did he not carry them out in the Cabinet chamber? The hon. gentleman said that there were great advantages in unionism. That sentiment he (Mr. Fahey) fully endorsed. But there were disadvantages, too, connected with unionism. This Bill was the most drastic, the most revolutionary measure that ever came from another place to this Chamber. It was the most revolutionary and most drastic measure that was ever conceived by any Cabinet in Australia. The hon. gentleman told them that preference to unionists was the centre of gravity of the Bill; that it was the motive power of the Bill. He told them that it was the Alpha and Omega of industrialism in Queensland. Preference to unionists had been under discussion for nearly a century. He admitted that unionism was gaining ground every day on that question, and was becoming a more powerful weapon in the hands of the unions. That was because unions were organised as no other associations on earth were organised, and they deserved to be successful for that reason alone. Some of the ablest men in England during the last 150 years were unionists, and there had been more martyrs to unionism during that period than to religion. Without unionism the working man would be a slave and a tool in the hands of his employer. But unionism to-day was not what it was some years ago before the working man allowed politics to dominate and absorb industrial unionism. Since industrial unionism had been allowed by the working man to be dominated by politics and made a footstool of, it had ceased to benefit working men. If the working man was wise, he would revert once more to the original aim of industrial unionism—that was, to improve the status of the working man in the industrial life of the country. If the working men kept industrial unionism and politics separate entities, they would not have to put their

hands as deep and as often into their pockets as they had been obliged to do in recent years, because they had allowed industrial unionism to be made a stepladder of by politicians. Unionists had for years given martyrs to their principles in trying to enlarge their rights, and get within the beneficence of the British Constitution—the freest Constitution ever known. At one time they were not acknowledged by the
[8.30 p.m.] Constitution, and the law did not protect them, and if a servant of the union embezzled its funds, he could snap his fingers at them and the law would not punish him. But the conscience of England ultimately was pricked and aroused, and in 1871 many of the disabilities of unionism in England were removed—not all, but a great many of them—and from that day to this unionism had been sailing along and doing, famously, until the movement became dominated by politics. When they had found that there was no right within the Constitution that they had not gained—the right to organise, the right to register, the right to sue, and the right to be recognised by the law, the right of the franchise, and the right of entering another place and making laws, as they were doing now for the finest country on earth, a country of 170,000 square miles—they wanted something more. With all those rights and privileges, how were they using them? They were using them to shackle their fellow-countrymen; they were using them to curtail the liberties of their fellow-workmen. He believed in unionism; but he had been brought up until he was twenty years of age in a country where there was an atmosphere of coercion, so much so that his very system was impregnated with it, and there was not a fibre in his body that did not revolt against anything in the shape of coercion. Although he believed in unionism, he did not believe that any power of unionism should be exercised to deprive anyone of the liberty that God had given him under the Constitution—the liberty to earn a livelihood for himself and his wife and young children, without being coerced to become a unionist. That was the wrong factor in unionism, and what were those men who had been fighting for liberty for a century, and what were they doing now that they had gained it? They were not only compelling them to do it, but when they failed to do it, the Hon. Minister and his party, with the force and power of the Government behind it, were compelling Parliament to compel every free man in the country to become a unionist, whether he liked it or not; for he would be told, "You must starve, you and your wife and your children, unless you become a unionist." In a free country, should that be so? If they were to have a free country, every man should be allowed to lead his own life within the law as he thought fit and proper, and if he was not inclined to join a union, then he should be allowed to remain outside the union. The Minister and the Hon. Mr. McDonnell had said that the non-unionists were mean enough to take advantage of the rights and improvements and the benefits that unionism had secured for them. Unionism did all that, but not to oblige the non-unionist, and if they could deprive the non-unionist to-morrow of the advantage gained and which, contrary to their desire and wishes, the non-unionists participated in, they would do it. It was entirely due to the fabric of the industrial organisation in this and every other country that industrial unionism had improved its position so much that to-day the labouring man in Queensland was higher paid, more comfortable, and happier than in any other nation in the world or in any of the Dominions of the British Empire.

The SECRETARY FOR MINES: Unionism has brought that about.

HON. B. FAHEY: It was not unionism that brought all that about; it had helped to do so. It was adult suffrage, which he had fought for, that had brought about improved conditions for the worker principally. Universal suffrage, which he fought for and other hon. members fought for manfully—that was what had improved the position of the labouring man in Queensland; and now that the franchise was in the hands of every man, what cared they what Government was in power? Did anyone mean to tell him that whatever Government was in power to-morrow, the labouring men in Queensland, with the franchise in their possession, would not use their power if the Government did not listen to them and attend to their legislative wants, or (if they had any grievance) did not redress it? If the labouring men of Queensland knew their interests, they would use their power. That was their position now, and when the labouring men of Queensland realised the power that was in them, realising that they had been disappointed in the action of the present Government, they would very likely utilise that power to restrain them.

An HONOURABLE GENTLEMAN: And put them out.

HON. B. FAHEY said he did not want the Government to be put out. The Government had a right to have a turn at the wheel. The present Government was composed of sensible men. No one could deny that the members of the present Government had got common sense, and if they were allowed to exercise their judgment and their discretion, they would know—and they knew it as well as he did—that if reform was to do good, the reform must be gradual and not be forced upon the people too suddenly. Let him tell the Government, as a man of years who had seen every Government that had existed in Queensland come and go, that 50 per cent. of their own supporters would not approve of all the legislation introduced this session or approve of every line in this Bill. The Government must realise that if there was to be reform they must bring it about gradually, educate the minds of the people to the change, and not rush them, appal, and frighten them. But instead of that, they wanted in one session of Parliament what the Commons of England would be glad to secure in two decades. The Government were acting unwisely in bringing a Bill like the one before the Committee before the Council, not alone in regard to preference to unionists. Every other part of the Bill that was beneficial to the unionists he should support, but he would never support coercion. He was opposed to anything that would prevent a man in a free country from earning his living as he liked. It was a cruel thing to deprive a free man who loved liberty of the right to gain a livelihood for himself and his family.

The SECRETARY FOR MINES: Do you mean to say the judge will do a wrong thing?

HON. B. FAHEY said the judge should not have the power to grant preference to unionists. That was taking legislation out of the hands of the Parliament of the country.

The SECRETARY FOR MINES: The Federal Arbitration Judge had that power.

HON. B. FAHEY: And he complained of having that power imposed upon him on one occasion, and that it should not have been imposed on him.

The SECRETARY FOR MINES: He never abused that power.

HON. B. FAHEY: He did abuse it by giving preference to unionists.

The SECRETARY FOR MINES: He only used that power on one occasion—that was in the tramways case.

HON. B. FAHEY: The judge had no right to assume the province and functions of Parliament. No man and no judge should have the right to say that preference should be given to unionists. That is the province of Parliament only. He intended to vote for the amendment, and would vote against anything in the shape of coercion.

HON. C. F. NIELSON: He intended, on every feature of the Bill, as far as preference to unionists was concerned, to vote in favour of that principle. He could not logically vote against it, as he claimed preference for unionists in his own profession. There was unionism there, just in the same sense as in connection with country newspapers, with which the Hon. Mr. Leahy was concerned, and also in connection with the Grazing Farmers' Association.

Hon. P. J. LEAHY: There is no compulsion there, anyhow.

HON. C. F. NIELSON: It all amounted to the same thing. They were bodies of men who were banded together for their own advantage. There was no compulsion under this clause, and they were not to imagine that judges would do injustice.

Hon. E. W. H. FOWLES: Are the solicitors a political union?

HON. C. F. NIELSON: No; and neither were the barristers; but the fact remained that the Hon. Mr. Fowles was a member of the union. Why should he or any other logical man deny to others that right which he claimed for himself? All he asked was that the judge who was appointed should have the right to say whether, under a given set of circumstances, it was fair that he should order preference, and he was prepared to trust the judge. In only one case, as far as he knew, had judges ordered preference, and it was simply because the investigations showed that the majority of men engaged were not unionists that it was not granted in other cases; and that would be the reason here. If in any given industry only a few men belonged to the union, and the great majority were not unionists, he presumed the judge would not give preference. He did not suppose that there was a profession that had not an association in connection with it. The dental profession, the medical profession, the legal profession, and the architectural profession had associations. There was only one difference—which he would admit was a great difference—between these unions and ordinary industrial unions, and that was that in all the professions membership was a guarantee of efficiency. He thought the only exception in the case of ordinary industrial unions was the Society of Engineers, of which, he believed, no one could become a member unless he was efficient. He also believed that it would not be very long before a man would not be able to join a blacksmiths' union or a carpenters' union unless he was efficient, which meant a reversal to the old guild system, which was the finest thing that existed in England and on the Continent of Europe.

Hon. E. W. H. FOWLES: The guilds were non-political.

HON. C. F. NIELSON: That had nothing to do with the question. It was not political in the clause they were discussing. The essence of the guild system was qualification in the particular trade in which a man claimed membership, and it had nothing at all to do with politics.

Hon. A. G. C. HAWTHORN: This has.

HON. C. F. NIELSON: This particular clause had nothing to do with politics, and preference to unionism all through the Bill had nothing to do with politics. He was aware of the clause which the Hon. Mr. Hawthorn referred to, but it had nothing to do with the present amendment nor with the gist of the subject of preference to unionists. He voted for preference to unionists because he wanted to grant that right to others which he claimed for himself. The Minister asked them to have confidence in the judge of the court, and in the court as an institution which everyone under the British flag was pleased to honour and respect and repose confidence in. It did not matter what a man had been politically, once he was elevated to a position on the bench they were sure he would do the right thing irrespective of any political opinions he might hold.

Hon. W. STEPHENS: I would not trust a short-term judge.

Hon. E. W. H. FOWLES: He is a seven years' judge.

HON. C. F. NIELSON: He had every confidence in trusting the judge. He was not going to argue as to whether the fact that a man was appointed for one year or seven would influence him in his decisions, because it would be wrong to do so. Did the Hon. Mr. Stephens think that some of the highest and most respected judges under the English Constitution would be affected in the judgment which they gave by the fact that they were there for one year or fifteen years, or for life?

Hon. W. STEPHENS: You read American history. We are fast getting that way.

HON. C. F. NIELSON: He had no desire to take any other history as far as our courts were concerned, than the history of the English courts.

Hon. E. W. H. FOWLES: Compare the English with the American courts.

HON. C. F. NIELSON: He did not need to compare our courts with the American courts; he was quite satisfied to abide by the history of our own courts, and even the Hon. Mr. Fowles, or any other member of his profession, whose lot it might be to be elevated to the bench, would follow the high traditions of the courts of the British Empire.

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

CONTENTS, 6.

Hon. T. C. Beirne	Hon. F. McDonnell
,, W. Hamilton	,, P. Murphy
,, A. Hincheliffe	,, C. F. Nielson

Teller: Hon. T. C. Beirne.

NOT-CONTENTS, 18.

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

Teller: Hon. T. J. O'Shea.

Resolved in the negative, and amendment agreed to.

HON. E. W. H. FOWLES moved the omission, in the definition of "strike," of the words—

> "the said discontinuance, cessation, breach, refusal, or failure being due to or in pursuance of any combination, agreement, or understanding, whether expressed or implied, entered into by the said employees or any of them."

Put briefly, the definition included two factors—cessation of work and conspiracy. Before any act of workmen could be interpreted as constituting a strike, there must not only be a cessation of work, but it must also be proved that such cessation of work was due to a secret understanding amongst the employees. That would necessitate probing into a man's mind to ascertain whether there was a secret understanding, so that it would be almost impossible to prove any act to be a strike. The definition of "strike" was similar to that in force in New South Wales, where it had broken down completely. It would be much better to say that the intention of a man must be evidenced by some overt act. It was no more possible to prove conspiracy or an understanding than it was to prove that there was an "honourable understanding" on the other side. Leaving out those words would make the definition workable. If they were retained it would be impossible to prove that any act constituted a strike. He took it the Government meant honest business in the measure. That being so, it was no good putting in a definition which would be unworkable afterwards, because then the Government would be held up to ridicule for having an act on the statute-book that they could not enforce. What was the use of having a definition under which the law courts might spend three weeks in attempting to discover what was in a man's mind?

[9 p.m.]

The SECRETARY FOR MINES: He was certainly not going to accept that mild-looking little amendment. He would like to ask any hon. member how any strike could take place unless there was collusion between individuals. If the amendment was carried, if one man knocked off work, he could be prosecuted for striking. The reason for the words being there was that the Government did not want to give one man power to say that he did not agree with what was done. If there was no agreement between two persons, how could there be a strike?

Hon. E. W. H. FOWLES: Under this Bill you can have the American "walk-out," and it will not be a strike.

The SECRETARY FOR MINES: The American "walk-out" could not happen under that definition. There was no use beating about the bush. He was not going to accept the amendment, which was not as simple as it looked.

HON. C. F. NIELSON asked the Hon. Mr. Fowles to reconsider the question. The hon. member said it was impossible to probe into a man's mind.

Hon. E. W. H. FOWLES: Except as evidence by some overt act.

HON. C. F. NIELSON: It was for the court to say whether the concerted act of a number of individuals did or did not amount to an "intent." Under the Criminal Code, if a man was charged with having entered certain premises "with intent to commit a felony," they did not probe into that man's mind to find out what his intent was. The jury, after being directed by the judge as to what circumstances would justify them in coming to the conclusion that the intent was there, decided whether the circumstances did or did not justify them in coming to that conclusion. It was the same here. The act of a number of employees would lead the judge to decide whether any intent existed among such employees or any of them; and, if he decided that, it would become a strike within the meaning of the definition. If they wiped out those words, it simply meant that, if one man knocked off work, it could be regarded as a strike.

Hon. P. J. LEAHY: The clause is plural.

HON. C. F. NIELSON: The expression "any number" did not make it plural. One was a number.

Hon. T. J. O'SHEA: "Who are or have" is plural.

HON. C. F. NIELSON: The Acts Shortening Act applied to the clause. If the Hon. Mr. Leahy and the Hon. Mr. O'Shea wanted to be so exact grammatically, then they must decide that, if two men knocked off work together, it constituted a strike. It was purely a matter of interpretation for the judge, who would decide according to the circumstances. Seeing they left quite a number of graver matters affecting men's liberties to the decision of judges and juries, they could leave such a matter as this to the decision of the judge, and allow him to decide whether any intent existed.

HON. P. J. LEAHY: If those words were retained, the provision would be inoperative. They provided a penalty for striking, and those words would render it impossible to prove that there was a strike. He thought it was reasonable to omit the words.

Amendment (*Mr. Fowles's*) put and passed.

* HON. P. J. LEAHY moved the omission of the word "eighteen," on line 17, page 8, with the view of inserting the word "twenty-one." There was no magic in "eighteen," and there was no magic in "twenty-one," and some persons of twenty-one years of age might not be worth any more

than persons who were nineteen years of age. They had heard a great deal about allowing discretion to the court, and that was a matter that the Minister might well leave to the discretion of the court. Seeing the unbounded confidence the Minister had in the court, the amendment should commend itself to him.

The SECRETARY FOR MINES said he was certainly not going to accept the amendment, because a person eighteen years of age was just as good a man as when he was twenty-one years of age so far as a day's work was concerned. He knew he could do just as good a day's work when he was eighteen as he could when he was twenty-one. Hon. members would notice that he had an amendment to raise the age as applied to females. It was intended in the first place that twenty-one should apply as far as females were concerned, but it was overlooked when the Bill was going through.

HON. E. W. H. FOWLES pointed out the inconsistency of the Minister. Clause 8 provided that the same wage should be paid to persons of either sex performing the same work or producing the same return of profit to their employer, and yet the Minister proposed to make a discrimination. The Minister said a man of nineteen should not be paid the same rate of wage as a woman of nineteen, and so on. If the Minister's amendment was carried, it would necessitate altering what would be called a fundamental principle of the Bill.

The SECRETARY FOR MINES said: In the Industrial Peace Act "a young worker" was any person under twenty-one years of age other than apprentices or improvers who received a lower wage than the rate fixed by the award. It had been found that that age was too high, and that youths eighteen years of age were doing men's work, and could do men's work just as well as they could when they were twenty-one years of age or thirty-one years of age.

HON. P. J. LEAHY: It might be that the twenty-one years in the Industrial Peace Act was too high, but it might equally well be said that eighteen years was too low. He was a reasonable individual, and if the Minister was reasonable, he was prepared to meet him. There might be a certain class of work where young fellows of eighteen would do the work of men of twenty-one, but in a lot of other occupations a boy of eighteen could not do the work of men of twenty-one. It was to get over a difficulty of that kind that he had moved the amendment, and if the Minister considered eighteen too low, he would alter the amendment to nineteen. He would like to hear from the Minister whether he insisted on the clause as it stood. He (Hon. Mr. Leahy) recognised the force of the Minister's argument in regard to females and would support him in that.

The SECRETARY FOR MINES: Why should a young man of nineteen be made to work at a lower rate of wage?

HON. P. J. LEAHY pointed out that every award fixed by the court was really the minimum wage and there was nothing to prevent an employer giving more than the minimum wage. In many cases more was being paid now, and if there were exceptional young fellows of eighteen who were able to do the work, there was nothing to prevent the employer paying them the rate fixed by the award, so that really a young fellow with the capacity of a man would not suffer at all. If the clause was not amended, young fellows between eighteen and twenty-one years of age very often would not get employment, and it was to protect those people that he had moved the amendment. If there was any humanity in the Government—and he gave them credit for it—the Minister would accept the amendment.

HON. B. FAHEY said young men of eighteen in all cases were not capable of doing the work of a man of twenty-one years of age. As a clerk he might be able to do the same work, but he would not as a carpenter, as a bricklayer, and he would not do the same work in the field, and the Minister would be acting in the interests of the young men of eighteen by accepting the suggestion made. He thought nineteen would be a very fair compromise.

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

CONTENTS, 5.

Hon. T. C. Beirne	Hon. F. McDonnell
,, W. Hamilton	,, P. Murphy
,, A. Hinchcliffe	

Teller: Hon. A. Hinchcliffe.

NOT-CONTENTS, 13.

Hon. A. J. Carter	Hon. T. J. O'Shea
,, G. S. Curtis	,, A. H. Parnell
,, B. Fahey	,, E. H. T. Plant
,, E. W. H. Fowles	,, W. Stephens
,, T. M. Hall	,, E. J. Stevens
,, P. J. Leahy	,, H. Turner
,, C. F. Marks	

Teller: Hon. H. Turner.

Resolved in the negative, and amendment agreed to.

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

The SECRETARY FOR MINES moved the insertion, after the word "age," on line 18, page 8, of the words "or [9.30 p.m.] in the case of females, if the Minister so directs by notification in the 'Gazette,' under twenty-one years of age."

Hon. P. J. LEAHY: That is unnecessary now that my amendment is carried.

The SECRETARY FOR MINES: They would have to deal with it when considering the postponed part of the clause.

HON. E. W. H. FOWLES: He found at the end of the definition of "young worker," in the principal Act, the words—

> "The term does not include any State child within the meaning of the State Children Act of 1911, or any aboriginal within the meaning of the Aboriginals Protection and Restriction of the Sale of Opium Act, 1897 to 1901."

Was it proposed by the Minister to include all the aboriginals as being worthy to do the same work and to receive the same wages as the white population?

The SECRETARY FOR MINES: I thought you were going to leave it be discussed on the postponed amendment earlier in the clause.

HON. E. W. H. FOWLES: This was on the definition of "young worker." That placed

the aboriginal worker on exactly the same plane as the white worker. Was that an outcome of the policy of a white Australia?

The SECRETARY FOR MINES said that it was intended that aboriginals should come under the Bill, because the court had already made an award fixing the rates for aboriginals.

Hon. P. J. LEAHY: I have no objection.

HON. E. W. H. FOWLES moved the omission, in the definition of "industrial matters," on page 4, line 16, after the word "employees," of the words "or of persons who have been or intend or propose to be or may become employers or employees."

The SECRETARY FOR MINES: When they were dealing with that definition at first it appeared so ambiguous that they did not know exactly what was meant, but he had found out since that those words were necessary. The amendment would mean that Judge Macnaughton could not make an award for canecutters or the owners of a sugar-mill, unless they were engaged at that time in the sugar industry. That was a seasonal occupation, and this only applied to seasonal occupations. If they had been employees or employers, and intended to become so again as soon as the season started, but at the time were not actually engaged in that occupation, they could not have representation on a board to fix the rate of wages or conditions for the coming sugar season. For the purposes of an award they had to be engaged in an industry, but in an off season they were not engaged in the industry. That was the position which had cropped up. The workmen or the millowners could not have representation, because it might be asked, "How do we know you are going to be engaged in the industry?" But if the words were left in the clause, it would meet that situation, and the men could have representation in the fixing up of rates and conditions. Under a Bill passed this session, in which a court was appointed to fix the conditions of labour and rates of pay in the sugar industry, men who were engaged in the industry would have representation if the words were left in the clause. The hon. gentleman would see that the amendment would do a lot of harm if it was carried.

HON. E. W. H. FOWLES: The reply to that was simply that the proper place for the amendment to come in was clause 39. The provision which came in here was a tremendous dragnet, by which probably the whole of the population could be brought under the Bill. Clause 39 provided for the constitution of boards, and anyone who had been engaged or intended to be engaged in that calling might vote for representatives on the board. The difficulty which the Minister mentioned was got over on page 25, which dealt with the powers and procedure of the court. The court could step in, even if an industrial union was defunct. Outside of an industrial union, men could still be engaged in canecutting.

The SECRETARY FOR MINES: Under the interpretation which he had given it was necessary for the words to remain in.

HON. P. J. LEAHY pointed out that this provision included men who had never been employed at all.

The SECRETARY FOR MINES: It is intended that it should be wide enough to embrace all cases.

HON. P. J. LEAHY: It was not necessary that they should even be employed, and they might never be afterwards connected with the industry. As the Hon. Mr. Fowles had said, all the people of Queensland could be brought in under that definition of industrial matters. If it was necessary later on to put in the words which the Minister suggested, he would have no objection, but the definition was unnecessarily wide here.

HON. E. W. H. FOWLES: How would it do to put in the words, "whether in seasonal occupations or not"? That would cover all that was required.

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

CONTENTS, 6.

Hon. T. C. Beirne	Hon. A. Hinchcliff
,, B. Fahey	,, F. McDonnell
,, W. Hamilton	,, E. H. T. Plant

Teller: Hon. F. McDonnell.

NOT-CONTENTS, 9.

Hon. A. J. Carter	Hon. T. J. O'Shea
,, E. W. H. Fowles	,, A. H. Parnell
,, T. M. Hall	,, W. Stephens
,, P. J. Leahy	,, H. Turner
,, C. F. Marks	

Teller: Hon. A. H. Parnell.

Resolved in the negative, and amendment agreed to.

Clause 4, as amended, put and passed.

The Council resumed. The CHAIRMAN reported progress; and the Committee obtained leave to sit again to-morrow.

ADJOURNMENT.

The SECRETARY FOR MINES: I beg to move that the Council do now adjourn. The first business to-morrow will be the consideration in Committee of the Assembly's message on the Metropolitan Sewerage Workers' Award Bill, to be followed by the consideration in Committee of the Assembly's message on the Workers' Accommodation Bill, and then the Committee stage of the Industrial Arbitration Bill.

Question put and passed.

The Council adjourned at eighteen minutes to 10 o'clock.