Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 15 NOVEMBER 1916

LEGISLATIVE COUNCIL.

WEDNESDAY, 15 NOVEMBER, 1916.

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

PROTEST AGAINST INADEQUACY OF REPLIES TO QUESTIONS.

HON. F. T. BRENTNALL, in moving—

"Having regard to the brevity, vagueness, and inadequacy of replies given on two occasions in this Council by the Minister representing the Government, to questions asked by the Honourable Mr. Brentnall, relating to matters of serious concern to the general public of this State, this Council enters its protest against the discourtesy and injustice done to this House and to the people of Queensland generally, by the inappropriateness and evasiveness of those replies,"

said: On 10th October I asked the representative of the Government in this Chamber the following questions:—

"1. Will the Government supply to this Council full information with regard to the number of insurance policies, together with the amount of premiums paid for such policies, which have been issued by the State Insurance Commissioner under, or in pursuance of, regulations of 30th March, 1916, and an additional regulation dated 1st July, 1916?

"2. Have any of the regulations referred to in question No. 1 been declared ultra vires by the Full Court?

"3. Have such regulations, or any of them, been revoked or repealed by proclamation of His Excellency the Governor dated 25th September, 1916?

"4. Will he mention the statute which gives His Excellency authority to 'revoke and repeal' any regulations which have been issued beyond the powers conferred by the Act, and which have never been submitted for the approval of Parliament?

"5. Is it the intention of the Government to return to insurers the premiums they have paid for compulsory insurance under such regulations as have been declared ultra vires?"

Hon. members will observe that in the first question there are two salient points—the number of policies and the amount of premiums received on account of such policies. The answer to that question was rather a singular one. It was "Yes. No," or "Yes. Nil," "Nil" being the synonym of "No" in that particular relation. I asked for "full information"; I got none. The reply "Yes" implied that the Government were prepared to give full information. Then, so far as giving information as to the number of insurance policies and the amount of premiums received is concerned, I was practically confounded by the next part of the answer "Nil." That is, on 10th October this House was informed that no policies had been issued and no premiums had been received. The answer will not bear any other interpretation. No work had been done under the regulations to which I referred. The answer to both the second and third questions was "Yes." That was all—just a monosyllable.

If the regulations referred to in Question 1 had been declared ultra vires by the Full Court, how was it that business was continued to be done? I was told on 10th October that no business had been done. If the regulations had been declared ultra vires by the Full Court, no more policies should have been issued, or, if issued, the premiums received should have been returned. When an Act of Parliament is declared ultra vires—which is tantamount to declaring it invalid—it should cease its operations. No more business should have been done until the declared wrong had been made right, and the only institution or authority which can possibly make it right is the Parliament of Queensland. The proclamation of 25th September last revoking or repealing regulations reads—

"His Excellency the Governor, by and with the advice of the Executive Council,

in pursuance of the powers and authorities in him vested, has been pleased to order and declare as follows:—

> The Workers' Compensation Regulations of 1916, dated the first day of July, 1916, and published in the 'Gazette' on the first day of July, 1916 (vol. cvii., No. 5), and the additional regulation to the said regulations, dated the first day of July, 1916, and published in the 'Gazette' on the first day of July, 1916 (vol. cvii., No. 6), are hereby revoked and repealed, and the same are revoked and repealed accordingly, as from the date of this order. But such revocation and repeal shall not affect the previous operation of the said regulations or anything duly done or suffered thereunder, or any right, privilege, obligation, or liability acquired, accrued, or incurred thereunder, or any penalty in respect of any offence committed against the said regulations, or any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, or penalty, and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty may be imposed, as if this order had not been made."

My fourth question reads—

> "Will he (the Secretary for Mines) mention the statute which gives His Excellency authority to 'revoke and repeal' any regulations which have been issued beyond the powers conferred by the Act, and which have never been submitted for the approval of Parliament."

Hon. members will note that all that was asked was that the specific authority under which the Governor exercised that power should be stated. It seems relevant—and I would ask the members of the legal profession present to pay some attention to the particular point—that we should know where the authority is derived by the Governor to issue a proclamation repealing regulations which have never been submitted to Parliament. Those regulations were never laid before Parliament and never had the sanction of Parliament, and yet they were operated for the benefit of the Treasurer, although they never received the sanction and authority which they should have received from Parliament.

In connection with that I should like to say that such regulations should be laid before Parliament. Those regulations have not been laid before Parliament. I shall refer to that point again, but I just mention is now in passing. With regard to Question No. 4, the answer to which was, "As this matter involves a question of opinion, I must decline to answer," I would point out that I did not ask for an expression of opinion. There is no suggestion in my question that I wanted anybody's opinion. I asked in a straightforward way if the Minister would mention the statute which gives His Excellency authority to revoke and repeal any regulations which had been issued beyond the powers conferred by the Act; and I want that information still, if it can be given. I repeated the substance of this question again yesterday in a different and amended form, and I got practically, almost identically, the same answer. Question No. 3, which I asked yesterday reads as follows:—

> "Will he indicate the statutory authority, or other power, under which was issued the proclamation in the 'Queensland Government Gazette,' dated 25th September, in which acts done under the revoked regulations were declared to be as valid as if need was not supposed to have arisen to revoke those regulations?"

To that question the Minister returned the following answer—

> "As this is a question of opinion, I must decline to answer."

To my fourth question, as to when the regulations published on the 25th September were submitted for the approval of both Houses of Parliament, the Minister replied as follows—

> "They have not yet been submitted for the approval of both Houses of Parliament."

The Government have power to issue such regulations, but if they issue them they are under the strictest obligation to lay them before this House as soon as practicable, in order that this House might have an opportunity of approving or rejecting them. They have not been laid before this House to this day. I asked for facts, because I presume His Excellency the Governor would not, either on his own motion or on the advice of his constitutional advisors, proceed to issue a set of regulations and have them acted upon unless he was fully satisfied in his own mind that he had authority to issue them; and if he had such authority I insist that members of this House have a right to expect that authority to be given to the House. I do not think we have reached that stage—whatever Administration may be in power, or whatever may be its character or pretensions—in which the Governor is invested with power to override Parliament and issue regulations some of which partake largely of a legislative authority and character. It is very difficult for me to believe that the Minister for Mines was really serious in his answer. I would much rather believe that in some way or other he either misapprehended the purport of the questions or that he was misinformed.

Hon. B. FAHEY: He gave the answers he received, I suppose.

HON. F. T. BRENTNALL: Yes, undoubtedly. It might be an interesting fact, not a matter of opinion, for us to know who supplied the answers to the Minister. I have told you who signed the proclamation I have read. It was signed by Mr. J. A. Fihelly. Those are the first set of answers to my first set of questions. If those answers are not what I have declared and believed them to be, evasive and discourteous, they are certainly amazing. I cannot understand how it can be supposed by a Minister of the Crown that such answers as those I got to my questions on a matter, not affecting the honour of this House or any member of it, but affecting the entire financial character of our commercial transactions and almost our everyday life, should be given to this Chamber. I cannot understand why evasive

answers like those should have been given to my series of questions. On the 28th February—that was not very long after Parliament was prorogued—a series of regulations were put into print, and in a "Gazette" notice of that date I read these words—

> "These regulations shall come into force immediately on the publication hereof in the "Gazette," notwithstanding that the Workers' Compensation Act of 1916 has not yet been proclaimed to be in operation."

They were immediately put into operation in accordance with that statement. On the 31st March a "Gazette" was issued containing a series of regulations signed by Mr. J. A. Fihelly. On the very first page, in the very first column of those regulations, are these words—

> "'Domestic worker,' means any person (including a domestic servant) who is employed, whether permanently or casually, solely in or about or in connection with a private dwelling house, and who is not employed for the purpose of the employer's trade or business."

Do hon. members remember that provision in the Bill? I remember it very distinctly. We declined to let it stand a part of the Bill, and notwithstanding that fact, the very same object is sought to be achieved by surreptitiously putting in these regulations the very provision that Parliament refused to approve of, and going to work to act upon that provision. On the 10th October, I asked what number of policies had been issued under those regulations, and the answer I received was "Nil." Here (displaying a document) is a policy which I took out myself for domestics and servants about the place, and it is dated 4th July. Yet I was told here that no premiums had been received. That is what I want to bring under the notice of hon. gentlemen. I know there are others who have policies of a similar kind, and I say it was not quite a fair thing—I do not wish to use any hard words—for the Minister to come here and tell me that no policies had been issued and no premiums received. I do not care who gave him that information. I contend that it was not quite candid for him to tell me, when I had a policy in my possession, and other members also had policies, that no policies had been issued and no premiums received. I have read the motion to which I am speaking. I do not think there can be any doubt as to the inappropriateness or evasiveness or discourtesy of the answers which were given to me. The amazing thing about it is that any gentleman filling the position of a Minister of the Crown should come here before a House like this and make such replies as have been made to my questions—replies which are utterly contrary, most of them, to the real facts of the case. Clause 6 of the regulations dated 30th March, and published on the 31st March, reads as follows:—

> "On or before 15th May, 1916 (or within ten days of commencing to employ a domestic worker, in the case of a person who has not commenced to employ a domestic worker on that date), every employer of a domestic worker shall deliver to the Commissioner, in Form No. 1A of Schedule 4 hereto, a return, setting forth the number of domestic workers of each class, including casual domestic workers as hereinafter defined, which he expects to employ during the twelve months commencing on 1st July, 1916, and ending on 30th June, 1917."

That simply repeats and emphasises the provision which was rejected from the Bill by this House. We absolutely refused to insert that provision in the Bill, but it got into these regulations, and it has been operative. The answer I got to my question as to whether any of those regulations had been declared ultra vires by the Supreme Court was "Yes." Yet the Government went on and on, and are going on still, issuing policies in spite of those regulations being declared ultra vires. There are legal gentlemen in this Chamber, and it will be a nice question for them to consider as to what authority the Government had to repeal those regulations. I have read the proclamation by which they were repealed on
[4 p.m.] the 25th September. On the same day another series of regulations was issued in the "Gazette," to take the place, I suppose, of those regulations which had been revoked and repealed. Again, on page 938 I find—

> "PART II.—OTHER INSURANCES.
>
> "*Policies.*
>
> "17. (i.) The Commissioner may issue policies—
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> (*a*) To employers covering liability in relation to compensation or damages under the Commonwealth Workmen's Compensation Act of 1912, the Mines Regulation Acts, 1910 to 1912, or at common law, to workers employed by them in respect of accidents arising within the State of Queensland or the territorial waters thereof; or
>
> (*b*) To owners or charterers of Queensland ships covering liability in relation to compensation, under the (Commonwealth) Seamen's Compensation Act of 1911, to seamen employed by them.
>
> "2. Such policies will only be issued to employers who obtain from the Commissioner policies under Part I. of these regulations."

But that does not affect the question of whether what I have just read about this clause 17 of the regulations does not partake of the nature of legislation very much more than of regulations under Act of Parliament. That is what I want specially to invite your attention to. Legislation has been done between the close of the last session of Parliament and the opening of the present session altogether outside of Parliament, and without having been submitted to Parliament for confirmation or approval.

The SECRETARY FOR MINES: What is the date of your policy?

HON. F. T. BRENTNALL: 4th July, 1916—signed by the Insurance Commissioner. The later regulations of 25th September were also signed by "J. A. Fihelly," and they include some new legislation, as far as my judgment goes—if anyone can put me right on the point I am quite open to correction, and shall be pleased to be put right. But it seems to me that, if anyone has a right to provide that the Commissioner may under-

take other insurance besides that for which a Bill was submitted for approval to Parliament to deal with, neither the Governor nor the Governor in Council should have power to make new legislation without its being submitted first to Parliament. If it was intended to submit it to Parliament, then it should have been submitted immediately this session opened; but we have not seen it yet. I have become tired of asking questions. I might have asked why those regulations have not been submitted to Parliament, or when they are likely to be submitted to Parliament, and I might have got the polite information that the matter was "under consideration"—the answer that has been given on a dozen other occasions here and elsewhere.

That is the position with regard to these regulations. Three sets have been prepared; two of them have been published in the "Gazette"; both have been withdrawn. A third set has been prepared, and should have been laid upon the table of this House. I am afraid these regulations are being held back for a purpose, and I am not going to hesitate to say what my suspicion is. If they are held back until Parliament is again prorogued, then the very next Saturday they can be published in the "Gazette," and they will have the same force as if they had received the approval of this House, and they can be acted upon the same as the set of regulations issued in February last, and premiums can be received and policies issued under them just the same as if we ourselves had passed a Bill authorising it. We have passed no Bill. We have not even approved of these regulations. I am not going to undertake all this kind of work myself, even although I am an old member, and I do hope that, without any further delay, somebody will insist on having those regulations laid on the table of this House in order that the Council may deal with them as it is authorised to do by the Act itself. It is no use amending the Bill; it is no use throwing out clauses of the Bill, or disapproving of principles in the Bill because we think they are unfair and unrighteous and will inflict hardship upon people, if the Cabinet can get the Governor in Council to approve of their suggestions or their wish, and to give his sanction to things which Parliament has refused to sanction, and let them be published in the "Gazette" and then to have all the force of law.

I would ask hon. members to note particularly these words in the proclamation of 25th September—

> "His Excellency the Governor, by and with the advice of the Executive Council, in pursuance of the powers and authorities in him vested, has been pleased to order and declare as follows:—
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> The Workers' Compensation Regulations of 1916, dated 1st day of July, 1916 . . . . are hereby revoked and repealed. . . . But such revocation and repeal shall not affect the previous operation of the said regulations or anything duly done or suffered thereunder, or any right, privilege, obligation, or liability acquired, accrued, or incurred thereunder, or any penalty in respect of any offence committed against the said regulations, or any investigation, legal proceeding, or remedy in respect of any such right, privilege, obligation, liability, or penalty, and any such investigation, legal proceeding, or remedy may be instituted, continued, or enforced, and any such penalty may be imposed, as if this order had not been made."

The Governor in Council there gives an absolute statutory authority to acts that have been done under regulations which have been declared by the Supreme Court to be ultra vires, and which he himself revoked and repealed. I think it is the duty of this branch of the Legislature, seeing it made a considerable number of amendments in the Workers' Compensation Bill, to consider whether that is fair and honourable treatment or not.

What assurance can we have of securing candid and honest answers to questions on any subject when we receive evasive answers such as have been given to me in this connection? It may be said to be casting certain reflections. We have been asked again and again, "Can't you trust Ministers?" But when you have three sets of regulations, two of them revoked and repealed because they are declared to be ultra vires, and a third set now being acted upon and kept in the dark whilst this House is not given the oportunity of disallowing or approving of them, what kind of answer can you give to the question, "Can't you trust Ministers?" I am sorry that it has been my duty to bring this matter before the Council, but I have been compelled to do so by the way in which information has been refused. I asked a previous set of questions on another subject, and I got very much the same kind of evasive answers. When it occurred the second time I thought I would make another attempt, and would draft my next series of questions in another form. Those questions are to be found on the front pages of the business-paper to-day, and I do not know what could be plainer. Take the first—

> "Will he inform this Council whether the regulations under the Workers' Compensation Act of 1916, published in the 'Government Gazette' of 31st March last, have been put into force. If so—(*a*) How many insurance proposals have been received and accepted; (*b*) what is the total amount of premiums received; (*c*) how many policies have been issued by the State Insurance Commissioner?"

The SECRETARY FOR MINES: Do you ask how many policies were issued under the regulations published on 31st March?

HON. F. T. BRENTNALL: Yes. They cannot be working under those regulations now, because they have been revoked and repealed by the proclamation which I read. I could find 500 policies issued under those regulations by this day week. If there is any explanation, I shall be very glad to have it, but I cannot find one. The regulations were declared ultra vires, and anything done under ultra vires regulations must be invalid, and the money should have been returned to those who contributed it. I am very glad that point came up, because I was forgetting one other point. In the twenty-sixth annual report of the Auditor-

General, which has just been placed before members of Parliament, on page 70 I find the following:—

> "In compliance with section 2, subsection 1, 2, and 3 of the schedule to the Workers' Compensation Act of 1916, and an amendment thereon by Order in Council dated 1st September, 1916, I have to report that, on the 4th September, 1916, the Insurance Commissioner and I, being of opinion there was a surplus of £50,000 in the insurance fund—after providing for all liabilities throughout the remainder of the financial year—deemed it advisable to carry that amount to a reserve fund, and to invest the same in 4½ per cent. Queensland Government debentures, which were obtained from the Treasurer at par."

That sum of £50,000 had been got from the public—a considerable portion of it under regulations that have been declared to be ultra vires by the Full Court—

> "On the 7th August, 1916, all Government departments, including Railways, were circularised by the Under Secretary, Chief Secretary's Department, to the following effect—
>
> 'Continuing my letter of the 12th ultimo relative to the insurance against accident of Government employees, I have the honour by direction to inform you that the Cabinet has decided as follows:—
>
> Agreed that the State Insurance Office shall manage all claim matters, rendering an account at the end of each month of the actual claim payments, plus a management fee of 5 per cent. of the amount paid until the Insurance Commissioner ascertains his working expenses rate, when the charge will be adjusted in accordance therewith.
>
> It has also been decided that this rule shall apply to all Government departments.'
>
> "I have recently been informed by the Insurance Commissioner that, in conformity therewith, he has disbursed to the 30th September, 1916, on behalf of the several departments, the total amount of £1,874 19s. 7d."

The regulations, not the Act, were in operation. The regulations should be a part of the Act, but they have never been submitted to Parliament, and I think it is a serious matter for the legal gentlemen in this branch of the Legislature to consider the legality of the present position with regard to this State Insurance business. It has never been properly authorised; it is not properly authorised now, and I cannot understand why the Government hesitate for a single hour to bring forward those new regulations under which proceedings are now being taken, as I have just shown by that quotation from the Auditor-General's report. I cannot understand why the regulations are not submitted to Parliament for approval, unless the Government are afraid of their being thrown out. If they are afraid of their being cancelled, all the more reason why they should be brought before Parliament. That is the position. I only want to say this in closing, that we have a perfect right to candid and straightforward answers to questions which are put in a proper spirit and manner before the Minister representing the Government in this Chamber, and the only way of treating this House courteously and fairly and honestly is to give us the information that we are entitled to receive. Surely, if anybody in the State is entitled to receive such information as I have asked for without any evasion, without any bamboozling, without any standoffishness about it, it is the Legislature of the State; and I think we should demand that those new regulations which are now lying in abeyance should, without any further delay, be laid upon the tables of both Houses of Parliament. However, I have made my motion, and one motion at a time is quite enough for me. I now beg to move the motion.

The SECRETARY FOR MINES (Hon. W. Hamilton): I listened with interest to the remarks of the Hon. Mr. Brentnall, and I certainly could not follow him in all the assertions he made. The hon. gentleman said that the Government had raised, through the Insurance Commissioner, somewhere about £50,000 from the public under regulations which had been declared ultra vires by the Supreme Court.

Hon. F. T. BRENTNALL: No; I said regulations, some of which had been declared ultra vires, and none of which had been submitted to Parliament.

The SECRETARY FOR MINES: I understood the hon. gentleman to say that the policy he received was under the regulations issued on the 1st July. Those regulations have never been declared ultra vires. It is the regulations previous, the March regulations, which have been declared ultra vires. Not one policy has been issued under the regulations which have been declared ultra vires.

Hon. F. T. BRENTNALL: I said that some of the regulations have been declared ultra vires by the Supreme Court, and that none of them have been submitted to Parliament for approval or otherwise.

The SECRETARY FOR MINES: No policy was issued under the March regulations. The policy the hon. gentleman possesses was issued under the July regulations. It is certainly true that those regulations have not been laid on the table of the House.

Hon. B. FAHEY: Why?

The SECRETARY FOR MINES: I suppose they will be laid on the table in due course. The Act states that—

> "Any such regulations shall be laid before both Houses of Parliament."

Parliament has not expired yet. We are not half through the session yet, and no doubt those regulations will be laid on the table of the House during the currency of the present session. The Act does not specify any given time during which the regulations must be tabled. There have been a lot of questions asked in this Chamber and in the other place which involve matters of policy or a legal opinion. No Minister is bound to answer a question on a matter of policy, or a question which asks for a legal opinion. Some of the questions asked here have been for legal opinions.

Hon. T. C. BEIRNE: Oh, no!

The SECRETARY FOR MINES: There have been questions put which asked for legal opinions, and we have had questions here on matters affecting the Government policy. Perhaps a legal opinion has been asked for that could be used against the Government at some future date. The Government are entering into business in competition with certain insurance companies, and some of those companies have directors or shareholders who could get somebody to ask for information to be supplied to this House as to the working of the Government institution.

Hon. B. FAHEY: What company is now issuing policies?

The SECRETARY FOR MINES: Which policies?

Hon. B. FAHEY: Workers' compensation policies.

The SECRETARY FOR MINES: The companies are not issuing those policies now, but they are up against the Government and are trying to get information from the Government as to the working of the department. They do not ask for that information for the benefit of the public, but for their own benefit, or for the benefit of the institutions they are interested in. No discourtesy has been intended in any of the answers given to the Hon. Mr. Brentnall. The regulations under which policies have been issued have never been declared ultra vires by the Supreme Court. That those regulations have not been laid on the table of the House, may be a reasonable cause for complaint, but it is not too late yet to lay them on the table of the House. The Act does not state that they shall be laid on the table within a given time after Parliament meets.

Hon. F. T. BRENTNALL: No; but they must be approved or disapproved by Parliament within a certain number of days.

The SECRETARY FOR MINES: It does not say that in the Act

Hon. F. T. BRENTNALL: Yes, it does.

The SECRETARY FOR MINES: Oh, yes; I see that it is stated that if either House of Parliament, within forty days after the regulations have been laid before Parliament, resolves that such regulations ought to be annulled, the regulations shall have no effect. But it is not stipulated that the regulations shall be laid on the table of the House within forty days after Parliament meets. There are questions asked which it would be against the interests of the country to answer in war time, as it would be giving away information which should not be given by the Government. Many questions have been asked in another place about the negotiations between the Government and the Imperial Government in regard to certain matters, and the Government do not think it wise to make that information public, because it might be used against the interests of this country or against the interests of the Imperial Government.

Hon. A. G. C. HAWTHORN: Too thin!

The SECRETARY FOR MINES: It is not too thin. There have been questions asked here which it would not be wise to answer, and the Government are blamed because they did not supply information which it would be against the interests of the public to publish. The Government have to be pretty chary about the information they give away in a House like this, where there are representatives of almost every financial institution in the State. The Government may have delayed putting the regulations on the table, but they are not suppressing them. They can be laid on the table of the House next week, or in the last week of the session, and still be in conformity with the Act. There has been no discourtesy intended towards the hon. gentleman who asked the questions, because his tone is always courteous enough. I should be the last to give him a discourteous answer intentionally, but I think he is acting under a misapprehension when he thinks that policies have been issued under regulations that have been declared ultra vires by the Supreme Court.

Hon. F. T. BRENTNALL: They have been issued.

The SECRETARY FOR MINES: My information is that they have not been issued.

HON. E. W. H. FOWLES: Briefly, the two points before us are—first, the evasiveness of the answers which were given to the questions of the Hon. Mr. Brentnall, and secondly, the matter of not laying those regulations before this House. With regard to the first point, Machiavelli says "the most disconcerting thing in politics is to tell the truth." We noticed that in another place during the whole of last session the most evasive—scandalously evasive—
[4.30 p.m.] replies to questions were given by members of the Government. Fortunately, a better spirit has prevailed this session, and we find that the answers given are courteous, and that a little more information has been furnished. In fact, in the other place they are beginning to recognise that Parliament should be given as much information as possible. I believe, in the House of Commons, they once proposed a committee of three to draft answers to questions that would be absolutely non-committal, polite, and evasive, and that would give no information whatever, bringing the art of bluff to a most artistic pitch of perfection.

The SECRETARY FOR MINES: It is sometimes necessary to do that in a time like the present.

HON. E. W. H. FOWLES: I do not think so. I am sure the Minister knows that no reflection is cast upon him personally in this matter, because we realise that the answers are supplied by Ministers in another place. Let me just refer to a question that was asked on page 283 of "Hansard." A question was asked there regarding an ordinary letter written by the Minister for Defence to the Premier of this State which was received on 22nd February last, and a request was made that the letter should be laid on the table of the House.

The SECRETARY FOR MINES: Why should a letter referring to a question of Government policy be laid on the table?

HON. E. W. H. FOWLES: I suppose Ministers contend that this is a war matter. As a matter of fact the letter was sent by Senator Pearce to all the State Premiers of Australia. I have taken the trouble to find out that it was not marked "Confidential," there was no reason why either it or the reply to it should be marked "Confidential." The reply was not marked "Confidential."

The SECRETARY FOR MINES: There are many things passing between Ministers of different

States that are not intended for publication, although they are not marked "Confidential." It is taken for granted that they would be regarded as confidential

HON. E. W. H. FOWLES: There was no reason why this letter should be regarded as confidential. It might have been written on the back of a postcard. I think the Government are now getting into a better way of giving frank, full, and truthful replies to questions put to them.

Again, on page 799 of "Hansard," a question was put about a meeting of the Government party, and a most evasive reply was given. To a series of catagorical questions, this was the reply—

> "1. The report in question is not a correct one. The meeting referred to was the ordinary weekly meeting of the Government party to discuss business for the ensuing week.
>
> "2, 3, 4, and 5. See answer to No. 1."

The SECRETARY FOR MINES: Was that a question to ask any Minister? A man who thought twice about it would never ask such questions.

HON. E. W. H. FOWLES: The question was asked by one who has received commendation for his questions, and his questions are generally in keeping with the traditions of the Council.

The SECRETARY FOR MINES: The question was not a question that should be asked or answered.

HON. E. W. H. FOWLES: It was an awkward question to answer, certainly. I can understand why there was a difficulty in answering it.

The SECRETARY FOR MINES: Do the Liberal party give away what takes place at their party meetings? Certainly they don't.

HON. E. W. H. FOWLES: On page 1018 the hon. gentleman was asked—

> "With reference to the Popular Initiative and Referendum Bill—
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> 1. Has the Government, in view of the provisions of the Constitution Act of 1867, taken the opinion of the Crown Law Officers as to—(i.) Whether it is competent for Parliament to entertain or pass such Bill; (ii.) whether any previous petition or address to His Majesty is necessary; (iii.) whether the concurrence of two-thirds of the members of the Council and of the Assembly, respectively, is necessary before the Bill, if passed in its present form, could be presented to the Governor; (iv.) whether the proposed Bill, by implication or otherwise, repeals all or any of the provisions of the Parliamentary Bills Referendum Act of 1908?
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> 2. If so, will he be good enough to lay such opinion on the table of the Council?"

The SECRETARY FOR MINES: Neither is it usual.

HON. E. W. H. FOWLES: Exactly, and that is where the Government made a big mistake. If there is any case pending between a litigant and the Government, and the Government have taken the opinion of counsel, we could easily understand them not caring to give away that opinion. But, if the question is regarding a matter of purely public importance and there is no money or litigation involved in it, then every citizen in the State has a right to know the opinion, because his money is going to pay for the opinion.

The SECRETARY FOR MINES: Most remarkable ideas get into your head.

HON. E. W. H. FOWLES: If the making public of any opinion were calculated to be prejudicial to the policy of the Government or to any action pending, I quite understand the Government desiring to keep the opinion to themselves.

The SECRETARY FOR MINES: Who asked for counsel's opinion? The Minister, didn't he? You did not pay for it, did you?

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

The SECRETARY FOR MINES: How did you pay for it?

HON. E. W. H. FOWLES: In taxes. The Government did not pay for it.

The SECRETARY FOR MINES: If you asked for it you might be entitled to the information; but the Government asked for it and paid for it.

HON. E. W. H. FOWLES: The community paid for it. The Government collected invalid premiums under the Workers' Compensation Act.

The SECRETARY FOR MINES: They did no such thing.

HON. E. W. H. FOWLES: There is no objection to the Government not divulging an opinion which might prejudice them, but this is a purely academic opinion upon a subject which is of interest to everyone. It would have suited the Government's book in the long run to have been absolutely frank on the matter and to have made the information public. In Victoria and South Australia the Government give opinions of counsel broadcast to the Press. In this instance, after the Minister had replied that it was not usual to place such opinions on the table of the House, the Hon. Mr. Leahy interjected, "Especially if it is against the Government."

The SECRETARY FOR MINES: The Government would be foolish to lay such a thing on the table of the House.

HON. E. W. H. FOWLES: They would be foolish not to do so. The public get suspicious when information is refused. On page 1402 of "Hansard" the Hon. Mr. Fahey asked a series of questions with respect to the purchase of copper by the Imperial Government. A lot of information, or misinformation, was given to the public and to the Southern papers with respect to that matter.

The SECRETARY FOR MINES: No misinformation was given to the public.

HON. E. W. H. FOWLES: Well, information which had to be corrected. It would have suited the Government much better to have at least pretended to give a full and frank reply to the questions. It is a matter in which the public are very much interested. The deal was closed, and could not be reopened.

The SECRETARY FOR MINES: It was not closed.

HON. E. W. H. FOWLES: Well, why boast about it?

The SECRETARY FOR MINES: It was only in process of negotiation.

HON. E. W. H. FOWLES: At the close of the reply the Minister stated, "A statement will be made by the Premier in due course." That is the ordinary formula. A lot of political capital was being made out of the copper deal.

The SECRETARY FOR MINES: You were trying to make political capital of it.

HON. E. W. H. FOWLES: We saw the reply sent by the Premier of the State to Mr. Hughes and the reply of Mr. Hughes to the Premier of the State, who appeared to be diligently vying with each other in making capital out of the business.

The SECRETARY FOR MINES: Mr. Hughes knew what the Premier was alluding to, only it did not suit his book to give the show away.

HON. E. W. H. FOWLES: "May" lays it down that answers should be fairly reasonable and frank, and I think the Government are beginning to see that it is best to deal frankly with Parliament. Why should we have government by secrecy, especially where it is absolutely necessary to give the public the fullest information possible?

The Hon. Mr. Brentnall has served a public purpose in drawing attention to the matter of these regulations, and I feel sure that the Minister must know that the proclamation of 25th September is absolutely invalid. I have no doubt they did not know what to do with it.

The SECRETARY FOR MINES: How do you know it is invalid?

HON. E. W. H. FOWLES: On the authority of the thing itself. It is like a promissory-note that is not signed. As everyone knows, the Governor can make laws by proclamation, but in that case the proclamation must have the signature—the locus sigilli—"Hamilton Gould Adams." In one case the "Gazette" is headed "A Proclamation," and it is signed "By Command, John A. Fihelly." That is dated 1st July, and very properly brought into operation the regulations under the Workers' Compensation Act. But in the "Gazette" of 25th September, 1916, there are two proclamations. The first is not a proclamation, or an Order in Council. It is merely a statement—

> "His Excellency the Governor, by and with the advice of the Executive Council, in pursuance of the powers and authorities in him vested"——

Hon. A. G. C. HAWTHORN: It is signed by a private individual, with no description.

HON. E. W. H. FOWLES: That is so. It contains nothing about the Governor, and it does not bear the signature of the Governor or his seal. Of course, it is well known in the Crown Law Office that that is invalid, but they do not know what to do with the thing.

The SECRETARY FOR MINES: You seem to be in the secrets of the Crown Law Office.

HON. E. W. H. FOWLES: Anyone who looks at it can see for himself. The Crown Law officers do not know what to do with this proclamation—or with what purports to be a proclamation. It is not a proclamation at all, and it is not issued under the authority of the Workers' Compensation Act. The immediately following proclamation reads—

> "His Excellency the Governor, by and with the advice of the Executive Council, in pursuance of the powers and authorities conferred by 'The Workers' Compensation Act of 1916,' has been pleased to make the following regulations."

That is a valid Order in Council—a vastly different thing from the previous document. Those two documents were dated 25th September, the second following hurriedly after the other, but it has never caught up to it yet. The earlier one was invalid.

Hon. B. FAHEY: And everything done under its authority is invalid.

The SECRETARY FOR MINES: Nothing has been done under it. The other followed immediately upon it.

HON. E. W. H. FOWLES: Whichever way the Government turn they are in a fix. The Minister has said that no policies were issued under the March regulations, and he says that the Hon. Mr. Brentnall's policy was issued under the July regulations, and is therefore valid.

The SECRETARY FOR MINES: They were never declared invalid by the court, and that was the assertion made by the Hon. Mr. Brentnall.

HON. E. W. H. FOWLES: If they were never declared invalid by the court, why should the Government seek to revoke them? This pseudo proclamation of 25th September says—

> "The Workers' Compensation regulations of 1916, dated 1st day of July, 1916 . . . . are hereby revoked and repealed."

Hon. F. T. BRENTNALL: The regulations under which my policy was issued were revoked on 25th September.

HON. E. W. H. FOWLES: There is one thing about which there is no doubt, and that is that the Government have got £50,000 of the public's money. There is also no doubt that those persons who have paid premiums under an invalid claim will not take the trouble to recover; it is not worth their while proceeding against the Government for the amount involved, as they might not get costs against the Crown. But that £50,000 is in the hands of the Government at the present time under regulations which were revoked and repealed. Why were they revoked? Because they are outside the scope of the Act The document of the 25th September is manifestly invalid. It purports to be a proclamation, but the proclamation does not contain the Governor's signature. One last point, and that is, that on precisely the same day, the 25th September, perhaps concurrently, new regulations were issued. Those new regulations contain different rates from the rates laid down in the 1st July regulations. The question now is which of those two rates—the rates under the September regulations, which are held to be valid, or the rates under the July regulations—are valid?

Hon. F. T. BRENTNALL: My policy was dated the 4th July. Was that issued under the later regulations or under the July regulations?

HON. E. W. H. FOWLES: Under the 1st July regulations, and they are declared revoked.

The SECRETARY FOR MINES: They were never declared invalid.

HON. E. W. H. FOWLES: Where is the authority to revoke those regulations?

The SECRETARY FOR MINES: Now you are asking for a legal opinion.

HON. E. W. H. FOWLES: No. Where is the authority to revoke those regulations? The Workers' Compensation Act says—

> "The Governor in Council may from to time make all such regulations as he deems necessary,"

etc.; but it does not say that he may repeal regulations. The Government were in a very great hurry to get the Act in operation, and they have got into a barbed wire entanglement on pretty well every side. That sum of £50,000 has really been squeezed from the people for strange policies. The charwoman who cleans out the offices of twenty-four different tenants has to be insured, and each of those tenants has to pay the premium for the benefit to her of a 10s. policy. No wonder the Government had raked in £50,000. This is the biggest poll-tax that has ever been placed on the people of Queensland. I think the Minister will find that the regulations of the 1st July are bad or indifferent, and are of no effect. Are the Government going to stand at the back of the policies they have issued under those regulations? Whether those policies are ultra vires, valid or invalid, the premiums have been paid in respect of them. Are the Government going to stand at the back of those policies, or are they going to allow other companies to issue policies to cover their liability?

HON. A. G. C. HAWTHORN: I think the Hon. Mr. Brentnall was perfectly justified in bringing this question before the House. He no doubt felt sore, as any of us would have done had we asked those questions and got the style of answer that was given to him. He asked the plain, simple question, under what authority did the Government issue the proclamation of the 25th September, and in reply he was told that was a matter of opinion. He was not told, as he should have been told as a member of the Legislative Council, under what authority the Government did that particular business. I certainly endorse all that the Hon. Mr. Fowles has said. I quite see that the Government have got into a very awkward position, and to a certain extent I sympathise with the Secretary for Mines, because I do not think he could have given an answer which would have satisfied the Hon. Mr. Brentnall without showing his own hand. This discussion will probably induce the Government in future to do what the Hon. Mr. Brentnall asked, and that is to give a definite reply to questions which are asked in this House. The only way we have of getting information which would otherwise not have been given is by asking questions, and we are certainly entitled to ask questions, and to get definite replies to those questions.

The SECRETARY FOR MINES: Questions are asked here which no Government could answer.

HON. A. G. C. HAWTHORN: Questions relating to information about the war should not be asked or answered, but the Hon. Mr. Brentnall only asked what has become of the money which has been paid under regulations which are apparently invalid, and he has got no answer to that question. I think he was perfectly justified in bringing the matter before the House and complaining of want of courtesy. The Government are perfectly justified in withholding information where anything connected with the war is concerned, if the giving of that information is not in the public interest; but in other cases members are entitled to have their questions answered in a reasonable manner, otherwise they are not being treated as members of the Legislature. We are treated as a number of children, and the Government take up the autocratic stand that they are entitled to do what they like. We have had an exhibition of the way in which they are spending money without authority, and they say that nobody is entitled to ask a question about what they are doing. I hope that the discussion initiated by the Hon. Mr. Brentnall will have the effect of securing in future reasonable answers to reasonable questions.

Question (*Mr. Brentnall's motion*) put and passed.

LAND SURVEYORS ACT AMENDMENT BILL.

FIRST READING.

On the motion of the SECRETARY FOR MINES, this Bill, received by message from the Assembly, was read a first time.

The second reading was made an Order of the Day for to-morrow.

LUCINDA POINT TO HALIFAX ROAD BILL.

FIRST READING.

On the motion of the SECRETARY FOR MINES, this Bill, received by message from the Assembly, was read a first time.

The second reading of the Bill was made an Order of the Day for to-morrow.

[5 p.m.]

GAS BILL.

FURTHER CONSIDERATION IN COMMITTEE OF ASSEMBLY'S MESSAGE.

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

Question—That the Committee do not insist upon their amendment in Schedule III., page 10 (now 14), paragraph 14—put; and the Committee divided:—

CONTENTS, 7.

Hon. A. J. Carter	Hon. A. G. C. Hawthorn
,, B. Fahey	,, A. Hincheliffe
,, E. W. H. Fowles	,, F. McDonnell
,, W. Hamilton	

Teller: Hon. A. Hincheliffe.

NOT-CONTENTS, 12.

Hon. F. T. Brentnall	Hon. T. M. Hall
,, W. H. Campbell	,, E. D. Miles
,, G. S. Curtis	,, C. F. Nielson
,, A. A. Davey	,, T. J. O'Shea
,, A. Gibson	,, A. H. Parnell
,, H. L. Groom	,, A. H. Whittingham

Teller: Hon. A. H. Parnell.

Resolved in the negative.

HON. T. M. HALL moved—That the Committee do insist on their amendment in Schedule III., page 14—

> "(1) Because it has been the practice in fifteen out of sixteen gas companies operating in Queensland to differentiate in price as between gas supplied for lighting purposes and gas for cooking and industrial purposes.
>
> "(2) Because, in view of the increasing price of fuel, gas affords a cheap and efficient substitute for domestic and commercial purposes by the low price afforded by the fifteen companies referred to.

"(3) Because the measure was ostensibly designed for the protection of consumers and the cheapening of gas, and this amendment secures that end."

Question put and passed.

The SECRETARY FOR MINES moved—That the Committee do not insist on their amendment in Schedule III., page 15, inserting paragraph 10 (*a*).

HON. T. M. HALL said he was puzzled to understand how any distinction should be made between land, furniture, buildings, machinery, and sundry debtors and outstanding accounts. Sundry debtors and outstanding accounts were as much capital as machinery and buildings. In the law of accounting sundry debtors and outstanding accounts were regarded as capital. He was certainly going to insist on the amendment being included.

Question put and negatived.

HON. T. M. HALL moved—That the Committee do insist on their amendment in Schedule III., page 15, inserting paragraph 10 (*a*)—

"Because sundry debtors and outstanding accounts are regarded in accounting as capital equally with land and buildings."

Question put and passed.

The SECRETARY FOR MINES moved—That the Committee do not insist on their amendment in Schedule III., page 15, inserting paragraph 10 (*b*).

HON. T. M. HALL: For the reasons advanced in connection with "sundry debtors and outstanding accounts," he considered that material and stocks were an essential part of the capital of a company.

Question put and negatived.

HON. A. G. C. HAWTHORN moved—That the Committee do insist on their amendment in Schedule III., inserting paragraph 10 (*b*)—

"Because material and stock are an essential part of the assets of a company."

Question put and passed.

The SECRETARY FOR MINES moved—That the Committee do not insist on their amendment in Schedule III., page 15, inserting paragraph 10 (*c*).

HON. T. M. HALL: For the reasons advanced in regard to the two preceding questions, he considered "cash at bankers" should even more definitely be included in the capital of a company. There was nothing more definite than cash.

Question put and negatived.

HON. T. M. HALL moved—That the Committee insist on their amendment in Schedule III., page 15, inserting paragraph (*c*), for the reasons advanced with regard to sundry debtors and outstanding accounts.

Question put and passed.

HON. A. G. C. HAWTHORN moved the insertion, after line 23, page 10 (now 15), of the words—

"Deduct reserve fund after application of amount to meet contingencies or to equalise dividends."

That was consequential on the amendment agreed to in new clause 16.

Amendment agreed to.

The SECRETARY FOR MINES moved—

"That the Committee do not insist on their amendment on page 10 (now 15), line 66 (now 24), and agree to the substitution therefor of 'eight and a-half.'"

HON. T. M. HALL: He would again emphasise the fact that, while 10 per cent. seemed a large dividend to receive on £1 shares which cost the owner £1, it was very much less when applied to persons who had bought shares at a considerable premium. In many cases shareholders were people of small means who had invested their savings in a business which was generally regarded as showing a tendency to permanency. It must be borne in mind that the 10 per cent. agreed to by the Committee previously was a maximum, and, having regard to the difficulties with which gas companies were now confronted, and to the competition of recently invented systems of lighting, the scope for expansion in the gas business was greatly diminished.

The SECRETARY FOR MINES: During the whole of the debate he had not heard one reference to the interests of consumers. It had been a fight between the friends of a monopoly on the south side of the Brisbane River and a monopoly on the north side of the river. A dividend of 8½ per cent. was a very fair one. It was a great pity that provision had not been made for a Government audit of the accounts of companies possessed of a monopoly in a public utility.

HON. A. G. C. HAWTHORN: The Auditor-General has full power under clause 18.

The SECRETARY FOR MINES: Previously he had no such power. A Government audit would have a tendency to stop the watering of stock.

HON. T. M. HALL: If inquiries had been made, such as the Minister suggested, before the introduction of the Bill, they would most probably have been asked to consider a measure which would have been far less contentious than the Bill under consideration. Unfortunately, it would appear as if whoever had been consulted was concerned rather with a company which did not desire to conduct its business on the same lines as other companies in the State. The last amendment he (Mr. Hall) had carried was in the interests of consumers. A deduction of 2s. per 1,000 cubic feet for gas used for domestic purposes was entirely in the interests of consumers. Most of the smaller companies in the State were anxious to encourage the consumption of gas in districts where there was a small population, and one means by which they offered such encouragement was by supplying gas for cooking and manufacturing at a considerably reduced rate. Having regard to the fact that the arrangement would have two years to run before it could be reviewed, and that the company might be ruined in the meantime by flood, fire, taxation, or by the Industrial Workers of the World, it was extremely unlikely that the maximum dividend of 10 per cent. would be frequently realised.

HON. A. G. C. HAWTHORN: He would like to have seen the maximum dividends fixed at 10 per cent., but after full discussion it was arranged with the Government to substitute 8½ per cent. for the original 7½ per cent. The Government gave way on their side with reference to the particulars connected with ascertaining the cost of production, and they agreed to wipe out the

provision with regard to the cost of labour entailed in the production of residuals. That was a considerable item. He considered the Government had given away a great deal, and they might fairly accept the Minister's motion as a compromise. If the Committee insisted on their amendment, it might be considered outside as unreasonable, and the Bill might be submitted to the people as one of the Bills that had been lost, and the people might say that the Bill was going to give them cheaper gas, and they would vote for it in its original form. Under the circumstances, he thought the 8½ per cent. was practically an equivalent of 10 per cent., and it was a very fair compromise.

HON. T. J. O'SHEA: He did not wish to view the question from the point of view of the Brisbane Gas Company or the South Brisbane Gas Company. In both Chambers the Bill had been regarded as if those were the only two gas companies in existence.

The SECRETARY FOR MINES: As if there were no such things as consumers.

HON. T. J. O'SHEA: There must be consumers, or the companies would not be in existence. He was anxious that the Bill should have a beneficial effect throughout Queensland, and that all persons desirous of using gas should be afforded a reasonable opportunity of doing so. If dividends were restricted to 8½ per cent., and subject to the deductions provided for in the Bill, he did not think any financier outside of Goodna would dream of starting a gas company in any of the small centres in Queensland. If the Bill became law the only gasworks likely to be erected would be provided either by the Government, or by local authorities who did not care a dump what the profit or loss might be. A maximum of 8½ per cent. might be sufficient in Brisbane for either company, but it might have a baneful effect in small centres. He had wandered about the world a good deal, and he had always been careful to observe the conditions of life, especially of the working people. In other parts of the world he had found every little cottage lighted by gas, and the people using gas for cooking, heating, laundry work, and it had the effect of saving work to the women and children. He would like to see the same advantages possessed by the people in the small centres of population in this State, but, after careful consideration of the matter, he had come to the conclusion that no company would ever be started after the Bill became law, and that the work would be restricted to Government or to municipal capital.

The SECRETARY FOR MINES: It would be a good thing if that took place.

HON. T. J. O'SHEA: Then why not bring in a Bill and say that no one but the Government or a local authority should supply gas?

The SECRETARY FOR MINES: A great many people would be glad to get 8½ per cent. on their money.

Hon. A. G. C. HAWTHORN: They would not get it from the Government.

HON. T. J. O'SHEA: He did not know whether the Minister had considered the question, but he would ask him if he knew any group of men possessed of capital who would be willing to invest it in establishing a gas company in a small town in Queensland in face of the limitations imposed [5.30 p.m.] by the Bill, when they might lose their capital and get no compensation, and in view of the fact that no matter how prosperous they made the company they never could get more than 8½ per cent. on their money. He wished it to be feasible for people to start small gas companies in country towns, but that would never be possible under this Bill. It would be realised as time went on that the restrictions imposed by this measure would be an embargo on the establishment of gas companies in Queensland, and he thought those figures should be left as they were.

HON. T. C. BEIRNE: There was no doubt that no persons would start a gas company under this Bill, but that was not because of this particular provision. It was because of the general nature of the Bill. Under the provisions of this measure no small towns would have a gas supply in future unless it was provided by the local authority or the Government. The Hon. Mr. O'Shea contended that an 8½ per cent. or a 7½ per cent. dividend might be a good thing for Brisbane, but that it would not be a good thing for the country companies. In country towns now no gas companies paid a dividend higher than 10 per cent. The Gympie Gas Company pays only 5 per cent. The Townsville Gas Company paid a dividend of 7 per cent., but it did not pay 2 per cent. on the sale of gas. It was on the residual products that the company made their profits. This measure was introduced for the benefit of consumers, and the Government certainly had authority to introduce it, because it was one of the planks in their platform. It must be admitted that monopolies of this kind must be controlled, and that no matter what Government was in power, some legislation of this character would be necessary. The question was whether it was better to compromise on the matter under discussion or allow the Bill to be thrown out. In view of the amendments which had been made in the measure in favour of gas companies, he thought they would do well to accept the proposed compromise, and that they would not do any better if they waited until a Liberal Government came into power.

HON. T. M. HALL: The Hon. Mr. Beirne referred to the profits from residual products. The experience of other companies, particularly the South Brisbane Company, was that there was no profit on residuals. They could not give them away. At the present time tar was overflowing at South Brisbane, and they were threatened with a prosecution for creating a nuisance. Coke could not be disposed of, even by giving it away, so that he did not think there was much in the contention of the Hon. Mr. Beirne.

HON. W. H. CAMPBELL: He rather took exception to the remark of the Minister that members were voting in favour of the gas companies, and not of the consumers.

The SECRETARY FOR MINES: I did not say that. I said that I did not hear the consumers mentioned.

HON. W. H. CAMPBELL: During the ten years he had been in Brisbane he had not used an ounce of coal, but had used gas, and had been very well served by the South Brisbane Gas Company. It was a great convenience to get gas for cooking purposes at

4s. 6d. per 1,000 feet. Personally he did not think there ought to be any restriction on any firm making as much profit as they could. He did not suppose that the Hon. Mr. Beirne would like to be restricted in the profits he made in his business. Many pastoralists, as well as other persons, although they might make 8 per cent. profit on their capital in one year, made nothing at all in other years. Everyone knew that the Brisbane Electric Tramways Company, which had been abused by the Labour party, paid no dividend for years and years. Some of the present shareholders paid £5 a share for shares in that company, and now they were getting only 8 per cent. on their capital. There were many instances in which men made nothing for three or four years in succession when starting a new enterprise, but they put up with that in the hope that they would make a considerable profit afterwards, and he did not see any reason for imposing the proposed restriction as to the profits of the gas companies.

HON. F. T. BRENTNALL: There were very few companies nowadays who were making 10 per cent. An 8½ per cent. dividend was a very good one at the present time, but it was possible that as time rolled on companies which were paying such dividends would have their profits reduced to 4½ per cent. or 5 per cent., or possibly nothing at all. He was not in sympathy with the Government regulating too rigidly and too niggardly the dividends payable to people who found capital to start enterprises like gas companies. They ran considerable risks, and they should be compensated for running those risks. He was a shareholder in the previous tramway company, and not only did he get no dividend from that company, but he lost nearly all his capital. When men risked their money in a venture which they hoped would be useful to the public as well as profitable to themselves, why should the Legislature inflict a penalty upon them by restricting their dividends too rigidly? He did not object to their dividends being restricted to a fair amount, but he thought 8½ per cent. was too low. As he had pointed out, the Government had made a profit of £50,000 out of compensation insurance, and if the argument of the Minister meant anything, it meant that the Government should reduce their rates for insurance.

Hon. F. MCDONNELL: They are likely to do that next year.

HON. F. T. BRENTNALL: They ought to do it. Boiling down the whole matter, he really could not see why companies who had to go a considerable time without any dividend at all should be restricted to dividends of a comparatively small amount when profits were beginning to be made. He had no interest in either of the city gas companies, but he thought that if the shareholders who had bought their shares at a considerable premium made 10 per cent. on their investment, there was no reason why the Legislature should step in and say they should not be allowed to make that 10 per cent.

HON. B. FAHEY said he was not there to advocate the interests of the suppliers nor the interests of the consumers, but would point out that the Bill was the most useful one that had emanated from any Government. He asked how were the dividends the Hon. Mr. Brentnall had been describing obtained? They had been obtained at the expense of poor people; at the expense of the widows and orphans, and the Government were quite right in stepping in and providing what might be considered a reasonable profit on the investment of capital. He was not interested in any gas or electric light company, but some time ago the Australian Gas Company in New South Wales, at the current price of the shares, paid 6 per cent., and he invested £1,000 in them for a ward of his. For four or five years he received 6 per cent. on that investment, but the Government of New South Wales stepped in and interfered in such a manner that now he only received 3½ per cent. If the amendment were agreed to by the Committee, the 8½ per cent. would go into the pockets of the original shareholders; those who went in at bedrock, while the others, who bought shares subsequently at a high premium—probably at an advance of 40 per cent. or 50 per cent. on the original price of the shares—what would they get? The poor people who had invested their money in gas shares would be the people to suffer if the Government reduced the dividends. The probability was that there were not five of the original shareholders left in these companies, and the present shareholders were men and women who had paid high premiums for their shares, and those were the people who should be considered by the Committee. He did not think 10 per cent. would be too much to provide in the Bill.

Question—That the Committee do not insist on their amendment on page 10 (now 15), line 66 (now line 24), but agree to the substitution therefor of "eight pounds ten shillings"—put; and the Committee divided:—

CONTENTS, 8.

Hon. T. C. Beirne	Hon. W. Hamilton
,, A. J. Carter	,, A. G. C. Hawthorn
,, J. Cowlishaw	,, A. Hincheliffe
,, E. W. H. Fowles	,, F. McDonnell

Teller: Hon. A. G. C. Hawthorn.

NOT-CONTENTS, 12.

Hon. F. T. Brentnall	Hon. H. L. Groom
,, W. H. Campbell	,, T. M. Hall
,, G. S. Curtis	,, C. F. Nielson
,, A. A. Davey	,, T. J. O'Shea
,, B. Fahey	,, A. H. Parnell
,, A. Gibson	,, A. H. Whittingham

Teller: Hon. H. L. Groom.

HON. T. M. HALL moved—

"That the Committee disagree to the substitution of "8½" for "10" on page 10 (now 15), line 66 (now 24), proposed by the Legislative Assembly, and insist on their amendment omitting "7½" and inserting "10," because 10 per cent., being a maximum dividend, is a fair and equitable return in view of the number of investors who have purchased shares at a premium and the possibilities of emergencies, strikes, and other contingencies incidental to the industry."

HON. F. MCDONNELL: He had not taken part in the debate, which was plainly a fight between the two Brisbane gas companies. The Hon. Mr. Hall, representing the debenture holders in the South Brisbane Gas Company, insisted, in opposition to the more reasonable men who represented the views of the North Brisbane Gas Company, on a maximum dividend of 10 per cent.

instead of 8½ per cent., which the North Brisbane Company were prepared to accept. Presumably the Bill would be lost, and it would have to be submitted to the people. The Hon. Mr. Beirne and the Hon. Mr. Cowlishaw, two large shareholders in the North Brisbane Gas Company, were prepared to accept the compromise offered by the Government. The Hon. Mr. Beirne had stated that the Government had gone a long way to meet them, but the Hon. Mr. Hall was not satisfied.

Hon. T. M. HALL: I am not concerned in any agreement with the Government.

HON. F. McDONNELL: The purchasing public could come to no other conclusion than that certain people were out to fleece them as much as they could. It was no use comparing the profits of big monopolies like gas companies with the profits of private employers. From what had been said by the Hon. Mr. O'Shea and others, the Bill would give gas companies a greater monopoly, as those hon. members said there was no chance of new companies starting in the future. The Government had offered a fair compromise, but in attempting to grab too much, those who rejected that compromise were likely to find by and by that they would have to accept a Bill much less favourable than the present. The people outside would see the reception that the Government met with when they endeavoured to pass a Bill giving them gas at a fair price. Anyone could foresee that the Bill would not come back to them again, but was likely to be lost, and there was no question that all classes of people in the country would be glad to accept it in its original form—the form in which it would go to the people.

HON. A. H. WHITTINGHAM: He came to the Chamber with an open mind on the question, and he had advocated 10 per cent. when the Bill was going through Committee, and he had not heard one argument why the rate should be reduced to 8½ per cent. The only reason advanced for supporting the reduction was that some arrangement had been come to between certain persons and the Government. Who those persons were he did not know; he was not one of them.

Hon. T. M. HALL: I was not one of them.

HON. A. H. WHITTINGHAM: He was not a shareholder in any gas company. There were a lot of good points in the Bill, and it would appeal to the people, as it had for one of its objects the improvement of the quality of gas. A certain section of people might be concerned about dividends, but 10 per cent. was to be the maximum.

The SECRETARY FOR MINES: Who is to pay the 10 per cent.?

HON. A. H. WHITTINGHAM: The consumers. He was a consumer, and he would willingly pay 10 per cent., provided he got good gas, and the Bill would have the effect of improving the quality of the gas. For the Government to limit the profits to be made to anything less than 10 per cent. was unreasonable.

Hon. A. H. HINCHCLIFFE: The biggest company is willing to accept 8½ per cent.

Hon. T. M. HALL: Fifteen companies are not willing to accept 8½ per cent. We are here to defend the little companies.

Hon. T. C. BEIRNE: What gas company is paying more than 10 per cent. to-day?

Hon. T. M. HALL: No gas company.

HON. A. H. WHITTINGHAM: The 10 per cent. was a maximum, and surely a matter of 1½ per cent. was not going to lead to the loss of the Bill. The Hon. Mr. McDonnel spoke as if he knew what was going to happen, and he expressed the opinion that the Bill was likely to be lost, and said that, if it went to the people, they would place it on the statute-book in its original form. If that was so, hon. members would have to put up with the consequences. However, he maintained that 10 per cent. was only a fair thing. They had to consider, not original shareholders, but others who had invested their savings in gas shares at such a price that they would not receive anything like 10 per cent.

Question put and passed.

HON. A. G. C. HAWTHORN moved, as a consequential amendment—

> "On line 24, omit the word 'total,' and insert the word 'balance.'"

Question put and passed.

The SECRETARY FOR MINES moved—

> "That the Committee do not insist on their amendment on page 10 (now 15), line 67 (now 25), but agree to the substitution therefor of 'eight pounds ten shillings.'"

Question put and negatived.

HON. T. M. HALL moved—

> "That the Committee disagree to the substitution of 'eight pounds ten shillings' for 'ten pounds' on line 67 (now 25), proposed by the Legislative Assembly, and insist on their amendment omitting 'seven pounds ten shillings' and inserting 'ten pounds' for the reasons already given."

Question put and passed.

HON. A. G. C. HAWTHORN moved, as a consequential amendment, the omission on line 25 of the word "total."

Question put and passed.

The SECRETARY FOR MINES moved—That the Committee do not insist on their amendment on page 15, lines 43 to 62—

Question put and negatived.

HON. A. G. C. HAWTHORN moved—That the Committee do insist on their amendment on page 15, lines 43 to 62—

> "Because it is reasonable that the company should receive some return on its capital outlay."

This motion, he understood, would be accepted by the Minister. He regretted that a more definite arrangement had not been come to among the whole of the members of the House. According to what the Hon. Mr. McDonnell had said, this Bill, presumably in its original form, [7.30 p.m.] would go before the country, because it was held that the introduction of the Bill last year by the Minister would be treated as the first time the measure had come before the Council, and this would be its second submission to the Council. He was sorry for that, because he was afraid that if the Bill, in its original form, was put before the electors, many of whom were consumers, they would consider that it would have the effect of cheapening gas, and that

would, no doubt, appeal to them. The Government had made a fair offer, and an attempt had been made to compromise matters, but without success. However, he hoped that the Bill, in its original form, would not go before the country, because under it the gas companies would receive very harsh treatment.

The SECRETARY FOR MINES: He should like to emphasise the remarks made by the Hon. Mr. Hawthorn and the Hon. Mr. McDonnell. This was not a party measure. The users of gas included people of all shades of political opinion, and they had been looking for some measure of protection for many years past. The Government last year intimated to the people that they would introduce a measure of this nature, and they had kept their promise, and had done their best to pass a measure which would be in the interest of the people at large; but it seemed that the interests of the people at large were only secondary with some members to the interests of a section of the community. As far as the directors of the North Brisbane Gas Company were concerned, they were prepared to accept reasonable amendments. A conference was held, at which an agreement was come to that certain amendments would be accepted by the Minister. However, it seemed that the decision of the conference did not meet with the approbation of other members of the House. He was satisfied, from the conversation he had had with the Minister in charge of the Bill in another place, that, if this amendment providing for 10 per cent. was inserted, it would not be acceptable to him. He supposed the Bill would have to be declared lost, and would have to go to the people. It showed that a Bill of a certain nature which was foreshadowed in the other place the previous day was absolutely necessary. When members put the interests of any section of the community before the interests of the community generally, some drastic change in the Constitution was necessary.

Question put and passed.

The Council resumed. The CHAIRMAN reported that the Committee did not insist on some of their amendments, insisted on other of their amendments with amendments and proposed consequential amendments, and agreed to a further amendment proposed by the Assembly with an amendment.

The report was adopted.

MESSAGE TO ASSEMBLY.

The Bill was ordered to be returned to the Assembly with the following message:—

"Mr. Speaker,

"The Legislative Council having had under consideration the message of the Legislative Assembly of date 12th October, relative to the Gas Bill, beg now to intimate that they—

"Insist on so much of their amendment in clause 3 as is contained in the words 'capital—capital shall include moneys paid or deemed to be paid up on all shares or stock actually issued by the company,' and do not insist on the remainder of the amendment.

"Insist on their amendment in clause 9, lines 34 to 41 (now 46 to 52), but offer to further amend the clause as follows:—On line 39 after 'that' insert 'on ordinary application'; on page 5, line 3, after 'do' insert '(when such notice is considered by the company as special or as an application for extension of main),' and after 'contract' insert '(and subject to transfer of contract if required)'; on line 6 after 'and' insert 'shall'; on line 11 after 'provided' insert '(1)'; and after line 16 insert—

'(2.) That the company allow interest at the rate of five pounds per centum per annum on sums deposited by way of security for every six months during which the same remain in their hands, such interest to be deducted from the amount due for gas on the thirty-first day of March and the thirtieth day of September in each year'—

"In which further amendments they invite the concurrence of the Legislative Assembly.

"Insist on their amendment in clause 10, page 4 (now 5), line 59 (now 38), because it would be unreasonable that a company should extend its mains and supply gas unless it had an assurance that the supply would be taken for a definite period.

"Insist on their amendment in clause 10, line 4 (now 43), but offer to amend the amendment on line 43 after 'return' by inserting 'by gross sales of gas'—

"In which further amendment they invite the concurrence of the Legislative Assembly.

"Insist on their amendment in clause 10, line 6 (now 49), because if funds were not available or other orders not completed it might not be possible to complete the extension within the time fixed.

"Do not insist on their amendment in clause 13, page 5 (now 6), line 58 (now 52), provided the Legislative Assembly agree to the following further amendment:—On page 7, after line 4 insert—'Provided that after the first reference no further reference shall be made within a shorter period than two years of the last preceding reference,'

"In which further amendment they invite the concurrence of the Legislative Assembly.

"Insist on their amendment in clause 14, but offer to amend the amendment as follows:—On page 8, line 12, after 'charged' insert 'for gas and hire together,' and on the same line omit 'three' and insert 'two'; and on line 13 omit 'price' and insert 'charge'—

"In which further amendments they invite the concurrence of the Legislative Assembly.

"Insist on the insertion of so much of new clause 16 as is comprised in paragraphs 1 and 2, but offer to accept in lieu of the word 'one' therein, on page 9, line 2, the words 'two and a-half'; and offer to substitute for paragraphs 3, 4, and 5 the following words:—

'Such fund shall at the discretion of the directors be applicable for meeting contingencies, or for equalising dividends, or for any other purpose to which the profits of the company may be properly applied, and, pending such application, may be employed in the business of the company: Provided that in ascertaining the actual amount of money invested in the gas undertaking the 'reserve fund, after application of an amount to meet contingen-

cies or to equalise dividends, shall be deducted from the actual amount of money invested in the undertaking'—

"In which further amendments they invite the concurrence of the Legislative Assembly.

"Insist on the omission of clause 17, because ample provision is made for all reasonable returns in the two preceding clauses, and this provision would give an opportunity to needlessly harass a company. It is not contained in either the New South Wales Act from which the preceding clauses are taken, nor in the Electric Light and Power Act of 1896.

"Insist on the insertion of new clause 21, but offer to make the following addition thereto:—

'At least twenty-four hours' notice shall be given to the company by every gas consumer, either personally at the office of the company or in writing, before he shall quit any premises supplied with gas by meter by the company, and in default of such notice the consumer so quitting shall be liable to pay to the company the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises, or the date from which any subsequent occupier of such premises shall require the company to supply gas to such premises, whichever shall first occur.'

'If a person requiring a supply of gas from the company has previously quitted premises at which gas was supplied to him by the company without paying to them all gas charges and meter rent due from him to the company, they may refuse to furnish to him a supply of gas until he pays the same.

'A notice to the company from a consumer for the discontinuance of a supply of gas shall not be of any effect unless it be in writing signed by or on behalf of the consumer, and be left at or sent by post to the office of the company, or be given by the consumer personally at the office of the company—

"In which addition they invite the concurrence of the Legislative Assembly.

"Agree to the Amendment in Schedule III., proposed by the Legislative Assembly to add to paragraph 11 (*b*) the words 'as allowed by the Commissioner of Income Tax,' and propose the following further amendment thereto:—Before 'Commissioner' insert 'State'—

"In which further amendment they invite the concurrence of the Legislative Assembly.

"Insist on their amendment inserting paragraph 11 (*c*), but offer the following amendment thereto:—Add the words 'when the lamps and service pipes are owned by the company'—

"In which amendment they invite the concurrence of the Legislative Assembly.

"Insist on their amendment inserting paragraph 11 (*e*), because deduction for bad debts is a fair and equitable allowance and is universally allowed in all financial usages.

"Insist on their amendment inserting paragraph 11 (*f*), but offer to add the words '(not elsewhere included)'—

"In which amendments they invite the concurrence of the Legislative Assembly.

"Insist on their amendment inserting paragraph 12, because a reserve fund is a necessary provision to meet expenditure made compulsory by a reference.

"Insist on their amendment inserting paragraph 14, because—

1. It has been the practice in fifteen out of sixteen gas companies operating in Queensland to differentiate in price as between gas supplied for lighting purposes and gas for cooking and industrial purposes.

2. In view of the increasing price of fuel, gas affords a cheap and efficient substitute for domestic and commercial purposes by the lower price afforded by the fifteen companies referred to.

3. The measure was ostensibly designed for the protection of consumers and the cheapening of gas, and this amendment secures that end.

"Insist on their amendment on page 10 (now 15), inserting paragraph 10 (*a*), because sundry debtors and outstanding accounts are regarded in accounting as capital equally with land and buildings.

"Insist on their amendment inserting paragraph 10 (*b*), because material and stock are an essential part of the assets of a company.

"Insist on their amendment inserting paragraph 10 (*c*), for the same reason which is given for insisting on their amendment inserting paragraph 10 (*a*).

"Propose the following amendment consequential on the amendment made to clause 16: After line 23 insert the words 'Deduct reserve fund after application of amount to meet contingencies or to equalise dividends,'

"In which consequential amendment they invite the concurrence of the Legislative Assembly.

"Disagree to the substitution of '8½' for '10' on line 66 (now 24), proposed by the Legislative Assembly, and insist on their amendment omitting '7½' and inserting '10,' because ten per centum (being a maximum dividend) is a fair and equitable return in view of the number of investors who purchased shares at a premium, and the possibilities of emergencies, strikes, and other contingencies incidental to the industry.

"Propose the following consequential amendment on line 24:—Omit 'Total' and insert 'Balance'—

"In which consequential amendment they invite the concurrence of the Legislative Assembly.

"Disagree to the substitution of 'eight pounds ten shillings' for 'ten pounds' on line 67 (now 25) proposed by the Legislative Assembly, and insist on their amendment omitting 'seven pounds ten shillings' and inserting 'ten pounds' for the reason given in regard to the amendment on line 66 (now 24).

"Propose the following consequential amendment on line 25:—Omit "total'—

"In which consequential amendment they invite the concurrence of the Legislative Assembly.

"Insist on their amendment on page 15, lines 43 to 62, because it is reasonable that the company should receive some return on its capital outlay; and

"Do not insist on their amendments in the Bill to which the Legislative Assembly have disagreed.

"ARTHUR MORGAN,
"President.

"Legislative Council Chamber,
"Brisbane, 15th November, 1916."

CONSTITUTION ACT OF 1867 AMENDMENT BILL.

SECOND READING—RESUMPTION OF DEBATE.

HON. A. GIBSON: As one of the older members of this Council, I intend to move an amendment to the Bill. Before proceeding to speak to the amendment I want to say that during the many years I have occupied a seat in this House I have always been under the impression that members were sincere in their desire to carry out their best ideals for the benefit of this State. There may have been times, perhaps, when we did not all see eye to eye, but that is not expected of us. We come here with ideas of our own, and we have endeavoured to carry out those ideas according to what we believed to be in the best interests of this great State of ours. When this Bill came before us during the last session I formed my opinions. I have not, during the months that have gone by, changed my views on the matter. Rather have I grown more firm in my opinions after listening to the discussion in the previous session. The various speakers in discussing the Bill have placed matters in a clear and intelligible manner, and their speeches have been so full of reason and meaning that I have been compelled to agree to the views placed before us. All the things mentioned as likely to take place if this House were abolished would in all probability come about if the Bill were passed. Having these views thoroughly imprinted on my mind, I feel that the proper position for me to take up to-night is to carry out what I have stated. Not wishing to delay the House at this hour, because it may be late before we get through the discussion, and as many hon. members wish to finish the Bill to-night, I will content myself with just moving the amendment. I, therefore, move the omission of all words after "That," with a view to the insertion, in their place, of the following words :—

"This House disagrees with the principles proposed in this measure for the following constitutional, political, and general reasons :—

'A. Constitutional.—

1. Because the Imperial Parliament has, with respect to Queensland, as well as each of the other States of Australia, consistently recognised the continued existence of the Governor as representing His Majesty, the Legislative Council, and the Legislative Assembly, as fundamental parts of the Queensland Constitution, and because there is no power in the Queensland Legislature to abolish any one of these fundamental parts.

2. Because Article 22 of the Order in Council of the sixth day of June, 1859, expressly excepts from the powers of the Queensland Legislature to make laws altering or repealing any of the provisions of the Order in Council so much of the same as incorporates the enactment of 13 and 14 Vic. c. 39, and 5 and 6 Vic. c. 76, with respect to the giving and withholding of Her Majesty's assent to Bills, and the reservation of Bills for the signification of Her Majesty's pleasure.

3. Because by section 33 of the Australian Constitution Act, 1842 (5 and 6 Vic. c. 76), no Bill which shall be reserved for the signification of Her Majesty's pleasure shall have any force or authority until the Governor shall signify, either by speech or message to the Legislative Council or by proclamation, that the Bill has been laid before Her Majesty's Council, and that Her Majesty had been pleased to assent to the same, and an entry shall be made in the journals of the Legislative Council of every such speech, message, or proclamation.

4. Because the Commonwealth of Australia Constitution Act (an Imperial statute) recognises the continued existence of both Houses of Parliament of each State of the Commonwealth of Australia. Section 15 provides for filling a casual vacancy in the Senate by the Houses of Parliament of the State concerned sitting and voting together and choosing a representative for the State.

5. Because the Australian States Constitution Act of 1907 recognises the continued existence of both Houses of Parliament of each State of the Commonwealth of Australia, and provides by section 1 (3) that the signification of the assent of His Majesty's pleasure to any Bill reserved shall be entered on the journals of both Houses of the Legislature of the State.

6. Because the Queensland Legislature has no warrant or authority to alter any of the provisions of the Imperial statutes above mentioned, and effect could not be given to them if the Legislative Council were abolished.

7. (*a*) Because the words 'alter' or 'repeal' in Article 22 of the Order in Council of the sixth day of June, 1859, and the reference to other legislative body or bodies which might at any time hereafter be substituted for the then Legislative Council and Legislative Assembly in section 13 of the Constitution Act of 1867, and Article 14 of the Order in Council cannot be strained to include the 'abolition' of the Legislative Council, but apply to an alteration which involves a substitution of a 'body' where only one of the present bodies (Council or Assembly) is affected, or the substitution of 'bodies' when both Houses are affected, and in either case a necessary consequent repeal of some portion of the present Constitution.

(*b*) Because the proviso to Article 22 of the Order in Council impliedly shows that there could be no abolition of the Legislative Council, inasmuch as express provision is made for the reservation of a Bill altering the Constitution of the Legislative Council by making it wholly or partly elective, and it is scarcely possible to conceive

the absence of such a provision with respect to a Bill having the wider effect of the abolition of the Council if such were contemplated as part of the powers of the Queensland Legislature.

8. (*a*) Because the Colonial Laws Validity Act of 1865, section 2, expressly contains an enactment rendering void, to the extent of repugnancy, any colonial law which is or shall be in any respect repugnant to the provisions of any Imperial statute extending to the colony, or repugnant to any order or regulation thereunder.

(*b*) Because the same Act (section 5) expressly declares the power of the Colonial Legislature to establish and to abolish and reconstitute courts of judicature, and to alter the constitution thereof; but uses significantly modified language with respect to the power to make laws respecting the constitution, powers, and procedure of the Legislature, omitting, it would appear, studiously, any reference to a power to abolish, or to abolish and reconstitute.

9. Because the Constitution Act Amendment Act of 1908 was not duly reserved for the signification of His Majesty's pleasure thereon, as required by the Australian States Constitution Act of 1907, and has therefore no force or validity in Queensland.

And in consequence thereof, the Parliamentary Bills Referendum Act of 1908 (the title of which shows that it is an Act to amend the Constitution of Queensland) is also invalid because the second and third readings were not passed with the concurrence of two-thirds of the members of the Legislative Council and Legislative Assembly then in existence, as required by our Constitution Act of 1867 (section 9), a provision which must be observed, even assuming that the provisoes themselves to that section could be repealed by simple majorities, by an Act duly reserved and assented to by His Majesty.

10. Because even assuming the validity of the Constitution Act Amendment Act of 1908 and the Parliamentary Bills Referendum Act of 1908, the latter Act necessarily requires for its operation the continuance of both Houses of the Queensland Legislature. It, in broad terms, provides for a referendum to the electors in the event of differences arising between the two Houses.

A construction of the Act as being wide enough to include as a difference between the two Houses the abolition of either, thus involving the practical abolition or reduction to a nullity of the Act itself, is too strained to be accepted, and is consonant neither with the scope nor the language of the Act itself.

"B. Political and General.—

1. Because, since all the other States of the Commonwealth retain the bicameral system, its destruction in Queensland would fatally prejudice the standing and rights of this State, reducing it below the level of all the others, and dislocating the provisions by which due representation in the Federal Parliament is secured to Queensland.

2. Because some revising Chamber is necessary in order to obtain equity, harmony, and consecutiveness in legislation, as a single Chamber, unbridled and acting before election heat has time to cool, is tempted to force measures through that are partisan, haphazard, and due to momentary impulse. No alternative proposal for a second Chamber, whether elective or otherwise, has at any time been submitted to this Council by the Legislative Assembly.

3. Because the Legislative Council represents all classes of the community —agricultural, grazing, commercial, mining, and industrial. No class is overlooked, and wherever party interests in the Legislative Assembly clash, the Legislative Council holds an even balance and secures just treatment for all. If the Council were abolished several important classes would be inadequately represented in Parliament —e.g., at present the grazing industry, which is the largest in Queensland, is directly represented by only two out of seventy-two members in the Legislative Assembly.

4. Because the legislation passed by the Legislative Council in the last fifty-five years (including adult suffrage, local government, Acts relating to factories and shops; wages boards; trade unions; free, secular, and compulsory education; and an increasing body of democratic measures during the past fifteen years) has been in the interests of all classes, without fear or favour, and has resulted in the continuous and substantial progress of this State.

5. Because the Legislative Council has always assented to Bills that embodied the undoubted will of the people, and has used its powers of amendment reasonably. Many of its amendments made during the present session and during past Parliaments have been welcomed by the Legislative Assembly, and are now statute law.

6. Because during the present Parliament the Legislative Council has not insisted upon any amendment except where necessary to prevent confiscation, injustice, or wanton interference with business:—

e.g. (*a*) In the Meatworks Bill the only amendment insisted on by this Council was that property acquired by the Government under the compulsory clauses of the Bill should be acquired on 'just terms.' The Legislative Assembly refused to agree to 'just terms.'

(*b*) In the Metropolitan Sewerage Workers' Award Bill this Council declined to victimise private individuals (who were declared innocent by the Judiciary) for a mistake admittedly made by the Government.

(*c*) In the Commonwealth Powers (War) Bill this Council declined to surrender certain State rights of Queensland to the Federal Government without consulting the people of this State, the people of Australia

Hon. A. Gibson.]

having already in recent referendums twice refused to surrender these rights.

7. Because if the Parliamentary Bills Referendum Act of 1908 is valid the Legislative Council's veto or amendments are always subject to a referendum of the people, and such powers are limited to a few months' delay of any measure—a delay which is often necessary in order to allow public opinion to mature and to prevent casual and costly experiments in legislation.

8. Because the abolition of the Legislative Council would remove all checks upon the Legislative Assembly by referendum or otherwise, and the people would be robbed of their right of appeal.

9. Because the abolition of the Legislative Council would place the Judiciary and the Land Court at the mercy of the dominant party in a single chamber Legislature; and would shake the security of tenure of officers such as the Auditor-General, the Commissioner for Railways, and the Commissioner of Police, whose duties are such that they should be freed from all political temptation or menace.

10. Because there has been no public desire or mandate for such abolition; on the contrary, this Legislative Council, during the present session, has been continually relied on to secure liberties for the people and to defend the rights of the community from rapacious encroachment.

11. Because the question of a radical alteration of the State Constitution, established and working satisfactorily now for fifty-five years, cannot appropriately be settled by the haphazard methods of a referendum where the real issue may be overshadowed by temporary party prejudices, but is a question demanding full, free, and dispassionate consideration, so that what is ultimately best for all classes in the community may prevail, and not what may merely suit any fleeting political programme.

12. Because the present grave period of the war, with so many of the electors of this State absent on active service at the front and elsewhere, and with so many serious tasks of urgent and vital importance engrossing the public mind, is no fitting time for plunging the State into violent and prolonged controversy on matters of constitutional change.

13. Because in the present world-wide turmoil, industrial, political, racial, and otherwise, there appears to be need rather for strengthening than for undermining any of the constitutional safeguards in any part of the Empire.

14. Because the Council acts as the permanent co-trustee of the public safety and welfare, and no valid reason has been adduced why the Queensland community, an integral part of the Empire, should be deprived of such protection.

"Wherefore the Council orders that the foregoing resolution be forwarded by the Honourable The President to His Excellency the Governor, with a request that His Excellency will be pleased to transmit the same to the Right Honourable the Secretary of State for the Colonies for submission to His Majesty the King."

HON. E. W. H. FOWLES: This question was discussed so fully, eloquently, and ably last session that there scarcely seems any need for further remark, except just to emphasise that the events of the last six months are such as to make it even more conspicuously manifest than before that the Legislative Council is needed, especially in times of crisis in the history of Queensland. I leave on one side altogether the legal aspect of the case; that has been ably dealt with by previous speakers. I will only say on that head that our charter of government is the Imperial Order in Council. We can legislate within the four corners of that. As soon as we seek to travel beyond the limits of that Imperial charter of government, we are out of our jurisdiction. It has been well said—

[8 p.m.]

> "The donees of a charter cannot alter their charter, except in terms of the charter."

On several occasions where Governments have tried to travel outside their charter they have properly sought the authority of the Imperial Parliament. In 1867, when the North American colonies were united under one federal constitution, an Imperial Act was passed. In 1881 British Honduras sought to have a supreme court of appeal established in Jamaica, and the aid of the Imperial Parliament was again invoked. In 1900, when the Australian colonies sought to federate, an Imperial Act was necessary.

These remarks are made merely as a preliminary protest against this Bill being introduced at all, and to call attention to the position that it is hardly competent for either House even to introduce or to entertain such a Bill; and that probably, if the abolition of either House were required, a petition to His Majesty would be the proper course of procedure.

Leaving altogether aside the legal aspect, I desire very briefly to touch upon the real usefulness of the Council during this session. Summing up, it may be said deliberately that this Council represents the people of Queensland at the present time more closely than the Assembly. (Hear, hear!)

THE SECRETARY FOR MINES: If you said the South Brisbane Gas Company, you would be nearer the mark.

Hon. A. HINCHCLIFFE: The North Brisbane Gas Company. (Laughter.)

HON. E. W. H. FOWLES: That remark was quite lost to me; it did not hit the mark at all. (Laughter.) The question that ought to be put before the people of Queensland at the present time is, "Which House would you rather see abolished?"—(Hear, hear!)—not whether they wished to have this House abolished, but which House.

Hon. F. MCDONNELL: You might move an amendment in the Bill to that effect.

HON. E. W. H. FOWLES: In the words of Sir C. K. McKellar, of the New South Wales Legislative Council—

> "The Legislative Council, of which he had been a member for thirty-two years, had done splendid work, both in initiat-

> ing social legislation and stopping the crude measures sent from the Assembly. If a referendum were taken on the question whether the State should have only one Chamber, the people should be asked to decide which House should be abolished—(a sentiment which elicited laughter and applause). If the people were given the option they might possibly decide to abolish the Assembly and retain the Council, which consisted of older and perhaps saner men."

I will rapidly run through half a dozen measures that come first to mind to show that this House is in closest touch with the people of Queensland at the present time. One measure which hon. members might expect me to mention at once is the Bill to provide for liquor reform. This House got promptly into touch with the wish of the people, while the other House has flouted that wish.

The SECRETARY FOR MINES: You will have that on your tombstone when you die.

HON. E. W. H. FOWLES: That is a straw which shows which way this House is working. Then take the railway that was put before us the other day—a railway that was estimated to cost the country approximately half a million of money, and to return ½ per cent. The other House gagged that extravagant railway through.

The SECRETARY FOR MINES: I just want to say this. The Bill was supposed to have been fully discussed last week, and we agreed to adjourn the debate until to-day to let hon. members come and take a vote without further discussion.

HON. E. W. H. FOWLES: I understood the Hon. Mr. Dunn was to be present this evening to resume the discussion.

Hon. A. G. C. HAWTHORN: I think the Hon. Mr. Dunn simply moved the adjournment of the debate but did not intend to speak.

The SECRETARY FOR MINES: I like hon. members to keep a bargain when it is made.

HON. E. W. H. FOWLES: We are endeavouring to keep to the bargain.

Hon. F. McDONNELL: This is the last kick, anyhow. Go on!

HON. E. W. H. FOWLES: The Gas Bill took much longer than we expected. Hon. members expected to reach this Bill about 5 o'clock. I am just illustrating the way in which the Council is more in touch with the people than the other House. With regard to the question of price fixing, which House took the right course? With regard to the question of the control of the sugar industry and the solving of the sugar industry problem, which House took the side that was in the true interest of the people? With regard to economical expenditure, which House has advocated the most extravagant expenditure of public money and landed the State with a £100,000 deficit at the end of the financial year? With regard to anomalies in the public service, which House has heaped up those anomalies? The other place. With regard to handing over powers of the State to the Commonwealth, which House took the true view with respect to the interests of Queensland? And with regard to the local authority franchise, which House took the course which is really in the interest of the people? If hon. members will look into recent history, they will doubtless find that this House has intimately represented the interests of Queensland. With regard to the encouragement of production and liberal legislation for farmers, which House has taken the right view of that matter? As a matter of fact, if a comparison is made between the two Houses as far as the legislation of last session is concerned, it will be found that this House is the people's House. Emphasis has been laid on the fact that the Council has done its duty with regard to giving advisory aid in legislation. The criticism has been flung at us that the Council has blocked legislation. I have taken the trouble to look up the records, and I find that in 1912 the Council passed thirty-two public Bills, and two private Bills, and rejected none. In 1913 the Council passed thirty Bills and one private Bill. In 1914 the Council passed thirty-seven public Bills and three private Bills. During that Parliament the Council passed no less than 105 measures, which are now on the statute-book, and yet it is condemned for blocking legislation.

The SECRETARY FOR MINES: Take last year's record.

HON. E. W. H. FOWLES: Last year we passed thirty-eight Bills out of forty-four, and the country was delighted that the other six measures were not passed. So were the Government

The SECRETARY FOR MINES: Your statement is no proof of that.

HON. E. W. H. FOWLES: I may refer to one or two measures which were thrown out in 1912 to show how this House acted in the interest of the country. The Articled Clerks' Protection Bill was amended by the Council, and was not returned by the Assembly, and Queensland is very grateful indeed that Parliament was not used to pass that Bill. During that same session the Council initiated seven Bill, and six of them were accepted by the Assembly.

The SECRETARY FOR MINES: You were all of one kidney in both Houses at that time.

HON. E. W. H. FOWLES: In 1913 we did not finish the Stock and Farm Produce Agents' Bill, and I think Queensland was glad to hear the last of that Bill. The Council did its duty in throwing out that measure. In 1914 we did not proceed with the Metropolitan Fish Markets Bill. We appointed a Select Committee to consider the measure, and the result has been an eminently better Bill introduced by the present Government. All these things show that during the last three years, as for the previous half century, we have acted in the very best interests of the people of Queensland. I shall read two or three sentences from Todd's work on "Parliamentary Government in the British Colonies," as they put the matter very crisply and in a way that could not be better expressed. At page 699, Todd says—

> "Under parliamentary government, an Upper Chamber derives peculiar efficacy and importance from the fact of its independent position. Free from the trammels of party it is able to deliberate upon all public questions on their merits, unrestrained by political considerations,

> which are too apt to bias the judgment of every administration in certain contingencies. For the same reason, an Upper Chamber, being unable to determine the fate of a Ministry, is much less influenced by party combinations and intrigues than the popular Assembly."

That is the experience of every politician.

The SECRETARY FOR MINES: It is not the experience of this Chamber, anyhow.

HON. E. W. H. FOWLES: The opinion of Keith and Todd and other eminent authorities on parliamentary government is that the Upper House, although a nominee Chamber, is more truly representative of the people than a House whose members are elected by devious methods for three years, and who know that they may not be re-elected.

The SECRETARY FOR MINES: You tried to get in by devious methods.

HON. E. W. H. FOWLES: The electors wanted to return two members, Mr. Bowman and myself.

The SECRETARY FOR MINES: They did not return you.

HON. E. W. H. FOWLES: Well, I was very glad to be beaten by a man like Mr. Bowman. With regard to experience elsewhere, the debates of last year show that very few parts of the British dominion have only one House, and those parts are not marked for their progress.

Hon. P. J. LEAHY: They have some other form of Legislature.

HON. E. W. H. FOWLES: Yes, they have some other form. For forty-two years the life of the Upper House in Nova Scotia was threatened, but it is still in existence, and is doing good work. As a matter of fact, the present constitutional checks are really ample. Those in Queensland are not paralleled by the checks anywhere else. There is not another place in Australia which has a Parliamentary Bills Referendum Act; and there is really no reason why there should be a deadlock between the two Houses in this State. We have a Parliamentary Bills Referendum Act; we have conferences between the Houses, and all those delicate checks and balances which are required to prevent a deadlock.

Hon. A. HINCHCLIFFE: You had conferences on the Gas Bill, and what have they resulted in?

HON. E. W. H. FOWLES: Those were not formal conferences with managers appointed by both Houses. Surely the business of Government and Parliament is construction rather than destruction. It takes an architect to build a house, but a child can put a match to it. The great mark of statesmanship is to build rather than to destroy. The first effort made by those who do not know things is to rush in and pull down, but those who have had normal experience know that it is best to preserve what is good in all things, and I think it will be found that this House will not succumb to the attempt that is being made to wreck it. Incidentally it may be questioned whether the Government of the day are doing their duty in refusing to strengthen the numbers in this House. The country has a right to have a Legislative Council of forty-four members, and it is questionable whether the Government are performing their high duty in refusing to nominate additional members and keep this House up to its proper strength. A suggestion has often been made recently that this House would be better if its members were elective. If it were an elective House, it would certainly demand greater powers with regard to money Bills than it has at the present time. And if its members were elective, would the House not be a faint shadow of the other House in the same way as the Federal Senate, which nobody hears anything about in these days, is a shadow of the Federal House of Representatives, simply because its members are elected on the same franchise?

The SECRETARY FOR MINES: The second Chamber in the Federal Parliament is as big an anomaly as the second Chamber in Queensland.

HON. E. W. H. FOWLES: Certainly not. The people of Queensland are hearing more about this House than they are hearing about the Federal Senate. The strength of this House is to pursue its course along the main path of popular progress. It does not rush here and there seeking popularity, but goes straight on along the national highway of duty. "Once it becomes a party Chamber"—I am quoting from a Southern newspaper—

> "Once it becomes a party Chamber, as is unfortunately the case in regard to the Federal Senate, which is an elective body, its usefulness is ended, for the Senate is but a reflex of the House of Representatives."

Without labouring the matter further, I may say that I feel sure that every member knows that we should simply be [8.30 p.m.] unfaithful to our duty if we allowed the people of Queensland to be robbed of the constitutional safeguard which they are every day finding out is of greater value to the country, and which they will see is absolutely necessary under present circumstances in order to insure public safety.

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

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Hon. W. Hamilton	Hon. F. McDonnell
,, A. Hinchcliffe	

Teller: Hon. A. Hinchcliffe.

NOT-CONTENTS, 19.

Hon. T. C. Beirne	Hon. H. L. Groom
,, F. T. Brentnall	,, T. M. Hall
,, W. H. Campbell	,, A. G. C. Hawthorn
,, A. J. Carter	,, P. J. Leahy
,, J. Cowlishaw	,, C. F. Nielson
,, G. S. Curtis	,, T. J. O'Shea
,, A. A. Davey	,, A. H. Parnell
,, B. Fahey	,, W. F. Taylor
,, E. W. H. Fowles	,, A. H. Whittingham
,, A. Gibson	

Teller: Hon. T. M. Hall.

Resolved in the negative.

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

Original question, as amended, put and passed.

FACTORIES AND SHOPS ACTS AMENDMENT BILL.

SECOND READING—RESUMPTION OF DEBATE.

HON. T. M. HALL: When I moved the adjournment of the debate on the last occasion that this Bill was before the Council, I did so with the object of making myself fully acquainted with the contents of the Bill, and in doing so, I have discovered that it is largely a Committee Bill, and, consequently, need not be discussed at great length at this stage. It will be admitted that the Shops and Factories Act recently passed has been a very satisfactory measure, but I find that in several clauses in this Bill some rather ambiguous positions are created, which, of course, can be adjusted in Committee. They are chiefly questions on which further information will be necessary. If you make the Saturday half-holiday universal, it seems to me that certain industries will be very seriously affected. The publishing of a newspaper like the "Sports Observer," which is published on Saturday afternoon, and the Sunday edition of the "Daily Mail" will be very seriously affected by this clause, and it will come into conflict with the award given recently by a board composed of the masters and men.

Hon. F. McDONNELL: Where an award exists it overrides the Bill.

HON. T. M. HALL: That is what I wanted information upon. There are other industries that will be affected by the Saturday half-holiday. However, I am prepared to consider the Bill in Committee, and I am not going to oppose the second reading.

HON. A. G. C. HAWTHORN: There are one or two points in regard to the Bill which require amending. For instance, in clause 14 it is provided that—

> "the occupier may, within seven days after the receipt of such orders, serve on the inspector a written requisition to refer the matter to the decision of the nearest industrial or police magistrate."

That is the case also in two or three other instances, but there are several other cases in the same clause where no appeal is granted. I think the appeal should be universal, and that inspectors who have such large powers as they have under this Bill should not be the final court.

The question also of holidays is one that requires looking into. Under this Bill it is provided that no reduction shall be made from the prescribed weekly wage on account of a public or any other holiday granted to any employee unless such holidays amount to not less than a full week. I think it a distinct hardship that an employer who is compelled to shut his place for two or three days, or probably a week, shall not have the right of deducting from the pay of his employees the amount that they would get on those days. In looking through the debates on the 1900 Act, I noticed that there was a clause of that kind provided in the original Bill, but that when it came before the Assembly exception was taken to it, with the result that the Home Secretary of the day withdrew that portion of the Bill, and it was allowed to go through, after remonstrance from two or three members, without payment for holidays being included in it.

There are one or two other points in the Bill which occur to one, but these matters can be brought up in Committee, and I just mention these two or three so that the Minister will not be able to say afterwards that he had no intimation that we intended to alter the Bill. There is no doubt that the Bill, in many instances, is an improvement on the present Act, and we are quite prepared to support anything that will tend to increase the comfort of factory hands. But we have to consider both sides, and also to consider whether it is fair to impose upon employers the liability of paying for work that is not actually done. We shall probably have more to say on that matter in Committee, and in the meantime I shall certainly support the second reading of the Bill.

HON. E. W. H. FOWLES: To deal with the last matter first, I wish to call special attention to clause 30 of the Bill. This is one of the most extraordinary provisions included in any Bill ever placed before any House of Parliament. The clause provides that—

> "After section sixty-nine of the principal Act, the following section is inserted:—
>
> [70.] The provisions of any award relating to remuneration for employment, hours of employment, and overtime rates made under the Industrial Peace Act of 1912, or any Act amending or in substitution for that Act, shall not be deemed to be contrary to law or otherwise objectionable, and shall not be challenged or taken exception to, merely because such provisions are contrary to or a variation or modification of any provision of this Act; and such provisions of such awards shall prevail in case of conflict with this Act."

Any award made by any judge in any jurisdiction shall not be deemed to be contrary to the law. That is to say, any judge can make any award he likes inside or outside his jurisdiction.

Hon. T. J. O'SHEA: Dicksonian or otherwise

HON. E. W. H. FOWLES: And it is put expressly here that if any award is in conflict with the provisions of this Act then the award prevails. The judge is made superior to Parliament, and he is the sole fountain of industrial law, and no matter what Act may be passed by this House or Parliament, or by the King, it may be overridden at once by any award. That is the final clause in this Bill. I looked where it came from but there is nothing to indicate where that clause came from.

Hon. T. J. O'SHEA: From the clouds.

HON. E. W H. FOWLES: Generally speaking, the Bill may be commended to the Council, as hon. members have already said, It introduces certain matters which have been found necessary after fourteen or fifteen years working of the present Act. The registration of shops as well as of factories is an admirable thing, and certainly with regard to the health, safety, and welfare of employees, the Bill introduces one or two very good amendments. But it may be asked whether owners of shops and factories will really know which Act they are working under with regard to the sanitation of employees. Are they working under the Health Act, which has some very good provisions, or are they working under the Factories and Shops Act, or are they going to work under this amending Bill?

Then, with regard to the question of a universal Saturday half-holiday, it appears to me that that will not suit all places in Queensland. It will not suit watering places, and it will not suit country towns. Telegrams are coming in already from different parts of the State saying that it would be ruinous to such and such a town if we made Saturday the half-holiday. I am sure the Minister only wishes to do the fair thing by all the country towns. It may suit Brisbane and other large centres, but it certainly will not suit country places. This Bill, by one sweeping clause, defines "half-holiday" to be, not as in the original Act, "the half-holiday determined in any particular district," but the Saturday half-holiday, and so fastens the Saturday half-holiday on the whole of Queensland, and does not exempt any place by possible proclamation.

Then, as to what is called "exempt shops," that is, shops which are exempt under the Factories and Shops Act, there is no time of commencement under the Factories and Shops Act, and the result is that exempt shops can sell non-exempt goods from 6 o'clock till 8 o'clock in the morning, and thus get two hours ahead of the non-exempt shops. The one man shopkeeper has a tremendous advantage over his competitor in that respect. Then, there is the question of stamping furniture. That is quite a new feature.

The SECRETARY FOR MINES: It has been asked for for a good many years.

HON. E. W. H. FOWLES: It is a very good feature, if it can be made effective. I know I am treading on delicate ground, but I would ask the Minister why furniture is to be stamped as "European," "Chinese labour," or "Other labour." Why do not the Government face the situation and make a third class, and insist on furniture being stamped "Made by Japanese"?

The SECRETARY FOR MINES: You are not acting very patriotically in raising that question at a time like this.

HON. E. W. H. FOWLES: The Government should face the question fairly and freely.

The SECRETARY FOR MINES: That is an Imperial matter.

HON. E. W. H. FOWLES: Why punish the Chinese?

The SECRETARY FOR MINES: Are you an advocate for Chinese, Japanese, or any other "ese"?

HON. E. W. H. FOWLES: No, but why punish the Chinese simply because they do not happen to be our allies?

The SECRETARY FOR MINES: Would you like to come into competition with Chinese?

HON. E. W. H. FOWLES: There is scarcely a furniture house in Brisbane that does not sell Chinese-made furniture.

Hon. T. J. O'SHEA: That is not correct.

HON. E. W. H. FOWLES: Although the Chinese are not our allies, that is no reason why we should not deal fairly with them. According to information I have received, there are twenty Chinese cabinet-makers in Brisbane, and five Chinese polishers. They have adopted the European style of living, and there is not one of them who is given to vice or low living of any kind. They are all respectable men. I would like the Minister to find out how many firms are selling wholly European-made furniture in Brisbane. If you go to buy a sideboard, you will see two sideboards exactly alike, the one made by Chinese and sold for £3 15s., the other made by an Englishman for which you will be charged £9.

Hon. A. HINCHCLIFFE: It would not take a very skilled man to see the difference.

HON. E. W. H. FOWLES: You might discover it in ten years, but it would take a very skilled man to discover it at the time he bought. Most of the Austrian bentwood furniture that is coming in at present comes from Japan.

Hon. F. MCDONNELL: There is no Austrian bentwood furniture coming in at present.

HON. E. W. H. FOWLES: This question of stamping furniture has been rushed into the Bill. It ought to be brought under the Stamp Act. (Laughter.)

The SECRETARY FOR MINES: It has been advocated for years.

HON. E. W. H. FOWLES: Let the Government fearlessly face the situation. What is the objection to saying that furniture is "Made by Japanese?"

Hon. F. MCDONNELL: I do not think any Japanese furniture is sold here.

HON. E. W. H. FOWLES: This raises the question of a "White Australia." Let me read this paragraph from the "Courier," of 8th November—

> "Mr. Harold Nelson, the Labour leader, stated to-day that he had resigned the position of secretary to the Australian Workers' Union. The fiasco which resulted in sending the steamer 'Houtman' away from the port undischarged, against the advice and warning of the Labour officials and his committee, had precipitated this action, though it has been known for some time past that the limit of patience of the official with his following had been reached. The local branch of the Australian Workers' Union now numbers 1,500 members, and 70 per cent. of these, according to Mr. Nelson, are foreigners."

I would like in this connection to read from the "Daily Standard," of 18th October, a list of those who sent 2s. subscriptions to a certain fund. There is nothing to be said against these men personally. Not one of them is known to any hon. member, and I only read the names to show in what direction Queensland is drifting—

> "W. McLeod, A. Rippen, E. Ellis, G. Woolley, Gunaro Cortis, A. Laurino, G. Philp, L. Gurnerone, F. Bianchi, C. Fava, G. Giliberto, P. Garrone, T. Armigians, P. Pasquetti, G. Castelli, J. Plate, T. Cannovas, T. Yamord, R. Elamrick, Guildegon, Fraser Mickie, A. Synnaze, M. Blessas, F. Palmos, J. Morris, M. Tsarsonlias, Theo. Bakalakis, H. Classar, Alfred Carenoy, G. Carena, M. Barbano, D. Narea, G. Vashino, Mayocchi, F. Dreandrea, C. Giovanni, Marrenti, G. Spinaze, D. Quemadrie, S. Commetti, A. Grandialbi, Robert Owen, James Foley, Jack Garnett, Cao Giacomo, Luine Antonio, C. Speziali."

That is what the "White Australia" policy is coming to in Queensland. It is almost as bad as when you get into a Chicago tram and you have to speak pidgin Swedish, or pidgin German when addressing the conductor, as there is hardly any English spoken.

The SECRETARY FOR MINES: It is your friends who are responsible for that. The "White Australia" policy will prevent that.

HON. E. W. H. FOWLES: That list shows what is happening since this Government has come into office, and that all comes out of the stamping of furniture.

I now refer to a matter in which I am sure the Hon. Mr. McDonnell will warmly support me in the interests of employees. I do not see why employees in hotels should work seventeen hours a day, or why any manager of a business should have to work seventeen hours a day.

Hon. T. J. O'SHEA: Haven't you done it? I have.

HON. E. W. H. FOWLES: Yes, but we are not lucky enough to be eight-hour men.

Hon. T. J. O'SHEA: A man never achieves anything who does not do it when necessary.

HON. E. W. H. FOWLES: If the Hon. Mr. McDonnell will move an amendment bringing all hotels under the Factories and Shops Act, in the interests of employees, it will only be consistent with the splendid work he has already done in this direction. There are about 3,000 employees in some 1,700 hotels in Queensland.

Hon. F. McDONNELL: They already have an award.

HON. E. W. H. FOWLES: Not in regard to hours.

Hon. F. McDONNELL: Yes, and wages and living conditions.

HON. E. W. H. FOWLES: What is the objection to bringing them under the Factories and Shops Act? One serious matter is whether dairies and butter factories will be under the Act. Nowhere in the Bill does it say so. Certainly they ought to be exempted. Except for the amendments I have foreshadowed, I shall have pleasure in voting for the second reading of the Bill.

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

The committal of the Bill was made an Order of the Day for 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 second reading of the Land Surveyors Act Amendment Bill, to be followed by the second reading of the Lucinda Point to Halifax Road Bill. We will then take the Queensland Government Savings Bank Bill in Committee, as the Minister wants to get the Bill through as early as possible. On Friday I propose taking the Factories and Shops Acts Amendment Bill in Committee, and I would ask hon. members to be prepared with their amendments.

Question put and passed.

The Council adjourned at 9 o'clock.