

Queensland



Parliamentary Debates  
[Hansard]

**Legislative Assembly**

**WEDNESDAY, 21 SEPTEMBER 1921**

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## LEGISLATIVE ASSEMBLY.

WEDNESDAY, 21 SEPTEMBER, 1921.

The SPEAKER (Hon. W. Bertram, *Murree*)  
took the chair at half-past 3 o'clock p.m.

### PAPERS.

The following papers were laid on the  
table, and ordered to be printed:—

Regulations, dated 19th August, 1921,  
under the Income Tax Act of 1902  
and its amendments.

Twenty-sixth Report of the Auditor-  
General under the Supreme Court  
Funds Act of 1895.

First Annual Report of the Public Ser-  
vice Commissioner.

Annual Report of the Commissioner of  
Public Health to 30th June, 1921.

Report upon the operations of the Sub-  
departments of Aborigines, Dunwich  
Benevolent Asylum, Inebriate Insti-  
tution (Dunwich), Brisbane Hospital,  
Diamantina Hospital for Chronic  
Diseases (South Brisbane), Jubilee  
Sanatorium for Consumptives (Dalby),  
Westwood Sanatorium, Government  
Relief, and Prisons.

## QUESTIONS.

STATE SCHOOLS ERECTED SINCE 1ST JULY, 1915.

Mr. SWAYNE (*Mirani*) asked the Secretary for Public Works—

“What is the number of schools erected by his department since the 1st July, 1915?”

Hon. W. FORGAN SMITH (*Mackay*) replied—

“New schools from 1st July, 1915, to date, 330; important additions, from 1st July, 1915, to date, 119. Total, 449.”

## BOWEN COAL.

Mr. COLLINS (*Bowen*) asked the Secretary for Railways—

“1. Has his attention been drawn to a statement appearing in the ‘Bowen Independent’ of 10th September, by Mr. C. J. Marshall (manager Bowen Meat-works and member of Bowen Harbour Board), as follows:—

‘Comparing the Bowen coal with South Queensland coal, it was 60 per cent. better; and 60 tons of Bowen coal would go as far as 100 tons of South Queensland coal, and it was equal to Newcastle coal?’

“2. Will he have inquiries made as to the results obtained by the use of Bowen coal on the Northern Railways?

“3. Will he expedite as much as possible the completion of the Coalfields line?”

The SECRETARY FOR RAILWAYS (Hon. J. Larcombe, *Keppel*) replied—

“1. Not until the hon. member gave notice of the question.

“2. Bowen coal has not yet been used for general requirements, but for last two months has been used by construction engine with satisfactory results. Tests are now being made.

“3. Yes.”

## COMPARATIVE STAFFS OF MENTAL HOSPITAL, GOODNA, 1915 AND 1921.

Mr. ELPHINSTONE (*Oxley*) asked the Home Secretary—

“What was the number, per shift, of nurses and attendants, respectively, engaged on the staff of the Mental Hospital, Goodna, at 30th June, 1915, and 15th September, 1921?”

The HOME SECRETARY (Hon. W. McCormack, *Cairns*) replied—

“Owing to the change from a twelve-hour to the eight-hour shift, it is impossible to make the comparison. The hon. member may peruse Dr. Ellerton’s letter on the matter.”

## SECRETARYSHIP OF LICENSED VICTUALLERS’ ASSOCIATION.

Mr. ELPHINSTONE asked the Treasurer—

“Will he lay upon the table of the House my alleged application for the position of secretary to the Licensed Victuallers’ Association, or any other evidence he may have in support of his contention?”

The TREASURER (Hon. J. A. Fihelly, *Paddington*) replied—

“When I was administering the Department of Justice two gentlemen—one a personal friend of the hon. member for Oxley—probably thinking that, as a Minister, I could exercise some influence in the matter, strongly urged me to support the appointment of the hon. member for Oxley to the vacant secretaryship of the Licensed Victuallers’ Association. Such things often happen. At the time I courteously explained to these gentlemen that I had not the slightest influence in the matter. During the last week I have had conversations with the hon. member for Oxley and the two gentlemen referred to. The latter frankly admitted that they acted without any authority, and that the representations were made to me without the knowledge of the hon. member for Oxley—that they were simply indiscreet admirers of the hon. member. I have no objection to giving the names of these gentlemen, but would say to the hon. member for Oxley that, although the secretaryship of the Licensed Victuallers’ Association is, in my opinion, quite as honourable a position as any other, he should occasionally utter a prayer to be saved, not from his political opponents, but from his friends.”

(Opposition laughter.)

## RAILWAY GATEKEEPER, GRADULE.

Mr. T. R. ROBERTS (*East Toowoomba*) asked the Secretary for Railways—

“1. What was the wage or salary paid to the gatekeeper, Gradule?

“2. How many tons of goods or produce was received or despatched from Gradule during the last six months?

“3. What was the freight value for such goods or produce?”

The SECRETARY FOR RAILWAYS replied—

“1. £1 5s. per week, exclusive of quarters, etc., valued at 13s. per week.

“2. 64 tons received and 30 tons despatched.

“3. £227.”

## EXPENSES OF NORTHERN TOUR OF HON. J. G. APPEL.

Hon. J. G. APPEL (*Albert*) asked the Minister representing the Secretary for Mines—

“1. Was the expenditure involved in a special visit to the Cloncurry district—including Charters Towers, Hughenden, Cloncurry, Mount Emu, Friesland, Mount Elliott, Hampden, and the Duchess—made at the urgent request of the late Hon. William Hamilton and John May, the parliamentary members for the electorates visited, who, with certain friends whom they requested permission to invite, were members of such party, and whose expenses were borne by the Mines Department—included and debited as part of the personal expenses of my tour as Home Secretary to North Queensland, the islands of Torres Strait, and the Gulf?

“2. Were the expenses of the Under Secretary for Mines and the Chief In-

spector of Mines, whose presence was necessary to assist in determining the many important matters which came before me as Secretary for Mines, also debited against me as personal expenses of the Home Secretary?

"3. Were the expenses of a visit to Mount Emu, made also at the request of the same members, who accompanied the Under Secretary, Mr. Jackson, and myself, and whose expenses were borne by the Mines Department, likewise debited to me as personal expenses of the Home Secretary?

"4. Was a cash travelling allowance, in addition to travelling outlay, paid to me as Secretary for Mines?

"5. Will he state why the matter of this expenditure was not brought up during the life time of the hon. members mentioned—i.e., the late representatives of Gregory and Flinders?"

The HOME SECRETARY, on behalf of the Secretary for Mines (Hon. A. J. Jones, M.L.C.), replied—

"1. Yes, but the Home Department afterwards collected £48 4s. 2d. from Mines Department.

"2. No.

"3. Answered by No. 1.

"4. No.

#### DISCOVERY OF SEAM OF COAL WESTERN BOUNDARY OF HOWARD.

Mr. BRAND (*Burrum*) asked the Minister representing the Secretary for Mines—

"1. Is it a fact, that, whilst operating on the western boundary of Howard, the diamond drill discovered a seam of coal?

"2. If so, what was the thickness of the seam discovered?

"3. Was it a clean seam—i.e., free from muck bands?

"4. Is it his intention to prove the suitability of the area for coalmining purposes?

"5. If so, when?"

The HOME SECRETARY, on behalf of the Secretary for Mines, replied—

"1. Yes.

"2. 3 feet 1 inch.

"3. Yes.

"4 and 5. Under consideration."

#### PROPOSED CHEESE POOL.

Mr. VOWLES (*Dalby*), without notice, asked the Secretary for Agriculture—

"In view of the fact that a suitable cheese pool is urgently required to be established in Queensland, will the Minister introduce a Bill to provide for this legislation at an early date?"

The SECRETARY FOR AGRICULTURE (Hon. W. N. Gillies, *Eacham*) replied—

"The matter has been under the serious consideration of the Government, but, in view of the letter I have received quite recently from the co-operative companies objecting strongly to the pool, the matter will be further considered by the Government."

#### SECRETARYSHIP OF LICENSED VICTUALLERS' ASSOCIATION.

Mr. MORGAN (*Murilla*), without notice, asked the Treasurer—

"When he intends to pay over the £50 bet that he lost to the hon. member for Oxley?"

The TREASURER: As soon as you catch your horse unpainted. (Government laughter.)

#### PERSONAL EXPLANATIONS.

Mr. GILDAY (*Ithaca*): Mr. Speaker,—I desire to make a personal explanation.

The SPEAKER: Is it the pleasure of the House that the hon. member for Ithaca be allowed to make a personal explanation?

HONOURABLE MEMBERS: Hear, hear!

Mr. GILDAY: According to a report in Friday's "Telegraph" of the debate on Thursday last about State motor-cars, the hon. member for Kurilpa intimated to the House, while the hon. member for Burnett was speaking, that I had bought one of those cars. I want to give the statement an emphatic denial, and I ask the hon. member for Kurilpa not to make assertions of that kind in this House again.

GOVERNMENT MEMBERS: Hear, hear!

Mr. FRY (*Kurilpa*): I wish to make a personal explanation, Mr. Speaker.

The SPEAKER: Is it the pleasure of the House that the hon. member for Kurilpa be allowed to make a personal explanation?

HONOURABLE MEMBERS: Hear, hear!

Mr. FRY: With reference to this matter, there was a lot of cross-firing from the Government benches, and somebody said that the hon. member for Toowong had a motor-car and the hon. member for Bulimba had a motor-car, and I said, "The hon. member for Ithaca has got a motor-car."

Mr. FERRICKS: You said he bought one of the State cars.

Mr. FRY: I did not. I said he had a car.

#### JUDGES' RETIREMENT BILL.

##### INITIATION IN COMMITTEE.

(*Mr. Kirwan, Brisbane, in the chair.*)

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*) moved—

"That it is desirable that a Bill be introduced to amend the Constitution of Queensland by fixing an age limit for the retirement of judges of the Supreme Court, and to fix an age limit for the retirement of other judges, and for other purposes."

The measure which would be founded on this resolution was one of a group of three Bills dealing with the judiciary. The Bill provided for the retirement of judges. It also provided that judges appointed in the future would not have conferred upon them the privilege of securing pensions. Every judge who had attained to the age of seventy years would, after the commencement of the Bill, cease to hold office, provided that, if any judge was engaged on a trial or other work, he would continue in his office until such work was concluded. The Bill also provided that judges who attained the age of seventy years after the commencement of the Act would also be retired, subject to being allowed to complete whatever work they

*Hon. J. Mullan.]*

had in hand. The Bill also provided that judges appointed in the future would not be entitled to pensions. The pension rights of existing judges who possessed pension rights would be fully preserved in the Bill. If a judge had to retire from office through having reached the age of seventy years before he had served his term of fifteen years as provided under the Supreme or District Courts Acts, he would be entitled to his full pension rights. At the second reading stage he would explain the principles of the Bill more fully and submit the reasons which had actuated the Government in introducing the measure.

Mr. T. R. ROBERTS: Can you say how many judges are over seventy years of age to-day?

The ATTORNEY-GENERAL: Three.

Mr. VOWLES (*Dalby*): He proposed to show to the Committee that it was not desirable that they should consent to the introduction of the Bill.

Mr. KING: Hear, hear!

Mr. VOWLES: He noticed one thing outstanding in the remarks of the Minister, and that was that he emphasised the fact that there was no repudiation so far as the pension rights of the judges were concerned.

The ATTORNEY-GENERAL: I will go into that to-morrow.

Mr. VOWLES: The measure was founded on the worst kind of repudiation one could possibly imagine. (Hear, hear!) The Constitution Act of 1867 provided—

"The commissions of the present judges of the Supreme Court of the said colony and of all future judges thereof shall be continue and remain in full force during their good behavior notwithstanding the demise of Her Majesty . . . or of her heirs and successors any law usage or practice to the contrary thereof in anywise notwithstanding."

The same principle was contained in the Supreme Court Act of 1867. The present judges, particularly the judges of the Supreme Court, left remunerative practices and went into the higher service of the judiciary, on the thorough understanding that they were to be retained there during good behaviour and certain other considerations. It could not be suggested that any of the three judges who were attacked to-day under the measure had any black marks against their character which would warrant any such legislation being introduced to interfere with their positions. (Hear, hear!) The only claim was that they had attained a certain age. Because they had attained the age of seventy years the Government considered that they were no longer capable of carrying out their functions. Those judges had the experience of years behind them. They were men of very high education and culture, men of high attainments and integrity, and nothing could be said against them in that direction. If they were going to apply that principle and say that, when a man reached the age of seventy years, he had become to all intents and purposes useless, then why did the Government appoint a certain gentleman to the Upper House when they knew he was over seventy years of age.

Mr. T. R. ROBERTS: He is seventy four years of age.

Mr. VOWLES: He understood the gentleman appointed to the Upper House was

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seventy-four years of age. No doubt, the Government and their supporters would take up the attitude that, notwithstanding the age of that hon. gentleman in the Upper House, he still retained all his faculties and his ability to carry out the functions attaching to his position. If that argument were good in one case, why was not the same principle applied to the judiciary? They had heard times without number attacks being made across the Chamber from the front Government bench against the judiciary, more particularly the Supreme Court judges. Ugly references had been made at times, and it looked as if the measure were being introduced in a spirit of spite in order to get even with the judges for some reasons unknown to members. Anybody who studied the appointment of the judges, and took into consideration the position they occupied in their professions at the time they left the profession to carry out the functions of the judiciary, must realise that those gentlemen entered into a contract with the Crown on the thorough understanding that there would be no alteration in the conditions under which those positions were accepted. It would be interesting to know what was at the bottom of this and who had requested it. Had the public asked for it?

The ATTORNEY-GENERAL: Who requested the Tory Government in New South Wales to do the same thing?

Mr. VOWLES: Had the legal profession asked for this? Had the general public asked for it? What was behind it? The principle might be a good one in respect to the future, when men took positions with a thorough understanding that those were the conditions, as they did in the public service, where they knew that when they reached a certain age their services would be automatically dispensed with. In order that they might establish that principle and that they might not consent to repudiation in these cases, he proposed to submit to the Committee an amendment which would make it clear that that side of the Committee, at any rate, were not going to be a party to a breach of contract; that they were prepared to preserve the rights of these persons and carry them on under the conditions under which they took office.

OPPOSITION MEMBERS: Hear, hear!

Mr. VOWLES: After the word "court," on line 3 of the motion, he moved the insertion of the words "to be hereafter appointed"; making the motion read—

"That it is desirable that a Bill be introduced to amend the Constitution of Queensland by fixing an age limit for the retirement of judges of the Supreme Court to be hereafter appointed."

The Government should have no hesitation in accepting the amendment. It would establish the principle for the future, but it would let the conditions existing to-day stand in regard to the present judges, and the Government would not then be charged with having been a party to further repudiation.

Mr. MACGREGOR (*Merthyr*): In seconding and supporting the amendment, he agreed with the remarks made by the leader of the Opposition. The Bill deserved very serious consideration. In effect, it was a measure for the removal of the three Southern judges. Those three judges, as the leader of the Opposition had pointed out, had statutory rights under the Constitution Act

and under the Supreme Court Act of 1867. Under the latter Act they held office during good behaviour. In the Supreme Court Act it was provided that it shall be lawful for His Majesty to remove any judge upon the address of both Houses of the Legislature. It was not proposed, however, to remove them in that way under the Bill. The proposal apparently was for the instant dismissal of those three judges. It had been said that the same thing had been done in New South Wales. It had not been done in New South Wales. In New South Wales the Act was passed and assented to on 13th March, 1918, but was not to come into force until 31st December, 1918, and applied to any judge who was seventy years of age on 31st December, 1918; so that practically nine months' notice was given to the judges in that State. In New Zealand a similar Act was passed, the retiring age being seventy-two years. He thought that Act had not been made use of. He was speaking from memory only, because he had not been able to find out the age of Sir Robert Stout.

but he knew him very well, and [4 p.m.] he would say he was well over seventy-two years of age. The Acts in other States, therefore, could not be relied upon for the proposed proceeding here.

The PREMIER: What is the difference in principle?

Mr. MACGREGOR: The difference in principle was that it was not retrospective at all in the other States, and it was retrospective here. It was an interference with statutory rights. The three judges had a statutory right to remain in office during good behaviour.

The PREMIER: Did not the New South Wales Act apply to existing judges?

Mr. MACGREGOR: It gave them nine months' notice.

The PREMIER: Would that satisfy the hon. member?

Mr. MACGREGOR: No. (Government laughter.) The Attorney-General said that similar provisions were contained in a New South Wales Act which had been passed by a Tory Government; but that was not so. As to the principle of the Bill in fixing a retiring age for judges to be appointed in the future, that was a matter that did not need much consideration. There might be some people who thought such a measure ought to be on the statute book; while others thought it ought not; his own opinion was that it would not matter, as he did not think the power would be availed of very much. The occasions on which it had been necessary to retire judges were very rare in the history of the British judiciary, many of the judges having been on the bench when they were considerably over seventy years of age. There were two outstanding examples in England—Lord Halsbury, who was ninety-six or ninety-seven years old now and who had only recently given up judicial work; and Lord Bryce, who was eighty-two years old and could still write works of merit. As he said, the principle of putting legislation fixing a retiring age for judges on the statute-book in the future might not be so objectionable; but the objectionable part of this Bill was that it was retrospective, and interfered with the statutory rights of the judges and also proposed instant dismissal, because the judges were not to be given a chance; they would have to go off the bench

straight away. The Bill amounted, in effect—and that was why he strongly objected to it—to the ignominious dismissal of three gentlemen with fine records by a dying Government that never possessed the confidence of a majority of the electors.

OPPOSITION MEMBERS: Hear, hear!

Mr. MACGREGOR: He therefore strongly supported the amendment of the leader of the Opposition.

Mr. MORGAN (*Murilla*): He supported the amendment of the leader of the Opposition. It was such legislation as that which had caused Queensland to stink so much in the nostrils of the people outside Australia. It was simply another act of repudiation for which the Government was so noted, and, if hon. members on the Opposition side supported a Bill of this description, they would be binding themselves to legislation for which the present Government had become so famous. The Premier had asked if the Opposition would be satisfied to follow the principle adopted in New South Wales, and allow nine months' notice. He did not think that they should pass any legislation which was not desirable even if it had been passed in any other State in Australia. It would be all right to follow procedure which had been found to be right; but there was no reason why Queensland should simply pass legislation of this description because New South Wales had done so. In his opinion, the reason for the introduction of the Bill was because the Government had, no doubt, applicants whom they desired to place in a certain position before they themselves went out of office. The Government had certain friends who had a wish to attain high positions before the Government vacated the Treasury benches.

The PREMIER: Whom is the hon. member suggesting?

Mr. MORGAN: He suggested that Mr. Justice McCawley was a candidate.

The PREMIER: He is already a judge of the Supreme Court.

Mr. MORGAN: Yes, but, like the hon. gentleman, he might be looking for something higher. He was not the Chief Justice, which was probably a position he would very much like. He understood that a little friction existed among Caucus members, as to who should get those positions. That House had no right to pass such legislation. He was a believer in fixing the age of retirement for judges; but it ought to be used with discretion, as it was recognised that some men at the age of seventy had more ability, physically and mentally, than others at the age of sixty. That applied to almost every walk of life; it applied to the animal kingdom the same as it did to human beings; ability was not a matter of age altogether. At the same time, if a man had reached a certain age and was not capable of carrying out his duties through lack of vigour, or through mental disability, there should be some method of retiring him. As the leader of the Opposition had pointed out, the Government had already appointed to the Upper House a certain gentleman who was seventy-four years of age, and whose age they recognised had not prevented him from carrying out his duties. The same thing applied to the judges. It had not even been suggested by the Attorney-General, that the three judges who were to be dealt with under the

*Mr. Morgan.]*

Bill were not capable of carrying out their duties.

THE ATTORNEY-GENERAL: I merely said what was in the Bill, and on the second reading I will give more information.

MR. MORGAN: When the present judges were appointed they understood that it was for life, subject to good behaviour and capability to perform their duty. The Government, therefore, ought to accept the amendment of the leader of the Opposition. There was no doubt that there was an understanding that, if they were capable of performing their duties at seventy-five years of age, they would continue in office. If the Government would accept the amendment, it would prove that they had no desire to victimise anyone. He looked upon the Bill to a certain extent as an attempt to victimise the judges for not having altogether given satisfaction to the Caucus party, in consequence of which the Government desired to get rid of them. In his opinion, it was an act of victimisation; he intended to fight the Bill at every stage, and he felt sure that Opposition members would fight it right through and do their utmost to prevent it becoming law.

MR. CORSER (*Burnett*): He intended to support the amendment. He was not against a Judges' Retirement Bill or a statutory arrangement being made for retirement; but, considering the financial position of Queensland at the present time, it would be bad business to tamper with the judges in a Bill like this. To appoint new judges and provide for the retirement of the present judges would mean a drain on the finances of the State that they were not able to meet at the present time.

THE ATTORNEY-GENERAL: It would mean no financial loss.

MR. CORSER: It would mean a financial expenditure.

THE ATTORNEY-GENERAL: It would not. You are quite wrong.

MR. CORSER: It would mean an expenditure of over £3,000 by way of pensions, which, if the Government were looking out for economy, could be better used in providing for the unemployed or keeping in employment the men they were sacking. It would be a very bad thing to introduce such legislation unless it was absolutely necessary. He was not going to enter into an argument as to whether men of a certain age should be judges, but he maintained that the measure was not urgent, because the gentlemen holding the positions at present had not shown by their record that they were incapable owing to age. They were probably exceptional in the ability they had shown in dealing with the large volume of business that had come before them. Whilst hon. members generally under normal conditions would, perhaps, agree to some alteration, he claimed that under the present circumstances it was not in the best interests of the country to pass the Bill at the moment.

HON. J. G. APPEL (*Albert*): Any Bill dealing with the Supreme Court judiciary—that which may be termed the high fountain head of justice—should be very carefully scrutinised. It appeared, first of all, that it was proposed to deprive certain justices of the Supreme Court of their legal rights—to repudiate a contract made with them when they relinquished their lucrative practices for the high honour of appointment to the bench.

[*Mr. Morgan.*]

In most instances justices of the Supreme Court had relinquished a higher income than they received for their services to the State; but they were prepared to do so in view of the contract with the State that, during good behaviour, they should continue to hold office. The measure, therefore, proposed that the contract should be broken, and that another act of repudiation affecting the honour and fame of Queensland should be perpetrated. They had to remember that very seldom were the younger members of the profession appointed to the high office of judges unless they were admittedly political appointees, and that only men who, by their practice and experience and high reputation, deserved the honour succeeded in attaining to those high and honourable positions; and, if the measure outlined by the Attorney-General became law, they would be dragging the honour of the State in the political dust.

THE ATTORNEY-GENERAL: Nobody said that in New South Wales.

HON. J. G. APPEL: He was not referring to New South Wales—his concern was for the fame and honour of Queensland; but, at any rate, New South Wales had not been guilty of the repudiation which the Queensland Government proposed, for the Administration there had withdrawn from the dishonourable position. They could not close their eyes to the fact that, just as the abolition of the Legislative Council was held over that Chamber as a rod of terror because they refused to become partisans, so, when the present judiciary refused to become partisans, they were threatened with a similar act of retaliation or revenge. The proposal was not new. Since the judges refused to subvert the judiciary and make it partisan, this legislation had been threatened. They knew, furthermore, that there had been friction with the judiciary because the judges objected to the release of prisoners in opposition to the opinions they had expressed, and that latterly no opinions had been asked from them.

THE ATTORNEY-GENERAL: The British Government passed a similar measure.

MR. BEBBINGTON (*Drayton*): He supported the amendment for two reasons, the first being that the Bill contained a very large element of repudiation. He had had an idea that they were getting over the effects of previous repudiatory legislation, and that the credit of the State was somewhat improving. As the influence of the extremist Government receded, so the credit of the State advanced.

OPPOSITION MEMBERS: Hear, hear!

MR. BEBBINGTON: When the influence of the extremists decreased and the hon. member for Normanby left the other side, the Metropolitan Water and Sewerage Board was able to float a loan for £1,000,000. (Government laughter.) Had it not been for those facts, he believed that the loan would not have been floated. (Renewed Government laughter.) He therefore supported the amendment, because it upheld the credit of Queensland, and because by it the people could see that the party on the Opposition side, who would soon be on the other side, would not tolerate repudiation. He was satisfied that that would increase their borrowing powers considerably. Another reason for supporting the amendment was that of the expense involved by the Bill. The Attorney-General said that it would involve no extra expense. Was the hon.

gentleman, then, going to appoint the new men at lower salaries? The gentlemen who would be retired would go out on their pensions, amounting to £3,250 per annum. These judges were going to draw their pensions; and, that being so, how could the Attorney-General claim that the Bill would mean no financial loss to the State unless new appointments were made at a lower rate of salary and inferior men were secured—men whom the Government could control? He believed that the Right Hon. Andrew Fisher remarked in the Labour Federal Government some years ago that, if the Government could not get judges who would give them what they wanted, they would appoint their own judges. There was something of that in the Bill. Dealing with the appointment of members of the Land Court some years ago, the Government of the day made the statement that, if the members of the Land Court would not give them what they desired, they would appoint other members. When appointments were made under such circumstances, would not the judges carry out the wishes of the Government and support the policy of the Government?

Mr. T. R. ROBERTS: Did not the Government say that about the Arbitration Court?

Mr. BEBBINGTON: Yes. They knew that the Arbitration Court was a political organisation. All they had to do was to write over the door, "Whatever ye ask shall be given you here." Yes, and a bit more than they asked. (Laughter.) If hon. members opposite were the real Government, and had the power, it would be a different matter; but they knew that hon. members opposite were not the Government. They were only there to answer the pulling of strings by persons outside and to do what they were told. They could easily deal with hon. members opposite if they were the Government; but it was a disappearing scene—"now you see them; now you don't." They had to deal with the people outside who controlled the Government, and not with hon. members opposite. He was against any repudiation, and against the injuring of the State in that way. He thought the credit of the State was improving since the floating of the last loan; and he thought the Attorney-General had made a great mistake in bringing in the Bill, and if the hon. gentleman would accept the amendment it would improve the Bill, and the credit of the State would not be interfered with.

Mr. TAYLOR (*Windsor*): He certainly intended to support the amendment moved by the leader of the Opposition, for the reasons which had been stated by other hon. members on that side of the House. If there was one institution that they as Australians and British people should be proud of it was the judiciary. He thought that every possible effort of every man, independent of his political creed or political belief, should be to keep the judiciary as far and as free from all kinds of political influence and political control as possible. He could not get it out of his mind that the reason for the introduction of this Bill was that there was a political move behind it. He might not be able to explain what it meant or know exactly what it was, but he felt quite satisfied that the Bill was not being introduced in the best interests of Queensland or in the best interests of the judiciary. It seemed to him that in Queensland, and particularly in that Chamber, it was a crime

for a man to become old. That was really what it looked like. The pole-axe was going to be applied to certain judges who had filled high and honourable positions in the State. No charges of incompetency in the carrying out of their duties had been made against these men during the whole of their career, yet they found a measure introduced which proposed to scrap men who had done excellent work on the bench of the country. No reason had been given for the introduction of the Bill. It was generally urged by people that the State should be a model employer, and should set an example to other sections of the community by the treatment it meted out to public servants in every walk and every rank. How would hon. members opposite take it if in all private and industrial concerns in Queensland tomorrow all the men who had reached the age of seventy years were going to be fired out, and told to find a job wherever they possibly could?

The ATTORNEY-GENERAL: Most of them are fired out.

Mr. TAYLOR: Would any Government or any hon. member opposite justify such a proceeding? They had an example of one of the greatest jurists who had ever sat on the bench in Australia in the late Sir Samuel Griffith.

OPPOSITION MEMBERS: Hear, hear!

Mr. TAYLOR: If the Commonwealth Government had done what the Queensland Government now proposed to do when the late Sir Samuel Griffith reached the age of seventy years, would not everyone have thought that the community would have sustained a great loss?

Mr. BRENNAN: How old was he when he died?

Mr. TAYLOR: He believed he was seventy-five years of age. Some of his best work was done after he reached mature years. Anyone who had followed the procedure in the law courts knew that, speaking generally, the judges required not only a knowledge of law but discrimination and clear vision to enable them to give judgments in accordance with justice and righteousness on the many intricate issues that came before them, and that their judges had been very successful in that direction. He did not care whether a man was thirty-five or forty years of age, and had the best degrees obtainable—the experience gained by a judge during twenty-five or thirty years on the bench was worth more than all the book knowledge he might previously have gained. To his own knowledge the experience was added to by the assistance given by counsel on both sides in the cases that came before him, and, as a result, very few mistakes were made by their judges. He sincerely hoped that the Minister would not proceed with the Bill. Like the hon. member for Albert, he contended that the honour of Queensland was at stake in a measure like this, and he was more concerned for the honour of Queensland, and for the cause of justice and righteousness which should be meted out to our judiciary, than for the fate of this Government or any other Government.

Mr. KING (*Logan*): He intended to support the amendment. The object of the Bill was undoubtedly to get rid of the three Southern judges, who had always been held in the highest esteem and respect. Could anyone for a moment suggest that those

*Mr. King.]*



three gentlemen were not capable of carrying out their work? If anyone could give any reason for getting rid of those three judges, he would be only too glad to listen to it.

The ATTORNEY-GENERAL: It would be out of order to give reasons at this stage. You will get them on the second reading.

Mr. KING: Those judges, by reason of their experience and their mature judgment, had made themselves well qualified not only for the work that they had carried out in the past but to carry out their work in the future. It had been the practice in the past to appoint men to the high position of judges who were above suspicion, and for the purpose of making them absolutely secure in their position they had been paid certain salaries and had been appointed for life, and, when they retired, they retired on a pension. That had been done for the purpose of putting the judges absolutely above suspicion, and enabling them to carry out their duty without fear or favour. He read the other day that the average [4.30 p.m.] age of the present members of the Privy Council was something over eighty years, and at no time was the Privy Council so well fitted to carry out the work. The measure was undoubtedly a political move, and he said without hesitation that it savoured of gross repudiation.

The ATTORNEY-GENERAL: No.

Mr. KING: It was repudiation of a statutory obligation, and it was only another instance of the atmosphere which permeated Government members. Members opposite had no perspective whatever, and they did not seem to realise what constituted the sanctity of a contract.

The ATTORNEY-GENERAL: There was no contract there.

Mr. KING: The contract was made to keep them in office for life, so long as they behaved themselves. If the Bill were persisted with and passed, it would be to Queensland's eternal discredit.

Mr. BRENNAN (*Toowoomba*): He could not follow the argument of legal members opposite. The hon. member for Merthyr referred to the fact that New South Wales treated her judges better, inasmuch as they were given nine months' notice of retirement, whereas in this Bill it provided for instant dismissal. There was no instant dismissal about it, because the Bill had been mentioned in the Governor's Speech for the last two years, and they knew that the Hon. E. J. Stevens made a speech about the judges in 1918 in the Legislative Council. The matter had been spoken of for years, and almost every legal practitioner agreed that a Judges' Retirement Bill was essential for the benefit of the people of Queensland. The remarks of hon. members opposite were part of a political job, and were made simply to introduce the word "repudiation." The three judges who would retire under the provisions of the Bill had certainly done good work, but they were now over seventy years of age. Up till the time the late Sir S. W. Griffith was seventy years of age he did good work, but he did no good work after that age. (Opposition dissent.) It was a fact that Sir S. W. Griffith did no good work for the last two years, because he was practically at death's door. He did his best work before he was seventy years of age, and hon. members opposite would agree with that.

Mr. MACGREGOR: No.

Mr. King.

Mr. BRENNAN: Sir S. W. Griffith's decision in the railway employees' appeal case was overruled in the Perth case. His decision in the Stock Embargo case was also overruled in the Profiteering Act (McArthur case). The judges were not being dismissed instantly at all, and were not being put off without notice. They had known all about it for the last three years, and they would each retire on a pension of £1,000 per annum. No one liked being put off duty, but it was done in New South Wales and also in England; yet they had a number of disloyal Queenslanders on the Opposition benches crying out that it was repudiation. To-morrow they would see big headings about repudiation in the newspapers. They had to progress, and in all democracies certain men had to suffer inconveniences. What about the railway men who were put off at sixty-five years of age?

Mr. VOWLES: There was no contract there.

Mr. BRENNAN: There could never be a contract with the working men, because they always had the boot put into them. The railway man was always on a low wage, and did not get a pension; but the judges would get a pension of £1,000 a year each. He was satisfied that, if the legal men opposite voted according to their own personal belief, they would vote in favour of the Bill. Who would not give up a practice to become a Supreme Court judge? He knew that some barristers made £3,000 or £4,000 a year, but it was a great strain on their health, and that was why they went on to the bench, where they could enjoy better health and have a much easier time. The judges allowed the barristers to do the work and prepare the cases, and all they had to do was to decide what the law was in the different cases, and adjudicate upon each case submitted. Every judge had the security that he would be kept in his position until he was seventy years of age, and surely a man could save something out of £2,000 a year by the time he was seventy years of age.

The ATTORNEY-GENERAL: He did not propose to accept the amendment. He had already stated that he would give his reasons for introducing the measure on the second reading, when it would also be an easy matter to dispose of the so-called repudiatory arguments of hon. members opposite.

Mr. MOORE (*Aubigny*) supported the amendment. He thought the Attorney-General was going to accept the amendment until the only legal member on the other side put it out of his head. They should recognise the justice of the contention that the present judges were appointed for life. The contract made with the judges should not be broken. A judge had to be absolutely above suspicion, and, if he carried out his duties honestly and with integrity, he should not be disturbed. The judges took their positions on the understanding that they would be there for life, and it was not fair to remove the judges unless they could prove that they were not acting justly. They should honour the agreements they made with the judges and not dispense with them at a moment's notice. It would be all right if a measure were introduced to deal with future judges. No one would complain of that. But, as the present judges were appointed for life, the Government should stick to that agreement. The judges took

positions on the bench for the benefit of the State—probably also for the benefit of themselves—but they sacrificed good practices at the Bar; and it was only a fair thing, seeing they carried out their duties honestly, with integrity, and without suspicion, that their services should be retained.

MR. COLLINS: What did they sacrifice?

MR. MOORE: They sacrificed good incomes at the Bar.

MR. COLLINS: Many working men sacrifice their lives while earning a living.

MR. MOORE: They were not talking about men who sacrificed their lives. They were dealing with an agreement made with certain gentlemen on the bench in Queensland. He objected to breaking any agreement. If they made the Bill apply to future judges, it would be all right; but the present agreement should be honoured. The Attorney-General would be acting wisely in accepting the amendment. It would not interfere with his Bill, except with regard to the three men who had been referred to. It looked as though the Bill had been brought in just to get at them. Surely they did not want to bring in a Bill affecting three individuals. He quite agreed with the introduction of the Bill so far as it affected future judges, but he did not agree to its affecting three individuals and to its breaking an agreement which had been honourably made and honourably carried out.

MR. WARREN (*Murrumbidgee*): As a layman he would like to know why the Bill had been brought in. It seemed to him the three judges had fulfilled their duties properly. He suggested that they should extend the principle of the measure to members of Parliament. There seemed to be something behind what appeared on the face of the Bill. He would like to ask the Minister why the measure had been brought in.

THE CHAIRMAN: Order! I hope the hon. gentleman will confine his remarks to the amendment.

MR. WARREN: The amendment was moved to overcome what obviously was a distinct evil. If there were no vindictiveness, if there were not in the measure something which should not be there, the Government should accept the amendment. He did not think it was possible to state the exact age at which a man doing intellectual work should be retired.

THE PREMIER: Would you apply that to the public service?

MR. WARREN: Some men at sixty-five years of age might be as old, as far as their faculties were concerned, as others who had reached the age of seventy years. The Government would do well to consider further this matter. He would not say our courts were carried on absolutely correctly; there might be necessity for the amendment of certain provisions; but he did not think they were going to gain anything by driving three men off the bench—and that seemed to be the purpose for which the Bill was brought in. If the Government were honest in their purpose and desired to carry out the wish of the people, they should not hesitate for a moment to accept the amendment. He had been an interested spectator at the courts, and things had not always been done as he thought they should have been done; but he did not think there was any man who would always do exactly what he and

others might think was right. He was going to support the amendment.

HON. H. H. BARNES (*Bulimba*): Anyone who had followed the course of the debate could come to no other conclusion than that the amendment was one which the leader of the Opposition would have been wanting in his duty if he had not proposed. It was absolutely necessary in the interests of the State that such an amendment should be moved. The Minister, he understood, had stated there was going to be no financial loss to the parties concerned.

THE ATTORNEY-GENERAL: I did not say that. An hon. gentleman pointed out that the country would suffer a loss through this, and I said, "No, there will be no additional expenditure."

HON. W. H. BARNES: He understood the hon. gentleman to say something more than that.

THE ATTORNEY-GENERAL: I did say more; I said it would be a financial gain. I mean in pounds, shillings, and pence.

HON. W. H. BARNES: He understood the hon. gentleman to say that the judges whom it was proposed to retire under this Bill were not going to suffer any serious financial loss.

THE ATTORNEY-GENERAL: They will get their pensions.

HON. W. H. BARNES: That was so. But the point he wanted particularly to stress was that in his judgment it was not a question of whether there was going to be a financial loss or otherwise. The amendment meant something more than that. It practically said that the Committee should carry out something in the nature of a contract—that it did not matter what they did in the future, but in the interests of the State they should not by any means show those who had entered into an arrangement or a contract that they were going to repudiate that contract.

OPPOSITION MEMBERS: Hear, hear!

HON. W. H. BARNES: That clearly was the point which had been made. What was the cause to-day of the position in which Queensland found herself in connection with this and other matters? Whether they liked to admit it or not, it was the fact that they had passed legislation of a repudiatory character.

THE ATTORNEY-GENERAL: It has been described in that way by the Opposition.

HON. W. H. BARNES: Was not a contract made with the men who were referred to indirectly in the Bill?

THE ATTORNEY-GENERAL: There is no repudiation on my part, I can assure you—that can be easily proved.

HON. W. H. BARNES: Was it not a fine distinction to say that there was no repudiation and yet to admit that there was a contract? He contended there was a contract.

HON. J. G. APPEL: Of course there was.

HON. W. H. BARNES: Supposing the Committee, by some arrangement, contracted with the hon. gentleman that he was to remain in a certain position at his pleasure and during his lifetime. If by any measure afterwards the Legislature annulled that agreement, would they not have broken the contract? Was he not right in saying that a contract would actually be broken by the Bill?

THE ATTORNEY-GENERAL: Certainly not.

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HON. W. H. BARNES: The hon. gentleman quietly brushed it on one side by saying, "Certainly not." Had he not indicated that such was the case? Was it due to the fact that the hon. gentleman himself was not a legal man? Was it due to the fact that the hon. gentleman did not understand some of these fine legal points?

MR. PAYNE: Rot!

HON. W. H. BARNES: The hon. gentleman said, "Rot!" He (Mr. Barnes) understood plain English with regard to contracts, but apparently some hon. members opposite did not. What was really the reason for the motion? Was it political? He was amazed to hear the hon. member for Toowoomba make reference in the way he did to that brilliant and brainy man who had adorned the bench in Australia, Sir Samuel Griffith, and to imply that, after he had reached the age of seventy years, he had not done his work as he ought to have done it. He believed that the Premier on one occasion distinctly stated in the House that the name of the late Sir Samuel Griffith was one that should be honoured by Australia generally; and yet the hon. member for Toowoomba made the references he had done to a man who had honoured Australia by the work he did on the bench. What was the reason for bringing in this Bill? Was it political?

THE ATTORNEY-GENERAL: For reform.

HON. W. H. BARNES: They noticed the comparative silence of hon. members opposite. The Minister only spoke for two minutes, and said a few words. The Premier had not risen to say a word with regard to the amendment.

THE PREMIER: There is a proper time.

THE ATTORNEY-GENERAL: You are out of order.

HON. W. H. BARNES: The Chairman was the judge of whether he was out of order. The reason for saying there was a proper time was so that they might get a stage further on, when the opportunities for speaking would be less. When he quoted the Premier, he was incorrect; it should have been the Acting Premier.

THE PREMIER: Those sentiments are all right. The hon. member for Toowoomba did not disagree with them.

HON. W. H. BARNES: The hon. gentleman would have an opportunity of discussing this important matter. He was not trying to misconstrue "Hansard." This was what the Acting Premier said, as reported on page 18 of "Hansard," 1920, in connection with the death of the late Sir Samuel Walker Griffith—

"I beg to move—That this House hereby expresses its heartfelt sympathy with Lady Griffith and other members of the family of the late Right Hon. Sir Samuel Walker Griffith, P.C., G.C.M.G., K.C., and its sense of the great loss Australia has suffered by the death of that eminent man, who was one of the most distinguished ornaments of this House, and whose long and honourable career was rich almost beyond example in highly important public service faithfully and efficiently performed."

The Acting Premier was quite right when he said that, and everyone on the Opposition side would agree with those sentiments. But

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were they to associate every member on the Government side with statements the hon. member for Toowoomba had made that afternoon? What was the reason for this legislation? Had the judges been approached? Had they said, "We want to get out"? Bearing in mind their high duties, had they been too correct in their decisions? No one had said that they were not capable. It was not creditable to the State to bring in a Bill like this. The example of New South Wales had been referred to; but it was their duty as a people to see that, in any action of theirs, the sacred honour of contracts was observed.

OPPOSITION MEMBERS: Hear, hear!

MR. FRY (*Kurilpa*): Mr. Kirwan—

THE HOME SECRETARY: Now we will get it.

MR. FRY: If he judged correctly the views of the people and the members of this Committee, the Home Secretary would get it, and the Government would have to get out. He wanted to speak from the standpoint of the general public with regard to this Bill. The first thing his electors would ask him with reference to it was, "Why are you retiring the judges?"

THE CHAIRMAN: Order! The hon. member is not in order in discussing the Bill. He must confine his remarks to the amendment.

MR. FRY: He was leading up to show that the people outside would want to know how the judges who were on the bench to-day were going to be treated—whether, under the Bill, they were to be poleaxed or whether it was to apply to judges who might sit on the bench in future? If it applied to those on the bench to-day, they would naturally ask what they had done; he would have to tell his constituents that the Ministry would give no information on the matter. If the Minister would say, "We are going to stand by the agreement we have with the judges at present, and accept the amendment, so that the Bill will apply to judges appointed hereafter," the thing would be straight and aboveboard, and he could tell his electors that the Government were straightforward. The Government should be frank and honest, and either tell the people that the judges who were on the bench to-day were to remain there for a certain period, after which they would have to go, or accept the amendment and let the Bill deal with future judges. The man in the country had to foot the bill. If he broke any of the laws of the land, he must go before the judges. It would be interesting to know whether this action was taken from political motives or not. The Government should tell the people the position plainly; they should say that there was or was not political influence behind the Bill. He did not expect that they would say so, for reasons best known to themselves and which he would not suggest. The Chairman would agree that, if he were to go down Queen street and discuss the Bill with anybody he met, the first thing he would be asked would be, "Why do you want to do it?"

[5 p.m.] And the Chairman would probably be in the same position as he, not having any inside knowledge, and he would be told, "You are a nice sort of man. You are in Parliament, and you represent the people, and you do not know." And all he would be able to say

would be, "Well, the Government did not give us the information." And the man in the street would ask, "What friends of theirs are going to get the jobs?" The hon. member for Toowoomba suggested in effect that barristers accepted appointments as judges to get away from the strenuous fighting of cases in court, and that judges had the pros and cons looked up for them and had merely to consult a few authorities. If that were so, he took it to be an argument in favour of the amendment, because it really tended to remove the foundation for any suggestion, if there was likely to be any, that the judges were not competent. No charge of incompetency had been levelled against the judges on the bench to-day, and therefore he took it there was no evidence to justify their removal. It was true that age did not measure the capacity of some people. On the Government benches, for instance, he saw a comparatively young man as Premier—a very good man—and alongside him a man who would never even have got a seat in the House had the decision gone by his intelligence and ability. On the other hand, there was the hon. member for Albert.

Mr. T. R. ROBERTS: And the hon. member for Mitchell.

Mr. FRY: Yes—he would divide the honours—they would probably get from those men good advice as a result of their matured experience and wisdom; but there were in the House younger men of whom the country would be well rid, and who would be drawing more than they were worth if they got only half their salaries. So that, in considering the question of an age limit, they had to remember a man's mental capacity. As for judges, they were told that the experience they gained as the years went by fitted them more and more for their work. New cases arose, new points were decided, new rulings given by higher courts, so that judges became more fitted year by year for their duties. If that were so, what was the reason for the Bill? Did the Government want to get rid of judges whose experience had made their judgment sound merely for the sake of getting rid of them? Were they going to fill their positions with political friends at court? He would ask the Minister in charge of the Bill, "Why do you not say candidly and frankly that the Bill shall not apply to the judges now occupying the positions, but shall apply only to those appointed in the future?" If he did that, they would understand where they stood. After listening to the debate and hearing the hon. member for Toowoomba, he had had an idea that the Minister would accept the amendment, because he recognised that he, not being a legal man, would view the case in a broad way. He took it that, whether they were legal men or not, they were on matters like this just as able as any lawyer to form an opinion; at any rate, they had sufficient experience of the world to justify them in expressing as sound an opinion as to what would be for the benefits of the courts as any lawyer. If they traced the history of courts to their origin, they would find that they had always been respected and upheld. Since the Government had been in office, they had had sometimes to assert themselves to see whether a proposal had been presented to them in the proper way, and it seemed to him that in this case there was hidden away some little axe to be brought out later and buried in someone. The Premier

at the end of last session said, "Let us bury the hatchet," but, so soon as they did, he brought it out and buried it in somebody else. The Government now had an opportunity of retrieving some of their reputation—even one-thousandth part of their good reputation. The Government's reputation was like a balance. As the good reputation went down on one side so the bad reputation rose on the other, and, if they would cease the bad practices that kept the public in suspense, the balance would come somewhere nearer even. If the Minister would be frank, they would give him all the consideration and all the credit to which he was entitled. The Minister said he would not accept the amendment, but he (Mr. Fry) hoped he would accept it, and thereby he would show good sense and good judgment.

Mr. T. R. ROBERTS (*East Toowoomba*): The Minister had risen for the second time since the Bill had been in Committee, and he took it that the hon. gentleman's object in rising on that particular occasion should have been for the purpose of intimating why the amendment moved by the leader of the Opposition should not be passed. He merely said that hon. members could not get the information until the second reading stage, although he had had an opportunity of saying whether the statements made in the Committee were correct, and thus he could have disposed of the time that was being spent in the discussion. The question had been raised by other speakers as to the political significance of the measure. He wanted to say definitely that this was part of the Government's policy and part of the caucus policy. It was intended to penalise men who had tried conscientiously to do their duty. There was a threat issued by a Minister of the Crown as to how he would deal with those particular gentlemen, as he called them. Surely they had not forgotten the long correspondence that took place in the Press between the Treasurer and a certain judge of the Supreme Court, when the hon. gentleman told the judges on the bench that the Government would deal with them, and deal with them very effectively. This was the measure in which it was proposed to deal with them. He wished to say definitely, outside of any question of the amendment, that he was opposed to the Bill.

The CHAIRMAN: I hope the hon. member will discuss the amendment.

Mr. T. R. ROBERTS: He wished to take the earliest opportunity of defeating the Bill, and this was one of the opportunities. If the Government were prepared to accept the amendment, it would take away some of the objections that had been raised. He was opposed to interfering with the judiciary at all. He wished to support the amendment, because he contended that the Government were not justified in dealing with such an important matter at that moment. They knew that the Government were considering going to the country, and under those conditions it was most unreasonable that they should introduce such a measure. From a political standpoint, the amendment, if carried, would have the effect that the Attorney-General desired. Some eighteen months ago the Government considered the retirement of public servants on reaching the age of sixty-five years, and within the last few weeks they had thrown a number of men who were fully competent to do their

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work out of employment without any consideration, and they had to justify their action. Hence the introduction of the Bill. Under all the circumstances, the Committee would be well advised in rejecting the measure.

Mr. COLLINS (*Bowen*): He congratulated the Opposition on the class-consciousness they had shown. It was the most class-conscious debate he had ever listened to in that Chamber. The hon. member for Kurilpa said he wanted to know what was in view, and hinted about future appointments. Anyone who knew anything about the history of the Mother of Parliaments knew that in the past politicians as a rule had been appointed to the judiciary. Anyone who knew anything about the class-conscious hon. members opposite would say that it would be just as well to become acquainted with past history in connection with the question they were debating. He wished to quote from "Queensland Politics During Sixty (1859-1919) Years," by Charles Arrowsmith Bernays. Under the heading "The Passing of Power," the article states—

"It was in those days, and a good deal later, when Governments of the day held in their pockets certain boroughs which they could use at will for their own purposes. Bowen was the most remarkable instance. It literally belonged to McIlwraith, and when he wanted an Attorney-General he chose his lawyer from some Queen street chambers, and sent him to Bowen with instructions to the electors to make him a member of Parliament. Pope Cooper, Chubb, and Roger Beor were all McIlwraith's nominees, and all represented Bowen."

Mr. BEBBINGTON: And now the judges are to be the nominees of the Trades Hall.

Mr. COLLINS: The hon. member for Kurilpa spoke about political appointments. Who was the Pope Cooper that was mentioned, and who was the Mr. Chubb that was appointed, who was one time member for Bowen and one time Attorney-General? Now he sat upon the bench. He could easily understand class-conscious hon. gentlemen opposite putting up a fight for people who had, first of all, got into the political limelight by representing a pocket borough, and afterwards had got into the Government as nominees of McIlwraith, and then were placed on the bench to administer justice to the people of Queensland.

Mr. KING: Exactly.

Mr. COLLINS: Hon. members opposite should not object to the Government doing something similar. So far as he knew, there was only one lawyer on the Government side of the House.

AN OPPOSITION MEMBER: Who is he? The Attorney-General?

Mr. COLLINS: On every occasion when anything of a class-conscious nature affecting the class of hon. members opposite came before the Chamber, they immediately got up and defended it. Hon. members opposite were not concerned about the retirement of a navvy at sixty-five years of age. An hon. member had made reference to the late Sir Samuel Griffith. He happened to be a pupil of Sir Samuel Griffith to some extent. (Opposition laughter.) He remembered the time when Sir Samuel Griffith wrote "Wealth and

Want and the Equal Distribution of Wealth." Not one hon. member opposite had referred to that article, which had appeared in the "Daily Mail" shortly before his death. It was too radical for them.

Mr. T. R. ROBERTS: The hon. member for Toowoomba told us what he thought of Sir Samuel Griffith.

Mr. COLLINS: He was not going to belittle any man because he had reached the age of seventy years, but what was good for the worker was also good for the judges. The work could not be very laborious, or the judges would want to be retired before they reached the age of seventy years.

Mr. KING: You have missed the point altogether.

Mr. COLLINS: He had not. He congratulated the hon. member for Logan for looking after his class, and every member of that class. If the working class were as class-conscious as hon. members opposite who had spoken, there would not be ten of them in Parliament. He hoped the Attorney-General was not going to accept the amendment.

Mr. FLETCHER (*Port Curtis*): It was extraordinary that the Government would not accept the amendment, which removed the most objectionable feature in the Bill. The main object of the Bill was to retire the present judges because they were over seventy years of age, and the Opposition objected to that proposal, because of its repudiatory nature. They should not bring in legislation, except in especial and unavoidable circumstances, of a retrospective nature; but they had many Bills brought in by the Government which were retrospective in their application, and that legislation was doing incalculable harm to Queensland. They knew that the Land Acts Amendment Act, with its retrospective and repudiatory effects, did harm to Queensland. They knew the Government's attempted interference with the Brisbane Tramways Act also contained the same principle, and they had proved it again in connection with the Regulation of Sugar Cane Prices Act, and other measures. All such legislation undermined the whole fabric of their existence.

OPPOSITION MEMBERS: Hear, hear!

Mr. FLETCHER: People in the old country—the financiers of the world and those who had invested their money here—were wondering what the Government were going to do next. The present judges were honourable men, and had given good service to the country, and they deserved better treatment in their old age. A contract was made with them that they would be there for life, and, as they were carrying out their duties in a satisfactory manner and treating all classes of the community with the utmost fairness, and dealing with all cases with equity and justice, he was satisfied that the men who would replace them would not be able to do half so well or be as fair in their decisions as the present judges had been. If they were going to continue introducing such legislation, they would not know where they were. The Government should accept the amendment if they were genuinely anxious and desirous of improving the judiciary, and they could deal with it in a more satisfactory manner in the future. It was not as though the judgments given

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were unsatisfactory. The judges had been most fair; but, if any mistakes have been made, there were always higher courts to appeal to, and that removed any possibility of danger of injustice being done. The hon. member for Bowen missed the point altogether, because the Opposition were not introducing class-consciousness at all. It was a matter of principle that they stood for. He hoped the Government would show better judgment and accept the amendment, as it would remove the most objectionable feature in the Bill.

Mr. G. P. BARNES (*Warwick*): He supported the amendment. The Opposition would be quite false to the principles which actuated them if they did not oppose the measure, just as they had opposed similar measures heretofore. They would be alien to the true spirit which guided them if they did not strenuously oppose the Bill; not the Bill in toto, but if they did not try to so improve it that, when the Government were making appointments to the bench in the future, the conditions which they now sought to make retrospective could be applied. The hon. member for Bowen stressed the fact in the wrong direction, as he thought the Opposition were opposed to limiting the term of service. It did not matter whether they made the term fifty, sixty, or seventy years. If it was made a bargain at the time, and the judge or any other man read the conditions, it was all right, but the hon. member for Bowen did not deal with that aspect. They had made an agreement with the judges, and they should stick to it. Any one holding honourable principles, who desired that the honour of the State should be preserved, should not agree to a proposal of such a repudiatory nature. If this were the only Bill of the kind introduced by the Government they might be disposed to remain silent: but, seeing that all through the chapter they had introduced similar legislation, if hon. members were true to their convictions and their principles, they would just oppose every time, to the utmost of their ability, any infringements of the right of any individual, whether he be the judge or whether he held a minor position in the State. If an agreement existed, no matter if they lost by it, they had a right to stand to it. He saw the Attorney-General confer with the Premier, and he was surprised that he did not accept the amendment, as it looked as if they were going to yield to the criticisms made by the Opposition. There was only one course for the Opposition to adopt, and that was to oppose all such measures, which had been too frequent in connection with the administration of Queensland by the present Government.

Mr. HARTLEY (*Fitzroy*): The attitude of hon. members opposite was somewhat surprising, as, while they sat in silence when working men were retired at a certain age, they asked for special privileges for three men who had banded themselves together in their suagness on a safe class-conscious bench. The only deduction that could be drawn from the debate was that hon. members opposite were afraid that three peculiarly fitted men were going to be withdrawn, and they and the class they

[4.30 p.m.] represented would lose their services. There could be really no genuine plea put up against the retirement of these judges. They had lived their lives, and they had given good service to the State; but everybody knew that the faculties

and physical abilities of men deteriorated with age—more with some, of course, than with others. When men occupied a responsible position, such as they did on the Supreme Court bench, they must be most vigorous and most alert mentally, as well as experienced in law. But, no matter how thoroughly qualified a man might be at a certain age, when physical and mental deterioration set in, his continuance in office was dangerous. If the amendment were accepted, no power could be exercised to remove those judges in two, three, four, or five years.

Mr. KING: They could be removed on petition by both Houses of Parliament.

Mr. HARTLEY: Provided they were not of good conduct. It did not matter if they stayed at home and slept fourteen days out of fifteen, when they ought to have been working; provided they were of good conduct, they could not be removed. That would be the effect of the amendment if it were accepted. They had had in the past history of the State men on the bench who should have been removed, and it was an injustice to the clients appearing before them and to the men who were being tried that they should be on the bench trying those cases. They had had men who went to sleep on the bench, and in some instances, in the Northern districts, they had on the bench men who were so old and so irritable that they lost sight of the high duties they had to perform as judges on the bench and they hurried their cases through so that they could catch the boat South. It did not matter to them whether the liberty or even the life of the individual was at stake, the case was hurried through to enable them to get away in time to catch the boat South. No argument was put up by hon. members opposite in support of the amendment, unless they took up the stand that the judges who had passed the age limit were peculiarly and specially fitted to safeguard their interests as against the interests of the State, or that there was a political reason why they should not be retired. He had no hesitation in opposing the amendment.

Mr. PETRIE (*Toombul*): The passing of the measure as introduced would be a breach of the Constitution and, as had been pointed out, also a breach of contract. The amendment had not been moved because the Opposition were advocating the claims of three particular judges, but those men, although they were over seventy years of age, were men of ability and had not given any indication of senile decay or anything of that sort: and why should they be removed? The Government had been responsible for repudiation, not only in that measure but in connection with the Land Acts Amendment Act, and also in connection with the Brisbane tramways. Another reason why he supported the amendment was that serious legislation such as that should not be introduced by the Government in their present position. After all, it was just as well to have a few old men to guide the younger ones. Younger and very brilliant men might be put in their places, but, in spite of what the hon. member for Fitzroy said, the Government would have their partisans when they made the new appointments after the retirement of the present judges. As he had pointed out before during the present session, he did not think the Government, when they had only a majority of one in the House,

*Mr. Petrie.]*

and with a very large minority of votes in the country, had any right to introduce legislation of that kind. The proper course and the honourable course would be to get through the Estimates as quickly as possible and then appeal to the country. If the Government were honourable, they would do that and not attempt through spite to introduce legislation to deal with gentlemen who have occupied a position on the bench for years, and who had no black marks against them. That threat had been held over the judges for some considerable time, in the same way that a threat had been held over the other Chamber when they threw out legislation which they considered was not for the benefit of the country. He hoped the Attorney-General would reconsider the matter and accept the amendment.

Mr. NOTT (*Stanley*): It was desirable that the judges should not be interfered with—politically or otherwise. Not only should the judges who administered the law be absolutely above reproach, but the law governing the appointment of judges should also be above reproach, and it was very undesirable that a Bill should be introduced to remove some of the existing judges who had been doing particularly good work for a number of years. If legislation of that sort was to be brought in, the safety of justice would be jeopardised, which was very undesirable. He hoped the Minister would accept the amendment because it was put forward by a body which represented a majority of the people of the State, while the Bill was being put forward by a Government which represented a minority of the electors of the State. If the Government were so anxious to remove the three judges in question, it must be because they were very anxious, before they lost control of the Administration, to appoint temperamentally fitted colleagues to those positions. The hon. member for Bowen had something to say about class-consciousness. The hon. member seemed to glory in class-consciousness, but most hon. members would say that it was very undesirable to encourage class-consciousness in a country where all ought to be working together for the development of the State. Then, the hon. member for Fitzroy asked: Why should special consideration be meted out to the three judges concerned? He did not know that that side were asking for any special consideration to be shown to these judges. The Government should not go out of their way to get rid of men who had been doing their work in a very conscientious and effective manner. They were only asking that the agreement entered into when the judges were appointed should be carried out to its letter.

Mr. HARTLEY: That is what we are doing under this Bill.

Mr. NOTT: The Bill should not apply to those three gentlemen.

Mr. KERR (*Enoggera*): He rose to support the amendment. One point he thought had been overlooked in regard to the action of the Government in initiating this Bill—that, for some reason which had not been explained, they had discriminated between one section of judges and another section. They knew the Act would be applicable only to the three Southern judges of the Supreme Court.

The ATTORNEY-GENERAL: Who told you that?

[*Mr. Petrie.*

Mr. KERR: There was no mention of the Land Court.

The ATTORNEY-GENERAL: The Act will apply to all judges.

Mr. KERR: Would it be applicable to members of the Land Court? The hon. gentleman did not answer that, so they must conclude there was discrimination. When discrimination was shown, they had to look for a reason for it. Already in the main streets of the city they had heard who the new judges were going to be. (Government laughter.) It was known throughout Queensland that, if the Government got into recess, it would be for only a short period, when action would be taken and they would then be on the Opposition side of the House.

Mr. HARTLEY: Don't be whistling to keep your courage up.

Mr. KERR: Taking that into consideration, and the deliberate statement of the Attorney-General that the Act was going to come into force immediately and the services of three Southern judges were going to be dispensed with at once, the assumption was that direct action was going to be taken to place partisans, perhaps, in the position of judges of the Supreme Court. It seemed a most extraordinary thing that the Government, who were sent there to make enactments to meet the requirements of the country, should, in a very short Bill, introduce a taint that ought not to be there. The Bill contained a repudiation clause which could easily have been done without. It dealt with only three judges of the Supreme Court. Surely there was something behind it when they could not let stand a contract entered into under legislation that had been passed by previous Parliaments. If that contract existed to-day, surely it was reasonable to ask that the Opposition should see that no word of repudiation was allowed to creep into the Act. A point worthy of consideration was that relating to the trust estates which were being administered by those judges. If those estates were handed over to the control of anyone else at the present time, a chaotic state of affairs would immediately follow. It would have been a different thing had their administration been handed over to these judges only a couple of months ago. They had been handling them for a number of years. He could not understand the reason for dispensing immediately with the administrators of those estates.

The Attorney-General, by inference, had said that he would accept a provision for giving nine months' notice, as had been the case in New South Wales. That did not get over the difficulty. It might, to a certain extent, meet the situation in regard to administration, but it did not get over the peculiar legislation which had been forced on Queensland from time to time. He regretted that such a thing was becoming so prevalent.

Another very outstanding point was the atrocious attitude taken up by the Government in regard to the retirement of men who had reached the age of sixty or sixty-five years. It was not a new principle in this Bill. Because the Government had got themselves into financial chaos, they were dispensing with the services of those men who had reached the age of sixty or sixty-five years. The principle of considering that a man was of no use to his country when he reached the age of sixty or sixty-five years was now

being extended to include the judges. He hoped the Attorney-General would give mature consideration to all the circumstances, more especially when he had not considered the Land Court, whose members also had great responsibilities.

The PREMIER: Do you want it applied to them?

Mr. KERR: He had not said so. It was a matter purely for the Government to say what they were going to do.

The PREMIER: Do you want us to apply it to them?

Mr. KERR: The hon. gentleman was not going to tell him what he was to say. If he could see an argument for doing away with repudiation he would use it. He trusted the Attorney-General would withdraw the Bill.

The PREMIER: The leader of the Opposition and other Opposition members who had spoken seemed to be aggrieved because they thought the Bill discriminated. Hon. members of the Nationalist party particularly kept harping on the fact that the Bill applied only to the Southern judges. If, in effect, the Act would apply only to members of the Supreme Court bench domiciled in Southern Queensland, it was because it was those judges who were over the age limit fixed by the Bill, and not from any desire to discriminate against the South in favour of the Centre or the North. The hon. gentleman, who apparently saw discrimination in the Bill, himself had discriminated in his amendment. He apparently would throw to the wolves the judges of the District Court in favour of the judges of the Supreme Court.

Mr. VOWLES: Oh, no; I have another amendment when we come down to that.

The PREMIER: That is rather too thin.

Mr. VOWLES: As a matter of fact, I handed it to the Chairman, and he gave it back to me.

The PREMIER: This was the motion—"To amend the Constitution of Queensland by fixing an age limit for the retirement of judges of the Supreme Court." The hon. member had moved the insertion of the words "to be hereafter appointed," after which the motion went on—

"and to fix an age limit for the retirement of other judges, and for other purposes."

The hon. member made no reference whatever to the District Court judges. He would accept the hon. member's assurance that he intended to move a subsequent amendment applying to judges of the District Court.

Mr. ELPINSTONE: The inference is obvious.

The PREMIER: He had no desire to misrepresent the hon. member for Dalby.

Mr. VOWLES: How could I move it before? I have to wait till the proper stage, according to the Standing Orders.

The PREMIER: The hon. member could have indicated it.

Mr. VOWLES: Why don't you withdraw the insinuation after my explanation?

The PREMIER: Now that the hon. member took up that attitude, he had no hesitation in charging him with a desire to

discriminate. Had the hon. member for Merthyr not been in consultation with the hon. member before he moved the amendment?

Mr. VOWLES: He has not.

The PREMIER: Then the hon. member for Merthyr was prepared to discriminate. The hon. member for Merthyr made no mention of the fact that it did not apply to the District Court judges. The hon. member for Merthyr took up the attitude that this Bill was repudiatory—this so-called repudiation which hon. members opposite have on the brain—but was prepared to repudiate the District Court judges. The hon. member had not consulted the leader of the Opposition. Hon. members opposite were prepared to repudiate the District Court judges.

Mr. VOWLES: Not at all.

Mr. MACGREGOR: We can handle this better on the second reading.

The PREMIER: The hon. member for Merthyr set himself up as the champion of the Supreme Court judges in this matter, and took up the attitude that repudiation, or anything involving the taking away of the rights of Supreme Court judges, should not be tolerated in that Chamber. When the hon. member was reminded that a Tory Government in New South Wales had done something similar to this—that they had introduced an age limit as applying to judges—his defence of the Tory Government in New South Wales was that the judges there had been given nine months' notice of their retirement. He had asked the hon. member a straight question as to whether he would agree to this Bill if they provided a similar notice.

Mr. MACGREGOR: And you got a straight answer.

The PREMIER: And the hon. member said that he would not agree to it. This proposal was the same in principle as the New South Wales proposal.

Mr. MACGREGOR: I object to the New South Wales repudiation just the same.

The PREMIER: That raised a straight-out issue. He was not complaining of the hon. member's attitude. The hon. member took up the attitude that the Government, in doing this, were doing something which was repudiation, and were careless of certain individuals' rights; but a Nationalist Government in New South Wales introduced legislation involving the same principle. An hon. member had interjected from the front Opposition bench that the introduction of this Bill would further depreciate Queensland's credit.

OPPOSITION MEMBERS: Hear, hear!

The PREMIER: As the Act passed in New South Wales involved the same principle as this Bill, then that Act also involved repudiation.

Mr. VOWLES: Quite possibly it does.

The PREMIER: The Minister in charge of the Bill had indicated that the reasons for the introduction of the measure would be given at the proper stages—on the second reading and, later, in Committee. He would point out to hon. members opposite who had been fulminating against the Government in introducing this Bill that the amendment they were supporting made a discrimination in favour of District Court judges.

*Hon. E. G. Theodore.]*



Mr. VOWLES: Perhaps it was just as well to clear up the matter at once. The Chairman would admit that, when he handed in his amendment, the amendment which he now held in his hand was attached to it, and the Chairman handed it back to him. It was an amendment to be made on a subsequent line of the motion, and could not be moved yet. He had moved as much as he could at the time, and the amendment he intended to move subsequently was for the addition, after the word "judges" on line 4, of the words "to be hereafter appointed." That was a reply to the Premier.

Mr. J. H. C. ROBERTS (*Pittsworth*): He supported the amendment of the leader of the Opposition because he believed that the Government were desirous at all times of doing what they possibly could to cast a slur upon men who had given honourable service to the State for a great many years. He did not know why it should be argued that because a man had reached the age of sixty-five or seventy he was either mentally or physically worse than a man of fifty-five or sixty. He supposed that some men would argue that a man became less alert when he reached seventy years of age.

Mr. POLLOCK: No, his liver becomes more sluggish.

Mr. J. H. C. ROBERTS: They would find that the men at the head of some of the banking and commercial undertakings in the State were from sixty-five to seventy years of age. He felt that the desire for the introduction of the Bill was, first of all, to get rid of three men who had reached the age of seventy; secondly, it was made retrospective. He had always been up against the idea of retrospectivity. They had seen how dangerous that principle was in connection with Arbitration Court awards, which had been made retrospective for four, five, or six months, with the result that many people found great difficulty in meeting the awards.

Mr. POLLOCK: The only thing the Opposition objected to was a retrospective increase in salary.

Mr. J. H. C. ROBERTS: He was against retrospectivity at all times.

The PREMIER: This will have an immediate and not a retrospective application.

Mr. J. H. C. ROBERTS: The present Chief Justice was carrying out his duty with credit to the State, and no one could deny that he was equal in brain power to any man of fifty or sixty years of age. No one could say that he had given decisions against the evidence placed before him. They knew that a few years ago this Government, although they knew that the Chief Justice had a dormant Commission to act as Lieutenant-Governor, saw fit deliberately to pass over him and appoint one of their partisans as Lieutenant-Governor. He did not think it was right to apply the proposals in the Bill to the present occupants of the Supreme Court bench unless it could be shown that they were not carrying out their work properly. He had heard some hon. members talk about youth being requisite for Supreme Court judges. He thought that

[7 p.m.] they should not only have youth but sound common sense and a

knowledge of the law. The hon. member for Bowen was very careful to point out that in days gone by the present Chief Justice represented Bowen. The Bowen electorate

ought to have felt honoured by being represented by a man of his calibre, and the hon. member for Bowen certainly should have no grudge against the present Chief Justice because at one time he represented that electorate, which later on was represented by a man like the present member. (Opposition laughter.) The hon. member stated that political appointments were made, and wished hon. members to infer that that they were made only when Governments from the opposite side of the House were sitting on the Government benches.

Mr. COLLINS: Hear, hear!

Mr. J. H. C. ROBERTS: He would like to ask whether Mr. Hardacre's appointment was political or not? Was he appointed because he was outside of party politics altogether? Even Mr. Lennon was a member of the Labour party. Of course, nobody would say that his appointment was a political appointment! Right through their history they would find that political appointments of that kind were often made by members on the other side of the House, and it was most unfair to say that, because the Opposition opposed the Bill, they intended later on to make political appointments. (Government laughter.) What they did say—and it was emphatically borne out by the Premier's remarks, when he suggested that the leader of the Opposition dealt only with the Supreme Court—that the individual members of the Country party were there to support all sections of the community. He believed that the hon. member for Toowoomba was anxious to become a barrister, and, perhaps, after becoming a barrister, he was anxious to become a Supreme Court judge. (Opposition laughter.) Perhaps hon. members on the other side agreed with that proposal. He honestly believed, without wishing to flatter Mr. Justice McCawley, that the hon. member for Toowoomba was quite capable of holding the position under the circumstances. Surely, in such a thing as that they must have youth; they must have ability! It was a recognised axiom in all walks of life, that an old head was always necessary in order to steady the young fellows, and, if they were going to turn the judges off the bench because they said they had passed their usefulness, he wanted them to prove that statement.

OPPOSITION MEMBERS: Hear, hear!

Mr. J. H. C. ROBERTS: He wanted them to prove that a man like Sir Pope Cooper was any weaker in brain power than he was ten years ago. They believed that the Bill was introduced to enable members on the opposite side of the House, just before they went out of office, to make appointments to the Supreme Court bench which might be considered political appointments, and they were justified in doing all they possibly could to oppose the passing of the Bill. He would not object in any shape or form to an age limit being applied to men; but, when men accepted positions on the Supreme Court bench or District Court bench, they gave up the whole of their time to carrying out their duties. Many of them, probably, had given up very good legal practices in order to take up duties that they believed would be of service to the State. Many, no doubt, were actuated by unselfish motives. He had very much pleasure in supporting the amendment.

[*Mr. Vowles.*

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

Ayes, 34.

Mr. Appel	Mr. Kerr
„ Barnes, G. P.	„ King
„ Barnes, W. H.	„ Logan
„ Bebbington	„ Macgregor
„ Bell	„ Maxwell
„ Brand	„ Moore
„ Cattermull	„ Morgan
„ Clayton	„ Nott
„ Corser	„ Petrie
„ Costello	„ Roberts, J. H. C.
„ Deacon	„ Roberts, T. R.
„ Edwards	„ Sizer
„ Elphinstone	„ Swayne
„ Fletcher	„ Taylor
„ Fry	„ Vowles
„ Green	„ Walker
„ Jones	„ Warren
Tellers: Mr. Brand and Mr. Fletcher.	

Noes, 33.

Mr. Barber	Mr. Hartley
„ Bertram	„ Huxham
„ Brennan	„ Land
„ Bulcock	„ Lacombe
„ Collins	„ McCormack
„ Conroy	„ Mullan
„ Cooper, F. A.	„ Payne
„ Coyne	„ Pease
„ Dash	„ Riordan
„ Dunstan	„ Smith
„ Ferrieks	„ Stopford
„ Fihelly	„ Theodore
„ Foley	„ Weir
„ Forde	„ Wellington
„ Gilday	„ Wilson
„ Gillies	„ Winstanley
„ Gledson	
Tellers: Mr. Forde and Mr. Weir.	

Resolved in the affirmative.

The CHAIRMAN: "Ayes," 34. "Noes," 33. The question is resolved in the affirmative. (Opposition cheers.)

Mr. FRY: Resign!

The CHAIRMAN: The question now is—That the resolution, as amended, be agreed to.

Mr. VOWLES: He desired to move, as a consequential amendment, the insertion on line 4, after the word "judges," of the words "to be hereafter appointed." He had intimated at an earlier stage in the proceedings that, when he moved the amendment which had just been agreed to, he had handed to the Chairman the amendment he was now moving, and that he was going to move that amendment when the time arrived. He would have been distinctly out of order had he attempted to move the amendment at that stage, but he fore-shadowed it when he lauded it to the Chairman, who had handed it back. The reflections the Premier had cast upon him and other hon. members opposite were altogether uncalled for, and were very far from the fact. The Premier should not have made those remarks, more particularly when he (Mr. Vowles) had informed him that he had handed the amendment to the Chairman. The Premier should have accepted his word. The hon. gentleman thought he was going to make a little bit of political capital, but, as was usual when anyone attempted that sort of thing, he had fallen in.

Mr. T. R. ROBERTS (*East Toowoomba*): He was somewhat surprised that the Government proposed to go on at that stage, as it was apparent that the main feature of the Bill had been defeated. Under the circumstances, he assumed that the Government would, at any rate, consider their position.

They had been engaged since half-past 3 o'clock in discussing the proposed adoption of the amendment. The leader of the Country party had moved a further amendment, but he thought at that stage they certainly should have an announcement from the leader of the Government.

Mr. MORGAN (*Murilla*): In Committee they had agreed that the Bill could not be made retrospective so far as the Supreme Court judges were concerned, and, in order to be consistent, the Opposition thought it only right that the Bill should not be made retrospective so far as the District Court judges were concerned. That required an amendment, and that amendment was moved by the leader of the Opposition, as fore-shadowed in his speech on the original motion. The amendment now moved was consequential on the amendment just carried. If the present amendment were not agreed to, it would be treating the District Court judges differently from the Supreme Court judges.

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

Ayes, 34.

Mr. Appel	Mr. Kerr
„ Barnes, G. P.	„ King
„ Barnes, W. H.	„ Logan
„ Bebbington	„ Macgregor
„ Bell	„ Maxwell
„ Brand	„ Moore
„ Cattermull	„ Morgan
„ Clayton	„ Nott
„ Corser	„ Petrie
„ Costello	„ Roberts, J. H. C.
„ Deacon	„ Roberts, T. R.
„ Edwards	„ Sizer
„ Elphinstone	„ Swayne
„ Fletcher	„ Taylor
„ Fry	„ Vowles
„ Green	„ Walker
„ Jones	„ Warren
Tellers: Mr. Kerr and Mr. Sizer.	

Noes, 34.

Mr. Barber	Mr. Hartley
„ Bertram	„ Huxham
„ Brennan	„ Land
„ Bulcock	„ Lacombe
„ Collins	„ McCormack
„ Conroy	„ Mullan
„ Cooper, F. A.	„ Payne
„ Coyne	„ Pease
„ Dash	„ Pollock
„ Dunstan	„ Riordan
„ Ferrieks	„ Smith
„ Fihelly	„ Stopford
„ Foley	„ Theodore
„ Forde	„ Weir
„ Gilday	„ Wellington
„ Gillies	„ Wilson
„ Gledson	„ Winstanley
Tellers: Mr. Foley and Mr. Weir.	

The CHAIRMAN: "Ayes," 34; "Noes," 34. As the voting is equal, I give my casting vote with the "Noes." (Government cheers.)

Mr. POLLOCK (*Gregory*) asked leave to make a personal explanation.

AN OPPOSITION MEMBER: You can't make a personal explanation now. Make it in the House.

The CHAIRMAN: I think the hon. member for Gregory will realise that it would be more fitting if he made his personal explanation when the Speaker was in the chair.

OPPOSITION MEMBERS: Hear, hear!

Question—That the original motion, as amended, be agreed to—put.

*Mr. Pollock.]*

Mr. POLLOCK: He desired to point out that, unfortunately, while he was not absent from the precincts of the House, a division was taken of which he had no knowledge. (Opposition laughter.) The "Ayes" won that division by a majority of one. (Opposition laughter.) He reminded hon. gentlemen opposite that he would not be seen dead in their company anywhere. (Opposition laughter.) He was in the telephone box engaged in a conversation on the telephone, and no one was more surprised than he when, on returning to the Chamber, he saw the division was taking place and that he was too late to take part in it. He went to the telephone because the Librarian informed him that he was wanted.

Mr. ELPHINSTONE (*Oxley*): He rose to a point of order. He would like to know if the profuse explanation of the hon. member for Gregory had anything to do with the question before the House.

OPPOSITION MEMBERS: Hear, hear!

Mr. POLLOCK: His profuse explanation meant that the crowd opposite could not buy him to stop away from the division.

Mr. PAYNE (*Mitchell*): Something had come to his ears which no man should tolerate if it were true. He understood that the hon. member for Rosewood, Mr. W. Cooper, was called away because his sister is dying.

Mr. VOWLES: He rose to a point of order. Was the hon. gentleman debating the question before the Committee?

Mr. PAYNE: I am quite in order.

Mr. VOWLES: We will wait until the Chairman says so.

The CHAIRMAN: The hon. member for Mitchell can only discuss the question whether the resolution as amended be agreed to or not.

OPPOSITION MEMBERS: Hear, hear!

[7.30 p.m.]

The CHAIRMAN: Order! Order! I would ask hon. members to obey my call to order.

Mr. PAYNE: Before the question was put he would like to say that, if the hon. member for Nanango had kept his word, the Government would have won by a greater majority than they did. (Disorder.)

OPPOSITION MEMBERS: Not true.

Mr. PAYNE: The hon. member agreed to "pair" with the hon. member for Rosewood, who was away because his sister was dying.

OPPOSITION MEMBERS: No! That is not true.

Mr. PAYNE: He would not be found dead in the company of one of the members on the other side. (Disorder.)

Mr. EDWARDS: Seeing that the matter had been brought up, he wanted to make his position absolutely clear, and he desired to say that, to say the least, the statement just made was deliberately untrue. He was always prepared to stand to his promises as well as any member, and the arrangement made, owing to the unfortunate position in which the hon. member for Rosewood found himself through bad luck, was simply an arrangement that one Opposition member would be absent, and the whip on the Government side of the House could not misconstrue the arrangement or make anything else out of it. He had told the

Government whip distinctly, and he had told the hon. member for Rosewood distinctly before he went away, that one member on the Opposition side would be absent. That was the full explanation, so far as he was concerned.

OPPOSITION MEMBERS: Hear, hear!

Mr. WINSTANLEY (*Queenton*): Seeing that so many explanations had been made, it was up to him to make an explanation too. (Opposition dissent and uproar.)

The CHAIRMAN: I hope the hon. member will keep to the question before the Committee.

Mr. WINSTANLEY: As an explanation had been made which was not in accordance with the facts, he was entitled to make an explanation. The hon. member for Nanango, Mr. Edwards, promised the hon. member for Rosewood, Mr. W. Cooper, before he went away, that he would pair with him.

OPPOSITION MEMBERS: No! That is not true.

Mr. WINSTANLEY: The people who said "No" did not know anything about it at all. He went to the leader of the Opposition yesterday afternoon and asked him if he (Mr. Winstanley) could allow the hon. member for Rosewood to go away in response to an urgent wire that he had received from Kingaroy to the effect that some of his friends had met with an accident, and the leader of the Opposition distinctly told him (Mr. Winstanley) that he could allow the hon. member for Rosewood to go, and that, if the hon. member for Nanango recorded his vote, he (Mr. Vowles) would not record his vote.

OPPOSITION MEMBERS: No! No!

Mr. VOWLES: That is not true.

Mr. WINSTANLEY: That was the plain, distinct statement of the facts; otherwise the hon. member for Rosewood would never have gone away.

Mr. EDWARDS: That is not true, and you know it is not.

Mr. WINSTANLEY: The hon. member for Rosewood was actually induced to go.

Mr. VOWLES: He did not know why his name had been brought into it. He was not the Opposition whip, but the leader of the Opposition. The Government whip had been running round all their members trying to make an arrangement behind his back and behind the Opposition whip's back, and he then came to him (Mr. Vowles) and asked him would he agree to a "pair" between the hon. member for Rosewood and the hon. member for Nanango, and he replied, "Certainly not. I will give a 'pair' to no one." The hon. member then said he had made an arrangement, and he (Mr. Vowles) said they could make what arrangements they liked, and if the hon. member for Rosewood went to Kingaroy, there would be one Opposition member absent; and the hon. member for Normanby was absent. (Uproar.)

Mr. CORSER: Mr. Chairman—

The CHAIRMAN: Order! I am certainly not going to permit any more discussion on this matter. I allowed those hon. members whose names had been mentioned, out of fairness, to make an explanation, but I have no intention of allowing any further discussion on the matter.

[*Mr. Pollock.*]

Question—That the resolution, as amended, be agreed to—put and passed.

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

PROPOSED RECOMMITTAL.

The ATTORNEY-GENERAL: Mr. Speaker, I beg to move—

“That you do now leave the chair, and the House resolve itself into a Committee of the Whole to further consider the resolution.”

GOVERNMENT MEMBERS: Hear, hear! and laughter.

Mr. VOWLES: Mr. Speaker,—As you were absent during the Committee stage of this resolution, probably you are not aware—

The PREMIER: I beg to move—That the question be now put.

Question—That the question be now put—put; and the House divided:—

AYES, 35.

Mr. Barber	Mr. Kirwan
„ Brennan	„ Land
„ Bulcock	„ Lacombe
„ Collins	„ McCormack
„ Conroy	„ Mullan
„ Cooper, F. A.	„ Payne
„ Coyne	„ Pease
„ Dash	„ Pollock
„ Dunstan	„ Riordan
„ Ferricks	„ Ryan
„ Fihelly	„ Smith
„ Foley	„ Stopford
„ Forde	„ Theodore
„ Gilday	„ Weir
„ Gillies	„ Wellington
„ Gledson	„ Wilson
„ Hartley	„ Winstanley
„ Huxham	

Tellers: Mr. Bulcock and Mr. Conroy.

NOES, 33.

Mr. Appel	Mr. Kerr
„ Barnes, G. P.	„ King
„ Barnes, W. H.	„ Logan
„ Bebbington	„ Macgregor
„ Bell	„ Maxwell
„ Brand	„ Moore
„ Cattermull	„ Morgan
„ Clayton	„ Nott
„ Corser	„ Petrie
„ Costello	„ Roberts, J. H. C.
„ Deacon	„ Roberts, T. R.
„ Edwards	„ Sizer
„ Elphinstone	„ Swayne
„ Fletcher	„ Taylor
„ Fry	„ Vowles
„ Green	„ Warren
„ Jones	

Tellers: Mr. Bell and Mr. Costello.

Resolved in the affirmative.

Government cheers.

Question—That the Speaker do now leave the chair—put; and the House divided:—

AYES, 35.

Mr. Barber	Mr. Kirwan
„ Brennan	„ Land
„ Bulcock	„ Lacombe
„ Collins	„ McCormack
„ Conroy	„ Mullan
„ Cooper, F. A.	„ Payne
„ Coyne	„ Pease
„ Dash	„ Pollock
„ Dunstan	„ Riordan
„ Ferricks	„ Ryan
„ Fihelly	„ Smith
„ Foley	„ Stopford
„ Forde	„ Theodore
„ Gilday	„ Weir
„ Gillies	„ Wellington
„ Gledson	„ Wilson
„ Hartley	„ Winstanley
„ Huxham	

Tellers: Mr. Gilday and Mr. Pease.

NOES, 33.

Mr. Appel	Mr. Kerr
„ Barnes, G. P.	„ King
„ Barnes, W. H.	„ Logan
„ Bebbington	„ Macgregor
„ Bell	„ Maxwell
„ Brand	„ Moore
„ Cattermull	„ Morgan
„ Clayton	„ Nott
„ Corser	„ Petrie
„ Costello	„ Roberts, J. H. C.
„ Deacon	„ Roberts, T. R.
„ Edwards	„ Sizer
„ Elphinstone	„ Swayne
„ Fletcher	„ Taylor
„ Fry	„ Vowles
„ Green	„ Warren
„ Jones	

Tellers: Mr. King and Mr. Maxwell.

Resolved in the affirmative.

COMMITTEE.

(Mr. Kirwan, Brisbane, in the chair.)

The ATTORNEY-GENERAL moved the amendment of the resolution by the deletion, after the words “Supreme Court,” on line 3, of the words “to be hereafter appointed.”

Mr. VOWLES rose to a point of order. He submitted that the motion was distinctly out of order. The Committee, after having agreed to a certain resolution, was asked by the motion to disagree with it, which would be tantamount to a rescission of what they had already done. He submitted that they could not deal with the matter at all.

The TREASURER: We will, though.

Hon. W. H. BARNES: We cannot do it in the same session.

Mr. VOWLES: The hon. gentleman would do anything. The Chairman was the judge in the matter, and he submitted that the whole procedure was out of order. There was no authority for it, and it was contrary to the established procedure.

Mr. F. A. COOPER: Under what Standing Order do you name the point of order?

Mr. VOWLES: He submitted that there was no Standing Order applying to the point. They were trying to rescind a motion which had been previously agreed to, without notice of motion of any kind, but merely by recommitment after the Committee had dealt with it. He also submitted that the Committee could not deal with the matter twice in one session. He objected to the procedure, which, he submitted, was contrary to parliamentary practice.

Hon. W. FORGAN SMITH (Mackay): He submitted that there was nothing in the point of order raised by the leader of the Opposition, who suggested that the Committee could not rescind a resolution which had been agreed to. No resolution had yet been agreed to. The point was that the Committee were not now being asked to rescind their resolution. The subject-matter of debate in Committee did not become a resolution until it was agreed to by the House. The subject-matter now before the Committee was not agreed to by the House, which directed the Committee to reconsider the question, which they were now doing.

Mr. T. R. ROBERTS (East Toowoomba): He supported the point of order raised by the leader of the Opposition. His grounds were—that they had to-day taken into consideration a certain motion appearing on the business-sheet, and, after an exhaustive debate, they had decided to make a certain

Mr. T. R. Roberts.]

amendment to the proposed Bill. He contended that, under the Standing Orders, there was no other way to deal with the matter, if the Government persisted, but to discharge the resolution from the business-paper.

HON. W. FORGAN SMITH: It does not become a resolution until agreed to by the House.

MR. T. R. ROBERTS: He did not say that the House had agreed to it. The Committee had previously agreed to a certain resolution, and the Government, now that that decision was recorded, could not take the question into consideration again, because the Committee had disposed of it. They could not deal with the question twice in the one session. The business had come before them on the business-sheet, and the Committee had made a certain report to the House, and he contended that they could not reopen this business.

MR. PAYNE (*Mitchell*): He was surprised that hon. members who had been so many years in the House should show such a lot of ignorance about the Standing Orders. The leader of the Opposition should know that a question which was decided in Committee had to be agreed to, with the Speaker in the chair, before it became a resolution. The resolution came to by the Committee had never been agreed to by the House. If it had been, it would have been a different matter.

THE CHAIRMAN: The leader of the Opposition has raised the point of order that it is not competent for the Committee to reconsider the resolution. I would point out that the resolution has not been agreed to by the House. Therefore, I rule that it is competent for the Committee to reconsider it, and amend it further, if it so desires. The question is—That the words proposed to be omitted stand part of the resolution.

HON. W. H. BARNES: Before the motion was put, he would like to go back to the remarks that had been made that afternoon in connection with the matter.

A GOVERNMENT MEMBER: You have no right to do that.

HON. W. H. BARNES: If the Government had a right to reopen the question, he had a right to speak on the matter.

THE PREMIER: I move—That the question be now put.

Question—That the question be now put (*Mr. Theodore's motion*)—put; and the Committee divided:—

AYES, 35.

Mr. Barber	Mr. Huxham
" Bertram	" Land
" Brennan	" Larcombe
" Bulcock	" McCormack
" Collins	" Mullan
" Conroy	" Payne
" Cooper, F. A.	" Pease
" Coyne	" Pollock
" Dash	" Riordan
" Dunstan	" Ryan
" Ferrieks	" Smith
" Fihelly	" Stopford
" Foley	" Theodore
" Forde	" Weir
" Gilday	" Wellington
" Gillies	" Wilson
" Gledson	" Winstanley
" Hartley	

Tellers: Mr. Collins and Mr. Gledson.

[*Mr. T. R. Roberts.*]

NOES, 33.

Mr. Appel	Mr. Kerr
" Barnes, G. P.	" King
" Barnes, W. H.	" Logan
" Bebbington	" Macgregor
" Bell	" Maxwell
" Brand	" Moore
" Cattermull	" Morgan
" Clayton	" Nott
" Corser	" Petrie
" Costello	" Roberts, J. H. C.
" Deacon	" Roberts, T. R.
" Edwards	" Sizer
" Elphinstone	" Swayne
" Fletcher	" Taylor
" Fry	" Vowles
" Green	" Warren
" Jones	

Tellers: Mr. Green and Mr. Nott.

Resolved in the affirmative.

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

AYES, 33.

Mr. Appel	Mr. Kerr
" Barnes, G. P.	" King
" Barnes, W. H.	" Logan
" Bebbington	" Macgregor
" Bell	" Maxwell
" Brand	" Moore
" Cattermull	" Morgan
" Clayton	" Nott
" Corser	" Petrie
" Costello	" Roberts, J. H. C.
" Deacon	" Roberts, T. R.
" Edwards	" Sizer
" Elphinstone	" Swayne
" Fletcher	" Taylor
" Fry	" Vowles
" Green	" Warren
" Jones	

Tellers: Mr. King and Mr. Maxwell.

NOES, 35.

Mr. Barber	Mr. Huxham
" Bertram	" Land
" Brennan	" Larcombe
" Bulcock	" McCormack
" Collins	" Mullan
" Conroy	" Payne
" Cooper, F. A.	" Pease
" Coyne	" Pollock
" Dash	" Riordan
" Dunstan	" Ryan
" Ferrieks	" Smith
" Fihelly	" Stopford
" Foley	" Theodore
" Forde	" Weir
" Gilday	" Wellington
" Gillies	" Wilson
" Gledson	" Winstanley
" Hartley	

Tellers: Mr. Bulcock and Mr. Dash.

Resolved in the negative, and amendment agreed to.

Question—That the resolution, as amended, be agreed to—put; and the Committee divided:—

AYES, 35.

Mr. Barber	Mr. Huxham
" Bertram	" Land
" Brennan	" Larcombe
" Bulcock	" McCormack
" Collins	" Mullan
" Conroy	" Payne
" Cooper, F. A.	" Pease
" Coyne	" Pollock
" Dash	" Riordan
" Dunstan	" Ryan
" Ferrieks	" Smith
" Fihelly	" Stopford
" Foley	" Theodore
" Forde	" Weir
" Gilday	" Wellington
" Gillies	" Wilson
" Gledson	" Winstanley
" Hartley	

Tellers: Mr. Gilday and Mr. Hartley.

NOES, 33.

Mr. Appel	Mr. Kerr
„ Barnes, G. P.	„ King
„ Barnes, W. H.	„ Logan
„ Bebbington	„ Macgregor
„ Bell	„ Maxwell
„ Brand	„ Moore
„ Cattermull	„ Morgan
„ Clayton	„ Nott
„ Corser	„ Petrie
„ Costello	„ Roberts, J. H. C.
„ Deacon	„ Roberts, T. R.
„ Edwards	„ Sizer
„ Elphinstone	„ Swayne
„ Fletcher	„ Taylor
„ Fry	„ Vowles
„ Green	„ Warren
„ Jones	

Tellers: Mr. Kerr and Mr. Sizer.

Question resolved in the affirmative.

The House resumed.

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

The resolution was agreed to.

## FIRST READING.

The ATTORNEY-GENERAL presented the Bill, and moved—That the Bill be now read a first time.

Question put and passed.

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

## SUPREME COURT BILL.

## INTIMATION IN COMMITTEE.

(Mr. Kirwan, Brisbane, in the chair.)

The ATTORNEY-GENERAL (Hon. J. Mullan, Flinders), in moving—

“That it is desirable that a Bill be introduced to make better provision for the trial of civil and criminal causes”—said: This was the second of a series of three Bills dealing with the judiciary. Under the proposed measure the District Court would be abolished. The criminal jurisdiction would go on to the Supreme Court, and the civil jurisdiction would go to the magistrates' courts, which would be created under a Bill to be moved subsequently. He would give further details of the Bill at the second reading stage, which was the proper stage for giving reasons for introducing a Bill.

Mr. VOWLES (*Dalby*): He did not propose to make any reference to the proposed alteration of the law at that stage. It might be necessary in some directions to alter both the civil and criminal procedure, but it appeared to him to be strange, so far as the criminal court was concerned. How did the Minister propose to do away with the District Court unless they were going to give something in exchange by establishing three courts in their place, particularly in the country where District Courts had often been held in the past?

The ATTORNEY-GENERAL: Hear, hear! That is what we will do.

Mr. VOWLES: He trusted that persons accused of criminal charges would not be in a worse position than they were before. An innocent man might have to go into the dock and, if he did not have any witnesses to appear for him, his case would be prejudiced, as the Crown would not assist him. However, he would reserve his remarks until he received a copy of the Bill.

Mr. MACGREGOR (*Merthyr*): As the leader of the Opposition said, it was difficult

to criticise the Bill without knowing the details. Apparently, there was an extraordinary amount of secrecy about the introduction of these Bills. He was aware that two of the judges tried to get copies, but one was flatly refused. Another judge was offered a copy of the Bill if he would promise not to let his brother judges see it, and he would not accept the copy on those terms.

Mr. HARTLEY: How do you know that?

Mr. MACGREGOR: He knew it from information he had received.

Mr. HARTLEY: Evidently that judge's word is not worth much.

Mr. MACGREGOR: Evidently it was no use an hon. member suggesting anything in connection with the measures introduced. The Government were guided by the super-Parliament outside, and they were required to put their measures through without receiving any amendment or suggestion. The Bill would be found to be absolutely unworkable. However, he would reserve his criticism until he saw the Bill.

Mr. T. R. ROBERTS regretted the way the Attorney-General was introducing the business. Under a ruling given by the Speaker, they had lost an opportunity of getting information on the initial stage of the Bill.

The ATTORNEY-GENERAL: In the old days we got no information at all. The ex-Treasurer would never give us any information.

Mr. T. R. ROBERTS: Under previous Governments members always knew on the introductory stages what Bills were going to contain; but that had been done away with by order of the present Speaker. They had three important measures introduced that day, and the leader of the Opposition and the hon. member for Merthyr found it difficult to get any information about them. The Attorney-General should follow the practice adopted by the Home Secretary a few days ago, and indicate what the Bills contained. The leader of the Opposition had referred to the position of a prisoner if the District Court were abolished. It was an important matter to abolish the District Court, and that was why they would like to know more about the measure. The Government were not treating the Opposition fairly, because Government members spent some days considering the measure; they knew what was in it, and they should extend the same courtesy to the members of the Opposition.

HON. W. H. BARNES (*Bulimba*): He emphasised what had been said by the hon. member for East Toowoomba. At one time hon. members enjoyed the advantage of learning what a Bill contained, but for some reason or other that had been altered, and hon. members did not get the information they wanted to enable them to discuss the different measures.

The ATTORNEY-GENERAL: I have known you to refuse to give any information at all on a Bill.

HON. W. H. BARNES: It would be very much better, in the interests of the House and in the interests of the country, if the Government gave more information. Three Bills were introduced that day dealing with important matters, and the Government would not give them any information. The policy of the Government was to try and get through each measure step by step by refusing to give any information. The policy

*Hon. W. H. Barnes.]*

adopted in connection with Bills and everything else was to refuse to give information and cover up everything. The Minister said only half a dozen words on the Bill.

MR. FLETCHER: Perhaps he does not understand what the Bill is about.

HON. W. H. BARNES: The Minister did not have very much legal knowledge—he was not saying that in an offensive way—but the hon. gentleman was a layman, and could not have legal knowledge.

THE SECRETARY FOR AGRICULTURE: He has got common sense.

HON. W. H. BARNES: That is what the Minister himself has not got.

MR. RYAN: Roma street is your boundary.

HON. W. H. BARNES: The boundary of the hon. gentleman who had just interjected could be spelt with just three letters. The Government should give more information about their measures.

THE ATTORNEY-GENERAL: You remained here all one night and refused to give us information about a Bill.

HON. W. H. BARNES: Of course, he would remain if there was a stonewall on; but in this case the Opposition were not stonewalling. Hon. members opposite were apparently out to pass legislation to do everything to cripple Queensland. They introduced a Bill, and said, "Here it is. Take it; you cannot alter it." No wonder they could not tolerate that kind of thing, and protested against it.

MR. HARTLEY: There was no need for the Minister in charge of the resolution to give any further information, as the resolution itself was quite clear if hon.

[8.30 p.m.] members opposite were sincere in their desire to do business for the benefit of the country. The resolution read—

"To make better provision for the trial of civil and criminal causes."

That was sufficiently definite for any man to understand, and, after the exhibition they had had on the previous debate of the repudiation of a pledge given to an hon. member who was absent through sickness and distress in his family—

AN OPPOSITION MEMBER: That is not correct.

MR. EDWARDS: That is a lie.

MR. HARTLEY: It was absolutely correct, and he spoke on reliable information.

THE CHAIRMAN: Order! Order! Did I understand the hon. member for Nanango to say, "That is a lie"? If so, it is unparliamentary, and I ask the hon. member to withdraw the expression.

MR. EDWARDS: Out of respect to yourself and the Chair, Mr. Kirwan, I withdraw the words; but the statement of the hon. member was untrue.

MR. HARTLEY: The statement was quite true.

THE CHAIRMAN: Order! I would ask the hon. member for Fitzroy to confine his remarks to the question before the Committee.

MR. HARTLEY: Unless there was some sincerity and good faith in the dealings between the Opposition and the Government party, then the Government were justified in seeing that Government business was transacted in the House and in the House only. As

[Hon. W. H. Barnes.

further evidence of the want of good faith, he would instance the remarks of the hon. member for Merthyr, who stated that he had information that only one judge could get a copy of the Bill, and evidently the hon. member had been in touch with him, either directly or through an intermediary, to get information which entitled him to say that the Bill would be unworkable.

MR. MACGREGOR: That is not so.

MR. HARTLEY: Why should the Government make any information available for organisations outside?

MR. MACGREGOR: You are quite wrong.

MR. MORGAN: That is a reflection on your Minister.

MR. HARTLEY: It was not a reflection on the Minister, but a reflection on the judge who had been in communication with the hon. member for Merthyr. That was fairly clear and justified the Minister in the attitude he had taken up. Anybody who knew the ordinary procedure in the law courts to-day knew that there was plenty of room for improvement. They must know that in the lower courts the restrictions that had been placed on litigants and the expensive procedure was such as to militate against the securing of justice. In connection with the women's case alone, there was a big scope for improvement. Anyone would agree that a bench of justices composed of women in some of the lower courts would certainly do good work in the interests of justice and in the interests of women generally. He hoped the resolution would go through without further discussion, unless hon. members opposite were going to give some evidence of sincerity.

MR. TAYLOR: Any evidence of sincerity that was wanted in regard to the discussion came from the Opposition side of the Chamber. Hon. members on that side of the House were sincere in that they wanted to see, when Bills were introduced, that the necessary information was supplied by responsible Ministers. If the hon. member for Bulimba at one time had refused for three hours to give the necessary information, surely that was not going to be advanced as an argument why the Attorney-General should withhold the information on this occasion?

THE ATTORNEY-GENERAL: You will get all the information you want at the right stage.

MR. TAYLOR: It had been customary to give reasonable information when Bills were being introduced. It was all very well for the Minister to tell them that they would get the information later on. They wanted the information now. That was one of three legal Bills that were being introduced, and they wanted all the intelligence possible brought to bear on those Bills. Anything that could be done to assist justice and to make it easier and less expensive to obtain justice would be supported by every member of the Chamber. They were not out to advocate expensive litigation, but they did claim that, when a Minister introduced a Bill, it was not fair to say, in half a dozen words, that he was going to do this or do that. The hon. gentleman told them that better provision was to be made, but he did not explain how that better provision was going to operate. They had yet to find out whether it was a better provision. Unfortunately they had found by experience that the better provision that Ministers had

mentioned on the introduction of Bills had not been better provisions, but had worked out in quite the opposite direction. He hoped Ministers in future, in introducing Bills, would give all the information required. They must not forget that the legislation being introduced was for the whole of the people of Queensland, and they were entitled, as representatives of the people, to have the fullest possible information that the Minister could supply, so that they could discuss matters in an intelligent way.

Mr. T. R. ROBERTS: The Attorney-General had raised the question as to the rights of hon. members, and the hon. gentleman had interjected that in the past he had protested against the action of the then Government in not giving information when introducing measures. Since that interjection was made, he (Mr. Roberts) had looked up the debates, and he was somewhat astonished to find that the objection was always lodged at the wrong time; that was at the initiatory stage. What was the attitude of the Labour party on the introduction of the Industrial Peace Bill? The discussion was led by the late Mr. Bowman, who was ably assisted by the late Hon. T. J. Ryan. On the initiatory stages of that Bill the Labour party caused some obstruction, contending, of course, that they were in need of information at that stage, although they were promised by the present member for Bulimba, who was then Secretary for Public Works and in charge of the Bill, that they would get all the information at the right stage, which was the stage they were discussing now. At that time Mr. Coyne, the present Secretary for Public Lands, said—

“I think the Minister for Public Works might give us some idea of what the Bill is; I think that it would be only fair to the House. The Home Secretary, when introducing a non-contentious measure, was ready to give a second reading speech, but we cannot get anything out of the Treasurer—which is rather characteristic of the hon. gentleman.”

Later on the hon. member for Queenton, Mr. WINSTANLEY, said—

“The amendment is an eminently reasonable one, and ought to have met with a better response from the other side than it has met with up to the present. We have been told that we should wait until we see the Bill; but, when we have done that on previous occasions, in some instances we have been sorry that we did not take the opportunity, when the order of leave was given, to try and get an extension.”

Mr. WINSTANLEY: That does not prove you gave the information.

Mr. T. R. ROBERTS: The information was promised and given. They had Mr. Hunter, the present Agent-General, when member for Maranoa, saying—

“I hope that the Treasurer, in his capacity as Minister for Public Works, will give this House some idea of the ruling principles of the measure which he proposes to introduce.”

He was just mentioning those references because they were made at an earlier stage than this. It was the initiatory stage at which the present Speaker had ruled they had no right to discuss a Bill. The then Opposition at that stage saw fit to move two resolutions.

There was, therefore, every reason why the Minister, if he were anxious to get the business through with expedition, should fall in on the lines of his co-Ministers. They recognised that the Home Secretary, at this particular stage in introducing a Bill, advanced the information which gave them an idea of what they were to be prepared for on the second reading. The Government were moving along in their own particular way. They had had an evidence that evening of a Bill being defeated in Committee and immediately reintroduced.

Mr. HARTLEY: Defeated on a broken pledge.

Mr. T. R. ROBERTS: They did not know when the second reading of this Bill would come along, and they were justified in asking the Minister to give them some information. If he would not, they were justified in questioning the position to the utmost. Oppositions had rights which they could assert when pressed, and this was one of those occasions, when this minority Government, in their dying moments, were using the bludgeon to pass measures through. They wanted to get through certain legislation, pass the Estimates, and go off on another nine or ten months' holiday. The Opposition were not justified in agreeing to those methods.

Mr. HARTLEY: Why don't you shut up?

Mr. T. R. ROBERTS: As one member of the Opposition, he intended to insist on his rights.

Mr. PETRIE: The Attorney-General ought to give the Committee more information on a Bill like this. He did not know what reasons the Government had for holding back information from members on his side. They had had this session a good deal of experience of the manner in which the Government had evaded answering questions. Now they seemed to be desirous of putting Bills through without giving the information which at that particular stage the Opposition ought to have. If they went from one stage to another, they might, perhaps, be debarred from expressing the opinions they should express on those particular Bills. The opposition represented the majority of the people, and had a right to all the available information. This was important legislation, and it would affect seriously certain individuals. The Government had no right to go on with legislation of this sort under the conditions now existing. The Opposition had defeated them once that night, and on one occasion the Government carried one division on the casting vote of the Chairman. Then, by gagging matters through, they had succeeded in getting on so far with the business. He had no intention—and he did not think any hon. member on that side had—of delaying the business, so long as it was done in a business-like way. This Government's attitude towards the present Opposition was worse than that of any Government against hon. members on the other side when they sat in opposition. He had never seen any Government take up the stand that the present Government had taken up. He hoped they would be amenable to reason, and give the Opposition the information they desired. It would save a lot of trouble, time, and talk, and that was a consideration when they were trying to induce the Government to study economy. The Government had been spending money hand over fist, and the Opposition were there

*Mr. Petrie.]*



to protect the interests of the majority of the people of the State. He hoped the Attorney-General would reconsider the matter and be more open. If there were nothing to hide, why not give the information the Opposition desired?

The ATTORNEY-GENERAL: Why don't you be as reasonable as the Country party?

Question put and passed.

The House resumed. The CHAIRMAN reported the resolution. The resolution was agreed to.

#### FIRST READING.

The ATTORNEY-GENERAL presented the Bill; and moved—That the Bill be now read a first time.

Question put and passed.

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

### MAGISTRATES COURTS BILL.

#### INITIATION IN COMMITTEE.

(*Mr. Kirwan, Brisbane, in the chair.*)

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*), in moving—

“That it is desirable that a Bill be introduced to amend the laws relating to the jurisdiction of magistrates and justices of the peace in civil matters”—

said: This was the third of the series of Bills dealing with the judiciary. It repealed the Small Debts Acts, 1867 to 1894, and substituted therefor a magistrates court which, as he had previously indicated, would have a jurisdiction up to £200. It would practically have the present jurisdiction of the Small Debts Court, plus the civil jurisdiction of the District Court.

Mr. MACGREGOR: Are you doing away with juries?

The ATTORNEY-GENERAL: In the magistrates' courts there would not be juries. The magistrates would have the jurisdiction of the District Court, in addition to their present jurisdiction.

Mr. T. R. ROBERTS: Will there be magistrates other than police magistrates?

The ATTORNEY-GENERAL: There would be police magistrates with a jurisdiction of £200, and there would be justices of the peace with a smaller jurisdiction.

Mr. T. R. ROBERTS: Honorary justices of the peace?

The ATTORNEY-GENERAL: Justices of the peace, and as they had at present.

An OPPOSITION MEMBER: What is the present limit in the Small Debts Court?

The ATTORNEY-GENERAL: £50, and they were going up to £200. He would give detailed information to hon. members at a later stage.

Mr. VOWLES: It seemed to him that they were starting to experiment a great deal in litigation. While there might be some alterations necessary, it seemed to him that the time would arrive when they would require to have a better class of police magistrate. He did not think that, so far as the individuals were concerned, they had men of high attainments.

The ATTORNEY-GENERAL: We have them now. They have to pass a difficult examination.

Mr. VOWLES: He thought the time would arrive when they would have to get profes-

sional men to occupy the positions. They were going to ask an ordinary police magistrate, by virtue of the fact that he had passed a certain examination, to take upon himself work that the District Court judges had done in the past, and to deal with those matters without a jury. It was often necessary in cases with which he had been concerned, to have juries who understood local conditions and the custom of trade, and who had a general knowledge of the subject, who could arrive at a knowledge of the facts more correctly than a judge, who in many cases had to be tutored up in the matter. They were going to go away with that privilege of a litigant. It was not compulsory to have a jury now, but in a great many cases legal men had the privilege of asking for a jury as a matter of justice to their clients, and he thought the taking away of that right was going to be an injustice. However, if they were going to have this Bill thrust upon them, it would be better to wait until they saw what was in it.

Mr. MACGREGOR: In reference to some remarks he had previously made with regard to the secrecy shown in connection with those Bills, he wished to say that he had had no conversation with any of the judges, and had not approached them in any way in regard to the matter. Law reform was necessarily a matter of great interest to the legal profession, and his information came from members of the bar. One would expect that in such important matters the Government would have sought all the assistance they could get by exposing their proposals to public and expert criticism, and moulding their Bills after they had heard all that the public and experts had to say. So far as he could make out, there had been nothing of that kind in connection with the Bills introduced that day. Members of the Bar who were concerned were of the opinion that no expert information had been asked in regard to the measures proposed. When the leader of the Opposition later on became Premier, it would probably be found necessary to repeal these Bills, and he reserved his right to support the hon. gentleman in that action and take the responsibility of all the attendant consequences, whatever they might be.

Mr. BRENNAN: At the next election it would be a question of whether the hon. member for Merthyr got back to the House at all. The country had been crying out for legal reform long enough. He did not claim to be an expert in the matter, but he used his common sense with regard to it. It was the experts—the legal profession—which had ruined the profession and brought it down so as to incur the hatred of the public. Barristers could string out cases from day to day, to the detriment of the unfortunate witnesses brought from the country, so that one was not game to bring a case in the Supreme Court. He hoped that the law would be simplified to enable actions to be brought more cheaply. The hon. member for Merthyr said that neither the public nor the experts had been consulted; but did they not see every day in the paper that experts were consulted and decisions given? The Government desired to remedy the mistakes which they saw occurring. Anomalies existed in the law in this connection, which had not been altered since 1867, although there had been a few new rules of court made. The Bill was going to benefit the profession throughout.

[*Mr. Petrie.*]

AN OPPOSITION MEMBER: Do you know what is in the Bill?

MR. BRENNAN: He did not; but, if it would simplify and cheapen law procedure, he would support it, and he was satisfied that the Bill would be satisfactory to the House generally, even if not to the hon. member for Merthyr.

MR. TAYLOR: He would like to know from the Attorney-General what precedents there were to guide them in connection with this proposed change in the law.

THE ATTORNEY-GENERAL: I can assure you that there are any number of precedents for it; but this is not the stage to give that information.

MR. TAYLOR: If the Minister could cheapen the law through this measure, he would certainly be doing some good; but he (Mr. Taylor) had some doubts as to whether the hon. gentleman would be able to accomplish that. Probably law reform was necessary, but he did not altogether like the idea of dispensing with juries. No matter how well qualified a judge might be to weigh

evidence, he still considered that [9 p.m.] a jury of men with ordinary every-day knowledge of business affairs, and the matters which came before courts, was very often of very great assistance to him in coming to a correct and proper decision. It was probably a mistake, therefore, to propose to do away with them. However, they had very little information on which to go, but, when they had the Bill before them—he was afraid it would be in all sorts of shapes—but he hoped they would be able to lick it into shape, and probably get in some necessary amendments.

MR. KING (*Logan*): This was one of those matters of law reform of which they were continually told they stood in need. One was almost reminded of the old saying, "Fools rush in where angels fear to tread," and he was rather under the impression that the Attorney-General had undertaken something which he did not altogether understand.

THE ATTORNEY-GENERAL: You ought to stay at home, old boy.

MR. KING: He did not think that the Bill was going to cheapen law. It was proposed to abolish the District Court and increase the jurisdiction of the Small Debts Court from £50 to £200. In the District Court at present the judge had the benefit of the assistance of juries on the facts, he himself deciding upon the law. The Government proposed to increase the responsibility of the magistrates, who in matters up to £200 would have to discharge the functions, not only of the judges, but also of juries, and there was no appeal from them on questions of fact. There was appeal to the Supreme Court on points of law only. Litigants were going to suffer, because, instead of cheapening law, that alteration was going to increase materially its cost.

THE ATTORNEY-GENERAL: The hon. member seems to think it is a compulsory jurisdiction. It is not.

MR. KING: Why did the hon. member not say distinctly what the jurisdiction was to be? That was one of the evils arising from Ministers not giving hon. members decent information.

THE ATTORNEY-GENERAL: It proves what you said a while back about "fools rushing in where angels fear to tread."

MR. KING: When they knew what was in the Bill they would be able to discuss it; but at that stage he could not help thinking that, instead of cheapening law—as stated by the hon. member for Toowoomba—it would considerably increase the cost, and that hon. member, being a barrister, would reap the benefit.

HON. J. G. APPEL (*Albert*): The Minister in his explanation would lead one to believe that the proposed Bill would cheapen law.

THE ATTORNEY-GENERAL: That is its main object.

HON. J. G. APPEL: In eight cases out of ten, measures introduced by the present Administration were loaded and required careful scrutiny. He had no hesitation in saying that any measure that had been introduced to cheapen law had practically had the effect of making law dearer.

THE TREASURER: Impossible.

HON. J. G. APPEL: The Government proposed to convert what might be called a simple court into a court of record, and to abolish the District Court, over which presided a qualified judge who had to have certain educational and legal attainments, and to place its jurisdiction in the hands of a non-qualified man, and thus deprive litigants of the opportunity of having juries to decide questions of fact. It simply exemplified the class of legislation which the present Administration, who claimed to represent the workers of the State, introduced for their benefit. Just as the Fair Rents Act had increased the practice of legal practitioners in some cases by 50 per cent., and unfortunate men of small means had been mulcted in large sums by way of legal fees, he ventured to say so would the proposed measure have the same effect. He had no hesitation in saying from the meagre explanation of the Minister, that the present Bill would increase the cost of law. It was proposed that the appeal from the Small Debts Court, which lay at present to the District Court, should lie to the Supreme Court, and the hon. member had the hardihood to say that it would not cost any more.

THE ATTORNEY-GENERAL: It will not, either.

HON. J. G. APPEL: Apparently the hon. member was drawing on the credulity of those unfortunate persons who, if the measure became law—which he hoped would not be the case—would have to pay the piper. The British people had always claimed the right to trial by jury, both in civil and criminal causes.

THE ATTORNEY-GENERAL: We are not denying them that right.

HON. J. G. APPEL: The hon. member said it was proposed to do away with juries in the lower court.

THE ATTORNEY-GENERAL: No. There is a jury in the Supreme Court.

HON. J. G. APPEL: Did not the Minister say that in the court which would have a jurisdiction up to £200 no juries would be allowed?

THE ATTORNEY-GENERAL: That is so; but the man who does not like that can go to the other court.

HON. J. G. APPEL: That was exactly where a man, in enforcing his rights, was mulcted in a large sum of money. He had to go to the Supreme Court to get the benefit of a jury. They were told by hon. members opposite that they were the party

*Hon. J. G. Appel.]*

who were going to cheapen law. Had they cheapened anything else?

The ATTORNEY-GENERAL: Yes, State Insurance.

HON. J. G. APPEL: To-day there were evidences that they had cheapened nothing, but had rendered everything dearer and dearer. This was another loaded measure, which proposed, in place of being a benefit to the poorer members of the community, practically to take out of their hands the opportunity of obtaining justice which they could now obtain. If it was not taken out of their hands, it could only be obtained at a very much increased cost. He trusted that hon. members would carefully scrutinise the measure. It was one that should be scrutinised. In eight out of ten cases, when a measure was introduced by the present Administration, it was loaded and aimed to strike a blow at those less able to afford that kind of thing.

Mr. T. R. ROBERTS: He hoped that, with the experience the Attorney-General had gained in the introduction of these Bills, he would have some feeling in the way of expediting business. He felt confident that the Attorney-General must feel anything but satisfied with the position. He was struck with the remarks by the hon. member for Toowoomba in regard to the cheapening of law. Did the hon. member look as though he was an individual who was likely to cheapen law?

Mr. BRENNAN: I do not look as mean-looking as you.

Mr. T. R. ROBERTS: They had heard from the hon. member for Toowoomba what the Bill was likely to contain. That was what he objected to. The Opposition were just as much entitled to know the contents of any measure that was coming before the House as any hon. member sitting behind the Government, and probably they would be asked to take the second reading the following day. At each stage the Minister got up and said that this was one of three Bills which were being introduced. He did not know whether the hon. gentleman would infer that it was absolutely necessary to pass three Bills *en bloc* to make them operative.

The SECRETARY FOR AGRICULTURE interjected.

Mr. T. R. ROBERTS: He was quite certain that, if the Secretary for Agriculture had his way, there were lots of things he would pass. He knew that he occupied a position on the Government side and he had to pay some attention to that. If the hon. gentleman could get the Government to come to a unanimous decision on the cheese pool, the men who were asking for it would speedily get that measure.

The SECRETARY FOR AGRICULTURE: You said outside that you are opposed to it.

Mr. T. R. ROBERTS: He was not opposed to it. He only wanted the Minister to give some attention to his own troubles. He (Mr. Roberts) would look after his own. He would like to be informed if the Government were going to continue the present system of appointing justices of the peace, and also what really was the present system of appointments of justices of the peace. He could not understand it. He understood that the Government had laid it down that a man's name must be submitted through the hon. member for the district. He would not say that he approved of that principle. He was unfortunate enough on one occasion to notice

in the Victoria Barracks that a justice of the peace was absolutely necessary for the public convenience. He submitted a name, and found that the man he submitted could not be appointed. He would do the Treasurer the courtesy and give him credit of saying that, when it was brought under his notice, he rectified it.

The TREASURER: Who was that?

Mr. T. R. ROBERTS: It was a gentleman in the hon. gentleman's electorate whose name he (Mr. Roberts) had unfortunately submitted. It was the policy of the Government that names must be submitted by the hon. member for the district.

The TREASURER: I do not know anything at all about it.

Mr. T. R. ROBERTS: You do. You initialised the paper that was submitted by me.

The TREASURER: When?

Mr. T. R. ROBERTS: When Mr. Ryan was Premier.

The TREASURER: Why not go back to the days of Noah?

Mr. T. R. ROBERTS: The Government had introduced a certain method of nominating justices of the peace, and he was certain that in certain instances they had insisted on that being carried out. Quite recently there had been a number of men appointed as justices of the peace at Toowoomba, and those men—

The CHAIRMAN: Order! The hon. gentleman is not in order in any comment he makes about the appointment of justices of the peace at this stage. He would be quite in order in discussing the matter on the Estimates.

Mr. T. R. ROBERTS: He was quite satisfied with the Chairman's ruling. He wished to show that there was a necessity for amending the Bill, and he was endeavouring to show the Minister where he might widen the scope of the Bill.

The TREASURER: You are getting a fair share of justices of the peace.

Mr. T. R. ROBERTS: He was not complaining, but, he wanted to know, if the Government desired to have justices of the peace nominated in a certain way, how it was that men had been recently appointed in his electorate without his knowledge during the last fortnight. All he knew about the matter was that he had been asked if he had any objection to certain individuals being appointed. To be effective, one general system should be adopted. That was the reason why he thought the Bill should be altered.

The TREASURER: There might be some slight confusion about that matter. I will see you to-morrow about it.

Question put and passed.

The House resumed.

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

The resolution was agreed to.

#### FIRST READING.

The ATTORNEY-GENERAL presented the Bill, and moved—That the Bill be now read a first time.

Question put and passed.

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

[Hon. J. G. Appel.]

## SUPPLY.

## FINANCIAL STATEMENT—RESUMPTION OF COMMITTEE.

(Mr. Kirwan, Brisbane, in the chair.)

Question stated—That there be granted to His Majesty, for the service of the year 1921-1922, a sum not exceeding £300 to defray the salary of the Aide-de-Camp to His Excellency the Governor.

Mr. CORSER (*Burnett*): I congratulate Queensland on the amount of revenue supplied to the Treasury during the last twelve months. The State is to be congratulated upon having been able to contribute that sum of money during these bad times; and it goes to show that the cry of the Government that there has been no money is not supported by the evidence placed before us in the Financial Statement. The anæsthetic that has been administered shows that there is no excuse for the Government to raise the cry of "No money!" That cry is simply political chloroform doled out by the Government to the people, but the figures disprove what they say. Very many things needed to be done, but the Government refused to do them during the last twelve months. Repairs to schools and other public buildings are wanted everywhere, although last year the Government spent no less than £20,469,000. Just fancy that sum of money spent by the Government amongst 700,000 people, including £12,500,000 received from revenue. During the financial year 1913-1914, the last year solely administered by another Government, the sum of £6,900,000 was received from revenue, and the State was carried on successfully; but now it is carried on unsuccessfully, although nearly £6,000,000 more is raised in revenue by the Government. The figures on page 9 of the Statement are very interesting, as showing the amount of money the Government received when they stated they had no money. The £20,000,000 odd which the Government received last year does not include the £1,017,000 set aside for soldier settlement, so that cannot be the excuse for the Government not having sufficient money to carry out the things that are needed. In 1917 the Queensland Government refused the offer of the Commonwealth money in connection with the repatriation scheme. All the other States accepted the offer at the Conference of Premiers and Ministers of Public Works. Queensland was the only State which refused the offer.

Mr. COLLINS: You have emptied the House.

Mr. CORSER: A lot of you will be emptied out permanently before long.

Mr. COLLINS: You might be one yourself.

Mr. CORSER: I don't think so. We find the Government saying that they were debarred from securing money because the big financiers on the other side of the world were prevented by some means from contributing the necessary money; but we find, on looking up the figures, that since the Government took office they have spent no less a sum than £93,000,000. In spite of that expenditure, there are many much-needed works in the State that have not yet been completed. To give one shocking instance of where the Government neglected to carry out public works for the benefit of the settlers, I have only to refer to the Proston Railway. Settlers were brought out from the old country eleven years ago, and placed on land 40 miles from a railway.

Mr. COLLINS: What Government put them there?

Mr. CORSER: The Government that put them there passed the railway to Proston in 1914. In 1915 that railway was started, and it is not completed yet.

The TREASURER: Your Government passed sixteen railways in 1914.

Mr. CORSER: Considerably more than you have been game to pass since. The Labour Secretary for Railways turned the first sod of the Proston Railway in 1915, and four months later it was started. The Minister commenced the "go-slow" business when he wheeled the wheelbarrow and turned the first sod, but the railway is not completed yet. There are no rails laid, and the settlers are still struggling while the greater part of the money voted has been spent.

Mr. FORDE: Your party promised the Alton Downs Railway, but this Government built it.

Mr. CORSER: The late Government left the money to build it. Right throughout the State railway construction has been closed down. School buildings have been neglected, and railway buildings are being neglected; just for the sake of a coat of paint they are allowed to go into disrepair. The railway engines are in need of repair, and the leakages in the tubes have been stopped with sawdust.

Mr. FORDE: Will the Many Peaks to New Cannindah Railway be built?

Mr. CORSER: My mind would be as small as the hon. gentleman's if I said that it would. Just to show the state of the rolling-stock, I will read a paragraph which I have here—

"Statements have been repeatedly made that the rolling-stock on the Queensland railways is not generally in as good a condition of repair as it should be. It is known that temporary expedients have been adopted to deal with emergencies. A deputation of the Engine-drivers, Firemen and Cleaners' Association intended to wait on the Commissioner for Railways to-day with reference to the dosing of leaking locomotives with horse manure or sawdust. The association was unwilling to take any responsibility in the matter without authority from the heads of the department. Owing to the Commissioner's temporary absence from office, the association was unable to obtain the desired audience. It is stated that when the boiler tubes in locomotives are found to be leaking, manure or preferably sawdust was placed in the water, and then forced into and stopped the leaks temporarily."

That appeared in the public Press, and the hon. gentleman cannot contradict it. I want to point out that, whilst they spent £20,500,000, this thing has been allowed to go on, so that the next Government

[9.30 p.m.] ment that come into power will find their rolling-stock and public buildings depreciated in value for the want of attention. Not only in these ways have they economised during this terrible time, but they have closed railway sidings in country districts right throughout the State. They have closed down many contributions to hospitals, and in one instance in my district they actually found they had paid some hundreds of pounds in donations that

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should not have been paid, and then they asked for it back some months afterwards when they found out the mistake.

The TREASURER: The Railway Department gave you money for a road once.

Mr. CORSER: That is so. They gave us £100, and it was money well spent. Private enterprise has been killed during this big money boom. These big collections of funds by the Government have had an effect on private enterprise, and the depression in trade that the Treasurer speaks of—it is one of the true things he did say in his casual remarks, and sometimes cynical remarks—was felt not only by the Government, but to a large extent by the poor individual who has had to pay the income tax.

The TREASURER: Don't be too harsh.

Mr. CORSER: I am not wound up yet. The depression in trade was felt by those people whom the Government drained more and more as the years of their administration went on, and they put the cap on during the last twelve months. Not only the depression in trade but the want of confidence in this Government on the part of investors are largely responsible for the present position. The want of confidence of the man who is here and of the man who would be likely to come here has been ruinous to the State, and it is absolutely owing to the actions of the Government. Hon. members opposite are always condemning the capitalists, and yet to-day, if we only possessed the confidence of the capitalists, and could induce them to come here and extend our industries and establish new ones, we would absorb all the unemployed and, in addition, develop our resources to the benefit of the whole community.

Mr. FORDE: The Tory Government in Western Australia are in the same position, and New Zealand and South Africa are the same.

Mr. CORSER: Never mind about the Tory Governments there. This Government will have to account for what they have done. Hon. members on the other side condemn the capitalists, and yet they are capitalists themselves. Is a man who owns his own house not a capitalist? Is a man who owns a few cattle or a block of land not a capitalist? He is a capitalist in the true sense of the word. Hon. members opposite do not practise what they preach in this regard, and they have made it impossible, through their statements and their administration, for new capital to come here. During "smoke-ho" time at the Trades Hall on last Labour Day the Secretary for Agriculture made this statement.

The SECRETARY FOR AGRICULTURE: How do you know I was there?

Mr. CORSER: If the hon. gentleman did not make the statement, let him deny it. This is the statement he made there—

• "Labour should keep its mind on its objective—production for use and not for profit."

The SECRETARY FOR AGRICULTURE: Hear, hear!

Mr. CORSER: The hon. gentleman admits the statement. That hon. gentleman, in making that statement, will not assist in opening up lands in country districts by newcomers, because what man is going out into the backblocks to carve a home from a forest or scrub—to break himself in health and work long hours and long years to try

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and make a farm out of the jungle, not for profit, but to work for the State?

Mr. COSTELLO: Work for the love of it!

Mr. CORSER: The hon. gentleman might be cheered at the Trades Hall for making such a statement, but such an unreasonable statement cannot be said to be in the interests of the State. Not so very long ago the Workers' Political Organisation in my electorate asked that certain lands be opened for perpetual lease selection. I was able to arrange that it should be optional whether it was perpetual lease or freehold; but not one of these gentlemen who tried to dictate what tenure the farmers should have applied for perpetual lease. They all applied for it under freehold conditions. The union agitator who put forward a resolution like that is not going to apply for that land. He claims that the farmer has no right to arrange the conditions of the industrial worker, but he claims that he, as a Trades Hall representative, should have the right to dictate what tenure the farmer who goes into the backblocks to make a farm should have.

Mr. FORDE: The producers consider that perpetual lease is a good thing.

Mr. CORSER: This is what an hon. member said—

"If an industry does not pay big wages, then you should close that industry down."

Mr. COLLINS: They never said anything of the kind. They said a living wage.

Mr. CORSER: "If it could not pay a big wage it must be closed."

The SECRETARY FOR AGRICULTURE: Who said that?

Mr. CORSER: That is the sentiment of hon. members opposite, and has been their sentiment ever since they have been there; but now they have to confront the electors they are trying to go back on some of these things.

Mr. COLLINS: We won't go back; we will go forward.

Mr. CORSER: You will go forward and fall right over the precipice. We find in the agenda-paper of the Australian Labour Conference, to be held on the 10th October, this resolution is to be proposed—

"That the wages system shall be abolished, making it illegal to pay or receive wages. Six months' grace shall be allowed to arrange matters, and in the meantime the Federal Government, through the Federal Bank, shall loan sufficient money to employees in industries at reasonable interest to enable the employees to secure a proprietorship share in the industries they are engaged in."

Who is the capitalist if these people are not going to be capitalists? The international socialists are getting nearer home, and the friends of these gentlemen have clearly set out what they mean to do with the capitalist. That clearly shows the reason why the capitalist, or the person who has money to invest, has been wary of coming to this State. This is the statement of the international socialist—

"There can be no peace until the capitalistic system of production is abolished, and there is one class owning, controlling, and operating the fields, factories, and workshops."

Labour is endeavouring to kill industry, and I sometimes wonder whether it is in keeping with their policy and a means to an end, since their policy is that there should be no capitalists at all. Is it their policy to destroy all the industries we have in accordance with their platform, because they do not believe in private ownership and would sooner destroy industries than provide compensation in a fair way.

At 9.40 p.m..

Mr. F. A. COOPER, one of the Temporary Chairmen, relieved the Chairman in the chair.

The TREASURER: You have forgotten to drag in a few Bolsheviks.

Mr. CORSER: The hon. gentleman probably has dragged in a good few, and now he is trying to get rid of them.

Mr. COLLINS: Did you say that was a part of our platform?

Mr. CORSER: What I stated I stand for. My statements were very clear.

The TREASURER: They would deal with you in Russia.

Mr. CORSER: If hon. gentlemen opposite wish to assist the State, they should endeavour to assist trade. In that regard they might shake up their Agent-General on the other side, and see if he cannot do something to provide some assistance, in view of the slump in the beef trade particularly.

The TREASURER: What would you suggest to improve the beef trade?

Mr. CORSER: When we have the honour of being on the other side, we will carry out our ideas.

The TREASURER: I am talking about now—not twenty years hence.

Mr. CORSER: If the hon. gentleman would like to know how to administer affairs, I will then tell him what I can.

The SECRETARY FOR AGRICULTURE: Your usual idiotic reply.

Mr. CORSER: The hon. gentleman can make another idiotic reply to this, if he likes. He is the man in the Cabinet who ought to be able to use some influence in the interests of the man on the land. The Government are very proud of their action with regard to the war gratuity bonds. The Financial Statement says that the Government had to purchase a number of the bonds and show an example to the Commonwealth Government—

Mr. COSTELLO: It was against their grain.

Mr. CORSER: Whereas it was the action of the Commonwealth Government which made it essential that this Government should do it in the interests of the returned soldiers, who had to go to all sorts of extremes to make the Treasurer fulfil his promise. For a long time there was a controversy on as to whether the Treasurer had made a promise to the returned soldiers that he delayed fulfilling, and the soldiers had repeatedly to meet him by deputation; and it was not until their demands obtained the sympathy of four-fifths of the people of the State that the Government were compelled to do their duty to the soldier.

The TREASURER: I rise to a point of order. I called the meeting myself.

OPPOSITION MEMBERS: That is not a point of order. (Laughter.)

Mr. CORSER: I accept the Treasurer's repudiation of himself. What is this they boast about? The Treasurer read out a paragraph, written in glowing terms, stating that they had taken over £58,918 worth of bonds. They got value for it.

The TREASURER: No—paper. We cannot sell them.

Mr. CORSER: They could not sell them, but they are getting interest on them. The Government have the value of the bonds, or the soldiers would not have got that much. The soldiers are getting very little out of the State.

Mr. RIORDAN: They got very little out of the Commonwealth—only that bit of paper.

Mr. CORSER: The Commonwealth Government promised to cash those bonds when they became due, and they are fulfilling that promise. That is the reason why this Government are taking them on. In each of two years the Treasurer placed on the Estimates the sum of £25,000, and in another year £50,000, and not on one occasion did the Government expend anything like that amount for the benefit of the soldiers. I would like to draw the attention of the Secretary for Agriculture to this point—

“The Government felt that the services of the returned men should be recognised in deeds and not in bonds or promises.”

That is the pledge, the promise, and the policy of our party.

Mr. COLLINS: Have you got a policy?

Mr. CORSER: We have a policy. When the Government boast that they recognised that the returned soldiers should benefit in deeds and not in bonds, I say they should carry out that policy and give to the returned soldiers the deeds for their lands, and not a paper bond having a ninety years' currency. Our policy provides absolutely that the soldier shall get the deed and not the bond of his land, and that he shall be the whole owner of that land. I am surprised and ashamed to think that the Minister, who claims to have had some experience in an agrarian occupation, should remain in a Cabinet which is doing such an injustice to all sections of agriculturists who have to take up land. The Act provides that the aged mother of a deceased son may be provided with a piece of land as though she were the returned soldier with full rights. Fancy giving to that old lady a perpetual lease of a prickly-pears selection or something else! Would it not be better to give her the deeds, so that in her lifetime she might be able to make some use of it, and not offer her a perpetual lease, as this Government always do?

The TREASURER: “By your deeds ye shall be judged.”

Mr. CORSER: The vote which was taken to-night shows that the Government have been judged. I am afraid the Treasurer does not know much about this section—but the Secretary for Agriculture might—or he would not have made the statement he has done with regard to the State Advances Corporation.

The SECRETARY FOR AGRICULTURE: Why are you so hard on me to-night?

Mr. CORSER: I want to get somebody to bite. The Financial Statement says that the State Advances Corporation has been

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brought under the Treasury. The Treasurer read that as though he were proud of it. Every settler knows that the Department of the Treasurer is the most impossible and hard department, and that the Treasurer is the most impossible and hard person under whom to put the administration of advances to settlers. I am not going to say anything against the hon. gentleman. He is pretty generous in some cases, if you study the Financial Statement. The funny part about this is that, while they have advanced a certain amount to the settler and to people desirous of erecting workers' dwellings, they have been advancing money that had been returned from the settler. The whole of the advances for the twelve months have been from money that was held by the Corporation twelve months ago. So there has been no new money advanced; they are carrying on the Corporation in a tighter way than it was carried on before—the advances are more restricted.

The TREASURER: Do you challenge one figure there?

Mr. CORSER: I am challenging your statements.

The TREASURER: I say you are incorrect.

Mr. CORSER: I am going to prove that what I say is correct.

The TREASURER: Do you remember the vicious attacks you used to make on the Commissioner?

Mr. CORSER: Yes, and I blew him out. (Laughter.) You people, or someone else, arranged for him to get £10,000 in order to get rid of him. The Treasurer makes the boast that for the last financial year the Government have advanced to the settlers £674,764, which is the highest annual expenditure during the last five years. That is an incorrect statement. The Treasurer then adds—

"I only emphasise the paragraph above for the benefit of country members, who at times display shocking ignorance upon our transactions in matters appertaining to the State Advances Corporation."

The TREASURER: Hear, hear!

Mr. CORSER: The hon. gentleman's statement that that was the largest amount is incorrect, and was deliberately made to try and mislead the selectors. We find that in 1916-1917, and 1919-1920, the settlers received more from that institution than they did this year. If the Treasurer denies that he denies his own figures.

The TREASURER: I do not deny my own statement.

Mr. CORSER: The hon. gentleman has denied these figures. If he will look at his Statement, he will find that, in 1920-1921, the advances under the Settlers Branch were £260,609, which he claims is the biggest year; yet the advances the year before in the same branch were £326,926, and £293,871 in 1916-1917. It is apparent that the Treasurer's statement was misleading, and that his contradiction is also misleading.

The TREASURER: You are only giving one set of figures.

Mr. CORSER: I make the statement that the agricultural settler is being deceived by the Statement. There is a decrease this year in the advances under the Settlers Branch of £66,317, and a large increase of

advances under the Workers' Dwellings Branch. The hon. gentleman, surely, is not going to say that he is doing good for the settler. We would like to have a signed report in connection with the State Advances Corporation, showing what money has been advanced, what amount has been repaid, and what number of advances have been made in connection with our settlers.

The TREASURER: The information which is in the Statement came direct from the manager, and you can peruse the papers.

Mr. CORSER: I shall take the opportunity of doing so. We find that the advances under the Settlers Branch were £260,000 last year, and under the Workers' Dwellings Branch £258,000. In the last report it was stated that the average required for a settler to establish a farm and improve and stock it was less per accepted applicant than the advance to the man who owned a workers' dwelling. The man who built a dwelling in Brisbane received a bigger advance than the settler in the back country received to build his home and fence his land, and stock and improve it; yet the Government wonder why the country is not being opened up and settled. The necessity for close inquiry into the applications before granting them is admitted by the Treasurer in his Statement. I know that it is galling to the Treasurer to hear anyone speaking in the interests of the men out back; and it is no doubt galling to the Secretary for Agriculture, who ought to be supporting the settlers but who is agreeing to the continuance of the hardships which they have to endure under the present Administration. We heard the Treasurer the other day say that he did not make advances to certain settlers because it was not to the advantage of the applicants to do so, and that it was saving fools from themselves. That is a nice statement to make in regard to a settler who is struggling in the backblocks with his wife and family, and who has made an application for assistance to enable him to plant his crops and make improvements on the land the Government have put him on. The reason they do not get an advance is because the Treasurer says he is saving fools from themselves.

The TREASURER: You know that is untrue.

Mr. CORSER: I know it is true. The Statement also states—

"Relief has been given in many cases where hardship would have been suffered by struggling settlers."

The TREASURER: Hear, hear!

Mr. CORSER: I have known settlers in my district who, after struggling eight years and making all their interest and redemption payments every half-year, have had posted on their gate by the officers of the institution a seizure notice, to the effect that in one month's time the tenant with his family must leave the farm. Talk about the old Irish landlord system! I am ashamed of the Treasurer allowing that to be done.

The TREASURER: Who is the man?

Mr. CORSER: His name is Bradshaw.

The TREASURER: What did he owe?

Mr. CORSER: He had fulfilled all his obligations, and all he owed was the advance made for a period of years. After strong representations by myself, and months of struggling, the institution admitted that it

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was wrong, for they did not go on with the seizure. Had it not been for my representations, the man would have been evicted from his home, as others are being evicted. There are notices of seizure on more farms than one to-day.

The TREASURER: Everyone has a fair hearing.

Mr. CORSER: Can anyone imagine the hon. gentleman's department giving them a fair hearing in case of trouble? I could give hundreds of instances.

The TREASURER: I will challenge you on that.

Mr. CORSER: I am not taking on a "fifty quid" bet with you. (Laughter.) One returned man has had an advance from the bank, but he sank a well with his own money. Listen to what the department said to him—

"It is also noted that a hand pump has been attached to your well, and I would be pleased to learn as to whether this pump can produce a serviceable supply of water."

What the devil has it got to do with the institution whether a hand pump he provided with his own money on a well he sank himself can provide a serviceable supply of water or not? He had more intelligence than the Government—he was a returned soldier. I can give the Treasurer his name, and challenge him on that statement or any other statement I make. As an instance to show the Government's want of leniency, I wonder if they will be proud of this? Here is a letter written to a soldier—this is not a "Minister for Lands" case, but an Agricultural Bank case—

[10 p.m.]  
"I have the honour to acknowledge receipt of your letter of the 23th instant, asking that your interest in Agricultural Farm No. 8549, Nanango district, may be preserved during your absence on active service, and, in reply, to inform you that your request is approved."

That was in September, 1915. After he had gone to the war, on 4th December, 1915, his wife received this notice—

"Take notice that, under the Agricultural Bank Act (Consolidated) of 1914, the undermentioned amounts are due on advances made to you, and will be payable at this office on or before the 1st day of January next."

With these words in red ink—

"Some special effort must be made to substantially reduce the arrears, to obviate harsh measures being resorted to."

The TREASURER: We have changed that.

Mr. CORSER: The Government have to be responsible whether they have changed it or not.

Mr. GLEDSON: Who sent that letter?

Mr. CORSER: The managing director of your Agricultural Bank.

Mr. GLEDSON: A man appointed by your Government.

Mr. CORSER: I will give you something a little bit nearer in date. On 12th May, 1917, the good lady whose husband was fighting receives this from the State Bank authorities—

"You are hereby notified that if the

amounts due to 31st December last (of which you have already had notice), together with penalty for late payment, are not paid by 15th June next, possession will be taken of your holding in accordance with the conditions under which your loan was granted."

Hon. J. G. APPEL: Shame!

Mr. CORSER: Later on she received this—

"I have to inform you that I am in receipt of a report upon your husband's property, stating that practically the whole of the cleared land (100 acres) is highly infested with wattle and young scrub undergrowth, and to inform you that if you are not in a position to work the property and see that same is not neglected, it would be advisable to endeavour to obtain a tenant who would look after the farm in your husband's interests during his absence at the war."

Mr. GLEDSON: Who signed it?

Mr. CORSER: The Commissioner of the Government's Bank, Mr. Fowles.

Mr. GLEDSON: What is he now?

Mr. CORSER: Never mind what he is now. He is the man whom the Government appointed, and what has happened since will not relieve that lady of the sufferings she experienced during her husband's absence. The Government tortured her and tormented her, as they have many others, and now they have got the soldiers home they are not giving them any more assistance.

At 10.5 p.m..

The CHAIRMAN resumed the chair.

Mr. CORSER: Take the "Repudiation Act." The Government say that the big squatter is the man they are "getting at." The returned soldier is being "got at," too.

OPPOSITION MEMBERS: Hear, hear!

Mr. CORSER: I have here a letter written by the Lands Department to a returned soldier who bought a small grazing farm—not a station—in 1920, after he came back from the war, demanding payment of three years' back rent. During his term of service at the war it was owned by somebody else, but, when he came back and bought it, the repudiation Act came down on him.

Hon. J. G. APPEL: Scandalous!

Mr. CORSER: He was called upon to pay back rent for three years during which he did not own the farm, and during which he was at the war. That is the effect of the repudiation Act, which the Government claim only hits the big squatter, although we know that more grazing farmers than pastoral lessees are affected. The soldiers can still be victimised and charged in respect of something they did not own while they were fighting for the State.

Mr. T. R. ROBERTS: The late member for Carnarvon forecasted that when the Bill was before the House.

Mr. CORSER: The Government claim that they cannot get a loan from the Commonwealth to assist them. In 1917 they refused money. In 1918 the Commonwealth Government gave them all they wanted—gave them £625 for every returned soldier—and they are asked merely to administer that on behalf of the Repatriation Committee.

The SECRETARY FOR PUBLIC LANDS: We are required to pay back every shilling.

*Mr. Corser.]*



Mr. CORSER: The soldiers are paying it back, and they are paying it on perpetual leases, too.

The SECRETARY FOR PUBLIC LANDS: And sometimes they are not.

Mr. CORSER: In most cases they are. If much of the land the Government put them on was like some we have seen at Bald Hills—

The SECRETARY FOR PUBLIC LANDS: What happened at Bald Hills?

Mr. CORSER: We had to get a boat to view some of it. If the Government were going in for a lagoon, or settling sailors instead of soldiers, there might be something in it. We have heard a good deal about the Upper Burnett soldier settlement scheme from hon. members opposite.

The SECRETARY FOR LANDS: You do not like that.

Mr. CORSER: I do not like the Government's suggestion. They have not yet launched a scheme for soldier settlement in the Upper Burnett. No one would like the scheme for the settlement of many settlers in a large area more than the hon. member for the district himself. I have always been interested in the Upper Burnett scheme. I regret that the Government, in asking for the £2,000,000 loan, had not a semblance of a suggestion for a settlement scheme to put before the Imperial Government or the Commonwealth Government.

The SECRETARY FOR PUBLIC LANDS: Are you not more interested in Urangan?

Mr. CORSER: Urangan is not in my electorate, and the Upper Burnett is. Urangan is our gate to future markets. Does the hon. gentleman claim that £2,000,000 would provide for a settlement scheme after building three big railways?

The SECRETARY FOR PUBLIC LANDS: Yes.

Mr. CORSER: When Mr. Hunter was trying to secure an amount of money from the Federal Government in 1917, at the conference of Premiers and Ministers for Lands, he said—

"We have in the Callide Valley an area of 1,000,000 acres which will settle 6,700 soldiers. For that we want £4,000,000. We have in Northern Burnett an area of 1,467,000 acres on which we can settle 9,000 soldiers. For that we require £5,000,000. That expenditure is inclusive of railways."

There we find that £9,000,000 was wanted for two railways, and yet the present Government's scheme asks for £2,000,000 for three railways.

The SECRETARY FOR PUBLIC LANDS: He was complaining about the amount of money that would be required for settlement after building the railways.

Mr. CORSER: Were the Government going to build railways and not settle the soldiers on the land? The Government scheme asks for £2,000,000 for the settlement of soldiers and gives no details of the scheme, or of how they are going to settle them.

The SECRETARY FOR PUBLIC LANDS: Don't you think a good Queenslander would wait until he got the full scheme from me later instead of damning the Government, as you are doing now?

Mr. CORSER: I have read the Commonwealth report on what the Minister had to

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say. No scheme was submitted to the Commonwealth Government when the State Government asked for the money.

The SECRETARY FOR PUBLIC LANDS: They have no scheme.

Mr. CORSER: The Queensland Government did not submit any scheme when they asked for the £2,000,000.

The SECRETARY FOR PUBLIC LANDS: We did.

Mr. CORSER: You did not. We have evidence that in 1917 £9,000,000 was wanted by the Labour Government to build two of the railways. The present Government are putting another railway in, and they are only asking for £2,000,000, and they cannot get it because it is not for a settlement scheme at all. The Urangan railway cost £60,000. The Port Maryborough scheme had £14,000 to its credit, and the Government took the money because Urangan had been built by another Government. If the £2,000,000 could be secured to open up the latter port or one of those agricultural railways, it would cost £500,000 and the Government would still have £1,500,000 to help settlers to go on the land.

The SECRETARY FOR PUBLIC LANDS: Nothing of the kind. You are misrepresenting the case.

Mr. CORSER: The Government are only asking for money to find work for men and keep themselves in their job. That is all. If they could have got that money at the expense of soldier settlement, the Government would start on all the railways and say, "We are spending money on soldier settlements." The £2,000,000 would have been debited to soldier settlement and we would have been building railways out of it. The Minister admits that not one of them provided any scheme to settle soldiers when they got the money.

The SECRETARY FOR PUBLIC LANDS: I did not admit any such thing.

Mr. CORSER: You admitted that £2,000,000 was enough.

The SECRETARY FOR PUBLIC LANDS: I said it was enough to build the railways.

Mr. CORSER: That is what I contend. Yet the hon. gentleman calls it a settlement scheme.

The SECRETARY FOR PUBLIC LANDS: No.

Mr. CORSER: The hon. gentleman is backing and filling now. He said that £2,000,000 was enough, and yet Mr. Hunter in 1917 claimed that £9,000,000 was required.

The SECRETARY FOR PUBLIC LANDS: That is what was required to settle them on the land and build the railways.

Mr. CORSER: He claimed that it would cost more than that.

The SECRETARY FOR PUBLIC LANDS: It would not cost as much as that now.

Mr. CORSER: Under the present Government?

The SECRETARY FOR PUBLIC LANDS: Yes.

Mr. CORSER: Why do not the expenses in your Government departments come down? Why do the Government not do more with the loan money? The Government have not done their duty to the soldiers or to the Upper Burnett.

The SECRETARY FOR PUBLIC LANDS: We have done more for soldiers than any other State in the Commonwealth.

Mr. CORSER: I am sorry that the hon. gentleman imagines any such thing. The soldiers have had to suffer for it. The Government have a fine territory in the Upper Burnett area. There is not in Queensland an area of Crown land like it.

The SECRETARY FOR PUBLIC LANDS: Yes.

Mr. CORSER: The Government have been messing and mucking about ever since 1915, and there is not a mile of railway attempted and not one shovelful of soil turned over.

The SECRETARY FOR PUBLIC LANDS: Owing to the narrowmindedness of hon. members opposite.

Mr. CORSER: Because of the Government's political partisan way of dealing with railway construction. The Government could have built the railways out of the increased revenue that was received.

Mr. HARTLEY: Nonsense!

Mr. CORSER: During the Government's term they have spent about £93,000,000. Why could they not have put some of that into soldier settlement since the war began and provide a scheme. They have wasted the money. The Government have mucked about, and now they come with the cry that they have not got enough money to start soldier settlements.

The SECRETARY FOR PUBLIC LANDS: We can get it.

Mr. CORSER: Why do you not?

Mr. HARTLEY: What about the Canungra mill? Who closed that mill? The Commonwealth Government.

Mr. CORSER: Who closed the State arsenic mine and Baralaba coalmine. The State arsenic mine should never have been closed.

Hon. J. G. APPEL: Who closed the trawler?

Mr. HARTLEY: Approximately £200 more is charged for soldiers' houses by the Commonwealth Government than is charged under the Queensland Government for the same class of house.

Mr. CORSER: The Government shut down for three months against advances for workers' dwellings in order, in the Treasurer's words, "to save fools from themselves."

Mr. HARTLEY: Nonsense!

Mr. CORSER: The Government closed down the State arsenic mine. The Cactus Estates, Limited, asked for 20 tons of arsenic at £10 a ton that was lying at the mine to manufacture it into pear poison, and promised that they would sell it to the settlers at a profit of only 6 per cent. interest on the capital invested. Their offer was turned down. It was all right when they were sending arsenic to the farmers out back which was only 14 per cent. arsenic and the rest mud and brick. Now the Government have been compelled to guarantee that they will mark on every keg that it contains 98 per cent. arsenic, they have got to close down their mine. They cannot carry on, as the costs would be too great. They talk about want of confidence and want of capital! They are not cursing the capitalist now, and I think you will agree that the whole of the State is suffering by their maladministration.

Mr. CLAYTON (*Wile Bay*): In speaking on the Financial Statement I would first like to express my sorrow at the disaster at the Mount Mulligan Coal Mine, and I regret that the newspaper reports hold out little

hope that any of the entombed miners will be taken out alive. No one can realise the hardships the relatives and dependants of the unfortunate men are going through except those who have gone through a similar experience before. Regarding the Financial Statement, I do not think any member has heard a Statement read which has had so much padding in it as the one now before us; but we have some consolation in the fact that it will possibly be the last Statement that the Treasurer will deliver in this House.

OPPOSITION MEMBERS: Hear, hear!

Mr. CLAYTON: We, on this side, are anxious for an appeal to the country. I do not know if that is the opinion of hon. members opposite also.

Mr. HARTLEY: No. We will fight every inch of the way.

Mr. CLAYTON: I do not think that the Financial Statement is one that the people outside will approve of. The defeat of the Government in Committee to-night ought to make them put on their thinking caps, as they are beginning to realise the strength of those sitting in Opposition. From 1915 till 1918 I understand that the Government had a majority of twenty-four. They had Royal Commissions flying about the country with Ministers junketing about having a good time, but now they are bound body and soul to this Chamber during the session, and I think they realise that they are having a very bad time of it just now.

OPPOSITION MEMBERS: Hear, hear!

Hon. W. FORGAN SMITH: You repudiated a "pair." The man told me himself.

Mr. J. H. C. ROBERTS: We did not. It is untrue.

The CHAIRMAN: Order! I have had to call hon. gentlemen to order, and I hope they will obey my call. It is difficult for an hon. gentleman to speak when so many members are interjecting.

Mr. CLAYTON: Possibly they are smarting under the defeat they met with to-night. The Treasurer says in his Statement—

"It is well known that the most eminent banker would not be listened to on finance by experts who arrived in Parliament direct from the farm, or by those financial pundits who sit in a back room in Queen street writing leading articles."

I would like hon. members to compare "an eminent banker" with the hon. gentleman who read the Statement. They would find that the Treasurer compares very unfavourably with some eminent bankers in Queensland, who are making a success of their business and managing their financial institutions in striking contrast to the way the Treasurer is managing the finances of this country. The Government of Queensland are on the verge of bankruptcy. The people in England would not lend money to the Government, but they lent it to the Metropolitan Water Supply and Sewerage Board. That shows how the Government have lost their credit. Regarding the men from the farms, the Government have already learned that they have got to listen to the men from the farms. The Treasurer sneers at us because we are farmers. I admit I am a practical farmer. We have been sent here to legislate for Queensland, and, if an appeal were made to the country to-morrow, we would have to enlarge the benches to accommodate the extra

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members of the Country party who would be returned. A pamphlet was issued by the Premier and Treasurer some time ago saying that the test of good Government was finance, and I quite agree with them. I would like the financial acts of both the present and previous Governments to be compared, and I am sure you would see a contrast in favour of the previous Administration. The Treasurer says further—

“Economics are still being effected in all departments. A board is making searching inquiries into the workings of the railways, and has made recommendations which will result in substantial savings.”

I know the Government have had an Economy Board going throughout the length and breadth of the State, which is an admission that they have not got confidence in the heads of their departments. If the State departments, particularly the railways, were freed from political influence, they have got competent men there to run them successfully. When the Railway Estimates come on I shall be glad to hear what hon. members opposite think about the Economy Board and about the recent actions of the Government. The Government have lost £5,000,000 on the railways alone. That is a State enterprise which has resulted in failure under this Government. That is why I consider they should give private enterprise a chance. No body of shareholders would allow their directors to run a company in the way that the Government have run the State of Queensland since they have been in power. The Economy Board have been the means of sacking numbers of railway men, yet the engines and rolling-stock are in a deplorable condition. Is that the way they have effected economy? I will show you how they effected economy. In Maryborough the other night I saw a second train drawn up at the platform. I asked if the traffic had increased to such an extent as to necessitate the running of two divisions, and I was told that, owing to the fact that the Secretary for Mines had a special carriage weighing 25 tons conveying a party of members of Parliament, it was necessary to run the train in two divisions to Brisbane. That is the way they economise. They run an extra train to bring the “financial pundits” to Brisbane, causing more expense to the department. If they want to effect economy, the Minister and members accompanying him should have travelled the same as other members of Parliament are compelled to travel. If that train had been saved, the money could have been devoted to the railway men, and saved them from losing one day's work a fortnight in Maryborough. If you want to effect economy, do it in the way

[10.30 p.m.] you say you will do it when you get on the platform at election time. In another part of the Statement the Treasurer says—

“The central sugar-mills controlled by the Government expended in the year 1920-21 £1,242,000, an increase of over £500,000, and this year the general manager is asking for £1,755,000, an increase of £513,000, which is required owing to the large crop to be handled.”

I am very pleased to say that there is prosperity in the sugar industry in Queensland to-day, and I want to give the Government credit for bringing about part of that prosperity. I do not want to run this Govern-

ment down when it is not needed, and where I can give them credit I shall be pleased to do so, but I am sorry to say I very seldom have an opportunity of giving them credit.

The TREASURER: This afternoon you could have given us a practical illustration of help.

Mr. CLAYTON: I will give you a practical illustration of help and generosity when you pay the £50 you owe.

The TREASURER: That £50 is owing to me.

Mr. CLAYTON: The expenditure of an extra £513,000 in connection with the sugar-mills is a step in the right direction, as that will enable them to bring the Government mills to a more efficient state, and will enable them to make advances to mills to assist in enlarging the areas under cultivation adjacent to mills. I am very pleased that the Government are going to do that, and the farmers in my electorate will be pleased to take advantage of their generosity so that they can increase their areas and bring in a better supply of cane to the mills. To make a mill pay you must have a good supply of cane, and we should do all we possibly can to encourage the farmers to increase their areas, and also assist them in harvesting their crops.

The unemployment question has been very acute lately, but it has been relieved at the present time owing to the fact that the farmers are finding employment for a number of men; but I want the Government to be prepared for the unemployment that will be created in the cities when the present sugar season is finished. We were told that last year the Government expended about £87,000 on relief, and this year they are spending about £120,000. I sincerely hope that the Government will do something to bring about a better state of affairs.

In dealing with the question of advances to cane-growers, I would like to draw the attention of the Secretary for Agriculture to the fact that not far from Bauple Mill we have the Goomboorian scrub land, which is capable of producing an enormous quantity of cane. I understand that there are 2,000 or 3,000 acres of splendid scrub land there, and, with the advance of this £500,000 to the central mills, I hope he will allow the general manager, if he thinks it wise, to expend some of this money in giving the Bauple Mill a connection with the Goomboorian lands.

The SECRETARY FOR AGRICULTURE: Is that Crown land?

Mr. CLAYTON: It is not Crown land, but it will encourage these men to produce cane. There is some very fine Crown land in the district, and it will cause settlement there and would be the means of giving the Bauple Mill a much greater supply of cane. We know that the mills in Southern Queensland are not fully supplied with cane, while the mills in the North have more cane than they can treat. It is in the interests of the Government, seeing that there has been a great deal of money spent in the construction of these mills, to spend a still further sum to enable the farmers to put in larger areas so that the mills will become better paying propositions than they are at the present time. I sincerely hope that the Secretary for Agriculture will do something in that direction, and if the loan is a success we may have a more favourable opportunity of getting that money. I sincerely hope that the Government will be successful in

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floating the new loan, because without money I do not know how we are going to fare. Whichever party is in power, we have to get money; and, seeing that the present Government are so discredited on the London market that they cannot get money there, it is up to the people of Queensland to advance the money necessary to enable the Government to carry on whilst they are in office; but I hope to goodness it will not be for long. The Statement goes on—

"A general review of the present situation makes it quite clear that, if outside markets were at all normal, this year would probably be the most prosperous in the history of the State. Providence has smiled upon us"—

I do not think the electors will smile upon you after the way you have gulled them—

"the seasons have been most bounteous; crops everywhere are flourishing, and our primary industries, with the exception of mining, are thriving."

Here we have the Treasurer telling us what excellent seasons we have had—everything is flourishing; and then he tells us he expects to end up with a deficit of £465,038. Any man who is running a farm or running an estate knows that if he got good seasons he is not going to show a deficit, as the Treasurer anticipates this year.

The TREASURER: You get us the markets and we will be all right.

Mr. CLAYTON: You put us over there and we will soon find you markets. What is your deficit going to be if you have a drought or any other calamity? We know that during the war period we got very high prices for our produce. We got war prices, and it is costing us a lot to produce that stuff now when we are getting lower prices. While England is trying to get back to pre-war conditions, we must expect lower prices for what we produce, and we will have to produce at a lower cost. We must have more scientific and up-to-date appliances if the man on the land is going to make a success of it. The Treasurer continues—

"But, through the absence of stable markets, we find ourselves in the midst of a serious industrial depression."

No doubt, we are having industrial troubles, and to-day we are having our industrial trouble at Mount Morgan. Although many hon. members on the Government side advised the men at Mount Morgan not to go back to work because there was a slight reduction in wages, the Premier, after having investigated the matter, thought that the offer was a fair thing. Hon. members opposite cry that we are the low-wage party, and our cry is that they are the "no wage party," because I do not think they ever paid any wages in their lives. What are the Government doing in connection with the railways to-day? They are reducing wages through the pooling system. They are compelling men to absent themselves from work once a fortnight. They will not allow the men at Mount Morgan to work because there is a slight reduction in wages, but at the end of every fortnight the railway men—in Maryborough, for instance—are finding that they have had their wages reduced through not being allowed to work the time they should have been working.

Mr. STOFFORD: You don't believe in a pool?

Mr. CLAYTON: I believe in the cheese pool, and I hope the Secretary for Agriculture will introduce it as soon as he can. The Treasurer talks about our bounteous seasons and about everything flourishing with the Government. We heard an hon. member on the other side the other night talking about over-production. If the Government do not do something in connection with secondary industries, we will get into a state of over-production. Not long ago I visited the Kingaroy district, and saw there a prolific crop of maize. The farmers were at their wits' ends to know what to do with it, especially in view of the refusal of the Government to form a maize pool. The Wide Bay and Burnett district is the home of maize. We can produce there maize which no other part of Australia can produce. We want to overcome any over-production, and we must do something to convert our maize into by-products. The Secretary for Agriculture will agree that that would be a very fine thing to do. We should encourage the erection of grain elevators, as they have in many parts of America, enabling the farmer to send his grain into the storage house and have it stored, dried, and held there until the price is sufficient to enable him to sell at a profit. What better could we do than construct them at our seaports? Port Maryborough is adapted for that sort of thing. The Wide Bay and Burnett district is the hinterland of Maryborough, and the erection of an elevator at Port Maryborough would enable the farmer to send his produce down and have it held there. We should also erect there a factory to deal with the many by-products that are contained in maize. I have seen the blue prints of a grain elevator, and there is a move on to do something in connection with the establishment of one at Port Urangan. I understand that the Federal Government are prepared to lend two-thirds of the cost, which would be something in the vicinity of £37,000. That would be a huge amount of money, but it would induce a greater number of men to produce maize, and it would enable farmers to get out of the industry all there is in it, and to have a co-operative factory, as is done in connection with butter and cheese, for the manufacture into articles of commercial value of all that is contained in maize.

The SECRETARY FOR AGRICULTURE: Did you say you had a promise of financial assistance from the Federal Government?

Mr. CLAYTON: I understand from the Federal member for Wide Bay that the Federal Government are willing to loan up to the extent of two-thirds of the cost.

The SECRETARY FOR AGRICULTURE: You want to follow that up and get something more definite.

Mr. CLAYTON: I intend to do so, and to bring here something in writing.

The TREASURER: I think the Federal member saw you coming. He has no authority.

Mr. CLAYTON: Well, he will not see me going. (Laughter.) I understand that Brisbane to-day is enjoying a concession known as the port rates. It is only fair that Maryborough should be given the same concession. We are very anxious to deal with the matter of decentralisation. That matter is taken on very favourably by hon. members opposite. It should be taken on seriously by all sections in Queensland, because it is going to be the means of making Queensland

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a more prosperous State. In our district we not only have the Burrum coal, but we have a lot of undeveloped land which, I understand, contains an enormous amount of coal. The creation of one industry at Port Maryborough would be the means of others being established, and we would have a port of which we would be proud, and, instead of sending our produce to Brisbane, we would be enabled to deal with it in a very effective way at Port Maryborough. The loan of £2,000,000 we expect to get from the Federal Government for the settlement of people on the land in the Burnett would assist our port very materially. With a reliable and competent Government in power there would be no hesitation on the part of the Federal Government in advancing that money. A certain amount of it could be spent in the construction of railways, and the balance in settling people on the very fine lands we have up there.

Mr. FORDE: The Federal Nationalist Government, supported by the Country party, refused those £2,000,000.

Mr. CLAYTON: I do not think the hon. member will ever be in the Federal Parliament to hear any refusal. (Government interruption.)

Mr. FORDE: The Federal member for Wide Bay is opposed to it.

Mr. CLAYTON: I do not care whether the member interjecting is opposed to it or not. The Statement ends up by saying—

“I think we Queensland Australians are all possessed of sufficient faith and courage in ourselves and our country to enable us to conquer our present difficulties, and I myself look to the future with unalloyed confidence.”

GOVERNMENT MEMBERS: Hear, hear!

Mr. CLAYTON: In everything the Government do it is a case of looking after themselves first and their country afterwards. People who conduct the affairs of the country on those lines naturally must bring Queensland to the state to which the Government have brought it to-day. We need the combined efforts of every hon. member to do something to pull Queensland out of the state it is in to-day, and I appeal to hon. members opposite to help in that direction, and not to indulge in the extreme partianship that we see going on. The Government are guilty in not rising above that sort of thing. I have seen more good business done in two hours in a shire council meeting than is done in this House in a week under this Government. The Treasurer states—

“I myself look to the future with unalloyed confidence.”

Unfortunately, I cannot join with the Treasurer in looking to the future with unalloyed confidence if he is going to manage the finances of the State. I sincerely hope that this is the last Financial Statement that the hon. gentleman will present to the House, and that the next one will be delivered by a member of the Country party. (Government laughter.)

Mr. COLLINS: Where do the Nationalists come in?

Mr. CLAYTON: If the Government had been more moderate with regard to the measures they have put on the statute-book, perhaps they would have had a longer term of office; but the extreme element in the outside junta which has got hold of them is

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ruining the Government. They are being told what they have to do, and, like a lot of schoolboys, they are doing it. I trust that, if the Government cannot mend their ways, they will give an opportunity to another party which will put the finances of Queensland into a better condition, find work for the unemployed, and settle farmers on the land.

The House resumed. The CHAIRMAN reported progress.

The Committee obtained leave to sit again to-morrow.

The House adjourned at 10.54 p.m.