Queensland

# Parliamentary Debates
[Hansard]

## Legislative Assembly

## MONDAY, 24 OCTOBER 1921

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MONDAY, 24 OCTOBER, 1921.

The SPEAKER (Hon. W. Bertram, *Maree*) took the chair at 3 p.m.

## QUESTIONS.

### STATE CANNERY SALES TO WESTERN AUSTRALIA.

HON. W. H. BARNES (*Bulimba*) asked the Minister in Charge of State Enterprises—

"1. Has the State cannery made sales of tinned pines or any other products to Western Australia?

"2. If so, will he furnish the name of the buyer or buyers to whom they have been sold?

"3. Have any of the articles so purchased been returned to Brisbane on account of inferior packing or quality?

"4. If so, will he indicate the quantity and class of goods so returned?"

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

"1 to 4. We do business with several firms in West Australia, but no public interest would be served in giving the names of these people. A claim was made last March for certain alleged faulty tins of pineapple, which has been satisfactorily adjusted. It is common with all tinned goods to have a small percentage of blown tins. Repeat orders have been supplied to West Australian firms with satisfactory results."

### PAPERS IN RE DISMISSED EMPLOYEE, STATE STATIONS.

Mr. RIORDAN (*Burke*), without notice, asked the Minister in Charge of State Enterprises—

"Will he lay on the table of the House the original wire sent by me to the Trade Commissioner, a portion only of which was quoted by the leader of the Opposition on Thursday last?"

HON. W. FORGAN SMITH replied—

"Yes. I also lay on the table of the House copy of letter I forwarded to the Hon. W. N. Gillies, from which the leader of the Opposition also quoted. A comparison of the whole wire and letter with the garbled quotations made by the leader of the Opposition in his speech will show how different the facts are to the impression sought to be conveyed by the said quotations."

## SECOND-HAND WARES BILL.

### INITIATION.

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

"That the House will, this day, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill relating to collectors of and dealers in second-hand wares."

Question put and passed.

### INITIATION IN COMMITTEE.

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

The HOME SECRETARY moved—

"That it is desirable that a Bill be introduced relating to collectors of and dealers in second-hand wares."

This was principally a police Bill to enable the police to register and control collectors and second-hand dealers. (Hear, hear!) He thought that this was the only State in the Commonwealth where there was not such a measure in existence. It had been recommended by the Commission that sat to inquire into pilfering on the wharves as being one of the methods to prevent such pilfering being carried on. The Bill was also introduced to prevent men who were really not collectors getting a cart and going round the suburbs spying out the land for burglaries. Recognised bottle collectors had complained to him frequently that men from other States and local members of the criminal class went round ostensibly as collectors, but really to look at back premises; so that later they might be able to commit a burglary. If collectors were registered, no one would be allowed to enter any premises without producing his badge. It was really a machinery measure, and there was nothing controversial about it. It was curious that they had not had such a measure before. The second-hand dealers were not all receivers, but it was only right that the Government should have control over second-hand dealers so as to prevent thieving.

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 HOME SECRETARY (Hon. W. McCormack, *Cairns*) 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.

## MOUNT MULLIGAN RELIEF FUNDS BILL.

### INITIATION.

The PREMIER (Hon. E. G. Theodore, *Chillagoe*) moved—

"That the House will, this day, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to provide for the proper control and disposal of funds raised for the benefit or relief of the dependants of victims in the Mount Mulligan Coal Mine disaster."

Question put and passed.

### INITIATION IN COMMITTEE.

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

The PREMIER moved—

"That it is desirable that a Bill be introduced to provide for the proper control and disposal of funds raised for the benefit or relief of the dependants of victims in the Mount Mulligan Coal Mine disaster."

The title was explanatory of the Bill, but if hon. members desired any information he would be happy to give it.

Mr. VOWLES (*Dalby*): The public were disgusted to find that some members of the community were prepared to take advantage

of the disaster, and indulge in a form of gambling to try and raise funds in order to line their own pockets. He sincerely trusted that the Premier would see that these vampires, as he would call them——

The TREASURER: Vultures.

Mr. VOWLES: Were not allowed to carry out their project.

Mr. TAYLOR (*Windsor*): He would like to know from the Premier whether any provision was made in the Bill for the payment of the men who were engaged in rescue work in connection with the Mount Mulligan disaster. He did not know whether they were paid any salary during the time they were carrying out that rescue work, but, if not, certainly some provision should be made in the Bill for paying them. They should receive not less than £10 each for their work. He understood a "Golden Casket" was to be run in connection with the fund, and he suggested that something should be done in some way to compensate those men for the risk they ran.

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): The point raised by the leader of the Opposition would be borne in mind. Already a number of applications for permission to run alleged benefit shows on behalf of the fund had been received, but they had been declined in all cases where a division of the profit was the chief inducement to the person making the application. In future, the trustees controlling the fund would be given the right to recommend the granting or the refusing of permits to raise funds. With regard to the point raised by the leader of the Nationalist party, he might inform the hon. member that most, if not all, of the men engaged in the actual rescue work were paid their wages. That, he recognised, was not a commensurate reward to men who were risking their lives in the rescue work, especially those who went down the mine immediately after the disaster, and who ran a very great risk of losing their lives. A suggestion had been made by the Miners' Association in North Queensland that the Government should grant some recognition by way of issuing a medal or something of that kind to those who actually risked their lives in the rescue work. The Government were considering the matter, and, no doubt, something would be done in that direction.

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 PREMIER (Hon. E. G. Theodore, *Chillagoe*) presented the Bill, and moved—

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

Question put and passed.

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

## INCOME TAX ACT AMENDMENT BILL.

INITIATION.

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

"That the House will, this day, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to further amend the Income Tax Act of 1902 in certain particulars."

Mr. VOWLES (*Dalby*): The reason I called "Not formal" to this motion was that the motion proposes to amend the Act "in certain particulars." Will the hon. gentleman tell us what those particulars are, and what amendments are foreshadowed? It appears to me that, while we are amending the Income Tax Act, there are certain suggestions which might be made by the Opposition which would be an improvement to the Act, and it might be an improvement if the words "in certain particulars" were omitted, thus leaving it open for further amendments to be moved by the Opposition.

The PREMIERH This Bill has been introduced for the benefit of the farmers.

Mr. VOWLES: There are other businesses in the State which we should consider while we are amending the Income Tax Act. There are certain anomalies in the present law which we would like to have corrected, and we would like to have the opportunity of bringing forward amendments on the original Act.

The TREASURER: We shall be very happy to have them.

Mr. VOWLES: But, if we pass the motion in its present form, we can only deal with what is in the Bill when it is introduced. It is only right that, when we get an opportunity of introducing amendments in the Income Tax Act, we should not be confined to one or two amendments which the Government propose to introduce.

Mr. MORGAN (*Murilla*): The position we find ourselves in now is totally different to what it was when the Bill was introduced originally. The Act was amended during the war, when further taxation was necessary; but I think the time has arrived when we should go into the provisions of the Act and deal with the whole matter of income taxation.

The PREMIER: The Act has been consolidated since the war.

The TREASURER: We amended it last year.

Mr. MORGAN: Almost every year we have had an amending Income Tax Bill, and it is time we dealt with the original Act.

The TREASURER: This Bill is very unique in that it gives special privileges to the farmers.

Mr. MORGAN: The hon. gentleman seems very anxious to please the Opposition, and to test him I move the omission from the motion of the words "in certain particulars." I would like a little more amendment of the original Act than the Government propose.

The TREASURER: If you like, we will withdraw the Bill entirely.

Mr. MORGAN: I am only one individual, and I can only speak for myself. My amendment will give the House an opportunity of going into the whole question, because there are other amendments which we desire to introduce. The voting strength of the Opposition, so far as the number of electors is concerned, is much greater than that of the Government, and we should be given an opportunity of introducing amendments.

The TREASURER (Hon. J. A. Fihelly, *Paddington*): In reply to hon. members opposite, I may say that the Bill is introduced

to correct a few irregularities, but the main point in it is to give the farmers and the dairymen a chance to carry over their incomes for income tax purposes. If the Opposition want the Bill to be withdrawn, I am quite willing to withdraw it.

Mr. SIZER (*Nundah*): I intend to support the amendment. There is no need for the Treasurer to take up the attitude he is attempting to adopt. Because the Opposition are not prepared to swallow holus bolus exactly what the Treasurer desires and what the Government desire, they take up the attitude of small children and talk about withdrawing the Bill altogether. If there is anything in the Bill that will assist the farmer, then the Opposition will support it.

The TREASURER: I will withdraw the Bill entirely if you want me to do so.

Mr. SIZER: There are a lot of anomalies in the Income Tax Act which we might consider instead of limiting the Bill to one or two amendments which the Government propose to introduce in this measure. I notice one of the intentions of the Bill is to relieve the farmers. I am quite prepared to support that, but I also hold that we should consider the question of supporting other branches of industry.

The TREASURER: Are you against this Bill?

Mr. SIZER: No: but I want to widen the scope of the Bill. The Government now have realised the force of the Opposition's contention for a good many years that the incidence of their taxation has been unfair and has placed a burden on the community. Now the Government are prepared to recognise that fact in certain directions, but we wish to discuss the matter of income tax generally. The state of the country makes it imperative to consider not only primary but secondary industries. Had the Government Loan Bill not been gagged through this House, I had intended testing the feeling of the House on the question of the exemption of interest on Government loans from taxation. The Premier, in conversation, informed me it would be impossible to deal with that question under the Government Loan Bill, but it could be dealt with under an amendment of the Income Tax Act. Now we have that amending Bill before us, and I am anxious to test the sincerity of the Government on the policy of continually exempting from taxation interest on Government loans.

The TREASURER: We merely want to give the farmers relief.

Mr. SIZER: The House desires to discuss the question more fully than that. Anyone must realise the condition into which the State and the Commonwealth are getting by continually floating loans and exempting the interest from taxation. We are fast reaching the position of gentlemen in positions of affluence, who are able to put vast sums into State securities, being exempted from taxation and not paying nearly as much in the way of income tax as many men with comparatively small incomes are paying. There is such an inducement today to invest money in Government securities that money which in the ordinary course of events would be utilised in the development of industries is going into the safe keeping of the Government. The Federal Government are just as guilty of this practice as the State Government.

Mr. STOPFORD: More guilty.

Mr. SIZER: They may be more guilty, but the Commonwealth Government had to adopt extraordinary methods on account of the war.

The PREMIER: Do you want to tax the interest on State securities?

Mr. SIZER: The State cannot afford to exempt from taxation the enormous sums it is carrying in the way of loans. We deprive ourselves of the opportunity of taxing millions of money which should be taxed.

The TREASURER: Are you in favour of the Bill?

Mr. SIZER: I am prepared to support it, but I want to go further than the Treasurer is apparently prepared to go. I am supporting the amendment so that we may discuss this question. The exemption of the interest on enormous sums of money, run-

[4. p.m.] ning into hundreds of millions of pounds, is becoming almost disastrous, and I do not think we can continue to carry the burden without taxing the interest on those loans. I know that to repudiate what has been done is a most difficult position to take up—I think probably some arrangement will have to be made internationally to rearrange the position; but I am anxious to secure an expression of opinion from this House or a declaration from the Government that they do not intend to perpetuate the system of exempting loan after loan from taxation. Men with £30,000 and £40,000, who should pay vast sums in income tax, are putting their money into Government securities and not paying a farthing in income taxation, whilst the man who is striving hard in an industry or the professional man on £200 or £300 a year pays more in taxation than do those gentlemen who can afford to travel wherever they please.

Mr. POLLOCK: What do your repudiation authorities say about that?

Mr. SIZER: The question of repudiation does not arise. There is no doubt that all we intend is to stand by what has been done. There is certainly no need to perpetuate the system or carry it any further, and the sooner we stop it the better. I notice that the last American loan, however, is to be exempted from taxation, whilst people in the State who are engaged in industry are crushed under a tremendous burden. If there is any sincerity in hon. members opposite, they certainly must support my contention.

Mr. DUNSTAN: You will see big headlines in the papers to-morrow, "Repudiation."

Mr. SIZER: That would be in keeping with the Government's actions.

The TREASURER: You repudiated Nundah.

Mr. SIZER: The hon. member knows perfectly well that I am not prepared to repudiate anything, but I am anxious to give the Government an opportunity of placing themselves on a sound financial footing. It is urgent at the present moment, because we have certain Treasury bills to negotiate in the coming year. Is it the Treasurer's intention to convert them at 6½ per cent. free of taxation also?

The TREASURER: £6 12s. 6d.

Mr. SIZER: Does the hon. gentleman propose to extend the exemption further?

The TREASURER: With respect to the State, yes: with respect to the Commonwealth, we cannot judge.

Mr. SIZER: I am sure that the Treasurer and the Premier realise the difficulty, and they should be very thankful that the move has come from this side of the House to curtail the continual exemption of loans from taxation. If hon. members opposite refuse to accept the amendment along the lines I suggest, they can no longer say that they are against the interests of the capitalists. We are anxious to introduce an amendment by which those who are truly capitalists shall no longer have their £30,000 or £40,000 invested in loans exempt from taxation. I ask hon. members opposite, particularly those on the back benches, to consider this question when they vote on the amendment.

Mr. CORSER (*Burnett*): I am sorry to see the words "in certain particulars" included in the motion, because I know of an anomaly in the present Act which operates unfairly against the man in the bush as compared with the city man who invests his money in a bank. A farmer who buys a property for £500 to-day, and who, by the sweat of himself and his family over a period of years, is able to sell it for £1,500, is taxed on an income of £1,000. On the other hand, the man who some years ago invested his savings from his industry in the Savings Bank, and after twenty or thirty years becomes the owner not of a farm valued at £1,500 but of £1,500 in cash built up at compound interest on his savings, is not asked to pay any such tax

The TREASURER: Are you in favour of the Bill?

Mr. CORSER: I am telling the hon. gentleman how he can improve the Bill. I am giving him a concrete example of how the Bill can be improved.

The PREMIER: We do not tax the enhanced value for a period of thirty years; it only goes back to 1915.

Mr. CORSER: The Act provides for the taxation of profits on sales, and the profit on the sale in the case I have quoted is due to the earnings of a family as well as of the owner of the farm.

The PREMIER: Taking it back for six years.

Mr. CORSER: You take it back from the time that property was made freehold.

The PREMIER: No.

Mr. CORSER: The taxable income is determined in two ways—(*a*) the difference between what is actually cost and the selling price; and (*b*) the difference between the value for land tax purposes on 1st July, 1915, and the selling price. In the case I quote that country toiler would be taxed on £1,000, whereas if he had placed his money in the Savings Bank or any other bank the Government would not have claimed income tax on that increased capital. That is only debarring enterprise and the settlement of our country. The Premier must agree that it is an anomaly, and this is an opportunity to amend it. As to deductions from income produced in the country, let me give an illustration from a letter dated 10th September, 1920, in reply to a farmer who applied for a refund and deduction on behalf of his two sons, one or both of whom are returned soldiers, and both, I think, over the age of twenty-one years. He was informed by the Commissioner of Taxes, in reply to his letter—

> "In reply to your letter of the 4th ultimo, I have to state that if the business warrants the assistance of your sons for 1920 and they are employed exclusively on the farm, you may claim for their services and upkeep at the rate of £1 per week while engaged."

The TREASURER: I rise to a point of order. The hon. member is not dealing with the question before the House. This Bill deals entirely with income tax.

Mr. CORSER: According to the Commissioner of Taxes, these persons can only claim a deduction of £1 per week for the services and upkeep of these sons while so engaged.

The TREASURER: I must again rise to a point of order. I did not pursue my last point of order. The Bill which it is proposed to introduce deals entirely with income tax.

The SPEAKER: The Bill which it is proposed to introduce is—

> "A Bill to further amend 'The Income Tax Act of 1902' in certain particulars."

An amendment has been moved to omit the words "in certain particulars," and I am, therefore, not in a position to say that the hon. member is out of order.

OPPOSITION MEMBERS: Hear, hear!

Mr. CORSER: I hope the Treasurer will not continue his unseemly interruptions. On this farm there are the farmer, his wife, and two grown-up sons, making four adults engaged on that farm, and only £1 per week can be deducted from the whole income in respect of these two sons. It seems to me that something should be done to make a fairer distribution in regard to deductions from the incomes of our people.

The TREASURER: You are not discussing the Bill.

Mr. CORSER: I am talking about "certain particulars" that are not included in the Bill. How can I talk about something I have not seen? The hon. gentleman knows that we are at a disadvantage in not having seen the Bill.

Mr. BRENNAN: Supposing the two sons claimed full wages, could the full amount of their wages be deducted?

Mr. CORSER: No. It is laid down in this letter signed by the Commissioner of Taxes—

> ". . . If the business warrants the assistance of your sons for 1920 and they are employed exclusively on the farm, you may claim for their services and upkeep at the rate of £1 per week while engaged."

A grown-up man must receive the basic wage, yet, instead of being allowed to deduct a fair wage from the total income in respect of the two sons, this farmer is only to be allowed to deduct £1 per week for their services and upkeep. The letter further states—

> ". . . If your wife has no private income you are entitled to deduct £26 on her account as a dependant, but not any wages in addition."

Of the income that she produces he must deduct nothing at all. Yet, if she was the wife of an industrialist in the city, and took on some work from which she earned an income up to £200 per annum, she would be able to pocket that and not be called

upon to pay income tax. If she was the wife of an industrialist in the city who was receiving £7 per week, he could deduct £26 from his income for her maintenance, yet for the woman working seven long days a week on a farm, helping him to produce his dairy cheque, a farmer is only allowed to deduct for her the same sum of £26 per annum as a dependant. I merely mention these as some of the anomalies that should be amended, and I am giving some reasons why I object to the words "in certain particulars" in the motion, because there are many such anomalies that should be amended in the interests of the country people.

Mr. TAYLOR (*Windsor*): The few remarks that have been made this afternoon in connection with this Bill show the necessity for giving the House proper time to consider such legislation. I do not think it is fair to Parliament that such a Bill should be thrust upon us this afternoon without having time thoroughly to discuss it in all its details. I take it that this side of the House has a duty to the country just as well as the Government, and, in order to carry out that duty successfully, we should be supplied with all the possible information with regard to Bills that are brought forward.

The SPEAKER: I must ask the hon. member to connect his remarks with the question before the House.

Mr. TAYLOR: The Treasurer states that the basic principle of the Bill is to give relief to farmers and graziers by allowing them to average their income tax returns over a period of three, four, or five years—I am not quite sure of the period. I have nothing to say against that. Personally, I have always said that, if there is any class in the community who should get all the consideration possible in so far as income tax is concerned, it is the man on the land. Not only does the man on the land grow food to supply the people in the city, but he also provides the greatest amount of freights for our railways; and he is, therefore, entitled to every possible consideration. I heard a man say last night that the proper time for a man to go on the land is when he is two years old, because then he will know nothing at all about it. I thought there was a good deal in that. I believe that a good many, if they knew what was in it, probably would not tackle the land at all. If I understood the Treasurer rightly, he gave hon. members to understand that the Treasury bills to be renewed in January will be free, at all events, of State taxation.

The PREMIER: That is provided for under existing legislation.

Mr. TAYLOR: Personally, I think it is time we stopped that kind of thing. I do not think it is fair that one class of people who have money to invest in loans, either Federal or State, should be able to sit back at their ease and draw their interest and not be asked to pay taxation in the form of income tax, while other people are working year in and year out endeavouring to develop our primary and secondary industries, and helping to provide employment in all possible directions. I am rather surprised that the Treasurer and the Government should continue that system, which, I think, should be stopped once for all, because we know that, both in the Federal and State jurisdiction, the excessive increase which has taken place in the rate of income tax in recent years has been brought about by the fact that so much money is free from income tax at the present time, and will be so for a good many years to come. It is not a fair thing to the other members of the community that such a state of things should continue. We know how taxation has increased during recent years in Queensland until it is a staggering burden upon the people. I asked the Premier the other night whether he had taken any steps to find out approximately what amount he is likely to receive from the income tax returns so far sent in. I know all the returns cannot be in, but I would like to know whether he has the figures for any income tax returns sent in for the year ending 31st July, 1921.

The TREASURER: Ask next June, when we get the figures.

Mr. TAYLOR: If the Treasurer has to wait till next June before he has any idea of the figures——

The TREASURER: I want the cash—not figures.

Mr. TAYLOR: He will get the figures, I am afraid, but not the cash. I think he will get a rude awakening. In last week's Sydney "Bulletin" there were a few balance-sheets given in connection with some firms which make one reflect. There was a balance-sheet of a large Sydney softgoods house whose return for the year ending 1920 was £120,000, without paying any income tax; and there was a return for another firm whose income was fairly large, but they also showed a loss. Those people are not going to be exceptional in connection with the income tax returns in the various States: and it is, therefore, necessary that Treasurers should keep a close watch on the finances and practise economy wherever they can—so long as it does not increase inefficiency and unemployment. Those are two things which have to be considered very carefully when retrenchment is being carried out, so that the troubles that people are passing through at the present time may not be aggravated by governmental action of any kind. This Bill is one which requires a great amount of consideration. The Treasurer, last week, by way of interjection, said he was bringing in a Bill this week to reduce taxation.

The TREASURER: Hear, hear! You are now trying to block it.

Mr. TAYLOR: I would like to know from the Treasurer whether there are any increases of taxation proposed in this Bill.

The TREASURER: None whatever.

Mr. TAYLOR: I am glad to hear that. I would like to know whether there are any reductions other than the hon. gentleman mentioned.

The TREASURER: A very big reduction in so far as dairy farmers are concerned.

Mr. TAYLOR: No others?

The TREASURER: No.

Mr. KERR (*Enoggera*): I desire to support the amendment to delete the words "in certain particulars." I cannot see why ordinary industries should be taxed out of existence, while some investments are going free of income tax. It is not conducive to the best interests of the State to have State enterprises in competition with private businesses and allow them to be exempt from income tax. It is very difficult at this stage to say which State enterprises should pay income tax, because money is being expended

from which there is no return. Very few of the State enterprises are showing any profit. The Government take the line that they may pay in future, and, if so, this is the time to move amendments to provide for such a contingency. The whole of the legislation of the Government has been piecemeal, and nearly every Bill introduced has been to amend legislation "in certain particulars," thus limiting the opportunity of moving amendments. In my opinion, the Bill does not go far enough. Many of the manufacturing concerns, wholesale and retail houses, and banking institutions are suffering from excessive taxation, and this is an opportunity to bring in some amendments which will do away with the practice of taxing bad debts, and of being compelled to take out a profit and loss account and take into consideration the stock, and various other things, showing that they are paying income tax merely on a paper profit. On that paper profit they have to pay income tax in solid cash, and something should be done to relieve the situation.

I also agree with the hon. member for Nundah in regard to the payment of income tax on Government securities. So far as foreign loans are concerned, we know that we cannot enforce the payment of income tax, but, owing to the flotation of these loans and the issue of Treasury bills and other forms of Government securities, there is no income tax paid on huge amounts of money. People are putting their money into those investments to the detriment of Queensland, because the money put into those investments would otherwise have been invested in industry, creating employment and making for the progress of the State. The Government seem to forget that Parliament is the place to legislate. We are more or less getting government by Cabinet—a Cabinet of one person.

The TREASURER: Which person?

Mr. KERR: In this case, the hon. gentleman. (Laughter.) I am not prepared to allow the people whom I represent to be governed in that way. Parliament is the place where we should legislate. I trust that the Premier will accept amendments; otherwise this legislation is purely under his jurisdiction, with a majority of one.

HON. W. H. BARNES (*Bulimba*): I desire to make one or two remarks at this stage.

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): I move—

"That the question be now put."

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

AYES, 34.

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

*Tellers:* Mr. Dash and Mr. Pease.

NOES, 31.

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

*Tellers:* Mr. Kerr and Mr. Sizer.

Resolved in the affirmative.

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

AYES, 34.

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

*Tellers:* Mr. Ferricks and Mr. Gilday.

NOES, 31.

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

*Tellers:* Mr. Bebbington and Mr. Clayton.

Resolved in the affirmative.

Mr. SIZER: I beg to move a further amendment—that after the word "particulars" the following words be added:—

"including the making of provision for the taxing of the interest on any future local loans issued by the State."

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, 34.

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

*Tellers:* Mr. Forde and Mr. Riordan.

NOES, 31.

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

*Tellers:* Mr. Logan and Mr. Warren.

Resolved in the affirmative.

Original question (*Mr. Fihelly's motion*) put and passed.

## CONSTITUTION ACT AMENDMENT BILL.

### INITIATION.

On the notice of motion being called—

"That leave be given to introduce a Bill to amend the Constitution of Queensland by abolishing the Legislative Council"——

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): I ask the permission of the House to be allowed to move this motion in an amended form.

The SPEAKER: Is it the pleasure of the House that the Premier be allowed to move the motion in an amended form?

Mr. VOWLES: Before we agree to grant leave to the Premier we would like to know something more about it.

The PREMIER: As soon as I am granted leave I will tell you all about it.

The SPEAKER: Is it the pleasure of the House that the Premier be allowed to move the motion in an amended form?

OPPOSITION MEMBERS: No!

Question—That the Premier be allowed to move the motion in an amended form—put; and the House divided:—

In division,

HON. W. H. BARNES: Speaking on a question of privilege, I raise the point that, if any member objects when a motion is proposed to be altered, it is fatal.

The SPEAKER: The hon. gentleman is in error. The objection of any hon. member does not prevent the amendment of a motion by the House.

AYES, 34.

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

*Tellers:* Mr. Bulcock and Mr. Conroy.

NOES, 31.

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

*Tellers:* Mr. Bell and Mr. Deacon.

Resolved in the affirmative.

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): I beg to move—

"That the House will, this day, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the Constitution of Queensland by abolishing the Legislative Council."

The Bill is a very important one, and we do not intend to take all its stages to-day. It is intended to take the first reading stage, and make the second reading an Order of the Day for to-morrow. That will furnish hon. members with a full opportunity of preparing their remarks.

Mr. VOWLES (*Dalby*): At this stage I propose to object to this Bill. (Government laughter.) I am doing so in order that an amendment may be moved. Once the Governor's message is delivered it will be impossible for me to move an amendment, because I take it the money which would be necessary after the abolition of the Upper House would be virtually nil. The amendment I propose will necessitate the expenditure of public funds. I propose to add, after the words "Legislative Council," the words "as at present"——

Mr. SIZER (*Nundah*): I have an amendment to move before that of the leader of the Opposition.

The SPEAKER: Order! Order! The hon. member for Dalby is in possession of the floor.

Mr. VOWLES: I beg to move the insertion, after the words "Legislative Council," of the words—

"as at present constituted, and substituting therefor an elective Legislative Council."

If the hon. member for Nundah has an amendment to move before my amendment, I suppose now that I have moved it he is deprived of his right.

Mr. SIZER rose in his place.

The SPEAKER: Order! I will see that the hon. member's rights are preserved.

Mr. VOWLES: We on this side are all perfectly satisfied that the Legislative Council, as at present constituted, should be done away with, and that the principle of a nominated Chamber is an antiquated one. If the Government were to carry out one of the planks of the Country party's platform by creating an elective Upper Chamber, and did it on the same principles as the Federal representation in Queensland—over a number of large areas—on a proportional representative basis, or something on those lines, we would get a better result than by having

what the Upper House has become now—nothing more than a party Chamber.

Mr. RYAN: It never has been anything else.

Mr. VOWLES: There may have been some complaints in respect of the constitution of that Chamber in the past, but I think the party aspect is more pronounced now than ever it has been. There are two sides in that Chamber. When it was constituted it was not intended that that position should arise. In order that that difficulty may be overcome, in order that the Constitution need not be materially altered, we desire, as the principle of the future, to make the Legislative Council one which will be elected by people on a limited franchise, and not one which is nominated by any particular party, as is the case at present.

Mr. POLLOCK: Only those over seventy years of age to have a right to vote?

Mr. VOWLES: Not at all. We would have a reasonable franchise. We do not consider that the man who has no interest in the country, but simply walks about carrying his swag, should receive a double benefit in regard to voting. He has the right to vote for a candidate for the Legislative Assembly. In order that one Chamber may not be merely a reflex of the other, we consider that it is necessary that there should be some limitation of the franchise.

The SECRETARY FOR PUBLIC LANDS: How is it going to be like the Federal system?

Mr. VOWLES: This is one of the planks of the Country party's platform. Hon. members on the Government side who say they are sympathetic towards us—more particularly in our electorates when an election is coming on—will have an opportunity of supporting or rejecting this.

Mr. MORGAN (*Murilla*): I desire to say a few words in seconding the amendment moved by the leader of the Opposition. I have advocated for many years the principle of an elective Upper Chamber. When I was sitting on the Government side of the House I moved a resolution to the effect that the Constitution be altered to provide for the constitution of the Legislative Council as an elective body. I am sorry to say that resolution was not sufficiently supported to be adopted. The Labour members who were then in opposition crossed the floor of the House and voted with Mr. Denham and some of his party; whilst seventeen members of the Denham party—principally country members—voted in favour of an elective Upper House. I think those members of the then Liberal Administration are very sorry to-day that they did not vote in favour of an elective Upper Chamber on that occasion. Seeing what has happened during the past few years, we must all come to the conclusion that the nominee Chamber is a
[5 p.m.] useless Chamber; it is not fair, simply because the men who are nominated are generally men who hold opinions similar to those possessed by the Government of the day. Just as the Labour party nominated a great number of men, every one pledged to the Labour party's platform, every one interested more or less in the success of the Labour party, their standing depending, to a great extent, on the success of the Labour party, so to some extent it is possible for a Liberal Administration to nominate men who have their political opinions. To that I object.

The PREMIER: What kind of franchise would you propose?

Mr. MORGAN: The franchise I advocated ten years ago was something similar to that of Victoria; but I would even go a bit further and be prepared to allow any person to vote who had a credit balance in a savings bank or something of that sort. I am not altogether in favour of adult suffrage. (Government laughter.)

The PREMIER: You are not in favour of adult suffrage?

Mr. MORGAN: No. I do not want to hide the fact. I have expressed that opinion throughout different campaigns, and the electors of Murilla are with me in that respect. We recognised, when we were framing the Constitution of Australia, that it was necessary to have two Chambers—one a legislative body and one a revising body, and the Upper House or House of review was made an elective Chamber, since we recognised that States with such Houses were more successfully governed than those with Upper Houses constituted on the nominee principle. That principle died out years and years ago, and should not now be in operation in any democratic country. I am going to vote for the amendment to give us an opportunity of doing away with the system in existence to-day and substituting something more up-to-date and likely to be of some benefit. I think that it will be recognised that in Victoria they have the most up-to-date democratic Upper House in existence. (Government laughter.)

The SECRETARY FOR PUBLIC LANDS: The House of Landlords!

Mr. MORGAN: The members are elected for six years, and one-half retire every three years. Every three years the people of Victoria have the opportunity of electing up-to-date men.

Mr. WINSTANLEY: Some of them.

Mr. MORGAN: They have there active men—not men suffering from senile decay in any way, but men capable of travelling throughout the State and electioneering, as members of the Assembly do. They have there a young, capable, energetic Upper House such as is not in existence in New South Wales or Queensland, and some of the other States have adopted the same principle successfully.

I would like the leader of the Opposition to go a little further than he has done, and move for a reduction of members of the Assembly from seventy-two to fifty-two, and thus try to put into effect another plank of the Country party. The expenditure on government is greater in Queensland to-day than in any other State of Australia—I believe it is greater in Australia than in any other part of the world; and it is time we did something to reduce the cost of legislation, which is continually going up. The burden is becoming too great—just as the public service problem is becoming too great—for the people to bear. The time has come when we should clean up our own House before we can expect people outside to economise. I think only six or seven electorates in Queensland are larger than Murilla, which contains all classes of people. I believe the departmental officers will recognise that I have just as much work to do for my electorate as any man in Queensland, and I think we should reduce our numbers by at least twenty and have an elective Upper House with one-half the number of members of the Assembly. When we are about to amend the Constitution we should do it

thoroughly and well. All we are doing is to tinker with it for party purposes. I was hoping that we would have a Government who would be large enough to get away from party politics in the alteration of the Constitution. This is a most important and drastic proposal, and to do away with the Upper House altogether would be contrary to the wishes of the people, who, by a majority of over 63,000, voted in favour of its retention. Again, at the last election there was a majority of 20,000 electors in favour of an elective Upper House, simply because every member on this side, whether Liberal, Country party, or Northern Country party, had on his platform the principle of an elective Upper House. There is no doubt that the people gave a mandate to abolish the Upper House as a nominee body and create an elective body, and therefore it is the duty of every man on this side to put up a fight for the policy which the people sent us here to carry into effect.

The SECRETARY FOR PUBLIC LANDS: You have been pretending for the last six months that you wanted to abolish it.

Mr. MORGAN: I am in favour of abolishing it in its present form, so that we can establish an elective Chamber. Its abolition as a nominee Chamber would be a step towards that end, because there would then be nothing to prevent us after the next election, when we get into power—(Government laughter)—from passing a Bill to amend the Constitution by creating an elective Upper House. If we occupied the Treasury benches, the Upper House as at present constituted would vote against us, and, unless we had the consent of the Governor to swamp it, we would have no power to do what we want. Of course, we would have the right to submit Bills to the people after considerable delay.

The SECRETARY FOR PUBLIC LANDS: You want an elective Chamber, and others on your side want to retain the nominee Chamber.

Mr. MORGAN: No doubt, there are some people who want to retain the present Chamber. I moved my resolution about 1911 or 1912 to abolish the Upper House as a nominee Chamber, because I never believed in the principle of nomination. The men who have been put into the Upper House by all Governments have been men who had influence in and around the big cities and towns. You never saw a genuine country farmer put into the Upper House.

The PREMIER: Yes.

Mr. MORGAN: Where did you ever see a genuine representative dairyman or a real working farmer put into the Upper House?

The PREMIER: Yes; Mr. Courtice.

Mr. MORGAN: No. It is impossible to point to one man who could be called a real genuine farmer—one from the soil or one who has left the plough for the purpose of coming into Parliament as a member of the Upper House.

Mr. POLLOCK: Mr. Courtice has to leave the plough every time he comes down.

Mr. MORGAN: If that is so, he is an exception.

Mr. POLLOCK: It was this party who put him there.

Mr. FERRICKS: You have not got a working farmer over there.

Mr. EDWARDS: Here is one.

Mr. FERRICKS: A share farmer!

Mr. MORGAN: When I am at home, I work all the time on my farm, and help to do all the work necessary. I do my own branding. (Laughter.) The rest of the period I am engaged travelling over my electorate. The metropolitan Press think that a country member has nothing to do but come down here and that the very moment the House adjourns he goes back and remains on his farm until he returns here. During the fourteen years that I have represented the Murilla electorate in this House I have not had more than four weeks at one time at home. I receive an invitation to go to one part of my electorate to open a show and another part to do something else. That never appears in the Press. We are travelling silently among our people. The metropolitan Press think that, when this House adjourns, we go back to our homes and do not leave our farms for nine months. A country member is continually travelling through his electorate. Many of the country members represent big electorates. It is necessary to go into every part of our electorate at least once a year. There are seventy-two polling centres in my electorate, and it is necessary for me to travel to nearly all of those places at least once every year. We get no credit for that from the metropolitan Press. They sit in their offices, and they know nothing of what a country member has to do, and they blackguard us if we happen to be away on some important business. If a city representative from a business in the city is missed from a division, we never hear a word about him; but if a country member who lives 500 or 600 miles away is missing, it is published in glaring headlines. I am going to vote for the amendment moved by the leader of the Opposition, and I hope it will be carried into effect. A change is necessary in the Legislative Council as at present constituted. It is useless and no good, as has been proved by every measure that has been submitted to it. This session, every Bill that has gone up there, has been returned in a few moments after hardly any debate and without one amendment. It is all decided by the majority of one. All the legislation that is put on the statute-book is decided by a majority of one in the Legislative Assembly. The Upper House does nothing. We have seventy-two members in the Assembly and sixty odd members in the Upper House, and, notwithstanding that number of politicians, a majority of one in the Assembly decides the whole of our legislation.

The PREMIER: No—a majority of three, and four, and sometimes six.

Mr. MORGAN: An actual majority of one.

The SECRETARY FOR PUBLIC LANDS: What do you think of the Constitution of the Federal Senate?

Mr. MORGAN: I would like to see it constituted more or less on the lines we propose here, and then it would not be altogether a party body as it is at the present time. I hope the amendment will be carried, and I hope that the time will come when the Country party will be able to put their platform on the statute-book and have an elective Upper House.

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): I have listened to the speeches of the leader of the Opposition and the seconder of the amendment with some degree of surprise that the hon. members, while expressing themselves as in favour of abolishing the Council as at present constituted, should propose to continue its existence by

basing its membership on a restricted franchise. That would be no reform. On the contrary, it would be a most retrograde step to provide for a property Chamber—a House founded on a property franchise.

Mr. MORGAN: But altogether there would be educational and numerous other qualifications.

The PREMIER: The hon. member is candid enough to express his belief in the Victorian system, and says he desires to liberalise the constitution of the Legislative Council and model the franchise on that of the Legislative Council of Victoria. Even the conservative "Age" and the conservative "Argus" of that State and other conservative Victorian papers call attention to the absolute lack of interest on the part of the people in the Legislative Council elections. That lack of interest is due to the fact that so few people can exercise the franchise. Here hon. members of an allegedly democratic party in a democratic State like Queensland desire to set up a Legislative Council constitution restricting the right of people to select the members of that Chamber to a privileged few who happen to be possessed of wealth, or money, or land, or education, as the hon. member puts it. The hon. member for Murilla says it should have a property qualification, plus an educational qualification. On what grounds does the hon. gentleman suggest that? Does he suggest that a person with, say, a university education, should have a vote for the Legislative Council whilst a person who has an ordinary education, such as a farmer might have, should not have a vote for that Chamber?

Mr. CORSER: Why select such extreme cases?

The PREMIER: Because the hon. gentleman's argument is based upon that. The Victorian Council is based on a property qualification.

Mr. MORGAN: That is only one of the qualifications.

The PREMIER: The hon. member for Bulimba, the ex-leader of the Nationalist party, in his policy speech at the last election, said that he desired to see a reform of the Legislative Council by making it an elective Chamber, based on an adult franchise. The Country party stands for the conservative landlord—the idea of a restrictive franchise. I am really surprised to hear the views the hon. member for Murilla enunciated. The constitution of the Council upon a restricted franchise surely cannot be in the interests of the country people or of anyone else, and, when the hon. member goes further and brings in side issues not in the interests of the Country party, and says that an educational or University qualification—the qualification of a University graduate—should be adopted, he is proposing to give a concession to a limited number of the community and exclude a large class who, through no fault of their own, have not got higher educational attainments.

Mr. SIZER (*Nundah*): I am in a somewhat difficult position, as I intended to move an amendment before the leader of the Opposition, but I understood you to say, Mr. Speaker, that my rights will be protected. I want to indicate the lines on which I proposed to move an amendment on behalf of the Nationalist party. We do not intend to subscribe, as a party, to the principle of abolition in any shape or form, on the ground that, once a thing has been abolished, we cannot discuss it. We can certainly alter the personnel of the Council which we propose to do; but that is a different matter to abolishing the Upper House in its entirety. My intention was to move the deletion of the word "abolishing" and insert the word "reforming," and after the words "Legislative Council" to add the words—

> "on an elective basis and on an adult franchise."

That makes a clear and definite pronouncement of policy which should be considered by this House. I trust that I shall have an opportunity of moving that amendment.

We, as a party, are opposed to the principle of abolition, which we say is against the best interests of the State and of democracy. We say that the bicameral system is the best. The whole matter is interwoven with the principle of government of the British Empire, and for that reason we cannot subscribe to abolition of the second Chamber. We had a Bill before us on a previous occasion—and I presume that this is much the same—which provided for the abolition of the Council and, at the same time, made provision for a revising committee, thus recognising the principle of a revising Chamber. That was a recognition on the part of the Government that revision of legislation was absolutely necessary. We have not seen the present Bill, and we can only assume that it is on the lines of the Bill which was introduced by the late Hon. T. J. Ryan, which provided for a standing committee of members of both sides of the House. Under that measure, after a Bill had gone through this Chamber, it had to go before that committee, which could make recommendations to the House. Anyone who has watched events must recognise that the principle of a nominee Chamber such as we have to-day is certainly antiquated, and should be done away with.

The PREMIER: Hear, hear!

Mr. SIZER: But I am not prepared to support a system which means throwing overboard the whole Constitution on which the British Empire has been built up just because I believe that the Legislative Council should be reformed. I am prepared to assist the Government to reform the Upper House, but I am not prepared to assist them to abolish it.

The PREMIER: The best system of reform is to abolish it.

Mr. SIZER: Once you abolish it there will be no House in existence. The hon. gentleman cannot abolish the House and then reform it.

A GOVERNMENT MEMBER: Explain its uses.

Mr. SIZER: It is necessary for revising and checking hasty legislation, and that is recognised by the Government themselves by providing a revising committee in their previous Bill; but that will be useless, because the same people would be revising their own work. You must bring different minds to bear on the matter. I, for one, think that it would be unwise for Queensland to make a further experiment with this class of legislation. Only unimportant countries have adopted the unicameral system. In the Canadian provinces they have single-chamber Parliaments, but those provinces are differently constituted to Queensland. They derive their powers from the Dominion Parliament of Canada, whereas we derive our powers direct from the

Imperial Parliament. We are a self-governing State in a different sense to the Canadian States. There have been experiments made in the unicameral system. It was tried in Natal, where they abolished the Legislative Council, but they got into such a position that it was only a comparatively short time before they went back to the bicameral system. It is so right through. Nowhere, except in a few countries in South America and in the smaller countries of Europe, is the unicameral system adopted. I cannot imagine any civilised community endorsing such a policy on the authority of such insignificant States as I have mentioned. All the eminent authorities on constitutional government are in favour of the bicameral system. I think we can go fully into that matter later on. When the Government had difficulties in the Legislative Council, we on this side opposed the Bill on principle. The personnel of the Upper House is objectionable and useless from our point of view, but that is not sufficient justification for us going back on a principle which we have always maintained in this House. Another reason for our attitude is that the Government have no right to abolish the Council in the face of the direct vote which the people gave against it in 1917. The Government have not yet secured an alteration of the decision given by the people on the referendum, when the proposal for abolition of the Council was defeated by over 63,000 votes. They have been to the people since; but, although they have been returned to this House with a majority of [5.30 p.m.] members, they have a minority of votes. Therefore, I say they have no right to proceed with such a vital matter as the alteration of our Constitution. We are not unmindful of the fact that we are progressing, and we realise that reform is necessary. There are many methods of bringing about that reform, and the most democratic is to make the Upper House elective and provide for its members being elected on the same basis that we ourselves are elected to this House. On the other hand, it may be argued that the results, so far as the Senate are concerned, have not been altogether satisfactory, and I am one of those who subscribe to that argument. The results of the Senate elections have not been satisfactory. It may be asked how it is possible to get a true expression of the will of the people so far as the Upper House is concerned. In the main we accept the principle of the adult franchise in regard to the Upper House, but to have the Upper House elected with the same electorates as members represent in this Chamber would simply mean that the Upper House would be a replica of this House, which we wish to avoid. Therefore we propose that the Legislative Council should consist of thirty members—three members to be elected from each of the ten Federal divisions.

The PREMIER: It is rather strange that the policy of the Nationalist party should be enunciated by a private member.

Mr. SIZER: Not at all. There is nothing private about it.

Mr. WINSTANLEY: The policy is generally enunciated by the leader of the party.

Mr. SIZER: We propose that there should be three members elected from each of the ten Federal divisions, as thereby the whole of the interests of the State would be preserved. The Upper House should exercise the same powers that the Legislative Council possesses to-day, reserving to the Lower House that prerogative which has always been theirs—the control of finance.

The PREMIER: An Upper House with full power of veto?

Mr. SIZER: They must have that power.

The PREMIER: The Legislative Council can reject a finance Bill.

Mr. SIZER: That is so. There is no need to interfere with the powers of the Council. It is only the personnel that we wish to alter. My own personal idea is that those thirty members should be elected on the system of proportional representation. If you adopt a system of proportional representation, you will have an exact replica of the people's will in the Upper House.

Mr. MORGAN: Is that anything like the New South Wales system? It is a pretty rotten one, if it is. (Laughter.)

Mr. SIZER: The hon. member cannot say that yet. He is not in a position to prove it.

The ATTORNEY-GENERAL: Do you suggest that there should be three representatives for each Federal division?

The PREMIER: If you have three-member constituencies, you cannot have proportional representation.

Mr. SIZER: Under such a system the party which has a majority will get two members and the other party will get one member.

The PREMIER: In a constituency where the parties were equally divided, who would get the two members?

Mr. SIZER: The hon. gentleman knows that it is not possible to have the parties equally divided. The hon. member for Murilla indicated that, in his opinion, proportional representation was ineffective. No member of this House can say it is ineffective, in view of the fact that in Tasmania, where the system is in operation, the members elected have been an exact replica of the expressed will of the people. Professor Stokes, one of the most eminent writers on this subject, says that the chance of the wrong member being elected under a system of proportional representation is one in 40,000. That is a bigger job than picking the winner of the Melcourne Cup. If we introduce a system such as that, we shall have an eminently fair system. The main objection, so far as the New South Wales Act is concerned, is the difficulty in connection with by-elections, but, if the hon. member for Murilla will analyse the votes, he will find that the members of Parliament in New South Wales represent exactly the expressed will of the people according to the votes given. In Tasmania, in every election since the system of proportional representation has been adopted, the number of members in the various parties have represented exactly the percentage of votes given for the respective parties. Why should the present Government be in power? Admittedly they have a majority of members and a majority of constituencies, but they represent a minority of votes. That is not democratic government, and such a thing would never happen under a system of proportional representation. The element of chance is one to 40,000.

The ATTORNEY-GENERAL: Not in three-member constituencies.

Mr. SIZER: That is a mere detail.

The ATTORNEY-GENERAL: It is an essential.

Mr. SIZER: If what the hon. gentleman says is right, then the difficulty could easily be remedied, and we could increase the number of members to four for each division.

The PREMIER: The only way to have true proportional representation is to have one electorate for the whole State.

Mr. SIZER: It would be more in keeping with proportional representation to have an electorate of the whole State. In small communities where the interests are not so varied, probably that would be better; but we have to amend the system to a certain extent to meet the somewhat altered conditions in Queensland. No doubt, when Queensland contains 100,000,000 people it will be quite easy to adopt such a system, but when we have sparsely populated areas we certainly could not do that. This system of proportional representation is purely an idea of my own, and is not a policy that the National party altogether subscribes to. Still, that is a sound principle, and it is one which I have advocated and believe in, because it is democratic in every shape and form, and will give to the people the voice they are entitled to have in electing their representatives at the ballot-box. I have received an indication from you, Mr. Speaker, that I would be permitted to move my amendment, and I would like to know at what stage I can move it.

The SPEAKER: I think the hon. member had better proceed to move his amendment now.

Mr. SIZER: I move the omission of the word "abolishing," with a view to inserting the word "reforming," and the addition, after the word "Council," of the words—

"on an elective basis on an adult franchise."

The SPEAKER: The hon. gentleman proposes to delete certain words and to add certain words. He cannot move two amendments at one time.

Mr. SIZER: I propose to omit the word "abolishing" first and to add certain words afterwards. When the leader of the Opposition moved his amendment I indicated to you that I had a prior amendment to move, and you promised to preserve my right. As it is a prior amendment, I propose to move it now. I maintain that I am quite in order in moving that amendment. My amendment can be disposed of before the amendment of the leader of the Opposition is put. The Nationalist party cannot subscribe to the principle of abolition, seeing that the Government have received a direct mandate from the people against the abolition of the Council, seeing that it is against our interests, and against our platform, and seeing that we are opposed to the unicameral system, and that we are anxious to reform the Council on the basis I have indicated.

The SPEAKER: The question was—

"That the House will, this day, resolve itself into a Committee of the Whole to consider the desirableness of introducing a Bill to abolish the Legislative Council."

Since which it is proposed by the leader of the Opposition to amend the motion by adding after the words "Legislative Council" the words—

"as at present constituted, and substituting therefor an elective Upper Chamber."

The hon. member for Nundah proposes a further amendment by omitting the word "abolishing" and substituting the word "reforming" in lieu thereof, and by adding after the word "Council" the words—

"on an elective basis on an adult franchise."

When the hon. member for Nundah signified at an earlier stage of the debate his intention to move an amendment, I said that I would preserve his rights.

HONOURABLE MEMBERS: Hear, hear!

The SPEAKER: But I took it for granted that the leader of the Opposition would not insist on going on with his amendment, or, rather, that he would withdraw it temporarily in order to allow the hon. member for Nundah to move his amendment.

Mr. VOWLES: No.

The SPEAKER: I am now informed that the leader of the Opposition declines to withdraw his amendment. Standing Order No. 91 is quite clear on the point. It reads—

"An amendment may not be proposed in any part of a question after a later part has been amended, or has been proposed to be amended, unless the proposed amendment has been withdrawn by the unanimous leave of the House."

The PREMIER: Surely the leader of the Opposition will withdraw his amendment temporarily?

The SPEAKER: Unless the leader of the Opposition withdraws his amendment, the hon. member for Nundah cannot submit his amendment.

Mr. TAYLOR (*Windsor*): The hon. member for Nundah gave reasons why we, as a party, cannot support any proposal which includes the abolition of the Upper House. The Nationalist party have always been in favour of the retention of the Upper House.

Mr. STOPFORD: The hon. member for Oxley declared himself against it.

Mr. TAYLOR: We have indicated that we are prepared to accept the adult franchise for the Upper House. In my first election speech in 1918 I stated from the platform that I was in favour of the retention of the Upper House, but, if it is to be an elective Upper House, I am in favour of the adult franchise. I stated that at every public meeting. We elect the Federal Parliament on an adult franchise, we elect this Assembly on an adult franchise, we elect the Senate on an adult franchise, and we also elect our local authorities on an adult franchise, although, personally, I do not believe in the adult franchise for local authority elections. To go back now to a restricted franchise, I consider, would be a retrograde step. I am at a loss to understand why we should abolish the Council after the referendum, taken in May four years ago, when the electors, by a very large majority, decided that the Legislative Council should remain. The question submitted to the people on that occasion was prepared by a Labour Government. No one on this side had anything to do with the preparation of that question.

The PREMIER: Someone on that side did have something to do with it.

Mr. TAYLOR: It is a remarkable admission for the Premier to make that someone on this side had something to do with the question which was submitted to the people at that particular time.

The PREMIER: It is quite true. I am referring to the hon. member for Normanby.

Mr. TAYLOR: The question was prepared by the Government of the day and submitted to the people. We are told that the people are in favour of the initiative and referendum, and that they should be able to decide all big national questions. The abolition of the Council is an important question, and the people decided against the abolition of the Council. With one or two exceptions we have the bicameral system in all parts of the world so far as parliamentary institutions are concerned. Yet the Government propose to introduce this big change in Queensland. They bring forward a motion to abolish the Upper House, although four years ago the people decided by a majority of over 63,000 votes that the Council should be retained. Sixty-two out of the seventy-two electorates voted in favour of retaining the Legislative Council. Why do not the Government, as democrats, say to the people, "We are prepared to trust you and to abide by your decision of four years ago"? Whatever decision the people give, the Government should abide by it. The Government are afraid. They know perfectly well that, if they took a referendum to-morrow with regard to the abolition of the Legislative Council, they would be hopelessly defeated. It is rather surprising to see this stand taken by people who claim to be democrats, and who say they are prepared to trust the people. We are prepared to trust the people. We will go to a referendum at any time the Government may wish, and let the people say whether it is a wise and proper thing to still retain the Upper House. I am not afraid of a hostile Upper House at any time. What has been the experience of Queensland and of Australia with regard to a hostile Upper House? Has the Upper House been able to prevail in Queensland or in any part of Australia? Not to any great extent. When the popular Chamber has sent up legislation and has said, "This is what we went to the people on, and this is what we want," although the Upper House has put up a bit of a fight, invariably it has found that the will of the popular Chamber must prevail.

The HOME SECRETARY: What have they accomplished, if that is so?

Mr. TAYLOR: Since the present Government have been in power they have not accomplished anything. I venture to say not a single amendment has been introduced by the members of the Upper House who support the Government. The amendments introduced in the Upper House before the Labour men went there run into hundreds.

The HOME SECRETARY: Not when the Liberal party was in power.

Mr. TAYLOR: The men who have been placed in the Upper House by the Government simply have to do as they are told. They have signed the platform. That is one of the reasons why the Upper House is so ineffective to-day. Since I have been in Parliament not a letter has been sent from this side of the House, and not a conference has been held with a view to dictating the attitude of members of the Upper Chamber with respect to legislation sent there. Can the Labour party say that? They know perfectly well they cannot, and they know that the Labour representatives in the Upper House meet them in caucus and discuss with them the legislation that is to be introduced. While I understand they have not the privilege of voting, still they receive their instructions, and, when Bills go up to the Upper House, there is no amendment made. The Legislative Council has been shorn of all the powers it previously possessed. I would far rather have a nominee Chamber such as existed in the past than not have any Upper Chamber. If we take the history of Queensland for the past thirty or forty years, we find that in that Chamber were men who, although they might have been supporters of the party in power at any particular time, still recognised that they were not there as party men; and in the consideration and amendment of legislation they carried out in the best interests of the country the duties devolving upon them. The franchise and the tenure of the men sent to the Upper House are covered by the platform of the Nationalist party. That party desires to see that House run on non-party lines, as far as it is humanly possible so to run it. Unfortunately, that is not the position which exists in that Chamber to-day.

The PREMIER: It never has existed since there has been a Labour party.

Mr. TAYLOR: I contend that it has.

The PREMIER: Was it run on non-party lines in 1915 and 1916?

Mr. TAYLOR: It was, until the last four or five years, when the Labour party got into power, since when it has become so hidebound by caucus administration that it has had no power of dissection, no power of amendment, and has been unable to suggest any reform. Surely, some of the legislation sent up by this Chamber could have been amended to the betterment of the Bill and the benefit of the community! Nothing of that kind has taken place. The majority of the members in the Upper Chamber have been prepared to accept the Bills as they went up. They knew they dare not do otherwise, because of having signed a pledge in connection with the matter. I contend that legislation affecting the welfare of the community cannot be discussed too much. Why do we have first, second, and third readings, and a Committee stage in this Chamber? Why do we not turn out Bills as sausages are turned out of a sausage machine?

Hon. J. G. APPEL: The Government did that with the Government Loan Bill.

Mr. TAYLOR: Parliament realises that, by having all that consideration given to Bills, defects can be detected and the necessary amendment made. When the Bill goes to the Upper Chamber practically the same procedure is adopted there. But even that is not the end. After we have done everything we think necessary to make the legislation perfectly clear and understandable, the judges in our various courts have to interpret it for us. Knowing all this, we should be exceedingly careful before we interfere with the Upper House. Again, how much time is taken up with amending legislation? Not a single Parliament meets in which a considerable amount of time is not taken up with legislation introduced for the purpose of amending legislation passed during previous sessions. It is a long procession of amendments of Acts of Parliament. Now we propose to do away with one of the sheet-anchors of our legislation, which is a provision against hasty and ill-considered legislation such as that which we have been asked to consider to-day—three or four of them most important matters, covering big questions. We are asked to go through the whole of them in one day and send them along

to the Legislative Council, who will do the same thing. Instead of those Bills receiving the consideration due to them, they are to be put through hastily and without the debate that should be carried on in connection with them. It is absolutely necessary to retain our Legislative Council. Let it be a House to which we can look with respect, whose members we can honour, and whose work we can applaud.

Mr. SWAYNE (*Mirani*): I rise to support the amendment moved by the leader of the Opposition. As was recalled by the hon. member for Murilla, a motion was moved in this Chamber some years ago by the more progressive members of the Liberal party in favour of an elective Upper House. On that occasion I seconded the motion, [7 p.m.] and it went to a vote, when, I think, twelve members supported us. By a curious circumstance, hon. members opposite, who were then sitting on this side, voted against the motion with many of the Liberals. Years have gone by, and I think that those who are left of our opponents in the old Liberal party recognise that we were perfectly right and that they ought to have voted with us then, when we had power to bring about an elective Upper House. I think the majority of the people in Queensland will agree with me to-day that it would be far better if we had an elective Upper House instead of the present nominee Chamber, which is simply an echo of this House, which in turn is simply an echo of other bodies outside.

In any case, I think it most peculiar that this motion should be brought along at this late hour of the session. We hear that we have to terminate the session on Wednesday or Thursday. A suspension of the Standing Orders has been moved to enable all Bills to be carried through all their stages in one day. Under such circumstances, is it fair to bring on now an important measure of this kind? It is a question on which the people have expressed no uncertain opinion, for a few years ago it was put before them in a most democratic manner by direct vote, and by a majority of 63,000 they decided that there were to be two Houses of Parliament in Queensland. Yet, in the face of that, we are to have no opportunity for discussing this proposal, for I suppose it is to be carried by the "gag." This, and other Bills, are to be put through in two days, and only last week we had sufficient indication of the need of an elective Upper House—a House that would be a deliberative body and have revisionary powers and which would be able to put on the brake. Last week we passed millions of pounds of expenditure without any discussion; but if an elective basis is adopted for our second Chamber, it is quite possible that it will have some power in financial matters to make good the obvious wants of this Chamber. Last week, too, during each twenty-four hours we sat two days, so that we compressed eight days into the week, although, instead of the six hours in each day which we would sit under ordinary circumstances, we were cut down to five, so that, in that period, eight hours in which we might have exercised our rights to discuss the expenditure were taken away from us. Many millions of the people's money were voted without any opportunity on the part of the Opposition to discuss the expenditure. All this simply emphasises the need for a second Chamber.

Hon. members opposite have shown themselves prepared to avail themselves of the services of an Upper Chamber. I remember that, when the Industrial Arbitration Bill was before Parliament, there was a dispute between the two Houses, and managers were appointed from each House to confer, with a result that was to the advantage of the people of Queensland. In years past, the benefits to be derived from the bicameral system have often been made apparent. I would just like to repeat a quotation I made from Viscount Bryce when a similar Bill was before the Chamber in 1919-1920, which will be found on page 1447 of vol. cxxxiii. of "Hansard"—

> "The existence of a second Chamber is confirmed by reason itself, because tyranny"——

And we have had any amount of tyrannical happenings during this session on the part of the Government, supported by their mere majority of one—

> "may proceed from a body as well as from one man; and it is a protection that the ruling body should be divided into two branches, the emulation and even the rivalry of which may prevent dangerous measures from being hurried through."

It was true then, and it is more than ever true now, that we should have an Upper House. But I think the present Upper House is simply an echo of this House, which, in its turn, is simply an echo of other bodies outside. On that phase of the question, let me say that it is most peculiar that this motion should be moved just after the sittings of a certain body in Brisbane. I do not think the question entered the minds of members opposite till the week before last, when a Labour conference sat in Brisbane at which the following were delegates:—Messrs. Scullin, Kean, McNamara, Hannan, Stewart and Blackburn (Victoria), Price, Whitford, Kneebone, Yates, McHugh, Murphy (South Australia), McDonald, Cosgrove (Tasmania), Cunningham, Panton, Cannanan, Ross, Withers, Halverson (Western Australia), Weir, Riordan, Demaine, Theodore, McCormack, L. McDonald (Queensland), and Mrs. Dwyer, Messrs. Carey, O'Dea, Catts, Lambert, and Power (New South Wales. It is most significant, or most sinister, that just after this conference in Queensland this measure is brought forward. I do not think any hon. member had the slightest idea of bringing it forward until after that conference. That bears out what I already said—that we are a rubber stamp for a power outside. That power has nothing to do with Queensland. These gentlemen mostly came from other States. They said, "You have to abolish the Upper House! You have to carry out your platform! The fact that a majority of 63,000 Queenslanders voted against it does not come into the question. You have to carry out your platform." The leaders of the extreme unions in the South issued a mandate to the Premier and other hon. gentlemen opposite, and, without demur, they have simply to carry out the command; and that is why we have this measure before us. There is not the slightest opportunity to discuss it. In order that the Government may carry out their programme and enable the Premier to go to the Premiers' Conference or the Melbourne Cup, or whatever it is, they must apply the "gag." I not only rise to support the amendment, but to object

strenuously to the Government bringing this measure forward at this late hour of the session.

Mr. CORSER (*Burnett*): As a member of the Country party, I am pleased to support the amendment submitted by the leader of the Country party.

The PREMIER: With a restricted franchise.

Mr. CORSER: Our platform is particularly clear and definite in this matter. I assure the Premier that it does not exclude anyone from an educational point of view.

The PREMIER: Why did the hon. member for Murilla suggest it?

Mr. CORSER: He spoke as an individual.

Mr. KIRWAN: Another split in the party!

Mr. CORSER: I am speaking of the platform of the Country party. The amendment of the leader of the Country party is on the basis laid down by our platform. This is the platform—

> "The franchise to be so wide as to be open to every adult resident British subject having the qualification of some real interest in the State by payment of rates, taxes, rent, or otherwise. All persons entitled to the franchise to be eligible for election to the House itself."

That is the policy of the Country party, and the amendment of the leader of the Opposition is quite in accord with that policy, as it makes provision for an elective Upper House on the reasonable franchise laid down.

Mr. KIRWAN: The leader of the Opposition said he proposed a restricted franchise.

Mr. CORSER: A most reasonably restricted franchise. What more reasonable franchise could you have than what is laid down by the platform itself?

Mr. BRENNAN: The "otherwise" constitution!

Mr. CORSER: The constitution of our party. The Country party's platform does not lay down any educational qualification. As an individual, I would sooner see the abolition of the Upper House than that it should continue as at present constituted.

The SECRETARY FOR PUBLIC LANDS: Then vote for the motion.

Mr. CORSER: I will vote for the motion if the amendment is defeated. The amendment provides for a reasonable franchise—a franchise which will protect the interests of the primary producer and the interests of every section of the people in the State of Queensland.

Mr. BRENNAN: You would not give the farmer's son a vote.

Mr. CORSER: Our platform does not debar the farmer's son, and the hon. gentleman cannot claim that it does.

Mr. DUNSTAN: He would not pay any rates or taxes.

Mr. CORSER: Our platform reads—

> "The franchise to be so wide as to be open to every adult resident British subject having the qualification of real interest in the State by payment of rates, taxes, rent, or otherwise."

Mr. BRENNAN: "Otherwise"!

Mr. CORSER: Can the hon. gentleman truthfully say that a farmer's son who has a responsibility and is interested in our rural pursuits does not contribute towards the rent paid by that farmer?

The SECRETARY FOR PUBLIC LANDS: He would not have a vote under the amendment.

Mr. CORSER: Our franchise is drawn up on the broadest possible franchise that could be termed a reasonable franchise.

Mr. KIRWAN: Why did you not vote for the amendment of the hon. member for Nundah?

Mr. CORSER: I would not support it. It provides for an adult franchise.

Mr. KIRWAN: That is the correct thing.

Mr. CORSER: If it is the correct thing, why did you not vote for it?

Mr. F. A COOPER: The Speaker ruled it out of order.

The SPEAKER: Order, order!

Mr. CORSER: We are prepared at all times to support our platform.

The PREMIER: The amendment of the hon. member for Nundah is preferable to a restricted platform.

Mr. CORSER: Then, why do you not support it? The hon. gentleman, as one directly interested in the city, might think so, but we do not claim that it is in the interests of primary production and of the industries of the country generally.

Mr. F. A. COOPER: Class legislation.

Mr. CORSER: It is not. This is legislation which will mean safeguarding the interests of the State, and if we cannot get that, we would sooner see the Upper House abolished altogether. If hon. members opposite want to see the Upper House abolished, they can vote for our platform. We are going to abide by that platform, and we claim that the representatives in the Upper House should be elected and governed by a certain explanation regarding that elective basis.

Mr. F. A. COOPER: Give us the explanation.

Mr. CORSER: I have already given it. If the Country party are given an opportunity of framing the laws of the State, then the hon. member will have every detail of the meaning of the Country party's platform. Let us abolish this Upper House that the Government are holding to at the present time. There is no business in this proposition to abolish the Council. It is admitted by hon. members opposite that the hon. gentlemen in the other Chamber have put restrictions on the Government's conditions before they propose to support it. They want life passes over the railways of the Commonwealth.

Mr. F. A. COOPER: They have got them.

Mr. CORSER: They have not. They claim all the privileges of a member of Parliament. I think members of the Opposition are unanimous in their desire to give them the same privileges as pertain to members of this Chamber. In cases where they have been members for seven years, as is the case with ex-members of this Chamber, they should have a pass over the Queensland railways; but to give them anything else is outside of fairness, and we are not going to allow, to the extent of our power, of greater privileges being given as a bribe to those gentlemen to vote themselves out of office. If the Government have to give them these bribes, it shows that [7.20 p.m.] they are not heart and soul in the matter of abolishing their own Chamber. Then there is another phase

of the question which has not been mentioned, and it is very important. I think that the late Hon. T. J. Ryan brought this matter before the Home authorities, who decided that they would not adjudicate on the amendment of the Constitution, or as to whether the Constitution would permit the abolition of the Legislative Council in a sovereign State, until that request was first made by the whole of the Australian States.

Mr. F. A. COOPER: Nonsense! That was with regard to the abolition of the office of State Governor.

Mr. CORSER: Their ruling in this regard was the same as in regard to the State Governorship—that is, that it must be the unanimous request of the States before they would deal with it. Hon. members opposite know that there are two conditions imposed in regard to the passage of this Bill in the other House—first of all, that members in the other place are compensated in the way required, and that has been agreed to; and the second condition is that the Home authorities allow it, if the Constitution of the Empire will permit of its being done. Those are the two governing factors for getting this Bill through the other place. If we are only going to secure the votes of members in another place by offering them concessions, then I say there is something governing it outside.

Mr. PEASE: You seem to know a lot about offering concessions. We are not offering concessions.

Mr. CORSER: Have they not been asked for from the Premier already by hon. gentlemen in the Legislative Council? It is a big factor in the abolition of the Council.

The SPEAKER: Order! The hon. member is not in order in discussing details, as the Bill is not yet before the House.

Mr. CORSER: As a member of the Country party, I am going to stick to the leader of the party in his determination to have a reasonable franchise. We are not going to debar people because they do not possess a certain educational qualification. We are determined that the qualification shall be based on some real interests in the State.

Mr. PEASE: Take care that no Labour people get in.

Mr. CORSER: We are not going to follow the present restricted franchise; we claim that the best interests of the people should be preserved.

HON. W. H. BARNES (*Bulimba*): There is evidently a diversity of opinion, and I would like to define clearly what the attitude of the Nationalist party was at the general election.

The PREMIER: A very interesting point arises. Was your then attitude repudiated when you were repudiated as leader?

HON. W. H. BARNES: The position was clearly defined in these terms—

> "The National party propose and will bring in legislation to carry out a reduction in the number of members in Parliament; the Legislative Assembly to be reduced to fifty members and the Legislative Council to be reduced to thirty.
>
> "The adult franchise is to apply equally to the Upper House as well as to the House of Assembly.
>
> "Already we have in existence several Federal divisional boundaries, and I think that they could wisely and economically be applied to the Upper House representation; the State to be divided into districts."

I felt that it was only right that that statement should be made here to-night. There is a big difference between the amendment which has been moved by the leader of the Opposition and the one which was sought to be moved by a member of our party, and I want to show what, in my judgment, is the difference. In one case the amendment goes practically along the same lines as the Government's proposal up to a certain point: meanwhile, wipe out the other House—that is the point which has been taken by the leader of the Opposition—and then, when you have got rid of it, proceed to do something else and recreate it. If another House is necessary—and I believe it is necessary—the course to be followed in my judgment is this: First of all, to allow the Upper House to remain as it is, and reform it: and, when we have reformed it, proceed with the Upper House.

The PREMIER: What do you mean when you say that it should remain as it is until it is reformed?

HON. W. H. BARNES: You have to take the necessary steps to reform it, and then, when you have reformed it, your Act of Parliament automatically comes in. There are many ways of reforming it, and it could be dealt with in a way which would be entirely satisfactory to the community. The point I take is that the proposal made by the Government strikes, so far as I can see, at the very root of the Constitution. Let me emphasise the point again: That the Nationalist party had a clear mandate from the people, and that mandate, I take it, every member of the National party has a right to follow.

The PREMIER: There was no mandate to cover the whole of the Opposition.

HON. W. H. BARNES: The leader of the Government wants to sidetrack the position. Is it a fair thing to bring in a Bill to-night, and suggest that the Upper House, within one week's time—it was common report last week that it was going to be done in one week—should be absolutely wiped out? The question is so big that the Government have no right to bring it in at the tail end of the session. The methods which are being adopted are opposed to all that is constitutional.

A good deal has been said about the utility of the Upper House. We all know that there have been times again and again when the Upper House have done signal work in connection with the amending of Bills which have been sent on to them. I am quite prepared to admit that that does not seem to have been the case lately. Apparently, Bills have gone up from the Assembly and come back without amendment. The Council has merely been a recording Chamber lately, but there is no reason why that should continue. I think it is wise in the interests of the community to retain the Upper House. Have we not seen times in this Chamber when there has been great political excitement, and, possibly, the judgment which usually characterises ordinary men has not been shown, and the Upper House have been able to deal with measures in a way which has been in the interests of the country? We

have to consider to-night what will be in the interests of the country. I maintain that the retention of the Upper House in the form I have outlined will be an advantage to Queensland. I cannot see what is going to be gained by suggesting that there should be a restricted franchise. If I know anything of the mind of the public of Queensland, if they were asked whether they would have a restricted or a broad franchise for the Upper House, they would be in favour of a broad franchise.

The PREMIER: Strange as it may appear, your party is more democratic than the Country party.

HON. W. H. BARNES: I have no right to say anything adverse to the Country party. They have their platform as we have ours. It is one of those big matters on which there may be a difference of opinion. In the main, our interests are identical, and we are out to serve the best interests of Queensland. I cannot support the amendment of the leader of the Opposition, and there will be no doubt as to where I stand when the question is put.

Mr. GREEN (*Townsville*): This subject deserves the very earnest consideration of every member of this House. The vast majority here feel that the Legislative Council, as at present constituted, should be abolished, but I have no hesitation in saying that the Legislative Council has [7.30 p.m.] been brought into its present position through the present Administration thwarting the will of the people. After the people, by a very substantial majority of 63,000 at the referendum, declared that the Legislative Council should remain and that the Constitution of Queensland should provide for the bicameral system, they stuffed the Upper House with nominees of the Labour party and have made of that House a useless incubus. Instead of considering measures placed before them, the Labour members appointed to the Upper House have passed them through haphazard. We have had instances during the present session where they have passed seven Bills through in one day.

The PREMIER: It shows that we can deal effectively with them here.

Mr. GREEN: It shows that you have stuffed the Legislative Council and made it useless as a deliberative Chamber, and by so doing this Administration have thwarted the will of the people.

Mr. PEASE: The will of a section of the people.

Mr. GREEN: The will of the people as expressed emphatically at the referendum; and, if anybody in this House should stand for the expressed wish of the people, it is the party on the Government side, who say they are in favour of the initiative and referendum. In spite of that, we find that after the people have exercised their privilege and manifested by their vote what they wish carried out, they thwarted the will of the people and stuffed that Chamber. They, first of all, appointed a Lieutenant-Governor who was prepared to do their will, and then they stuffed the Chamber so that they could pass their legislation through without its being considered in any way.

The PREMIER: Where do you stand on the franchise?

Mr. GREEN: We are discussing a principle now, and, when the matter of the franchise comes up, I will exercise my privilege and my vote, and you are not going to drag me off the track.

The PREMIER: You are not game to say.

Mr. GREEN: I am game to stand up for my principles at any time. We are discussing now the principle of the abolition of the Upper House, and I say emphatically that the Upper House has been made useless because of the action of this Government. I challenge the right of the Government to amend the Constitution in any respect.

The PREMIER: We have not the right, but Parliament has the right.

Mr. GREEN: Over and over again during this session the Premier has manifested that this section of Parliament is not required in this House, and it is only the section on the other side that he desires to carry measures through and put them in force. I challenge their right, on the face of that vote which was taken, when 63,000 electors turned down the abolition of the Upper House, and I also challenge their right on this ground, that they do not, at the present time, represent a majority of the people of Queensland. The people, as manifested at the ballot-box, rejected those who are at present administering the affairs of this State, and, therefore, I claim that they have no right whatever constitutionally——

Mr. BRENNAN: You are on the fence.

Mr. GREEN: I am not on the fence. The Government have no right whatever to bring in an amendment for the abolition of one of the Houses of Parliament and interfere with the Constitution in that respect. Further than that, I say that the Government are not prepared to trust the people. If they are prepared to trust the people, let them seek a mandate from the people. Let them face the electors, even under the new electoral boundaries fixed up for their own convenience! Let them trust the people in that respect, and see whether they will give them a mandate to carry out this alteration of the Constitution. Further than that, let them agree to submit this matter once more to the electors of the State, and, if the electors of the State, under the changed conditions which now exist, vote for the abolition of the Upper House, then I am prepared to support it. I am prepared also to support the present Bill if the Government will accept an amendment providing that, before it comes into force, the Bill will be submitted to the people for their sanction, or otherwise; but, failing that, in view of the referendum which was taken, and in view of the fact that the Government were rejected by a majority of the people of this State, I will vote for either of the amendments——

The PREMIER: Vote for either of the amendments? (Laughter.)

Mr. GREEN: They are practically the same. It is absolutely a quibble.

Mr. BRENNAN: You are on the fence.

Mr. GREEN: There is no fence about it. I am going to vote against this Bill, because this Government have no sanction from the people to amend the Constitution, and I want to say emphatically that I claim the right of this side of the House, when they do occupy the Treasury benches, to rescind every resolution of a repudiatory nature that this Government have passed, as they do not represent the will of the people.

Mr. J. H. C. ROBERTS (*Pittsworth*): Mr. Speaker——

The PREMIER: I beg to move—

"That the question be now put."

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

AYES, 35.

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

*Tellers:* Mr. Foley and Mr. Hartley.

NOES, 33.

| | |
|---|---|
| Mr. Appel | Mr. King |
| ,, Barnes, G. P. | ,, Logan |
| ,, Barnes, W. H. | ,, Macgregor |
| ,, Bebbington | ,, Maxwell |
| ,, Bell | ,, 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 |
| ,, Kerr | |

*Tellers:* Mr. Fletcher and Mr. Nott.

Resolved in the affirmative.

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

AYES, 21.

| | |
|---|---|
| Mr. Appel | Mr. Logan |
| ,, Bebbington | ,, Moore |
| ,, Bell | ,, Morgan |
| ,, Cattermull | ,, Nott |
| ,, Clayton | ,, Peterson |
| ,, Corser | ,, Roberts, J. H. C. |
| ,, Costello | ,, Swayne |
| ,, Deacon | ,, Vowles |
| ,, Edwards | ,, Walker |
| ,, Green | ,, Warren |
| ,, Jones | |

*Tellers:* Mr. Bell and Mr. Clayton.

NOES, 40.

| | |
|---|---|
| Mr. Barber | Mr. Kerr |
| ,, Barnes, W. H. | ,, Kirwan |
| ,, Brennan | ,, Land |
| ,, Bulcock | ,, Larcombe |
| ,, Collins | ,, McCormack |
| ,, Conroy | ,, Mullan |
| ,, Cooper, F. A. | ,, Payne |
| ,, Cooper, W. | ,, Pease |
| ,, Coyne | ,, Pollock |
| ,, Dash | ,, Riordan |
| ,, Dunstan | ,, Roberts, T. R. |
| ,, Ferricks | ,, Ryan |
| ,, Fihelly | ,, Sizer |
| ,, Foley | ,, Smith |
| ,, Forde | ,, Stopford |
| ,, Gilday | ,, Taylor |
| ,, Gillies | ,, Theodore |
| ,, Gledson | ,, Wellington |
| ,, Hartley | ,, Wilson |
| ,, Huxham | ,, Winstanley |

*Tellers:* Mr. Forde and Mr. Gledson.

Resolved in the negative.

Mr. KERR (*Enoggera*): I desire to take this opportunity of moving a further amendment. I think you will give me permission, Mr. Speaker, to state that the hon. member for Nundah had a certain amount of right in this matter, but in your wisdom you ruled against him. With your permission, we are going to try and rectify the position by moving the following amendment:—

"That after the word 'Council' the following words be added:—

'as at present constituted and substituting therefor an elective Legislative Council on the basis of adult franchise; the said Council to be elected on the Federal House of Representatives electorate boundaries; three members for each division.'"

It will be seen there is in that something which is vastly different to the amendment which has previously been moved. There is no doubt what the attitude of the Nationalist party is on this question. We are not prepared to abolish the Legislative Council. We are prepared to allow the machinery to remain, but to substitute a different personnel. We are not prepared to follow Mexico and Servia—the only two countries, perhaps, in the world which have not a second Chamber.

Mr. COLLINS: That is not true.

Mr. KERR: During the elections we said that the Upper House should be an elective Chamber on an adult franchise. We could not now come into the House and vote for the abolition of the Council. I am going to quote what happened when this question was put to the people some considerable time ago. It would be very interesting to know what hon. members opposite are going to tell their electors when they go back to them. One member who should not vote for this motion is the hon. member for Bundaberg, whose constituents by a majority of 103 votes decided at the referendum that the Council should not be abolished. Then we have the hon. member for Maree, in whose electorate the majority against the abolition of the Council was 1,130 votes. Then there is the hon. member for Toowoomba, who has to consider a majority vote against the proposal of 876. We have the hon. member for Bowen, with a majority against abolition of 679 votes. So it goes on until we get down to the Premier himself, whose constituents in Chillagoe, by a majority of 378 votes, turned down the proposal. Nearly every electorate represented by members on the Government side said "No, this Council shall not be abolished." Yet at the dictation of outside sources they come into this House, and, with a majority of one, seek to pass this Bill. The hon. member for Barcoo is about the only Government member who is in the fortunate position that he will not be called to account in this connection. I

[8 p.m.] am perfectly clear on this point—that the Upper Chamber should not be abolished. A temporary Government—they are only temporary—they have been here for a few short years and will be here for only a few short months longer—have no right to interfere in this way with the Constitution of Queensland. Before very long there is going to be an election. At present the Government have no catch cry. They are going to develop one at the expense of the Constitution of all British Dominions. I have gone to the trouble to look up the voting in the electrates of hon. members opposite on this question.

The SPEAKER: Order! The hon. member will not be in order in proceeding on those lines.

Mr. KERR: That is so. (Laughter.) An Alderman Thompson who represented London in the House of Commons voted against a certain principle, contrary to the wishes of his electors, and they recalled him and gave him definite instructions. I sincerely hope that will happen with some members of the Government. I do not profess to be a lawyer, but I believe that the law is based on common sense, and I flatter myself that I have an ordinary amount of common sense. I believe that the Legislature of Queensland has power to alter the Constitution of the Legislative Council by providing for the election of a new Council, but I think it is doubtful whether we have the power to abolish it. The Commonwealth Constitution says—

> "When a law of a State is inconsistent with the law of the Commonwealth, the latter shall prevail, and the former shall to the extent of the inconsistency be invalid."

The SPEAKER: Order! The hon. member is not in order in making a second reading speech at this stage. The House is discussing the motion to go into Committee to affirm the desirableness of introducing the Bill.

Mr. KERR: That is so. I shall content myself with moving the amendment I have read, though I regret that it is not possible to amend the motion in such a way as to affirm the desirableness of reforming the Council instead of abolishing it.

Mr. SIZER (*Nundah*): I wish to second the amendment. I regret that untoward circumstances prevented the amendment from taking the precedence it should have taken, and that we now have no means of expressing ourselves except in this way. The mere fact that the word "abolish" would remain in the motion as amended by our amendment does not mean that we are in favour of the abolition. Far from it! It simply means that it is the only means, according to practice, whereby we can record our opinions in this Chamber. Whilst we are not in favour of the abolition of the Council, we recognise that reform it necessary, and we propose to reform it on the lines laid down in the amendment. We have a concrete proposal—ours is a proposal of construction, whilst the Government's proposal is one of pure destruction—and I am not going to support a policy of destruction when one of construction can be put forward. I go so far as to say that I believe that it is absolutely essential and in accordance with democratic principles to have a second Chamber on the lines we suggest. I could not agree to a restricted franchise, and for that reason could not support the previous amendment.

The SECRETARY FOR PUBLIC LANDS: The Opposition cannot support your further amendment.

Mr. SIZER: That remains to be seen.

Mr. VOWLES (*Dalby*): Our first amendment merely proposed to substitute an elective Upper House for the abolition proposed by the Government—nothing more. The details of the franchise, once the principle was established, was a matter for the majority of this Chamber.

Mr. DASH: You cannot agree amongst yourselves.

Mr. VOWLES: Then it just shows that the unity amongst the Opposition which you so often talk about does not exist. I do not intend to support this amendment. The principle involved is contrary to the principle of our party. We still claim that the time will come when we shall be able to put our principles into effect by establishing an elective Upper House on a restricted franchise, and until that time we shall oppose any unlimited franchise.

Mr. FRY (*Kurilpa*): I would be doing an injustice to my constituents were I not to support the amendment. At the last election the Naionalists went to the country with the distinct plank in their platform of an elective Upper House on an adult franchise, and that being the case, we are expressing the opinions of the people who sent us here by moving the amendment. Indeed, we have no option. Consequently, I could not vote for the amendment of the leader of the Opposition, nor can I vote for the Premier's motion. The hon. member for Enoggera placed before the House figures to show that the majority of members on the Government side were returned by people a majority of whom cast their votes in favour of retaining the Upper House. Not only that, but they have the strong backing of a referendum, when the people said that the Upper House must be retained. There were 179,105 votes cast for the retention of the Upper House, and 116,196 votes cast for its abolition. Here we have a distinct majority on 5th May, 1917. I contend that, if you once by referendum submit to the people a question for their opinion and they decide in a certain way, then you must submit the same question to the people if you want to alter it. Hon. members opposite profess to believe in the referendum. Here is a case where they resorted to the referendum and the people said, "We want an Upper House," and the Government now want us to cast a vote against the decision given by the people. I am not going to cast my vote against the people because I believe the people are supreme, and I believe in democratic government. When we get away from the question of democratic government we are coming to an autocratic Government. That is the position to-day. The principle involved in the motion submitted by the Premier is "Let the people go hang! We are going to carry this out." In plain terms, they are telling the people that they do not know their own minds, and that they are going to make them up for them. When this question was submitted to the people it was thought they were going to vote for the abolition of the Upper House. They did not do so, consequently the principle involved in the motion is entirely wrong. I contend that the question should be put to the people.

The SPEAKER: Order! Order!

Mr. FRY: The amendment gives the people the rights which they said by their votes in 1917 they desired to retain. I am going to support the amendment, and oppose the motion moved by the Premier.

Mr. J. H. C. ROBERTS (*Pittsworth*): I believe that the Upper House should be abolished, and that in its place should be established an elective Upper House. Apparently there is some diversity of opinion in

regard to the method upon which the members of that House should be elected. I have listened with interest to our friends on the Nationalist benches, who say they believe in an adult franchise. I presume they are standing by their platform, but I am going to stand by the platform and policy enunciated by the leader of the Opposition. I cannot altogether reconcile the present attitude of the members of the Nationalist party. When I first came into this House there was nobody more strongly opposed to adult suffrage than they in regard to the local authority elections; and I cannot see how they can reconcile that attitude on this question with their attitude in regard to the local authority elections. I am going to oppose the amendment proposed by the hon. member for Enoggera. I think it is high time that the Upper House was abolished, and then reconstituted in such a way as to give the people an opportunity of saying who should represent them in that Chamber. In the past the Upper Chamber has been deliberately used for the purpose of bringing about more or less political corruption. I say that openly, and without the slightest hesitation.

The SECRETARY FOR PUBLIC LANDS (Hon. J. H. Coyne, *Warrego*): I rise to a point of order. The hon. member for Pittsworth has stated that, in his opinion, the Upper House, as at present constituted, is there for purposes of political corruption.

Mr. J. H. C. ROBERTS: I did not say that.

Mr. VOWLES: He said, "In the past."

The SECRETARY FOR PUBLIC LANDS: You did. I ask that the hon. member withdraw the words.

The SPEAKER: I did not hear the hon. member for Pittsworth use the expression attributed to him by the Secretary for Public Lands.

Mr. J. H. C. ROBERTS: I said that in the past the Upper House was used distinctly for purposes of political corruption. I hope now that the Secretary for Public Lands finds that he was wrong, he will apologise.

The SPEAKER: The hon. member is not in order in saying that the Upper House, as at present constituted, or as constituted in the past, has been used for purposes of political corruption. It is not in order to reflect on the Upper House.

GOVERNMENT MEMBERS: Withdraw!

Mr. J. H. C. ROBERTS: I feel that the Upper House has on different occasions been to a certain extent stuffed with people who agree with the political ideals of the Government of the day. I believe that the Upper House should have a certain number of members representing country ideals; but there is not one member who has been appointed to the Upper House during the last two or three years who can claim to be a bona fide primary producer.

GOVERNMENT MEMBERS: That is not true.

Mr. J. H. C. ROBERTS: It is true. You cannot point out one man who is a primary producer.

The HOME SECRETARY: What about Mr. Courtice?

The SPEAKER: Order! Order!

Mr. J. H. C. ROBERTS: I believe the constitution of the Upper House should be of such a nature as to enable the various callings and industries of this State to be represented in the deliberations of the Chamber that exists for the purpose of giving us certain amendments or certain advice on Bills that are sent from this House for their consideration. I am going to vote against the amendment, and I sincerely hope that the Upper House will be abolished, that it will be reconstructed, and that the Country party will have an opportunity of reconstructing it according to their ideals.

The PREMIER (Hon. E. G. Theodore, *Chillagoe*): I beg to move—

"That the question be now put."

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

AYES, 35.

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

*Tellers:* Mr. Dash and Mr. Ryan.

NOES, 33.

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

*Tellers:* Mr. Fry and Mr. Sizer.

Resolved in the affirmative.

Question—That the words proposed to be added (*Mr. Kerr's amendment on Mr. Theodore's motion*) be so added—put; and the House divided:—

AYES, 15.

| | |
|---|---|
| Mr. Barnes, G. P. | Mr. King |
| ,, Barnes, W. H. | ,, Macgregor |
| ,, Elphinstone | ,, Maxwell |
| ,, Fletcher | ,, Petrie |
| ,, Fry | ,, Roberts, T. R. |
| ,, Green | ,, Sizer |
| ,, Jones | ,, Taylor |
| ,, Kerr | |

*Tellers:* Mr. Maxwell and Mr. Sizer.

NOES, 41.

| | |
|---|---|
| Mr. Barber | Mr. Gledson |
| ,, Brennan | ,, Hartley |
| ,, Bulcock | ,, Huxham |
| ,, Cattermull | ,, Kirwan |
| ,, Clayton | ,, Land |
| ,, Collins | ,, Larcombe |
| ,, Conroy | ,, McCormack |
| ,, Cooper, F. A. | ,, Mullan |
| ,, Cooper, W. | ,, Payne |
| ,, Corser | ,, Pease |
| ,, Coyne | ,, Pollock |
| ,, Dash | ,, Riordan |
| ,, Deacon | ,, Roberts, J. H. C. |
| ,, Dunstan | ,, Ryan |
| ,, Edwards | ,, Smith |
| ,, Ferricks | ,, Stopford |
| ,, Fihelly | ,, Theodore |
| ,, Foley | ,, Wellington |
| ,, Forde | ,, Wilson |
| ,, Gilday | ,, Winstanley |
| ,, Gillies | |

*Tellers:* Mr. Clayton and Mr. Foley.

Resolved in the negative.

[8.30 p.m.]

Question—Original question (*Mr. Theodore's motion*) put; and the House divided:—

AYES, 52.

| | |
|---|---|
| Mr. Appel | Mr. Hartley |
| ,, Barber | ,, Huxham |
| ,, Bebbington | ,, Kirwan |
| ,, Bell | ,, Land |
| ,, Brennan | ,, Larcombe |
| ,, Bulcock | ,, Logan |
| ,, Cattermull | ,, McCormack |
| ,, Clayton | ,, Moore |
| ,, Collins | ,, Morgan |
| ,, Conroy | ,, Mullan |
| ,, Cooper, F. A. | ,, Nott |
| ,, Cooper, W. | ,, Payne |
| ,, Corser | ,, Pease |
| ,, Costello | ,, Pollock |
| ,, Coyne | ,, Riordan |
| ,, Dash | ,, Roberts, J. H. C. |
| ,, Deacon | ,, Ryan |
| ,, Dunstan | ,, Smith |
| ,, Edwards | ,, Stopford |
| ,, Ferricks | ,, Theodore |
| ,, Fihelly | ,, Vowles |
| ,, Foley | ,, Walker |
| ,, Forde | ,, Warren |
| ,, Gilday | ,, Wellington |
| ,, Gillies | ,, Wilson |
| ,, Gledson | ,, Winstanley |

*Tellers:* Mr. F. A. Cooper and Mr. W. Cooper.

NOES, 15.

| | |
|---|---|
| Mr. Barnes, G. P. | Mr. King |
| ,, Barnes, W. H. | ,, Macgregor |
| ,, Elphinstone | ,, Maxwell |
| ,, Fletcher | ,, Petrie |
| ,, Fry | ,, Roberts, T. P. |
| ,, Green | ,, Sizer |
| ,, Jones | ,, Taylor |
| ,, Kerr | |

*Tellers:* Mr. Jones and Mr. King.

Resolved in the affirmative.

The PREMIER: Mr. Speaker,—I beg to move—

"That you do now leave the chair."

Mr. SIZER (*Nundah*): Mr. Speaker,—I think I have good reasons to put forward why you should not leave the chair. When we were dealing with a Bill relating to the Income Tax Act, I made a distinct attempt to place before this House a very vital question.

The PREMIER: You will get an opportunity on the second reading.

Mr. SIZER: I do not know that I will. If I have the Government's assurance that I will have an opportunity of moving an amendment——

The PREMIER: I don't know about moving an amendment.

Mr. SIZER: If the Premier will give me his word that I will be allowed to move——

The SPEAKER: Order!

Mr. SIZER: An amendment dealing with the Income Tax Act making provision with respect to the interest on Government loans——

The SPEAKER: Order! Order!

The PREMIER: You are on the wrong Bill.

Mr. SIZER: I want some assurance that I will have an opportunity——

The SPEAKER: Order! The hon. member must confine his remarks to the question "That the Speaker do now leave the chair." He is not in order in proceeding on the present lines.

Mr. SIZER: I am giving reasons why you should not leave the chair. Since you have been in the chair we have agreed to introduce a Bill. You put rather a strong interpretation on Standing Order No. 140, and I was not given an opportunity of even stating my amendment on a very important matter.

The SPEAKER: Order! Order! The hon. member must not reflect on the Chair.

Mr. SIZER: I do not wish to reflect on the Chair, but on a matter of such vital importance, that it is going to affect the future loan policy if the State, it is unreasonable that the powers of this House should be so abused.

The SPEAKER: Order! Order!

Mr. SIZER: I, as the representative of an electorate, should have an opportunity of stating my case.

The SPEAKER: Order! Order!

Mr. SIZER: I say it is unfair, and I cannot help——

The SPEAKER: Order! I do not wish to name the hon. member; but, if he continues on those lines, I shall have no hesitation in doing so.

Mr. SIZER: You should not leave the chair until a member of this House has had an opportunity of discussing a matter of urgent importance to the State.

The PREMIER: What has all this to do with it?

Mr. SIZER: It is dealing with the income tax.

The SPEAKER: Order! I cannot allow the hon. member to deal with that matter; and I now ask him to discontinue his speech.

Question put and passed.

INITIATION IN COMMITTEE.

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

The PREMIER moved—

"That it is desirable that a Bill be introduced to amend the Constitution of Queensland by abolishing the Legislative Council."

Question put and passed.

The House resumed.

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

The PREMIER: I beg to move—

"That this Resolution be now agreed to by the House."

Question—That the resolution be agreed to—put; and the House divided:—

AYES, 52.

| | |
|---|---|
| Mr. Appel | Mr. Hartley |
| ,, Barber | ,, Huxham |
| ,, Bebbington | ,, Kirwan |
| ,, Bell | ,, Land |
| ,, Brennan | ,, Larcombe |
| ,, Bulcock | ,, Logan |
| ,, Cattermull | ,, McCormack |
| ,, Clayton | ,, Moore |
| ,, Collins | ,, Morgan |
| ,, Conroy | ,, Mullan |
| ,, Cooper, F. A. | ,, Nott |
| ,, Cooper, W. | ,, Payne |
| ,, Corser | ,, Pease |
| ,, Costello | ,, Pollock |
| ,, Coyne | ,, Riordan |
| ,, Dash | ,, Roberts, J. H. C. |
| ,, Deacon | ,, Ryan |
| ,, Dunstan | ,, Smith |
| ,, Edwards | ,, Stopford |
| ,, Ferricks | ,, Theodore |
| ,, Fihelly | ,, Vowles |
| ,, Foley | ,, Walker |
| ,, Forde | ,, Warren |
| ,, Gilday | ,, Wellington |
| ,, Gillies | ,, Wilson |
| ,, Gledson | ,, Winstanley |

*Tellers:* Mr. Brennan and Mr. Pease.

NOES, 15.

| | |
|---|---|
| Mr. Barnes, G. P. | Mr. King |
| ,, Barnes, W. H. | ,, Macgregor |
| ,, Elphinstone | ,, Maxwell |
| ,, Fletcher | ,, Petrie |
| ,, Fry | ,, Roberts, T. R. |
| ,, Green | ,, Sizer |
| ,, Jones | ,, Taylor |
| ,, Kerr | |

*Tellers:* Mr. Fletcher and Mr. Green.

Resolved in the affirmative.

FIRST READING.

The PREMIER presented the Bill, and moved—

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

Question—That the Bill be now read a first time—put; and the House divided:—

AYES, 51.

| | |
|---|---|
| Mr. Barber | Mr. Huxham |
| ,, Bebbington | ,, Kirwan |
| ,, Bell | ,, Land |
| ,, Brennan | ,, Larcombe |
| ,, Bulcock | ,, Logan |
| ,, Cattermull | ,, McCormack |
| ,, Clayton | ,, Moore |
| ,, Collins | ,, Morgan |
| ,, Conroy | ,, Mullan |
| ,, Cooper, F. A. | ,, Nott |
| ,, Cooper, W. | ,, Payne |
| ,, Corser | ,, Pease |
| ,, Costello | ,, Pollock |
| ,, Coyne | ,, Riordan |
| ,, Dash | ,, Roberts, J. H. C. |
| ,, Deacon | ,, Ryan |
| ,, Dunstan | ,, Smith |
| ,, Edwards | ,, Stopford |
| ,, Ferricks | ,, Theodore |
| ,, Fihelly | ,, Vowles |
| ,, Foley | ,, Walker |
| ,, Forde | ,, Warren |
| ,, Gilday | ,, Wellington |
| ,, Gillies | ,, Wilson |
| ,, Gledson | ,, Winstanley |
| ,, Hartley | |

*Tellers:* Mr. Forde and Mr. Brennan.

NOES, 14.

| | |
|---|---|
| Mr. Barnes, G. P. | Mr. King |
| ,, Barnes, W. H. | ,, Macgregor |
| ,, Elphinstone | ,, Maxwell |
| ,, Fry | ,, Petrie |
| ,, Green | ,, Roberts, T. R. |
| ,, Jones | ,, Sizer |
| ,, Kerr | ,, Taylor |

*Tellers:* Mr. G. P. Barnes and Mr. Sizer.

Resolved in the affirmative.

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

## MAGISTRATES COURTS BILL.

SECOND READING.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): This is the third on the list of Judiciary Bills, and is designed especially to deal with magistrates courts, which will take the place of the existing Small Debts Court. It is proposed to repeal the Small Debts Acts, 1867 to 1894, and substitute therefor the Magistrates Courts Act. The abolition of the District Court by the Supreme Court Bill recently passed means that the magistrates courts must take the place of that court if there is to be any real reform. The criminal jurisdiction of the District Court will go, of course, to the Supreme Court; but the civil jurisdiction of that court, as has already been stated in previous debates, will go entirely to the magistrates courts. This will accelerate and cheapen law. Anyone who is familiar with the perambulations of the District Court will know that, if a person has an action to bring on, it means from three to eight months' delay, all of which now will be avoided by having the jurisdiction exercised by a magistrates court in amounts up to £200. Police magistrates at present have only limited jurisdiction in common law, actions for debts, demands and damages, up to £50, and partnership disputes up to £20. This means that hundreds of people are forced to seek redress in the higher courts, or to abandon their claims altogether. As an illustration of that I will submit a few figures to the House. The District Court plaints issued during 1918, 1919, and 1920 were—

| | |
|---|---|
| "Amounts up to £50 ... ... | 1,595 |
| Amounts between £50 and £100 | 664 |
| Amounts between £100 and £200 | 291 |
| Total ... ... ... ... | 2,550" |

I find that the Supreme Court writs issued during the same period were—

| | |
|---|---|
| "Amounts under £50 ... ... | 160 |
| Amounts between £50 and £100 | 367 |
| Amounts between £100 and £200 | 349 |
| Total ... ... ... ... | 876" |

That represents, for the District Court and the Supreme Court, 3,426 cases that could have been settled by the magistrates courts, if they had the necessary jurisdiction.

In 1913, the Denham Government prepared a draft Bill providing for jurisdiction up to £100 for Small Debts Courts. It must also be remembered that Mr. Denham, as leader of the party now sitting opposite, in 1915, in his policy speech, advocated legal reform in the direction of the amalgamation of the Supreme Court and the District Court—which we have done, and as a result of which we are now creating the magistrates courts. As £100 in 1913 is equal to £165 to-day, on the

value of money, we are exceeding by very little the jurisdiction which the Denham Government were prepared to confer upon the magistrates courts.

Mr. MACGREGOR: Why don't you increase the magistrates' salaries in the same proportion?

The ATTORNEY-GENERAL: We will deal with that later on. There is no doubt the real remedy for the present situation is to create a magistrates court, with a jurisdiction of £200, in lieu of the Small Debts Court. We propose to give a magistrate sitting alone a jurisdiction of £200, as is done in New Zealand to-day. As a matter of fact, in New Zealand, by consent, there can be jurisdiction up to £500. Then, we propose to give two justices of the peace jurisdiction up to £100. I would point out that Western Australia to-day gives to two justices of the peace jurisdiction up to £100, and they have unlimited consent jurisdiction. In the magistrates court there the two justices of the peace have an equitable jurisdiction up to £100 also. We propose under this Bill to give a clerk of petty sessions a jurisdiction of £30, and one justice of the peace a jurisdiction of £10. Under the law to-day two justices of the peace have the same jurisdiction as a police magistrate, but under this Bill we are giving them only half the jurisdiction of the police magistrate.

Hon. J. G. APPEL: But you do not give one justice of the peace half the jurisdiction?

The ATTORNEY-GENERAL: As the law stands to-day, two justices of the peace have a jurisdiction of £50, and we propose that in future it shall be £100. We are increasing in the same ratio the jurisdiction of one justice of the peace. In a great area like Queensland a police magistrate cannot visit every place on every occasion, but the most important cases in the magistrates court undoubtedly will come before the police magistrate. Some people may object to giving increased jurisdiction to the police magistrates. The police magistrates to-day are men of training, ability, and integrity. Some doubt has been cast upon the capacity of police magistrates and clerks of petty sessions, and other officers of the court, to exercise the increased jurisdiction which will be imposed upon them. I would point out that, in order to become eligible for appointment as a police magistrate, one has to pass a qualifying examination for solicitor or barrister, or two legal examinations covering a wider field in practical matters than the examination of the solicitor or the barrister.

Hon. J. G. APPEL: Nonsense!

The ATTORNEY-GENERAL: I am not talking about academical education; I am talking about practical matters of law. If the hon. gentleman will refer to the "Government Gazettes," he will find the various Acts and procedures with which the clerks of petty sessions and police magistrates have to be acquainted in order to pass the examination.

At 9 p.m.,

The CHAIRMAN OF COMMITTEES (Mr. Kirwan) relieved the Speaker in the chair.

The ATTORNEY-GENERAL: Perhaps, to put the matter beyond doubt, it would be better for me to read the "Gazette" notice in which the subjects were specified—

> "On and after the first day of January, 1918, in the making of appointments to the office of police magistrate or warden, preference shall be given to officers who, not being less than thirty years of age, have had at least five years' experience in petty sessions or warden's court work, or in the Chief Office of the Department of Justice or Department of Mines, and who have passed—
>
> (*a*) An examination qualifying for admission to the bar or to practise as a solicitor in Queensland; or
>
> (*b*) An examination in the following subjects:—
>
> DIVISION I.
>
> Justices and Small Debts Acts and pleading practice and procedure generally before magistrates under State laws;
>
> Pleading practice and procedure before magistrates under Commonwealth and Imperial Acts;
>
> Mining law;
>
> Licensing law;
>
> Interpretation of statutes.
>
> DIVISION II.
>
> Criminal law;
>
> Contracts;
>
> Torts;
>
> Evidence."

Subsequently a notice was issued giving the Acts that it would be necessary for candidates to study in order to pass the examinations, and there is a very great number of them.

Mr. KING: Barristers and solicitors have to know them all.

Mr. MACGREGOR: Who are the examiners?

The ATTORNEY-GENERAL: In this "Gazette" they were Mr. Dean, police magistrate, and Mr. W. F. Webb for Division I., and Messrs. J. J. Kingsbury and J. S. Hutcheon for Division II. I refer the House to "Gazette" No. 40, published on the 1st August, 1916. The list indicates that they must have a fairly comprehensive knowledge of the law in order to qualify for the offices concerned. Quite a large number of the officers of the Department of Justice have already passed those examinations.

Mr. KING: You were arguing that they had to pass a harder examination than barristers and solicitors.

The ATTORNEY-GENERAL: I said they had to cover a wider range in practical matters of every-day occurrence in the courts. The experience of Queensland offers the strongest justification for an increased jurisdiction. The wardens to-day have an unlimited jurisdiction. They can decide all actions and disputes as to mining and mining tenements, and grant injunctions in matters of unlimited value. Justices can give verdicts up to any sum under section 62 of the Income Tax Act of 1902. They have power to grant injunctions in cases under the Regulation of Sugar Cane Prices Acts which might involve a very large value in cane. They have unlimited jurisdiction in maintenance and affiliation cases under the Deserted Wives and Children Act. Under the Sugar Acquisition Act and the Regulation of Sugar Cane Prices Act they can impose penalties up to £1,000. Under the Industrial Arbitration Act, the Workers' Compensation Act, the Profiteering Prevention Act, the Liquor Act, and the Local Authorities Acts our justices have the greatest responsibilities in matters of personal and proprietary rights; so that it

would be illogical to contend that we should not give them jurisdiction up to £200. The settlement of hundreds of cases in the magistrates courts cheaply and quickly will save tens of thousands of pounds to litigants, to say nothing at all of the huge sums which will be saved to the country by avoiding the necessity to have scores—aye, hundreds—of trivial cases going before judge and jury and wasting the time of both.

It may be urged that, jurisdiction not being compulsory, cases that could be settled by the magistrates court will still go to the higher courts. In some cases, no doubt, that is true, but the evil can be minimised at all events by rules of court limiting the amount of costs which persons may recover who needlessly go to the higher courts, as is done in New Zealand, where—

> "If the plaintiff in an action recover less than the sum of £50 and the action was one that might have been brought in an inferior court, the plaintiff shall not be entitled to any greater costs than he would have recovered in the inferior court unless the judge before whom the action was tried certifies that the case was a proper one to bring in the Supreme Court."

Mr. VOWLES: Have you not got the same position in Queensland in respect to restriction of costs?

The ATTORNEY-GENERAL: Yes, if cases needlessly go into the higher court, the rules of court under the Supreme Court Act recently passed may provide that costs shall be no greater than the District Court scale. It has been strongly contended by hon. members opposite that litigants, being forced to go into the magistrates court, will be deprived of the rights and advantage of having their cases heard by a judge and jury, but, as the jurisdiction of the magistrates court is not compulsory, they will still have the right to go to the Supreme Court, just as formerly they went to the District Court. It will be said, no doubt, that there is power in the Supreme Court to remit back to the lower court. So there should be, because the defendant in a case should have some rights.

Mr. KING: I quite agree with you that a defendant should have some rights.

The ATTORNEY-GENERAL: The plaintiff should have some rights, too. We recognise the rights of both parties. We are giving one party the right to apply for remission to the magistrates court, and we are also permitting the right of remission from a magistrates court to the Supreme Court. We are trying to give a fair and square deal to both parties. If I am brought needlessly into a higher court, why should I not have the right to apply to go back to the lower court?

It has been suggested that the increased work imposed upon the magistrates court, as a result of the abolition of the District Court will make this court unworkable, and that we will impose enormously increased tasks upon the police magistrates. That is not so. To-day there are three District Court judges. The time of one of these judges is exclusively occupied in Arbitration Court work. More than half the time of another judge is occupied on the Central Cane Prices Board and Land Court appeals, so that really the whole of the work of the District Court to-day is occupying the whole of the time of one judge and about half the time of another judge. If it requires only the time of one judge and half the time of another judge to perform all the civil and criminal work to-day, then, seeing that the criminal business constitutes more than half the work of the District Court, it naturally follows that if the whole of the criminal jurisdiction is taken away the whole of the civil work will only take three-quarters of the time of one judge. (Opposition laughter.) That must be obvious to anybody who has any power of reasoning. We find that the civil work of the District Court to-day does not take the whole time of one judge. The whole of that work will be divided among thirty-two police magistrates throughout Queensland. If you divide it up among thirty-two men, there will not be a great amount for each, and there will be no great difficulty in our police magistrates performing the extra task which will be imposed upon them.

Under the Bill a new trial may be granted in all cases if application is made within seven days, and where there is a claim for £20 an appeal will lie to the Supreme Court as of right. Where the amount is less than £20 an appeal may lie to the Supreme Court where some important principle of law or justice is involved. At the present time appeals are allowed to the District Court in cases of £10 or upwards, but no appeals below that, so that we are making the law broader under this Bill as regards appeals. No appeal will lie from the magistrates courts if both parties agree beforehand that the decision of the court shall be final; which, of course, is the law at present.

Rules of Court will be made by the Governor in Council. These rules will be laid before both Houses of Parliament, and either House may disallow them.

Mr. VOWLES: There will be no Upper House by the time this Bill comes into force.

The ATTORNEY-GENERAL: So much the better. But if there happen to be two Houses—which is not likely—either may disallow any rule of court. We are modernising the law by giving the people some say in this matter. In New South Wales, New Zealand, and Western Australia, the Governor in Council deals with the matter alone without reference to Parliament; but we are allowing Parliament to have the last say if it wishes to exercise it. The rules of court will be somewhat extensive. There will be power to give police magistrates unlimited consent jurisdiction in matters which may be referred to them, and to fix sittings and venue of actions. Power as to proceedings, practice, and procedure will be provided for. There will be power to refer to arbitration, with or without consent of the parties, which is a very important matter. At present there can only be a reference to arbitration by consent of parties. In future, under this Bill, a matter may be referred to arbitration with or without the consent of parties. Suing on account rendered will also come within the ambit of the rules of court, which is a matter that the trading community have been demanding from Parliament for years, and which they demanded in vain until this Government have seen fit under this Bill to confer those privileges upon them. There will also be the power of execution against lands and goods. Costs and the fees of court will also be settled by these rules. Costs, including costs or fees to be allowed to barristers and solicitors

whether as between party and solicitor and between solicitor and client or otherwise, will be provided for.

These are the main provisions of the Bill. I am given to understand by the Attorney-General of New Zealand that the £200 jurisdiction is working excellently in that Dominion. I move—

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

Mr. VOWLES (*Dalby*): This Bill, which is to a very great extent a Committee Bill, is consequential upon certain legislation which has already been agreed to by a majority in this House. With a view to cheapening the cost of litigation, the Government have set about destroying all the practice and procedure that has existed for so many years in Queensland. We have now reached the stage that, having got rid of our District Court, it is necessary that something should be brought into existence to take its place. As a result, we have these magistrates courts, which are really a mixture of the civil jurisdiction of the District Court and the jurisdiction of the Small Debts Courts in the past. The only difference is that for the future there will be civil cases tried in the magistrates courts, or that class of cases which have hitherto been tried in the District Court. We have to recognise that we are about to depart from an old established custom; that is, we are going to deprive litigants of the privilege of having a jury—a privilege which they have been accustomed to for many years; and as to whether the change that is to be made is wise or not, only the future can tell. I think that, if this Bill was submitted to a Select Committee of persons with a knowledge of the courts and the desires of litigants, they would find that there is a very strong opinion in favour of retaining the principle of civil juries. It is not compulsory that a jury should be appointed; but it is a privilege which every party to a suit has had in the past. If he thought there were questions of fact that could be better settled by a jury of competent persons accustomed to the business and the technicalities of the case, he had the right, for a very small fee, to have the benefit of the jury to try those questions of fact. We are going to deprive him of that right in the future, and, to my mind, we are interfering with one of his constitutional rights. It is a matter we should not deal with lightly, because those rights were gained many years ago after a good deal of fighting; but here, with practically a stroke of the pen, we are going to deprive a person of those rights.

The Bill will give an increased jurisdiction, and, perhaps, it might be just as well for me to say at this juncture that, in my opinion, better results would be got with an increased jurisdiction such as is proposed to be given here, if we were to establish a new class of magistrate—a stipendiary magistrate who is specially trained for this class of work, and who passes superior examinations to those which are now passed by police magistrates. I am not admitting what the Attorney-General says—that the examination—which is really an elementary one—which is passed by those gentlemen as clerks of petty sessions and as magistrates are equal to a barrister's examination, or even a solicitor's examination.

The ATTORNEY-GENERAL: They have to study a lot of books.

Mr. VOWLES: They may study a lot of books, but the examinations are very elementary.

Mr. BRENNAN: There is too much theory altogether to-day.

Mr. VOWLES: I think the hon. member on many occasions has been satisfied that his theory was not sufficient for his purpose, and he has gone to a member of the bar to get an opinion to put him right. The hon. member will tell you outside the House that his knowledge of the law is superior to that of a police magistrate. After a case, I have heard him say that he knew more than the police magistrate, and yet, at the same time, he will get the opinion of a member of the bar, and come here and support the Attorney-General in his statement that the knowledge of a police magistrate is superior to that of a member of the bar. I think we should have stipendiary magistrates, and, if we are going to ask men to qualify to fulfil these positions with credit to themselves and satisfaction to the public, we should give them a salary commensurate with the duties they are called upon to perform. To my mind, the scale of fees received to-day by our police magistrates in Queensland is very poor. If you are going to call for men with the superior experience necessary to carry out the duties in the future, then, going back to the argument which the Attorney-General advanced a little time ago that £100 jurisdiction four or six years ago is equivalent to a jurisdiction of £167 now, and arguing the same way with regard to the remuneration to be paid to officers in charge of the court, the maximum salary of £600 to-day is not commensurate with the duties they have, and will have, to perform in the future.

The ATTORNEY-GENERAL: It marks an increase, though.

Mr. VOWLES: The time will arrive when we shall have to make these positions so attractive that professional men, amongst others, will compete for these plums of office. You are going in the future to give jurisdiction in—

"Every personal action in which the amount claimed is not more than £200, whether on a balance of account or after an admitted set-off or otherwise.

"Every action brought to recover a sum of not more than £200, which is the whole or part of the unliquidated balance of a partnership account, or the amount or part of the amount of the distributed share under an intestacy or of a legacy under a will.

"Every action in which a person has an equitable claim or demand against another person in respect of which the only relief sought is the recovery of a sum of money or of damages whether liquidated or unliquidated and the amount claimed is not more than £200; and

"Every action of replevin in any case relating to distress for rent between landlord and tenant, in which the rent for or in respect of which the distress is or might have been made is not more than £100."

Those matters may be dealt with now in the magistrates courts. The Bill goes on to state that, so far as infants are concerned, there is a new principle involved which is completely outside the jurisdiction. It gives an infant the right to sue not only for wages due but

for any sum whatever, whether liquidated or unliquidated. Does the Minister realise the position he is placing an infant in? Here an infant can become a party to an action. He can bring a vexatious action against an individual. I think it is admitted that an infant should be able to sue for wages to a certain extent, but it has been the practice in the past that, if an infant had to sue, he had to do it through a next friend, who was liable for the costs.

Mr. BRENNAN: Could not a pauper sue?

Mr. VOWLES: There is a good deal of difference, because a pauper is probably in the position that he has no funds, whereas an infant may have prospective funds. The practice has always been for an infant to sue through his next friend. His guardian or father, as the case may be, came forward and made himself responsible for the costs. I think the maximum costs which could be obtained against a party in a claim up to £50 was £2 2s., so that it was not a great amount which was involved; but there was a limitation as far as the right to sue was concerned. We are going to depart from that, and to allow an infant to sue for recovery of a sum of money or damages, whether liquidated or unliquidated, when the amount claimed is not more than £200.

There is another new principle here to which I object—that is, that personal causes of action, after the death of the litigant, can be carried on. It is generally recognised that no personal action can be continued after the death of the litigant. We are departing from that now. Clause 4, subclause (6) provides—

> "A judgment obtained by a plaintiff, but not satisfied previous to his death, and also all causes of action shall survive to his personal representative."

We go into a new principle there, and, when we get into Committee, the Attorney-General should give us reasons why that principle is being adopted. Then clause 5 states—

> "Each magistrates court shall be a court of record, and the judgment thereof may be set up as a defence in any action brought in any court of law in Queensland."

I regard it as an objection that there should be such a power. We are told, too, that, by consent, any magistrate can deal with an action, but that, so far as ordinary clerks of petty sessions, ordinary justices, and one justice are concerned, there shall be a limitation of jurisdiction. It seems to me a funny thing that in the case of these clerks of petty sessions—who in many cases have not been appointed to the positions of police magistrates, who are qualified by having passed the necessary examination—there [9.30 p.m.] are a good number of them in Queensland to-day, and, according to the Attorney-General, having passed that examination, they have, presumably, a superior knowledge to some of the old and experienced men who have not actually passed the examination—that he should draw the line and make a distinction by limiting the jurisdiction in cases which these qualified men can hear. We have plenty of clerks of petty sessions to-day—there is one in Dalby—who for some years have passed the police magistrates' examination, and those gentlemen, under this provision, will not be allowed to adjudicate in cases where the amount involved exceeds £30. That seems to me to be contrary to the principles which the Attorney-General was arguing for. The provision with regard to appeals seems to be fairly right, and also the provision with regard to special cases. But, as is usual in all these Bills, you will find the most important matters are those which do not appear on the surface, and those for which no provision is made by regulation. If you study the subject-matters referred to in clause 14 in respect for which rules of court can be made by the Governor in Council, you will find it covers the whole of the matters that really count. What does this Bill itself consist of? It tells you, first of all, that it is to establish magistrates courts. It tells you what the jurisdiction is. Then it goes on to limit the jurisdiction of certain persons as to the hearing of trials, and then it deals with minor matters. It is purely a skeleton, and then, when you get to the important matters—for instance, jurisdiction to try any action which might be brought in the Supreme Court; the sittings of the courts; abatement or continuance of action in case of death or insolvency of plaintiff, or one of several plaintiffs; the pleading, practice, and procedure in the court; reference to arbitration with or without consent of parties; evidence; trial; nonsuits; adjournment of trial for any cause; judgment summonses; all the matters which in ordinary cases appear in the body of the Act itself—they are going to be dealt with subsequently by rules of court. No doubt, these rules of court will be altered from time to time, and you will be in this position—that, instead of having a nice, compact Act, where a litigant or an official of the court may find readily what he requires in connection with the court, he will be constantly hunting up regulations, and having to file those regulations, and he will never know when he is safe. I notice amongst these regulations there is a proviso by which a reference to arbitration can be made with or without the consent of the parties. That is a principle which was embodied in the District Courts Act, and which did not exist in the Small Debts Act. It is one of those principles which I am very pleased to see incorporated in the Magistrates Courts Bill. I have on many occasions had occasion to take advantage of a reference to arbitration. Some of those occasions were brought about by delays. When there was a big list of cases, when litigants lived a long distance away, it was cheaper and better to settle the case by arbitration, particularly if the matter was one of those technical ones which could be better decided—particularly in connection with the delivery of stock and improvements—by a practical man who understood his business instead of putting it before a judge, who really had to be educated on what may be considered the A B C of the industry. I am glad to see that that principle is embodied here, and for the future, in the magistrates courts, no matter what the amount involved may be, the power will be there for the bench to submit it to arbitration if it sees fit to do so. But I trust that the power will be handled by the justices with a good deal of caution, because it has been suggested—and there has been some ground for that suggestion—that in the past our District Court judges have very often taken advantage of the Arbitration Court section to send matters to arbitration. I do not blame them, because the judges to whom I refer were men who were overworked; men who were asked to rush about the

country from pillar to post; men who were asked to get through their courts in record time, irrespective of the rights or the convenience of the suitors or their solicitors; but there were grounds for believing that there was very often a desire on their part to rid themselves of some of their responsibilities, and to submit matters to arbitration which could have been better decided by a judge.

Mr. BRENNAN: In complicated cases of fact.

Mr. VOWLES: That is so. They had the power, but in many cases they did it for their own convenience, and not altogether for the convenience of the parties. I hope that we shall not have complaints to make on that ground in connection with this Bill.

As I said at the beginning, this is a machinery Bill. The Bill itself is simple, but, when it goes into Committee, there are certain amendments which will be proposed, which will make it a better Bill. We have to receive it in some form or another, so we desire to make it as good a Bill as we possibly can under the circumstances, so I trust that when these amendments are brought forward the Attorney-General will give them the consideration to which they are entitled.

Mr. MACGREGOR (*Merthyr*): One is again disappointed at the absence of any real reason for this Bill from the Attorney-General. It is said, of course, that it is complementary, and that explains the Bill, and explains the reason why the hon. gentleman could not give any other reason for the Bill. It is the last and the worst of the three Bills which we have had dealing with the so-called legal reform. In the end the amateur has evidently got tired, and said, "Shove it in! Let the magistrates get along somehow. We must get this passed now that we have abolished the District Courts and abolished the Supreme Court." The Attorney-General has said that it is to be carried out by magistrates with high qualifications. Well, it is a wonder the Government did not give the magistrates of high qualifications a chance of saying what the procedure in their courts should be. Apparently the rules are to be promulgated by the Governor in Council without the assistance of the magistrates. We know, of course, that the Governor in Council has no legal man amongst them. Although they might have had one, apparently they have not seen fit to have him among their number, and the criticisms of the hon. member for Toowoomba would be more valuable if he occupied the position of Attorney-General. One asks, what is going to happen? It means that the Governor in Council is going to get the assistance of some qualified man. The Governor in Council could not possibly draw up the rules necessary under clause 14, so that some person or persons is or are going to assist the Governor in Council, and it means that all these rules will be drawn up and will be foisted on the public without the opportunity of criticism.

The ATTORNEY-GENERAL: As a matter of fact, they will not. We are the one Government that have given the representatives or the people an opportunity of criticising them by bringing the rules of court before Parliament.

Mr. MACGREGOR: That will only be after they have been put in force. The Act will come into force on the 1st April, and Parliament will not meet till July or August, so that the rules of court will be in force five or six months before anyone has a chance of seeing them. The Premier gave an assurance that the Bill would come into force on 1st April. That is the date that the Supreme Court judges have to go off the bench.

I do not propose to go into a detailed criticism of the Bill, because I realise the uselessness of it. I fancy, if I did, I would be joining in the pretence that this is a deliberative Chamber. I think it has ceased to be one, especially during the last fortnight, if it ever had the appearance of it before.

However, there are a few things in the Bill that call for attention, that I might refer to. It is provided here that, until superseded by rules of court under this Act—

> "The rules of practice and procedure, scale of fees, costs, and allowances prescribed by or in pursuance of the repealed Acts shall be the prescribed rules of practice and procedure, scale of fees, costs, and allowances for the purposes of this Act."

It looks from that as if the magistrates will really require the help of the professional men who appear before them to enable this Act to be worked properly. We know that the professional men will have all the burden thrown upon them to help the magistrates along. Then it is provided that the Acts which this Bill proposes to repeal will prescribe the rules of practice and procedure, as well as the scale of fees, costs, and allowances. The Bill has to go back to the District Courts Acts for that purpose. Then, later on, it is provided that, notwithstanding the repeal of the District Courts Act of 1891—

> "The rules of court made thereunder shall . . . . be adopted and applied by the court to actions and proceedings in the court in any case not provided for herein or by rules of court under this Act."

There are over 200 sections in the District Courts Act of 1891. Then, it is further provided that in any case not provided for by this Act or by the District Courts Act the rules of court and rules of practice in the Supreme Court shall be adopted and applied.

The ATTORNEY-GENERAL: You must make provision for the rules applying.

Mr. MACGREGOR: I know you must make provision for something if there is nothing there.

The ATTORNEY-GENERAL: What do you suggest?

Mr. MACGREGOR: I suggest that you should allow the District Courts Act to stand until you are ready to transfer all the jurisdiction to the magistrates court. That is, in cases where the court is to have jurisdiction up to £200. As I stated, the District Courts Act of 1891 contains over 200 sections. It was drafted by one of the most eminent jurists we ever had in this State. Under that Act we have provision for judges and juries and trial by qualified men. We have judges acting under the District Courts Act receiving £1,000 a year, and they are qualified to be judges after five years' experience at the bar. Under the District Courts Act there is provision for a jury as well. Apparently, all that law is considered stupid by hon. members opposite. It is called an old Tory idea to have legislation as provided

for by the District Courts Act. The Government say, "We are the Labour party, and we are going in for law reform." The Government and hon. members opposite do not wish to take the Acts drafted by eminent jurists and administered by judges who are qualified men, but they prefer to transfer the administration to cheap magistrates—to men getting £750 a year.

Mr. KING: £650.

Mr. MACGREGOR: Yes, £650 a year.

Mr. MOORE: Some of the magistrates get less than that.

Mr. MACGREGOR: The Attorney-General lays great stress on the magistrates. He says the work will be distributed amongst thirty-two magistrates. That is on the supposition that the work is equally distributed throughout the State, but we know that that is not so. Most of the work occurs in four or five large centres, and that will mean overloading the work in those centres. If this Bill is the means of preventing the work going to the magistrates, it will mean overloading the Supreme Court. That will be the effect of this Bill.

There are a number of things in the measure that I pass over, because I think it is only a waste of time dealing with them. There is one amusing thing here, which I might refer to. It says that where one justice, not being a clerk of petty sessions or acting clerk of petty sessions, holds a sitting of the court, he can have jurisdiction up to £10. Where two or more justices hold a sitting of the court they can deal with a case in which the amount involved does not exceed £100. I suppose that is an application of the old maxim that two heads are better than one.

The ATTORNEY-GENERAL: That is the law at present. One justice of the peace has jurisdiction up to £5, and two justices have jurisdiction up to £50.

Mr. MACGREGOR: In this case two justices have jurisdiction up to £100. After the experience we had in connection with the recent electoral distribution, where one of the magistrates was a possible political candidate, I think that we should get men to fill the positions as magistrates who are absolutely independent of the Government. We should get men at whom the finger of scorn can never be pointed. I do not think there are half a dozen magistrates in the State who are capable of working this Bill.

Mr. BRENNAN: You talk about magistrates who have been political candidates. We know politicians who have become judges.

Mr. MACGREGOR: You might become a judge under this Bill.

Mr. BRENNAN: And you might have a case before me. If you did, I would give you a good "spin."

Mr. MACGREGOR: The 200 sections of the District Courts Act of 1891 and containing provisions for all cases are lumped together and left to the mercy of the Governor in Council, or the person or persons whom the Governor in Council may choose to help them to get the rules drawn. First of all, they take three judges off the Supreme Court bench, and they say, "We must fill these positions. We have three District Court judges, and we can make them Supreme Court judges." Then they have to decide what to do with the District Court. They decide to wipe out the District Court, and let the Supreme Court deal with the criminal jurisdiction of the District Court, and then establish magistrates courts to deal with the civil jurisdiction. They grant an extension of the jurisdiction of magistrates. They lump all these things together, and they tie the hands of the draftsman.

The ATTORNEY-GENERAL: You are pretty rough on one of the most experienced draftsmen in Australia.

Mr. MACGREGOR: He is not responsible for the ideas. And, by the way, I do not see the Draftsman here to-night.

The ATTORNEY-GENERAL: He will be here when the Committee stage comes on.

Mr. MACGREGOR: The Draftsman is different to the man who designed the Bill.

The ATTORNEY-GENERAL: He has to take full responsibility for drafting the Bill.

Mr. MACGREGOR: Undoubtedly, he is one of the most able draftsmen in Australia.

Mr. BRENNAN: I thought you said it was the crudest Bill ever drawn.

Mr. MACGREGOR: I said that the ideas were crude.

The ATTORNEY-GENERAL: I will accept the responsibility for the ideas.

Mr. MACGREGOR: You need not accept it; it is already yours.

The ATTORNEY-GENERAL: We are following the practice of New Zealand, and we are accepting the best ideas in practice there.

Mr. MACGREGOR: That is not correct. That was pointed out by Professor Peden, the Royal Commissioner appointed in New South Wales.

The ATTORNEY-GENERAL: Would you take a case with Professor Peden in New South Wales?

Mr. MACGREGOR: Professor Peden has been chosen by the Government of New South Wales as a Royal Commissioner to inquire into the need for so-called law reform down there.

The ATTORNEY-GENERAL: He has no standing in the New South Wales courts.

Mr. MACGREGOR: I hope "Hansard" will record that the Attorney-General mentioned that Professor Peden had no standing in the courts in New South Wales. That is a very severe criticism on the president of the Arbitration Court in Queensland.

The ATTORNEY-GENERAL: It does not follow.

Mr. MACGREGOR: I refrain from detailed criticisms of this Bill. It is a measure which has been forced upon the Government by this so-called reform. It carries on its face crudity of ideas and the germs of chaos and confusion. I preserve my right to support any Bill introduced for the repeal of this Bill and the restoration of a saner and a better order of things.

The ATTORNEY-GENERAL: You will find it is working so well by the time your party get here that you will be well satisfied.

Mr. BRENNAN (*Toowoomba*): I am going to support this Bill. It is not merely a machinery Bill; it is a Bill of good and permanent reform. In the olden days, broken-down squatters were put on the bench as stipendiary magistrates. Those men were good enough to adjudicate on matters up to £50. Under the Deserted Wives and Children Act they dealt with cases involving

thousands of pounds. Wardens' courts and all the other Acts came within their jurisdiction up to many thousands of pounds. There were no complaints made, although those men had never had an atom of legal training, or court practice. To-day, the men who are coming into their own are young fellows who joined the service in the office of the clerk of petty sessions and learnt the whole of the practical side of the Small Debts Courts. Those young fellows are now passing technical examinations and becoming versed in the law, in addition to being conversant with general practice. Any clerk of petty sessions knows more about the practical side of the Small Debts Court than the hon. member for Dalby or the hon. member for Merthyr, and would beat either of those hon. members in an examination dealing with the Small Debts Court or the inferior courts. I admit that I also would be beaten by them. They specialise in it right from the age of seventeen years up to the age of thirty-five years, when they become police magistrates. I would sooner go before a police magistrate in some cases than before some of the judges.

Mr. MOORE: You have a better chance of bluffing them.

Mr. BRENNAN: We cannot afford to win a case unless we have a good one, because the other side would appeal and beat us in the District Court. The hon. member for Merthyr has had very little experience in inferior court work. The only experience I remember the hon. member having was at the time of the prosecution of the late Hon. T. J. Ryan, and other cases which the hon. member conducted for the Federal Government. Yet he talks about this Bill being the crudest and the worst of the so-called legal reform Bills, without knowing anything at all of its real merit. The hon. member wanted the rules of court of the magistrates court made permanent by Act of Parliament and not allowed to be made by the Governor in Council.

Under the Small Debts Act of 1867, the jurisdiction was up to £50. If a client wanted to abandon a claim for £60 to bring it within the jurisdiction of the Small Debts Court he had to come under the old 1848 Act and abandon it down to £30 before he could have it heard. The 1867 Act did not make provision for abandonment down to £50. That is one of the anomalies that has existed for years. Many cases have had to be discontinued because people could not afford to fight a case for over £50, and had to abandon it down to £30 or go to the District Court. If a man obtained a judgment in the Small Debts Court to-day and the judgment debtor had no goods but had land, the judgment creditor could not levy an execution against the land. This Bill will give him the right to levy an execution against the land. In the court a week ago, I issued a warrant of attachment and seizure in the Small Debts Court against certain goods of a person who was about to leave the State. At the same time I issued a small debts plaint and summons. I obtained judgment on the plaint, and, although I had those goods seized under a warrant of attachment and seizure, I could get none of the costs. I had to issue an execution to follow on the judgment, and the warrant of attachment had to be withdrawn. I paid £2 for bailiff's fees and other expenses, which I could not recover because there was no machinery to operate the warrant of attachment and seizure. Yet hon. members tell us there is no necessity to amend the Small Debts Act. I appeared in the Small Debts Court, in a case which lasted four days, and was granted £2 2s. costs, and could not get any more.

Mr. KING: You want the costs left at £2 2s. for claims up to £200.

Mr. BRENNAN: Fair costs must be allowed, otherwise solicitors will not appear. There are people in the Arbitration Court, particularly employers' representatives, who charge much higher fees than most of the counsel in Brisbane.

Mr. MOORE: Can an unqualified man charge fees under this Bill?

Mr. BRENNAN: I do not think so.

Hon. J. G. APPEL: This will not reduce the cost of litigation; it will increase it.

Mr. BRENNAN: It will reduce the cost. If I can conduct a case in the Small Debts Court at a fee of £10 10s., it will be much better than taking it to the District Court, where the costs would be taxed at £110.

At 9.55 p.m.,

The SPEAKER resumed the chair.

Mr. BRENNAN: It certainly is a cheapening of law because, when the claim is £10 or £30 there will be a fixed amount for costs. You would not ask a person to appear in a case for four or five days for £2 2s. Solicitors would not fight such cases. The litigants could fight those themselves; there is no obligation on them to employ a solicitor.

The hon. member for Dalby said that we were setting about destroying all the practice and procedure which have existed in Queensland for so many years. The intention of the Bill is to destroy the old practice and procedure and bring things up to date—to have justice administered cheaply and effectively. The hon. member for Dalby also said it would deprive litigants of the privilege of having a jury. In many cases one litigant does not want a jury. A case may be tried in a place where there are a lot of friends of a particular person. At one time I fought a case for a shearer against a person who was not a shearer. I did not want a jury, but the other man did. I proved my case right up to the hilt, but the four honest, good, and true men decided against my client. Mr. Harris, the police magistrate, tried one of the most important cases ever heard in Queensland for the shearers away out in the West, and allowed something like £120 as witnesses' expenses, although the verdict was only for £2. If a jury of squatters had tried that case, the shearers would have been beaten. There is an example of a case in which a magistrate should be called upon to adjudicate. Jurors are not reliable. No worker can win a case against an employer in which a civil jury adjudicates.

[10 p.m.] I have had experience in sufficient cases to enable me to know, and I say you cannot get a civil jury to give a verdict against their own class.

Mr. MOORE: I saw one in Toowoomba.

Mr. BRENNAN: There may be isolated cases, but that is the general rule. Take the case in Melbourne of the late T. J. Ryan—a case he should have won. (Opposition laughter.) If you are fighting for Labour, you cannot win a case from a special jury, and I hope that before we go into recess

*Mr. Brennan.*]

next session we shall have passed an amendment of the Jury Act.

GOVERNMENT MEMBERS: Hear, hear!

Mr. BRENNAN: The hon. member for Merthyr spoke of referring this Bill to a Select Committee for report. A District Courts Bill in a previous session was referred to a Select Committee, who reported against it. They would be sure to report against this Bill too. It is too advanced and too democratic for their ideas. The hon. member also said that a litigant should have the right to the services of a jury for a small fee—in the District Court you pay £2—but I hold that the jury should be abolished in all cases up to £200.

As to the question of a new class of magistrate passing a severer examination than that at present prescribed, I say that our magistrates to-day are of the highest class we have had since Queensland became a self-governing State, and, as time goes on, they are going to become more conversant with the procedure. Our aim is to do away with the technicalities of law, so that there will be less delay and fewer involved decisions. Take the case being tried before the Full Court now, regarding Mitchner's will. There are about seven barristers and seven sets of solicitors engaged in that case, which concerns a £40,000 estate. Wait until that case is over and the costs are taxed! Why should not each barrister write out his opinion in a case like that, and send it to the judge and let him interpret it? Why should a man have to work all his life to amass an estate of £40,000, only to have a court sitting week after week to interpret his will, even though some of his estate is going to Germany? The principle is bad. The Bill stands for the simplification of procedure and of law, so as to bring justice within the reach of everybody.

One hon. member has suggested that we might make the magistracy more effective by increased salaries. We have treated our magistrates fairly well compared with other Governments, but consideration might be given to the suggestion as their responsibilities increase, because their responsibilities are going to be great. The labourer is worthy of his hire, and ability should be recognised.

In dealing with the right of an infant to sue, the hon. member for Dalby suggested that such an infant might waste his estate in litigation under that clause. I think an infant should not be allowed to enter into litigation with that result, and probably we might have to consider some slight amendment, to make his suing subject to the approval of his executor or trustee. Subclause (6) of clause 4 says—

> "A judgment obtained by a plaintiff but not satisfied previous to his death and also all causes of action shall survive to his personal representative, who may sue out execution in his own name——"

I understand that applies only to such personal actions where the judgment has been obtained, which may continue by process of execution, and I do not think it is intended, although it has not been made clear, that any personal action for defamation which has not got to the courts shall be proceeded with. A personal action which can be proceeded with or defended is one in respect of injuries to property, which survives to the personal representatives of the parties. A defamation action should not be allowed to survive to the personal representatives of a deceased person unless judgment has been obtained, when it is only a question of securing the execution.

When the Bill goes into Committee, no doubt the jurisdiction and other matters will be considered, and subsequently we shall find it to be one of the most democratic Acts ever passed in the history of Queensland.

Mr. KING (*Logan*): One approaches this Bill with diffidence after the remarks of the Premier and other members on that side when another legal Bill was going through. Members of the Opposition said that they would be only too glad to assist the Government in making that Bill a serviceable and workable Bill, and, with that view, an amendment was moved to refer the Bill to a Select Committee of members of the House to take evidence and get all the facts. The Premier's words, in referring to the proposal, were—

> "I must treat the amendment as one of an obstructive character."

That takes out of one all inclination to constructive criticism. However, I recognise that I have a duty to perform, and I propose to comment on the measure in a few words.

The passing of the Supreme Courts Bill and the consequent abolition of the District Courts and the repeal of the Small Debts Courts Act made it imperative that some Act must come into force to deal with the jurisdiction that is now exercised by that court and under that Act; otherwise we would reach the position that the Small Debts Court would deal with matters up to £50 only and the Supreme Court would have to deal with all other matters. We understand that this is one of the Bills introduced by the Government to cheapen and simplify law and law procedure. I venture to say that, so far as this Bill is concerned, that result will not be obtained, because I think that under it litigation is going to cost a good deal more. And not only is the change going to make litigation more costly, but it is also, I think, going to increase litigation.

I fail to see how we can get anything approaching the simple and inexpensive methods provided by the District Courts Act. My chief objection to the Bill is the absence of the right to a jury. The District Courts Act provides by section 113 that the judge must give a jury in cases for trial amounting to over £20, and a Supreme Court judge must give a jury on every disputed question of fact. We have heard that police magistrates and justices are to exercise the jurisdiction both of judges and juries. They have added responsibility in that they will have to assume the functions of a jury. Under the existing Small Debts Act, cases to the amount of £50 can be tried by police magistrates or justices, and they will have to exercise, in addition to their judicial functions, as provided by law, the functions of a jury. The added responsibility will be a great responsibility, because they will have to assume the functions of a jury on a question of fact, and they must also exercise their knowledge of the law so far as it pertains to a specific case to be decided. It has been said by the Attorney-General that a plaintiff will have the right to go to the Supreme Court if he wants a jury. That is quite so, but the defendant will not have that right. He has to go to the court to

which he is brought by the plaintiff. I take it that the defendant will not have the right to ask for a jury if he is brought to the Small Debts Court. He is not given equal rights. He is not getting the rights given to him that have previously existed under the District Court or Supreme Court Acts. Either party in a District Court and Supreme Court could hitherto ask for a jury.

The ATTORNEY-GENERAL: You will find that the defendant has the right, too.

Mr. KING: I am pleased to know that, if it is so; but from my knowledge of the Bill I do not think that the defendant has the right to ask for a jury, because he has no choice of the court.

The ATTORNEY-GENERAL: Section 11 (2) (ix.) (*a*) of the Supreme Court Bill gives him the right. It is provided under the rules of court, and it applies to both Acts.

Mr. KING: It is not a section of the Act. It only makes provision that rules may be drawn providing for that.

Another objection to the Bill is the lack of independence of the magistrates. In the magistrates courts the judges will be the police magistrates, who are merely Government servants. Government servants are subject to promotion, and they are also liable to be disrated at the sweet will of the Government in power.

The ATTORNEY-GENERAL: They always have been.

Mr. KING: They are not in an independent position. Judges are to be appointed and to hold office until they reach the age of seventy years, but a police magistrate can be dismissed at the sweet will of the Government, and they are very often called upon to try cases in which the Government are affected. These are things which should be considered very carefully.

The ATTORNEY-GENERAL: Does that not apply to-day?

Mr. KING: That certainly applies to-day; but you are giving the police magistrates far greater jurisdiction than they have had previously.

The ATTORNEY-GENERAL: If a man is honest it will not matter.

Mr. KING: I do not suggest that the present-day police magistrates are anything but honest. Certainly, the magistrates I know are men of the highest reputation. But men are only human. They know that they can be disrated, or that they can be dismissed practically without any excuse being given, and it is only human that a magistrate adjudicating on a claim in which his employer is interested will have to use very great circumspection in not giving a decision against his employer.

The police magistrates are not professional men; they are very excellent men within their limitations, but they are not trained men altogether. I know some of them specialise. We have been told about the important functions of magistrates exercising jurisdiction in the wardens' courts. They specialise, but they act in accordance with the Code, and their difficulties are not very great. Here the police magistrates are called upon to exercise duties which they have not exercised in the past, and because the jurisdiction is being enlarged, the scope of their work will be very much extended.

The ATTORNEY-GENERAL: That will apply to every magistrate, and even to the judges.

Mr. KING: Extra jurisdiction has been conferred on them by this Bill. I do not think it is beyond their powers, but it is a thing which will give them a good deal more responsibility than they have had in the past. Practically there are no qualifications at all required by a police magistrate. I know that future magistrates will be called upon to pass an examination; but I think that the Attorney-General is altogether wrong when he says that that examination is as extensive as the examinations which a barrister or solicitor has to pass.

The ATTORNEY-GENERAL: I hope that the hon. member will at his leisure peruse the list and see the Acts that have to be studied.

Mr. KING: I have seen the list. He has only to pass an examination in certain Acts. A solicitor or a barrister must be prepared to answer questions on practically any Act—State or Commonwealth. There is another objection I have—that is, that there is always a danger of the magistrate's decision conflicting with that of a jury. There is an old saying that "in the multitude of counsellors there is wisdom"; and if you have a jury of four men, you will generally find a true interpretation of the facts. Where one man has to come to a conclusion on the facts, it is far more difficult for him to come to a correct conclusion than for four men. We know that all dispositons and tempers are not alike. A police magistrate may not have a judicial mind. He may have an altogether perverse idea of the facts, and come to an altogether wrong conclusion. It is, therefore, not altogether a fair responsibility to put on the magistrate to ask him in big matters to act as a jury as well. No court of law will reverse a finding of fact, if there is any evidence, however slight, to support it. A magistrate may come to a conclusion on the facts which a reasonable-minded person would not come to; but, at the same time, there may be some slight evidence to support the magistrate in the conclusion he has come to, and, in that case, a court of appeal cannot and will not reverse the decision of the magistrate on a question of fact. That was definitely decided some time ago in a Commonwealth appeal case.

Then there is another objection I have to the Bill; that is in connection with the increased powers given to justices. That is a provision I do not much care about. What I object to in giving jurisdiction to magistrates is that we are getting back to the bad old system of packing the bench. That happened time after time before police magistrates had sole control. It is well known that justices have sometimes not acted in accordance with their oath of office.

Then there is another part making provision for Small Debts Court rules applying in some cases, and the District Court rules applying in other cases, and where neither of those sets of rules are applicable, then the Supreme Court rules are to apply. I cannot help thinking that that is going to lead to chaos and confusion. Under this particular measure, the present Small Debts Court scale of costs will apply. I would also like to point out that there does not seem to be any provision as to the execution of a judgment against land. Of course, I know that you have provision to deal with that in the rules. Rules may be made in that connection at the present time. Under the Small Debts Courts Act, if you get a judgment you can only execute that judgment

against the personal property of the unsuccessful litigant; you cannot execute it against any land he has got. In the District Court Act there is a provision under which you can execute the judgment against the land. There is no provision in this Bill under which you can execute a judgment against the land. There is a proviso that you can make such a provision under the rules. There is a section in the District Courts Act under which it can be done, and why not have a similar clause in this measure?

There is another objection I have to the Bill. In my opinion, the mercantile community do not like it, as it means cheap law. At present, District Court suitors have a right to a jury, with a direction on legal points by a trained professional man—that is, the judge. Here the police magistrate has a hard and fast jurisdiction up to £200.

Then, in regard to the preparation of the rules. Rules of Court should, I submit, be drawn up by qualified men.

The ATTORNEY-GENERAL: Whom do you think they are likely to be drawn up by? You would naturally expect that they will be drawn up by the most capable men.

Mr. KING: I would like them to be drawn up by the judges.

The ATTORNEY-GENERAL: The law does not provide for them being drawn up by the judges.

Mr. KING: There is nobody else to draw them up now. The District Court rules were drawn up by the judges of the court, and approved by the Supreme Court judges.

The ATTORNEY-GENERAL: The Small Debts Court rules can to-day be drawn up by the Governor in Council.

Mr. KING: There is another provision which has been referred to by the leader of the Opposition—that dealing with infants being allowed to sue for any cause whatever. Under the Small Debts Courts Act an infant can sue for wages; but, while an infant is able to sue, it is not open to anybody to sue an infant. I think that provision should be limited to preserving the right of an infant to sue for wages, but that in any other matter an infant should sue through a next friend.

The hon. member for Toowoomba referred to a case which came under his own personal knowledge dealing with the attachment of goods, and his great objection was that, after going through all the procedure required, he could not get any [10.30 p.m.] costs. The very reason why this Bill is being brought forward is to cheapen law, and yet we have the hon. member for Toowoomba getting up and complaining about the Act as it stands because he cannot get costs he is entitled to.

Mr. KIRWAN: He pointed out that that applied under the present system.

Mr. KING: Yes, and his complaint was that he could not get any costs for what he did, and the object of this Bill is to cheapen law. Then he made a reference to juries, and said that no worker could ever win a case against an employer before a special jury. That is an absurd sort of statement to make, and scarcely a statement one would expect from a legal man who has had some practice. I suppose it was made simply to bolster up a weak argument. Possibly we shall have an opportunity of amending the Bill somewhat in Committee, but I would like to take up the same position as the hon. member for Merthyr, and reserve to myself the right to repeal these Acts the very first opportunity I get.

HON. J. G. APPEL (*Albert*): This Bill, of course, forms part of what has been termed by the Attorney-General the legal reform of the Government. As I indicated in connection with a previous measure, I personally am not prepared to admit that it is legal reform, or that the effect of this legislation will be to cheapen law. I am rather of the opinion that it will not only fail to effect that purpose, but that it will have the effect of increasing litigation. If we follow the history of all attempts to cheapen law, I think on every occasion it will be discovered that those attempts have been absolutely futile. To think for one moment that men of eminence in their profession will consent to accept reduced fees for conducting cases in a court because the status of the court has been reduced is foolish. It may be a pious hope on the part of those who have introduced this legislation, but I venture to say that it will never have that effect. This being the third of the three legal Bills, two of them already having been passed by this House, I assume that any objection that may be offered from the Opposition side of the House will have very little effect.

The ATTORNEY-GENERAL: We accepted several amendments on the Supreme Court Bill.

HON. J. G. APPEL: I am of the opinion that the Bill, from its first clause to its last clause, will be ineffective and of no avail, and, consequentally, the whole thing is bad, and any amendments that are made, although they may have the effect of mitigating to some extent the evils, can do no good. The whole Bill is practically a reversion to the evils that existed prior to the amendments which were made in connection with the Small Debts Court Act. It proposes to revert to that method which was found to be most ineffective and unjust; that was the trial of causes by honorary magistrates. Without any reflection upon the honorary magistrates, we have to realise that a very small percentage of those members of the community who are appointed justices of the peace have the necessary knowledge to preside over a court of jurisdiction, and especially a court possessing the jurisdiction of the present District Courts, which are presided over by a judge, who must possess the qualification of being a member of the legal profession, and where a suitor has the opportunity of having his case tried by a jury. I well recollect the methods adopted by honorary magistrates prior to the amendment of the Small Debts Court Act. It is well known that a litigant invited his friends who were justices of the peace to adjudicate on his case. I do not mean to say that he actually made overtures to those justices that they should return a verdict in his favour, but it naturally followed that, if a justice of the peace had a personal knowledge of a litigant, his inclinations, naturally, were in favour of that litigant. He would conclude that that particular litigant was telling the truth, and that his case is a just one. These evils were admitted, and an amendment of the law was made, and at that time the jurisdiction was limited to £50. Now we are going to have introduced once more all these evils which existed, and with an increased jurisdiction.

I venture to say that the aim and object of the present measure will not be for the benefit of those who desire to see our courts conducted in such a manner that equity and justice shall be dealt out to those who desire to have their cases adjudicated upon. I notice, furthermore, that provision is made in the Bill that a justice of the peace, being a clerk of petty sessions or an acting clerk of petty sessions, shall have jurisdiction to the extent of £30. Apparently, having some slight knowledge of legal procedure, he is to have a jurisdiction of £30, and an honorary magistrate, who does not possess the qualification of a clerk of petty sessions or of an acting clerk of petty sessions, is to have a jurisdiction of £10 only. Two honorary magistrates, however, sitting together are to have a jurisdiction of £100. That seems to me to be a most singular thing.

The ATTORNEY-GENERAL: It is in the same proportion as the law to-day.

HON. J. G. APPEL: But you have doubled the jurisdiction possessed by the stipendiary magistrate to-day. The present stipendiary magistrates have certain qualification claims; in fact, the Attorney-General claims that they possess qualifications equal to members of the profession.

The ATTORNEY-GENERAL: Two justices of the peace have the same jurisdiction to-day as a police magistrate.

HON. J. G. APPEL: In some cases they have, but the jurisdiction is only up to £50, and the hon. gentleman proposes to raise it to £100. Would any member of the Cabinet or any member sitting on the Government side be willing to allow two honorary magistrates to adjudicate upon a matter concerning themselves which involved the sum of £100? They would be sorry to do so.

The ATTORNEY-GENERAL: You allow them to adjudicate up to £50 to-day.

HON. J. G. APPEL: We are opening the door to the same old evils which existed before, and which necessitated drastic alterations of the law. We know how suitors used to pack the bench, and it thus became necessary to alter the law. Under this Bill the suitor who has the most influence will be able to induce the larger number of magistrates to sit on the bench, and secure a verdict in his favour. That was one of the evils that it was found necessary to remedy in the past, and it is one of the worst features of this measure. If the measure were limited to the objects stated in the first instance, whereby the courts would be made more accessible, and the jurisdiction so far as the amount involved is concerned was extended, and the qualification of the presiding magistrates made the same as the stipendiary magistrates, after they had a certain amount of training, then the position would not be as it is to-day. But, when we find evils existing and find that they are accentuated and extended, it is only right that a member of this Assembly acquainted with these facts should bring the matter forward and impress upon the Minister the absolute necessity for some amendment whereby suitors who have neither influence nor opportunity should be safeguarded. The greater portion of this measure is to be decided by regulation. That means that this Chamber will have no opportunity of discussing whether the regulations are suitable or not. The regulations will be laid on the table, but they will not allow any member to have an opportunity to discuss them or criticise them. I am absolutely opposed to the measure on the ground that I do not think it will cheapen law. I am of the opinion that, if anything, it will encourage litigation. The object aimed at will not be accomplished, and it will open the door to all those evils which were admitted to exist before. The increase in the amount involved over which this court will have jurisdiction will not improve the administration of justice, and the Bill will tend to corruption, from which our courts should be saved.

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

The consideration of the Bill in Committee was made an Order of the Day for to-morrow.

The House adjourned at 10.47 p.m.