Queensland

Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 11 OCTOBER 1917

Electronic reproduction of original hardcopy

LEGISLATIVE COUNCIL.

THURSDAY, 11 OCTOBER, 1917.

The PRESIDING CHAIRMAN (Hon. W. F. Taylor) took the chair at half-past 3 o'clock.

CLERMONT FLOOD RELIEF UNDERTAKING BILL.

ASSENT.

The PRESIDING CHAIRMAN announced the receipt of a message from the Governor conveying His Excellency's assent to this Bill.

NEW MEMBERS.

Hon. WILLIAM HALLIWELL DEMAINE and Hon. HENRY LLEWELYN were introduced by the Secretary for Mines (Hon. A. J. Jones), and, having produced their writs of summons and oaths of allegiance, subscribed the roll and took their seats.

OPTICIANS BILL.

MOTION FOR ADOPTION OF REPORT OF SELECT COMMITTEE.

The SECRETARY FOR MINES, in moving—

> "That the report of the Select Committee on the Opticians Bill be now adopted,"

said: The report reads—

> "The Select Committee, to whom was re-referred, on 18th September, 1917, for consideration and report, the Opticians Bill, have the honour to report as follows:—
>
> 1. That the committee examined the witnesses named in the margin, and have carefully considered their evidence.
> 2. That the committee then proceeded to consider the Bill, which they agreed to, with the suggested amendments indicated in the Bill attached to this report, the acceptance of which the majority of the committee now recommend."

That report is signed by myself as chairman of the committee. Hon. members will observe that it is a majority report. The committee have suggested certain amendments in the Bill as sent to us by the other House. In that Bill clause 9 reads—

> "Subject to this Act, any person of or over the age of twenty-one years shall be entitled to be registered and receive a certificate as a certified optician under this Act—
>
> (i.) Who, during the full period of three years next before the commencement of this Act, has been bonâ fide engaged in the practice of optometry in this State."

The Select Committee suggests the insertion of the words, "in the Commonwealth of Australia, including the period of twelve months," before the words, "in this State." That will give an opportunity to a person who has been practising optometry in one of the other States to come under the Bill. In the same clause the committee suggests the omission of the words "a medical practitioner," with a view to inserting the words, "an ophthalmic surgeon." Just here I wish to say on behalf of the Government—because it was indicated in the speeches of the medical members of the Council that it is quite possible that the medical profession will not be represented on the board of examiners—that the intention was to appoint a board of examiners, one of whom should be an ophthalmic surgeon and the other a competent optician. There may be some difficulty, as was indicated in the speeches of the hon. members to whom I referred, in getting an ophthalmic surgeon to sit on the board; but if it is not possible to do that we shall have to insert an amendment that will allow the board of examiners to consist of two competent opticians. I am confident that the Council will agree to that amendment. There are other amendments suggested by the committee; but I need not go through the whole of them, as hon. members can read them for themselves. I would, however, call attention to a new subclause (*e*) in clause 12, which has been suggested by a majority of the Select Committee. That subclause reads—

> "Not being a medical practitioner, prescribes glasses or tests the eyesight of persons under sixteen years of age."

The penalty for that offence is a fine not exceeding £50.

Hon. T. M. HALL: Isn't that rather a binding clause?

The SECRETARY FOR MINES: Yes.

Hon. T. M. HALL: I am not in favour of that.

The SECRETARY FOR MINES: I pointed out that this was a majority report; my colleagues can speak for themselves. I am opposed to that subclause, and I hope the Council will not carry it, as it would have the effect of defeating the whole object of the Bill, which is very necessary in the interests of the people.

Hon. P. J. LEAHY: Surely it would not defeat the whole object of the Bill—it might defeat a part of it?

The SECRETARY FOR MINES: It would make the Bill practically useless. At this stage it is not necessary to give reasons for opposing the amendment, but I merely state now that I cannot accept the amendment. Of course, all the amendments are a matter for consideration in Committee. I believe that the Bill will leave the Council in proper form, and certainly without that amendment, which has been suggested by a majority of my colleagues on the Select Committee.

HON. C. F. MARKS: I desire to thank the members of the Select Committee for the very great trouble and time they have spent in trying to get more light on the Opticians Bill, which I think the Government ought to have obtained in the first instance. The whole question rests on the point as to whether opticians are competent to recognise disease. The medical profession here, as I shall show presently, confirm my statement when I say that the weight of opinion of the whole medical profession in Queensland, as well as of the rest of Australia and in other parts of the world, is that opticians, owing

to their defective education in the matter of disease—that is to say, they have not been taught as medical men are to recognise disease—are not competent to test eyes, which in a very great number of cases are defective, not because of the eye formation, but because of some disease of the constitutional system which affects the eye. That is a very serious matter, because, as was stated by witnesses before the Select Committee, in the preliminary stages of disease it is possible to check and to remedy the defect, but it is absolutely impossible for a person, unless he is thoroughly educated in eye diseases or general bodily diseases to recognise the disease. I do not wish to waste the time of the Council, but I shall now take the opportunity of reading the following communication which has been forwarded to me by the medical profession:—

> "At a special meeting of the council of the British Medical Association called to consider the evidence before and findings of the Select Committee on the Opticians Bill, the following resolution was passed:—
>
> While strongly approving of the amendment to limit all work of opticians as sight-testers to persons over sixteen years of age, the council of the British Medical Association, Queensland branch, is decidedly of the opinion that in the interests of the public, the opticians should not receive Government registration as sight-testers for persons of any age.
>
> "The Queensland branch of the British Medical Association, to which the greatest number of the medical practitioners in Queensland belong, represents the profession of medicine in Queensland, and therefore represents the largest body of men (some 270)"

I may say that the Select Committee has absolutely no evidence of the number of competent opticians—

> "in Queensland who have undergone a university or a college education. That, on account of their number and of their long and wide training, they deserve, therefore, to be consulted in a matter seriously affecting the health of the community. That, in spite of the presence in the Home Secretary's office of several resolutions from Australasian medical congresses, and from the Queensland branch of the British Medical Association, declaring against the registration of opticians as sight-testers, the medical profession was not consulted before the Opticians Bill was introduced into Parliament, either last year or this year. That it is known to members of Parliament that the medical profession in Great Britain, together with the Ophthalmological Society there, opposed such a Bill in Great Britain, and that it was withdrawn. That it is known that the only State in the British Empire where such a Bill has become law is Tasmania. That the statement forwarded by the Queensland branch of the British Medical Association was drawn up as a scientific and therefore unbiassed expression of opinion for the guidance of our legislators. That full weight was given in it to the qualifications as well as to the limitations of expert opticians. That it was not a statement which presented, therefore, only the side opposed to their registration, but only to their registration as sight-testers. That we consider that, if carefully weighed as a whole, it is a fair and logical statement of the position. That the very fact that it did not insist on the disabilities opticians as sight-testers would, even under this Bill, work under, in not being allowed—as, of course, they should not be allowed—to use drugs for paralysing the accommodation of the eye, should be sufficient proof that we did not wish to exaggerate their want of qualifications for the work the Bill proposes to register them to do. That we have further to state that the Queensland branch of the British Medical Association intimated in this statement that members of the British Medical Association could not take seats on a board which registered opticians as sight-testers"—

That confirms what I have already stated in the House—

> "that our Legislative Councillors have been informed that the federal committee of British Medical Association branches supported this attitude of the Queensland branch, and affirmed the opinion that medical men could not take seats on the proposed board. That also the Ophthalmological Society of New South Wales affirmed similar conclusions.
>
> "That we have to point out that the two representatives of the profession in the Upper House, Drs. Taylor and Marks, have opposed the Bill as a sight-testing opticians' Bill. That the Select Committee therefore had the benefit of the evidence of these two members of the profession, one of them also for many years ophthalmic surgeon to the Brisbane Hospital, and president-elect of the forthcoming Australasian Medical Congress, and the other for many years honorary surgeon to the General Hospital. That, in addition, the Select Committee examined three medical men—Dr. E. S. Jackson, Sir David Hardie, and Dr. Lockhart Gibson—nominated by the Medical Board of Queensland and members of that board. That each of them is known for his services in the community. That one of them is recognised as an ophthalmologist by training and experience. That these three medical men stated their approval of the recognition of opticians, or spectacle makers, who can grind lenses of all varieties and dispense complicated prescriptions for spectacles; as contra-distinguished from travelling or other vendors, who should be restricted to selling spectacles containing spherical lenses only, as this Bill affirms. But they strongly disapproved of the registration of opticians, however highly qualified as opticians, as sight-testers for reasons fully given. That they very distinctly affirmed, as did the statement of the Queensland branch aforesaid, that they did not desire or suggest that expert opticians should be debarred from prescribing, but pointed out that, while they continued to do this, as in the past, they did it at the instigation and risk of the patient who asked them, and would not therefore be hallmarked to sight-test by the Government. That they particularly

pointed out that the Bill by insisting upon putting a medical man on the proposed board would, provided they succeeded in getting one, be giving the registration of opticians as sight-testers the hallmark of registration by the medical profession, and be doing this in spite of the combined objection of the medical profession. That one medical man, who has recently started to practise as an ophthalmic surgeon, was asked, not by his profession, to give evidence, and that in doing so he so often contradicted himself that his evidence cannot be taken to diminish the force of the testimony of the other five members of the profession. That even this medical man admitted that for those under the age of sixteen years opticians should not be allowed to prescribe glasses. This admission to those who know gives the whole case away from the point of registering opticians as sight-testers. That he also favoured Mr. Fahey's suggestion, which was not, however, adopted by the Select Committee—that a penalty be exacted if any optician prescribed glasses for any person suffering from disease of the eyes. That we would point out, however, that, as opticians are quite unable to detect anything but very obvious disease of the eyes, such a provision would be absurd. That the fact that it would be absurd again gives away their whole case for registration as sight-testers. That we would point out that the principal and most respected body which gives certificates to opticians in England is called what it is, 'The Worshipful Society of Spectacle Makers.'

"That we would also again urge that the protest of the medical profession against being forced to give countenance by the presence of one of its members on the board to a Bill which it condemns should receive the weight it deserves."

I find that the Minister is going to do so—

"That the statement made again and again at the sitting of the Select Committee that Dr. Lindsay Johnson is a foremost ophthalmologist in Great Britain is not fact. That he was notorious, chiefly, for taking the part of opticians in this matter against the profession. That the fact that the Ophthalmological Society of Great Britain opposed the Bill in England proves this. That on further investigation, since the sitting of the Select Committee, it has been ascertained that since 1912 Dr. Lindsay Johnson has been practising his profession in Johannesburg, Transvaal. That documentary evidence proving this can be found in the office of the Medical Board of Queensland. That, as already said, the amendment introduced by the Select Committee to debar opticians from prescribing spectacles for children below sixteen years of age will, if carried, greatly diminish the harmfulness of the present Bill."

I have to thank the Select Committee for their very great care in seeking to do what they have thought to be right, and I do not intend to oppose the amendments in Committee, unless I see something harmful in those which may be proposed later on. My intended amendments, as hon. members will understand, are to cover really only two matters, the rest are consequential—firstly, that the opticians shall not test sight, and secondly, that there is to be no medical man on the board.

HON. T. M. HALL: I would like to point out that, by adopting this report, we accept it as the fully approved decision of this House, which is an open question. I think the question should be, "That the report be received." Although it has been the custom here to accept the motion in the form in which it is given to-day, I rise to say that I do not approve of some of the amendments which have been suggested in the Bill. I am rather inclined to support the Bill as nearly as possible in the form in which it came to us. While I agree that every precaution should be taken to protect the public against charlatans who trade under the name of opticians, there are also reputable, sound, experienced men in the community who deserve to be protected against these charlatans, and, if we leave the door so wide open that any person can call himself an optician, to the detriment of the people with whom he practises, then a Bill in some form, at all events, is necessary. I do not know whether the Hon. Dr. Taylor desires to leave the field entirely open to anybody who likes to put up a sign and practise as an optician at the expense of the public, or whether he is prepared to go some distance in the direction of protecting the public against those who are not competent to test eyes or makes glasses, or to do anything else where the question of sight-testing is concerned. I have had considerable experience in matters of this kind, where organisations are required for the better protection of those who are genuine practitioners, and I am in favour of having the Bill framed on such lines as will protect those who have experience and the necessary qualifications, and exclude all others who are not fitted to be admitted into the ranks of the opticians.

HON. W. STEPHENS: We have discussed this question a number of times already. I do not see the necessity for discussing the motion for the adoption of the report at the present time, seeing that the Minister stated that he was going to move amendments in the Bill later on. It would be much better if we moved—"That the report be received." We should just receive it, lay it on the table where hon. members can read it, and make whatever use they like of it. I think that it is absurd to move the adoption of a report and at the same time say that you intend to move amendments in the Bill later on. I do not want to divide the House on the motion to adopt the report. As a member of the Select Committee, I reserve to myself the right to vote on any amendment in any way I choose. It is no use going on with the debate on the motion for the adoption of the report. We can have the debate when we are dealing with the Bill afterwards, when we will know where we are. As a member of the committee, I can say that we have got some very good evidence. Some very fine points indeed have been raised, and the evidence is evenly balanced. The doctors do not mind any decent man being allowed to test eyes, but they do not want to give the spectacle-seller a certificate saying that he is competent to test eyes. There are some very fine points in the Bill, but all that can be gone into when we get into Committee.

[4 p.m.]

HON. A. G. C. HAWTHORN: The Minister has intimated that he proposes introducing amendments into the Bill, so I think that the best thing we can do is to receive the report of the Select Committee at the present time and then go on with the ordinary stages of the Bill. Certainly, I do not intend to support the motion for the adoption of the report in view of the remarks that have fallen from the Hon. Dr. Marks and the Minister himself. Both of these hon. gentlemen have stated that they do not propose to accept the Bill in its entirety. Under those circumstances I move—That the word "adopted" be deleted, with a view to inserting the word "received."

HON. C. F. NIELSON: If the Minister would reflect for one moment, he would be well advised to withdraw the motion and agree to the amendments. On looking over the report of the Select Committee and considering the remarks of the Hon. Dr. Marks, who pointed out that there was no information as to the number of opticians in the State, and seeing that the Select Committee have got no evidence whatever of the number of opticians in the country towns of Queensland, I think the Bill will require some consideration before we agree to it. If the Bill suits Brisbane, let them have it; but I intend to object to the Bill so far as the country is concerned, because it will not suit the people of the country at all. There are any amount of men practising in the larger country towns who will be absolutely injured by this Bill. The protection of the public against the quack and the charlatan is a legitimate thing to do, but there is no reason why a few travelling spectacle sellers in the back blocks of Queensland should be interfered with. If the Bill is passed as recommended by the Select Committee, it will block those people, and it will also kill the business of a number of reputable men established in the larger country towns, and where they have as reputable opticians as they have in Queen street in Brisbane. The Bill will do an injustice to a number of reputable persons if it is passed in its present form. There is a clause suggested by the Select Committee which will allow of the registration of persons we hardly know. That is going to the other extreme. It is essentially a Bill to be thrashed out in Committee. For that reason I think that we should receive the report of the Select Committee to-day. The remark made by the Hon. Mr. Stephens, an ex-Chairman of Committees of this House, with regard to the practice of receiving a report instead of adopting it, should be listened to by hon. members. Members of this House may be quite prepared to receive the report because they know they will be free later on to discuss the matter in Committee. We want to discuss the matter fully, and possibly vote against some of the recommendations of the Committee. We do not want to be put into any false position. We do not want to agree to the adoption of the report to-day, because next week we may want to disagree with some of the proposed amendments in the Bill. I think we should receive the report to-day, and, therefore, I am prepared to support the amendment.

HON. A. J. THYNNE: From the practice of this House I am of opinion that there is no need for the motion at all. The report of the Select Committee has been presented, and it has been ordered to be laid on the table of the House. It has also been ordered to be printed. The ordinary stages of the Bill will now go on.

The SECRETARY FOR MINES: We can amend the Bill, then.

HON. A. J. THYNNE: Yes. We can amend the Bill later on. Instead of having the debate on the adoption of the report we can debate it on the stages of the Bill. It seems to me, from the practice of the House, that the motion in this instance is not necessary. It is different to railway proposals, which have a special treatment in this House, and a special duty is cast upon the Council in connection with such proposals. This is a Select Committee on an ordinary Bill, and it is quite sufficient if the report is presented and ordered to be printed. I suggest to the Minister to withdraw his motion altogether, and bring the Bill on to its next stage.

The SECRETARY FOR MINES: I was only following the usual practice of this House and of the other House in moving the adoption of the report. I take it that, even if the motion is carried, we shall be free to amend the Bill in Committee, and that the adoption of the report will not bind the Council at all.

Hon. A. J. THYNNE: I think it has been held by Sir Arthur Morgan that the House is bound.

Hon. A. G. C. HAWTHORN: The adoption of the report means practically that we approve of the report.

The SECRETARY FOR MINES: I am only following the usual practice. Personally, I prefer that we should receive the report to-day. (Hear, hear!) I am always willing to be persuaded by hon. members when they are reasonable. (Laughter.) I am always willing to agree to anything so long as we can get on with the business. If it meets with the views of hon. members I will withdraw the motion altogether, and let the Bill come on in the ordinary course.

Hon. C. F. NIELSON: Accept the amendment.

The SECRETARY FOR MINES: I will accept the amendment moved by the Hon. Mr. Hawthorn. That will cover it. (Hear, hear!)

The PRESIDING CHAIRMAN: I think we ought to realise that Standing Order No. 126 provides—

> "Reference shall not be made to any proceedings of a Committee of the Whole, or of a Select Committee, until the same have been reported to the Council."

Hon. T. M. HALL: That is right. Just receive the report, and it will be all right.

The PRESIDING CHAIRMAN: The report of the Select Committee must be before the Council before any reference to its proceedings can be allowed.

HON. A. J. THYNNE: I might point out that the report has been received and ordered to be printed. The report has already been laid on the table of the House.

The PRESIDING CHAIRMAN: That is all that is necessary.

The SECRETARY FOR MINES: I am willing to accept the amendment.

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

Question, as amended—That the report of the Select Committee be received—put and passed.

The consideration of the Bill in Committee was made an Order of the Day for Tuesday next.

PAPER.

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

Fifteenth annual report of the Commissioner for Income Tax.

WAGES BILL.

RESUMPTION OF COMMITTEE.

(Hon. A. A. Davey in the chair.)

On clause 32—"*What notice required to terminate employment*"—on which Hon. T. J O'Shea had moved the omission, on line 19, of the word "an" before the word "agreement" with a view to inserting the words "a weekly."

HON. T. J. O'SHEA said the amendment had received some consideration when the Bill was last before the Committee, and the Minister then said he would give the matter some further consideration. He did not know what decision the hon. gentleman had arrived at, but, for the information of hon. members who were not there on that occasion, he might mention that subclause (2), as it stood, would open the door to repudiation by both employer and employee of contracts made between them. He understood from the Minister now that that was not desired, and that it was clearly a mistake in drafting. The amendment would clear the way to the extent that it would put in statutory form what had never been defined by statute before—that a weekly agreement might be terminated on a week's notice. Most hon. members were aware that it was a general practice that, where there was a weekly engagement, a week's notice had to be given; but many courts had decided that a week's notice was not necessary—that reasonable notice should be given. Nevertheless, courts had differed as to what constituted reasonable notice. The amendment would put the matter in black and white, and every employer and employee would know exactly where he stood, which was a very desirable thing in legislation, especially legislation affecting employer and employee. Everything that the Committee could do to eliminate disputes between employer and employee would be a national benefit. He trusted, therefore, that the Minister would accept the amendment.

The SECRETARY FOR MINES: They had discussed the amendment at great length when the Bill was before the Committee last week. It seemed a very reasonable amendment, but it made no provision for notice in the case of an engagement for a longer period than a week. It was not the intention of the Government that either party should have the power to repudiate an agreement. Last week he quoted an instance where the Government made a yearly engagement with an expert from overseas. Hon. members contended that, if the clause were carried as printed, such an engagement could be terminated by giving a week's notice, and that, after all the trouble the Government had gone to in getting that expert, he could leave them at a week's notice. He proposed to accept the amendment. (Hear, hear!)

Amendment agreed to.

HON. T. J. O'SHEA: As a consequential amendment, he moved the omission, on lines 19 and 20, of the words—

> "for a definite period of employment exceeding one week."

Amendment agreed to.

HON. T. J. O'SHEA: As the Minister had just stated, the clause as amended made no provision with regard to the period of notice required for the termination of agreements for a longer period than one week—say an agreement for one month, or for three months, or for twelve months. As the law now stood, it made such contracts binding for the period of their duration; but many such agreements were extended after the original term expired, and it might be wise for the Minister to consider whether an amendment might not be inserted here providing that, in all cases where agreements had expired, any continuance of those agreements might be terminated on a prescribed notice, such as a month in a monthly agreement and longer in agreements for a longer term. The law at present was fairly well defined on that point, and there was no very great necessity for introducing the amendment; but, if such an amendment were made in accordance with the existing case law, thereby making it statutory law, he would be happy to support it. Meantime, he moved the omission, on line 27, of the words "a sum of" before the words "money or goods." In earlier clauses the words "money or goods" were used without the preliminary words "a sum of," and it was well to preserve a uniform phraseology throughout the measure.

The SECRETARY FOR MINES did not think the Bill should be padded by the use of any unnecessary words, and he was therefore prepared to accept the amendment.

Amendment agreed to.

HON. T. J. O'SHEA: There were certain words lower down in the clause which he thought required amendment. In order to make his amendment intelligible, he would first read from the middle of line 28—

> "and it is also agreed that such money or the money value of such goods shall be refunded from the wages that are or may become due to such worker, then such worker shall not be entitled to terminate his agreement."

The words "be entitled to" were surplusage, and he therefore moved their omission. His proposal was that the latter part of the clause should read—

> "then such worker shall not terminate his agreement until he has refunded such money or money value,"

omitting the words—

> "before the expiration thereof unless he has made satisfactory provision to refund,"

and inserting the words—

> "until he has refunded."

The SECRETARY FOR MINES: I agree to the omission of the words, "be entitled to."

Amendment agreed to.

HON. T. J. O'SHEA then moved the omission, on lines 32 to 34, of the words—

> "before the expiration thereof unless he has made satisfactory provision to refund,"

with a view to inserting the words—

> "until he has refunded."

HON. P. MURPHY thought that was rather a harsh provision. It was better to keep the clause as it was, leaving it to a man to make such agreements with his employer as were satisfactory to both parties, instead of compelling him to pay for goods in money or money value. He might arrange with his employer to do further work for him, the money earned for such work going in payment of the goods purchased, but the amendment would make it obligatory on him to pay in money.

The SECRETARY FOR MINES was opposed to the amendment on the ground that a worker might make other "satisfactory provision" than an actual money payment. He thought that by passing this amendment they might stand seriously—and unjustifiably—in the way of the worker bettering himself. He was afraid that the amendment might deal more harshly with the wage-earner than if the clause were passed as it was drafted.

HON. A. G. C. HAWTHORN: There was something in what the Hon. Mr. Murphy had said. Probably it was asking too much of the worker, and they had to remember that "satisfactory provision" must be made. If the provision was not satis-
[4.30 p.m.] factory, it need not be accepted. Under the circumstances, he thought the Hon. Mr. O'Shea might withdraw his amendment. He thought that to ask a man to pay up straight away was rather a strong measure.

HON. T. J. O'SHEA did not wish the impression to be gained that he wanted to be hard on any employer or employee. He wanted to avoid the possibility of litigation between them, but, if they left the clause as it was, they left the matter open, because the employee had to be satisfied. Who was going to decide it?

The SECRETARY FOR MINES: If the worker is not satisfied you will soon know.

HON. T. J. O'SHEA: He was quite aware that there were employers and employees who were ready to grasp at a straw to make a squabble. If the employee was not satisfied, what would happen? The whole proviso was only one in the direction of making men realise that they had got to stick to their "scrap of paper," whether they were employers or employees. That was a religion which could not be dinned often enough into the ears of some people, who regarded their obligations in a lax way. The effect of his amendment had evidently been misunderstood. The proviso read—

> "Provided that where a worker has been engaged under an agreement in writing and in accordance with the provisions of such agreement the employer advances to such worker a sum of money or goods for any purpose permitted under section twenty-nine hereof, and it is also agreed that such money or the money value of such goods shall be refunded from the wages that are or may become due to such worker, then such worker shall not be entitled to terminate his agreement before the expiration thereof unless he has made satisfactory provision to refund such money or money value."

That was, he must work out his time, whether it was a day or a month. There were no penal obligations upon him; he had only to keep his bargain. Why should they make provision for a man to terminate his contract at all, even if he made what he called satisfactory provision? It cut both ways. The mutuality of a contract would not be affected by his amendment. The parties could agree to anything, but until a man had refunded the money he must keep his bargain. The provision as it stood enabled a man who had obtained money from his employer on a promise that he would do certain work, and who wanted to get out of doing the work, to do so without refunding the money. He was a strong upholder of the principle that all men should make what contracts they liked. If a man sold goods on a promissory note, both parties understood what they were doing; but, if he gave a man money on his promise to do certain work, he ought to perform that work, and it was a bad principle to suggest a way to him by which he could get out of it.

HON. W. H. DEMAINE: He must satisfy the employer.

HON. T. J. O'SHEA: That was worse than his amendment, because the employer could clinch him down then, and say, "Stay where you are." However, if hon. members wanted to cause litigation, after having made his effort, it was their lookout.

HON. T. M. HALL: It will pay you, all right. (Laughter.)

HON. T. J. O'SHEA: That was not the sort of stuff that he wanted. The Minister would agree that he had worked right through the Bill to eliminate litigation, and was adhering to that principle, and his amendment would do that. If the amendment were not adopted there would be a road open to litigation, and the employer would be the top dog.

Question—That the words proposed to be omitted (*Mr. O'Shea's amendment*) stand part of the question—put and negatived.

Question—That the words proposed to be inserted (*Mr. O'Shea's amendment*) be so inserted—put; and the Committee divided:—

CONTENTS, 13.

Hon. T. C. Beirne	Hon. C. F. Nielson
,, G. S. Curtis	,, T. J. O'Shea
,, B. Fahey	,, A. H. Parnell
,, A. Gibson	,, W. Stephens
,, T. M. Hall	,, H. Turner
,, A. G. C. Hawthorn	,, A. H. Whittingham
,, C. F. Marks	

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

NOT-CONTENTS, 11.

Hon. W. R. Crampton	Hon. P. Murphy
,, W. H. Demaine	,, G. Page-Hanify
,, A. J. Jones	,, I. Perel
,, H. C. Jones	,, W. J. Riordan
,, H. Llewelyn	,, R. Sumner
,, L. McDonald	

Teller: Hon. R. Sumner.

Resolved in the affirmative.

Amendment agreed to.

Clause 32, as amended, put and passed.

Clause 33—"*If worker absents himself unlawfully, time not to be counted as part of his agreement and no wages to be claimed*"—put and passed.

On clause 34—"*Wages recoverable in a summary way*"—

HON. T. J. O'SHEA wished to make two slight verbal alterations, which he thought the Minister would consider an improvement. The first was a trifling matter. There was a good old phrase, "if any," which was

well known in common parlance and in legal phraseology. He moved the omission, on lines 55 and 56, of the words "there are" in the parenthesis "(if there are any)."

Amendment agreed to.

HON. T. J. O'SHEA moved the omission, on lines 57 and 58, of the words, "and inspect any agreement or duplicate copy thereof if produced." The words were a legal absurdity. "Duplicate copy" was bad English. The document was either a duplicate or a copy. If it were a duplicate of an original, it would have to be signed, but if it were a copy, it did not need to be signed. The court had very wide powers and could call for any documents, and the person who did not produce the documents called for would suffer.

The SECRETARY FOR MINES: The Hon. Mr. O'Shea had given a great deal of consideration to the Bill, and he was prepared to bow to the hon. gentleman's legal knowledge on this occasion. (Hear, hear!) The hon. gentleman said that the Court had full powers to examine any agreement relating to the Bill, and so long as the court would have power in any case to call for and examine any paper he was willing to accept the amendment.

Amendment agreed to.

Clause 34, as amended, put and passed.

On clause 35—"*Agent may be summoned for wages*"—

HON. T. J. O'SHEA moved the omission of the word "or" on line 13, where it occurred the first time, with a view to inserting the word "and." It was a slight alteration in words, but an important alteration in fact. The clause would then read—

> "If such agent, overseer, or manager fails to pay such sum, and neglects or refuses to give a draft," etc.

The SECRETARY FOR MINES: I will accept that amendment.

Amendment agreed to.

Clause 35, as amended, put and passed.

On clause 36—"*Wages recoverable against mortgagee on failure to recover from mortgagor*"—

HON. T. J. O'SHEA moved the omission of the word "from" on line 29, with a view to inserting the words "owing to."

Amendment agreed to.

HON. T. J. O'SHEA moved the insertion of the word "premises" after the word "land" on line 4 in subclause (4). He was doing this to make the phraseology run in sequence as in the earlier portion of the Bill. The sentence would then read—

> "Enforced against the mortgaged land, premises, crop, machinery," etc.

The SECRETARY FOR MINES did not object to the insertion of the word "premises," but thought it should also be inserted in the previous paragraphs (1), (2), and (3).

Hon. T. J. O'SHEA: It would be better to put it in in every case.

The SECRETARY FOR MINES: They could not go back now, but they could recommit the Bill and make the necessary amendments.

Amendment agreed to.

HON. T. J. O'SHEA moved the omission of the words "on the station or place whereon" from line 5, with a view to inserting the words "land or premises whereon or in connection with which." The words he proposed improved and clarified the clause.

Amendment agreed to.

HON. T. J. O'SHEA moved the insertion of the words "the fact that" after the word "notwithstanding" on line 6. The amendment would improve the phraseology of the clause.

Amendment agreed to.

HON. T. J. O'SHEA moved the insertion of the word "premises" after the word "land" on line 9. This was in unison with the previous verbiage of the clause.

Amendment agreed to.

HON. T. J. O'SHEA moved the insertion of the following words on line 13:—

> "Any sums so paid by or recovered from the mortgagee shall be deemed to be advances made by the mortgagee to the mortgagor under the mortgage and secured thereby and recoverable thereunder."

The amendment would clear away a doubt which would exist if the clause were agreed to without the amendment.

Amendment agreed to.

Clause 36 as amended, put and passed.

Clause 37—"*Security for wages*"—put and passed.

On clause 38—"*Withholding property of worker*"—

HON. T. J. O'SHEA: The clause was superfluous, because already there was provision for the recovery of property illegally detained, and the courts had fre-

[5 p.m.] quently decided the point without this provision. At present, under another Act, the penalty for the offence set forth in the clause was £20, and that other Act covered all the ground that would be covered by this subclause. This would be a rather controversial section because of its being passed later than the other Act to which he had referred.

Hon. W. R. CRAMPTON: What Act are you referring to?

HON. T. J. O'SHEA: There were really two Acts which dealt with the matter—the Small Debts Act and the other Act to which he referred. In the latter the penalty was £20, whilst here it was only £5, so that this was really placing an imposition on the worker that was not placed on other people.

An HONOURABLE MEMBER: Would it not be safer to retain this provision?

HON. T. J. O'SHEA: He did not think so, because it might lead to a conflict between the existing Act and this Act. He did not like the idea of reducing the penalty in this case, because he did not approve of interfering with the privileges of the worker. If an employee was entitled to a penalty against his employer, by all means let him recover that penalty.

Hon. P. J. LEAHY: That would be treating both sides fairly, would it not?

HON. T. J. O'SHEA: He did not believe in making any discrimination between individuals. Courts might administer the law as they thought fit, weighing the circumstances in each case; but the law, as laid down for the nation, should be the same for rich and poor.

The SECRETARY FOR MINES: He was not going to insist on the retention of the clause, though he was probably just as broad-minded in the matter as the Hon. Mr. O'Shea. He thought they should make the penalties on workers as light as they possibly could, and he was rather surprised at the Committee objecting to a clause which provided penalties against an employer who unlawfully detained clothes and other property belonging to the worker. In view of the fact, as stated by the Hon. Mr. O'Shea, that the penalty for the offence was higher under an existing Act, it might be wise to delete the subclause. Evidently it clashed with the section in the Act referred to.

Clause 38 put and negatived.

Clause 39—"*Minors may sue*"—put and passed.

On clause 40—"*Power of court to determine all questions*," etc.—

HON. T. J. O'SHEA moved the omission of subclause (1), as follows:—

> "(1.) The court shall have full power to inquire into, adjudicate upon, adjust, and settle in a summary manner all questions and disputes arising between the contractor and employer, or between workers and the contractor or employer, or between the workers inter se, and may summon before it and examine the parties and their witnesses, and may vary and rescind all such orders, and give all such directions respecting the matters brought before it as it considers necessary."

That was one of those dragnet provisions which led "God knows where."

Hon. P. J. LEAHY: Might not that interfere with the Arbitration Court?

HON. T. J. O'SHEA: It was a direct clashing with the jurisdiction of the Arbitration Court. It delegated to a magistrate the powers which were exercisable by the Arbitration Court and any other court. In fact, the strike could have been settled under that subclause securing a magistrate who was "temperamentally fitted" for the job. (Laughter.) It might affect thousands of other things not connected with the Act. It was not only unnecessary, but it was cumbersome, and might lead to the grasping of power never intended to be conferred by the Legislature. The Sugar Acquisition Act would not be in it with this thing.

Hon. P. MURPHY: It is taken from the New Zealand Act.

Hon. P. J. LEAHY: That would not make it right.

HON. T. J. O'SHEA: Any difference or dispute between any two sets of men could be settled under that provision by referring it to some particular magistrate who might be looking for promotion: and there was a great deal too much of that at the present time. The subclause was bad in principle, and he thought they would make a great mistake if they did not delete it.

Amendment agreed to.

HON. T. J. O'SHEA moved the addition to the clause of the following paragraphs:—

> "All such rules of court shall be published in the 'Gazette.' Such rules of court and any amendments thereof shall be laid before both Houses of Parliamnt within fourteen sitting days after such publication if Parliament is in session, and, if not, then within fourteen sitting days after the commencement of the next session. If either House of Parliament passes a resolution disallowing any such rule of court or amendment thereof, of which resolution notice has been given at any time within thirty sitting days of such House after such rule of court or amendment thereof has been laid before it, such rule of court or amendment thereof shall thereupon cease to have effect.
>
> "For the purpose of this Act the term 'sitting days' shall mean 'days on which the House actually sits for the despatch of business': Provided always that if such rules of court and amendments thereof, if any, are not duly laid before Parliament as hereinbefore prescribed they shall thereupon cease to have any force, effect, or operation whatsoever."

HON. E. W. H. FOWLES: Clause 40 was a reprint of sections 20 and 22 of the New Zealand Act of 1908. The Act was passed in New Zealand before there was any industrial Conciliation and Arbitration Court established, but when that court was brought into existence those particular sections were no longer needed. It was merely a temporary provision, and he asked if there was any need for its inclusion in the Bill, seeing that clause 44 practically covered the whole ground. That clause read—

> "All penalties under this Act may be recovered by complaint in a summary way in accordance with the Justices Acts, 1886 to 1909."

He thought they should delete the whole clause.

HON. T. J. O'SHEA: With a view to negativing the whole clause, he would ask permission to withdraw his amendment.

Amendment, by leave, withdrawn.

Clause 40, as amended, put and negatived.

Clauses 41 to 44, both inclusive, put and passed.

On clause 45—"*Provisions as to second and third offences*"—

HON. T. J. O'SHEA moved the omission of the word "with" on line 31, and the insertion of the word "to" in lieu thereof.

Amendment agreed to.

Clause, as amended, put and passed.

Clauses 46 and 47 put and passed.

On clause 48—"*Other remedies not to be affected or rights between parties varied*"—

HON. A. G. C. HAWTHORN moved the addition, after line 47, of the following subclause:—

> "(c) To limit or affect the provisions of the Industrial Arbitration Act of 1916, or of any award or agreement thereunder."

The amendment was advisable, seeing that it had been held, for instance, by the Department of Labour and the President of the Industrial Arbitration Court, that an award under the Industrial Arbitration Act did not override the Factories and Shops Act. If that was so, it would not override the Wages Bill, with the result there would probably be a conflict between them, and it would be necessary to decide which was to prevail—the award or the Wages Bill. Under the Bill a week's notice was necessary, but

under some of the awards twenty-four hours' and even three days' notice was sufficient for dismissal.

Hon. C. F. NIELSON: One hour in some.

HON. A. G. C. HAWTHORN: It would be better to let the Industrial Arbitration Act and the award stand on their own footing and not be interfered with by this Bill. This Bill, with other measures, was going to lead to a lot of difficulty. There were a good many Acts relating to wages and to employers and employees; there would be this measure, the Industrial Arbitration Act, and the Factories and Shops Act, and great confusion would be caused. Although the employers fought some cases, they did not like to go into court; they wanted to do a fair thing to their employees. Very often a man was prosecuted without having had any intention of evading the Act or the award, and the amendment was necessary in order to avoid complications. The Hon. Mr. Crampton could speak with a great deal of experience, and would understand the possibility of difficulty arising.

HON. W. R. CRAMPTON: He felt quite satisfied that there was a great deal in what the Hon. Mr. Hawthorn had stated in connection with this matter. He felt, as the hon. gentleman did, the necessity for consolidating the industrial laws in order that they might know the position when a Bill of this description was introduced into the Chamber. They really did not know what effect a clause like this might have when it must, in the last analysis, be considered in connection with some other Act. He thought that during last session an attempt was made to do exactly what the hon. gentleman was endeavouring to do now in connection with the awards in the Industrial Court, when the Factories and Shops Act Amendment Bill was introduced; that was, to make the awards absolutely immune, and to give them precedence over the Act.

Hon. A. G. C. HAWTHORN: But it went further than that; they wanted to validate illegal awards which we did not agree with.

HON. W. R. CRAMPTON: No; only awards made under the Act. At that time the Industrial Peace Act was in operation, but it was wiped off the statute-book and the Industrial Arbitration Act substituted. The amendment really meant that an award being made and ratified by the court was immune from any other Act. If that was what the hon. member intended to convey by his amendment, he thought it would be a very good thing indeed.

HON. C. F. NIELSON: The Hon. Mr. Hawthorn might well pause before he persisted in this amendment. The effect of it would be that an industrial award would became superior to an Act of Parliament.

Hon. A. G. C. HAWTHORN: To this Bill.

HON. C. F. NIELSON: Exactly—to this Bill.

Hon. W. R. CRAMPTON: It is consistent with the Act under which the award is made.

HON. C. F. NIELSON: It must be assumed that those who were responsible for the introduction of this Bill had considered its bearing on other Acts of Parliament. This question, which was one of the most important of all, could not have been overlooked by the Minister who originally brought the Bill into the other Chamber. He personally did not agree with allowing any outside authority to become superior to the Act, whether a judge of the Industrial Court or any other court; he should not be placed in a position to say that his award should not be challenged, and that it could override any Act of Parliament, but that would be the effect of the Hon. Mr. Hawthorn's amendment. If the Hon. Mr. Hawthorn was to confine himself to the statement that nothing in the Act should be deemed to affect the conditions of the Industrial Arbitration Act he would agree with him, but when he went so far as to say that nothing should be deemed to limit or affect an award made by a court or board, or an agreement come to between parties, he could not agree with him. Parliament must be supreme, and an Act of Parliament must be superior to any judge or any award of the court or agreement under an Act of Parliament. There was already enough in this measure that would conflict with the Industrial Arbitration Act. Take clause 19, under which the entire amount of wages earned must be paid in money. Under the Industrial Arbitration Act they knew perfectly well that the entire amount of wages earned need not be paid in money—that the court could order payment of part in kind and part in money.

Hon. A. G. C. HAWTHORN: This Bill can override any award.

HON. C. F. NIELSON: He did not know what it could do. The Industrial Arbitration Act was not amended by this Bill, and that Act allowed awards to be made, prescribing in the conditions of employment that food and accommodation must be provided and the value could be fixed by the court and deducted from the wages earned, or rather be taken as part payment of the wages earned. Take the award in the sugar industry. The court prescribed that where an employee required food to be provided the employer must provide it, and in the Southern districts of Queensland he could deduct a sum of 19s. a week as the value thereof. That award was made because the Industrial Arbitration Act permitted it to be made, and this Bill would not affect that. If the Industrial Arbitration Act made an award which did not specifically cover a matter provided for in this Bill, if the amendment were passed, even if that award conflicted with this Bill, the award would prevail. He could not imagine any member of Parliament giving power to a court or judge superior to that of Parliament; that power should remain in the Legislature, and nothing that the court did should prevail over an Act of Parliament. The principle involved was so serious that he suggested that, if the Minister had not considered it fully, he should advise the Hon. Mr. Hawthorn to postpone his amendment, and consult his colleagues and the Parliamentary Draftsman in the meantime.

HON. A. G. C. HAWTHORN said he could speak from experience in this matter. He knew that in the past the ruling of the Department of Labour had been that, where an Act and an award conflicted, they would take out of the Act what suited them best. If there were better wages under the Act than there were under the award, they would give them to the employee. If the award in any particular was better than the Act, they would work under the award. That was an

unsatisfactory position. Employers and employees should know exactly where they were. He knew of cases where an [5.30 p.m.] industrial award had been made under the Industrial Arbitration Act, and the judge had stated distinctly that the award was governed by the Factories and Shops Act as well. He wanted to have matters put on a proper footing. He was quite willing, if the Minister was agreeable, to allow the clause to be postponed, in order that the hon. gentleman could go fully into the matter. It was too big a question for the Minister to decide straight away. He had raised the point, and he would like the Minister to get the opinion of the Crown law authorities on the matter.

The SECRETARY FOR MINES thought it would be wise for him to accept the suggestion of the Hon. Mr. Hawthorn, and allow the clause to be postponed for further consideration, more especially as the legal members of the Chamber differed on it. He had his own personal opinion on the matter, and had made himself acquainted with the Industrial Arbitration Act.

Hon. T. J. O'SHEA: Have you?

The SECRETARY FOR MINES: Yes, as much as possible.

Hon. P. J. LEAHY: Do you understand it?

The SECRETARY FOR MINES: Yes, especially that portion of the Act which would be in accordance with the clause moved by the Hon. Mr. Hawthorn. He thought the hon. gentleman's suggestion that they should get an opinion on the point was a good one. He moved that the clause be postponed.

Clause 48 postponed accordingly.

On clause 49—"*Females not to be imprisoned*"—

Hon. E. W. H. FOWLES noticed that the clause provided that nothing in the Act should authorise the imprisonment of any female. Was it the intention of the Government to abolish imprisonment for all offences with regard to women? Why should this Bill be singled out? If a woman imbibed a little too much liquor, she was run into gaol at once. Why should they put in that little piece of hypocritical sentiment at the end of the Bill?

Hon. T. J. O'SHEA pointed out that the provision was in the Masters and Servants Act, and that might be the reason that it was continued. It was a debatable point whether it should be included in all Bills. It was just re-enacting the provisions of the Masters and Servants Act.

Clause 49, and Schedules I. and II., put and passed.

PROPOSED RESUMPTION OF COUNCIL.

The SECRETARY FOR MINES: Mr. Chairman, I beg to move—That you do now leave the chair, report progress, and ask leave to sit again.

Hon. E. W. H. FOWLES: With regard to clause 32 he would like to know, if anyone was engaged for a quarterly engagement, like a tutor on a station, could that engagement be broken on seven days' notice being given?

Hon. T. J. O'SHEA: Clause 32 does not apply to such an engagement.

Hon. E. W. H. FOWLES: The clause referred to any case where a worker was employed under an agreement.

Hon. T. J. O'SHEA: The amendment provides for a weekly agreement.

The SECRETARY FOR MINES: I rise to a point of order. Is the Hon. Mr. Fowles in order in discussing a clause which has been passed by this Committee? I do not think that such a discussion should be allowed, because we shall be laying down a precedent, which will be followed by others, and that will lead to no end of trouble.

Hon. E. W. H. FOWLES: He was not discussing the clause at all. He was asking for information, because he thought it better to recommit the clause if they wanted to make any alteration.

The ACTING CHAIRMAN: I think the Hon. Mr. Fowles is not in order in discussing clause 32 at this stage. If he wants to discuss the clause, we must recommit it.

Hon. E. W. H. FOWLES asked the Minister if there was any provision in the Bill for terminating any agreement that was longer than a week.

The SECRETARY FOR MINES: That amendment had been suggested in clause 32, when they decided to postpone it. He was asking the Chairman to obtain leave to sit again at a later hour of the day. If they liked, they could postpone the consideration of the clauses that had been left over until Tuesday next. They could recommit the Bill and then the hon. gentleman would have an opportunity of dealing with the question. There were other matters on the business-paper that they might get on with.

Question put and passed.

The Council resumed. The ACTING CHAIRMAN reported progress, and the Committee obtained leave to sit again at a later hour of the day.

FARM PRODUCE AGENTS BILL.

SECOND READING—RESUMPTION OF DEBATE.

Hon. P. J. LEAHY: I understand that this is a Farm Produce Agents Bill. A good deal could be said on the second reading of a Bill of this nature, but a majority of the members of this House think that there is a sufficient amount of good in the Bill to warrant us in taking it into the Committee stage, and, if necessary, make any amendments. As time is pressing, and in the hope of taking the Bill through the Committee stage, I do not intend to say anything further.

Hon. A. G. C. HAWTHORN: I think myself that all the members of this Council are of the opinion that a Bill of this kind is necessary. (Hear, hear!) I think that the majority of the produce merchants of Brisbane are agreeable to have a reasonable Bill. There are some of the clauses that possibly will require alteration in Committee. I think that the general principle of the Bill will be admitted by the House, and that, probably, amendments will be made which will be acceptable to the Minister. I am sure they will be reasonable amendments. On account of what the Hon. Mr. Leahy has said, we might allow the second reading to go through without very much discussion—(Hear, hear!)—but that is not to be taken by the Minister to mean that we agree with the Bill as it

stands. He is not to assume, as he is pleased to assume at times, that we are going to let it go through without amendment or debate. I think it is more of a Committee Bill, but I do not want the Minister to say to us afterwards, "You allowed the second reading to go through, and I assumed that you agreed to the Bill."

Hon. P. J. LEAHY: I told him that there would be amendments moved in Committee.

HON. A. G. C. HAWTHORN: Never mind what you told him; other people have a right to have a say. (Laughter.) Under the circumstances, it would be as well to allow the Bill to go through the second reading and make any amendments in Committee.

HON. R. SUMNER: I do not know what possible amendments can be made in this Bill, because it is a matter practically of only two principles. The first principle is the registration of produce agents, and the second is that, no matter who the agent is, if he should receive any moneys on behalf of a farmer, he must pay them into a trust fund. What is there in the Bill for the Committee to deal with? I was looking up some old notes the other day, and I noticed that twenty-five years ago, when I was secretary of the East Moreton Farmers' Association, we had a deputation to the Premier of the time asking him to get a similar Bill passed through the Legislature in order to protect the farmer against unscrupulous agents. It has been left all these years before legislation has been introduced. A little Bill was brought in by the Denham Government dealing with produce agents, but it was thrown out by this Chamber.

Hon. P. J. LEAHY: It was not the same Bill. It included other things.

HON. R. SUMNER: It was a Bill to protect the farmer against unscrupulous agents. I know what I am talking about.

Hon. P. J. LEAHY: We amended it and left the farmer in.

HON. R. SUMNER: It has been left to a Labour Government to bring in this Bill, and I hope they are going to pass it. Yet they tell us that the Labour Government are not the friends of the farmers.

Hon. P. J. LEAHY: Did we say so?

HON. R. SUMNER: You have said so all through the piece. You have said that the Labour Government have got no sympathy with the farmer.

Hon. T. M. HALL: They have not shown much sympathy for the farmer.

HON. R. SUMNER: If the Labour principles were carried out, the farmers would be in a better position to-day than ever they were.

Hon. P. J. LEAHY: You did not help them, anyway.

HON. R. SUMNER: There are only two principles in this Bill, as I said—one to register the agent and another to insist that all moneys received on behalf of a client should be paid into a trust account. I know that produce has been consigned to an agent and he does what he likes with it. We have been let in over and over again. Many farmers have been let in in days gone by. I believe the produce merchants of Brisbane, taking them on the whole, are a pretty honest crowd of people. I think they treat people pretty fairly, but sometimes people get let in, and this Bill is to prevent people from being let in. I do not see why the provisions of the Bill should not be extended. Why should it be confined to produce? I would make it apply to any man, no matter what goods he deals in. If a man sells on commission, the money he receives should be paid into a trust account. I think all commission agents should be registered. There is one point in the Bill with reference to buying in. I want to say that the conditions with regard to the sale of fruit and produce are much better in Queensland than in any other State of the Commonwealth. I do not think that the auction system is adopted in the other States. They do not sell produce by auction in any other State, so far as I know. I know they do not adopt that practice in Sydney or Melbourne; but in Brisbane they sell by auction, and that leaves the door open to fraud. A farmer has 100 bags of potatoes, which he sends down to an agent in Brisbane, and that agent has an order from the country for the same quantity of potatoes. The potatoes are put up to auction, and there is a possibility of their being knocked down and resold to fill the order from the country, the agents thereby securing a second profit for themselves. I am going to support the second reading of the Bill, and I think it is a measure that ought to have been passed years ago.

Hon. T. J. O'SHEA: Then, why stonewall it?

HON. R. SUMNER: I hope it will be passed, and I see no reason why there should be any amendments in principle in Committee.

HON. T. M. HALL: I just wish to reply to what the Hon. Mr. Sumner has said. I would point out to him that this Council is frequently called upon to amend Bills which do not properly express what was intended. I cannot, therefore, endorse his hope that there will be no amendments moved in Committee.

Hon. R. SUMNER: Amendments on the principle of the Bill.

HON. T. M. HALL: This Chamber has over and over again to amend Bills in order to make them workable.

Hon. A. G. C. HAWTHORN: That is what we are here for.

HON. T. M. HALL: If the hon. member is under the impression that we are going to pass Bills without dotting an "i" or crossing a "t" he is mistaken, because it is our duty to remove any defects that may exist in Bills and put them into workable form.

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 Tuesday next.

STATE PRODUCE AGENCY BILL.

SECOND READING—RESUMPTION OF DEBATE.

HON. A. G. C. HAWTHORN: This is an important Bill. In some respects it almost leads one to think that it may prove to be as comprehensive and as dangerous as the Sugar Acquisition Act. We find included in the definition of "produce"—

"and any other article or class of articles which the Governor in Council,

by Order in Counmil, may from time to time declare to be produce for the purposes of this Act."

The Bill gives the Minister power to carry on practically every kind of business that he likes. I do not know that I have any great objection to the Government carrying on a State produce agency, so long as they do it on a proper footing, but I do object to giving them a monopoly of the business, as this Bill will practically give them. I am quite agreeabde to the Government taking part in the distribution of farm produce, so long as they conduct that business on the same terms as those on which they compel produce agents to carry it on; but they must not have a monopoly. We have had enough of that in Bills that have been brought in by this Government before to-day. The Bill is drafted in such a way that it will require a great deal of consideration in Committee, and probably considerable amendment in order to put it in the shape in which it ought to go forth to the country. Like the Farm Produce Agents Bill which has just been under discussion, this is more a Committee Bill than anything else; but I think the main objection to it is that the powers proposed to be given to the Government are too large and ought to be circumscribed, to place the Government on the same footing as ordinary produce agents. I do not know whether amendments having for their object the restriction of the powers of the Government in that direction will be acceptable to the Government.

The SECRETARY FOR MINES: If they are reasonable, they will be.

HON. A. G. C. HAWTHORN: There may be a difference of opinion as to what constitutes reasonableness. I do not think there is likely to be much debate at this stage, and I have no doubt that amendments will be submitted in Committee in the direction I have indicated.

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 Tuesday next.

ADJOURNMENT.

The SECRETARY FOR MINES: I beg to move—That the Council do now adjourn. The first business on Tuesday next will be the further consideration of the Wages Bill in Committee, to be followed by the consideration of the Opticians Bill in Committee——

Hon. A. G. C. HAWTHORN: Where is the poor old Requisition of Ships Bill?

The SECRETARY FOR MINES: Then we shall take the resumption of the second reading debate on the Requisition of Ships Bill.

Hon. T. M. HALL: The phantom fleet!

The SECRETARY FOR MINES: After that we will take the Committee stages of the Farm Produce Agents Bill and the State Produce Agency Bill. I think that will be sufficient for one day. (Laughter.)

Question put and passed.

The Council adjourned at five minutes to 6 o'clock.