Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 21 AUGUST 1924

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The SPEAKER (Hon. W. Bertram, *Mirce*) took the chair at 10 a.m.

QUESTIONS.

COST OF NERANG CREEK BRIDGE AND SOUTHPORT-BURLEIGH ROAD.

Mr. MOORE (*Aubigny*) asked the Secretary for Public Lands—

"1. What was the estimated cost of the bridge over Nerang Creek at Southport?

"2. What has it cost to date?

"3. What is the estimated cost of the road from the bridge to Burleigh, and what length is it?

"4. How much has been constructed to date, and at what cost?

"5. What is the estimated time to complete the work?"

The SECRETARY FOR PUBLIC LANDS (Hon. W. McCormack, *Cairns*) replied—

"1. £23,277 10s.

"2. £26,463 11s., inclusive of approximately £400 worth of machinery.

"3. (*a*) £18,165; (*b*) 9 miles.

"4. (*a*) The road has been cleared and formed throughout. The foundation material has been laid from Harper's Wharf (3¼ miles from the bridge) to the bridge, and, in addition, about 2 miles of foundation material have been laid down at the Burleigh end. The top metalling has been laid on a section of the Southport end of the road, and part of that section has been rolled. An extensive causeway has been constructed at the southern end of the bridge, and a stone wall has been made in the road at the narrow neck.

	£	s.	d.
(*b*) Road	28,789	17	10
Molendinar Quarry ...	20,903	3	6
Burleigh Quarry ...	1,314	4	0
Total	£51,007	5	4

Inclusive of machinery and tools originally valued at £5,000.

"5. The engineer states that given dry weather it will take six months to finish the work."

UNEMPLOYMENT INSURANCE FUND—CONTRIBUTIONS AND DISBURSEMENTS.

Mr. MOORE (*Aubigny*) asked the Secretary for Public Works—

"1. What amounts have been contributed to 31st July last to the Unemployed Workers' Insurance Fund—(*a*) By employers; (*b*) by employees; (*c*) by the Government?

"2. What amount has been distributed in payments to unemployed?"

The SECRETARY FOR PUBLIC WORKS (Hon. W. Forgan Smith, *Mackay*) replied—

"1 and 2. A full report of the operations under the Unemployed Workers Insurance Act of 1922 will be laid on the table of the House in the course of a few days."

REGULATIONS UNDER SUGAR WORKERS ACT OF 1922.

MOTION PROPOSING DISALLOWANCE.

Mr. MOORE (*Aubigny*), in moving—

"That the undermentioned sections of the regulations tabled 29th July, 1924, under the Sugar Works Act of 1922 be disallowed:—

Section 7 (*c*),

Section (8), subsections (1) and (2),

Section 11,"

said: In moving this motion, I want to enter a protest against the system of government by regulation that we are getting into, as well as to enter a protest against the wrong principle that has been adopted in these particular regulations. When the Sugar Works Act was before Parliament there was no question that the conditions in connection with perpetual lease selections were going to be altered with respect to the rental values that were to be charged. It is specifically stated in that Act that the method of valuation shall be similar to that laid down in the section in the Local Authorities Act setting out the method of valuation.

In my mind it is absolutely wrong for regulations to be issued to alter Acts of Parliament. If we are going to have specific alterations in the law, they should be stated in the Bill when it is going through the House rather than bring them about in this way by regulation. It has always been my opinion that these regulations are used for purposes other than those for which they were intended. Regulations are intended to assist in the efficient interpretation of an Act so that if anomalies are discovered, they can be removed without calling Parliament together. It has never been understood that Acts of Parliament can be altered by regulation, and because the Government have a majority, it does not say that they should make Acts of Parliament clear in this manner. It seems as though Ministers are reaching out for more and more power and that they want to get the altering of the law into their own hands, instead of allowing Parliament to amend it.

The SECRETARY FOR PUBLIC LANDS: You are entirely wrong in this case. You have got mixed up in two sets of regulations.

Mr. MOORE: I have got mixed up?

The SECRETARY FOR PUBLIC LANDS: Yes.

Mr. MOORE: I have the set of regulations to which I am referring in my hand, and I have compared them with the Act. What has happened in regard to the perpetual lease policy that the Government have in force is this: In order to get what the Government might term a reasonable rental at 1½ per cent. they have placed an excessively high rental on the land by increasing the valuation.

The SECRETARY FOR PUBLIC LANDS: Who put on the valuations?

Mr. MOORE: The sugar-worker will be paying the same rental for a perpetual lease as he would for freehold in the same area. By imposing this excessively high valuation on the perpetual leases the Crown will get the same rental on a 1½ per cent. basis as they would get under the 5 per cent. basis in the case of a low valuation. This would cause discontent between the freehold and leasehold settlers, and to me that is the reason why it is done. If we are going to have regulations introduced in this manner, it is high time that Parliament objected. If the Government wish the rentals to be assessed on a 5 per cent. basis, then they should have made provision for that when the Act was going through. Do not let us be misled in the way we were when the Act went through, thinking that individuals in sugar areas would be able to take up land under perpetual lease on the conditions set out in the Land Act. Section 11 of these regulations sets out—

"For the purposes of making valuations under section 218 of the Local Authorities Acts, 1902 to 1923, land held under lease or license under these regulations shall be deemed to be held under lease or license from the Crown under the laws relating to the occupation and use of Crown lands."

That means twenty times the annual rent. In section 13 of the Sugar Works Act it is provided—

"(3) The corporation shall make and levy and collect such rate in manner prescribed:

"Provided that the rate made and levied shall in all cases be of the same amount for every pound of the amount of the valuation of the land so rated, according to the basis prescribed by the Local Authorities Act, and the owner or occupier of the land shall have the right of appeal against the valuation as in that Act is provided.

"(4) If any person liable to pay any amount of such rate makes default in the payment thereof within sixty days after the same is levied, there shall be added to the amount a further sum by way of penalty equal to six pounds per centum of the amount."

Again, section 19, paragraph (xi.) reads—

"Providing for the manner of hearing appeals against valuations for rating purposes."

The amendment of the Local Authorities' Act, which was brought in by the present Government, I think in 1920, sets out in section 218—

"(1) Except as hereinafter otherwise provided, the value of any rateable land (including land held from the Crown under perpetual lease tenure, and land held from the Crown under special lease under section one hundred and seventy-nine of the Land Act of 1910,

and land held from the Crown under any tenure by the terms of which the occupier is bound to eradicate and destroy noxious weeds or plants on the land and the rent payable for the year in which the valuation is made is accordingly a quit rent or nominal rent and an estate in fee-simple in the land cannot be acquired) shall be estimated at the fair average value of unimproved land of the same quality held in fee-simple in the same neighbourhood."

That is perfectly distinct. That section was put in at the request of the local authorities because of the discriminations in valuation that were creeping in under the principle of using twenty times the annual rent to estimate the value. Evidently, when this Sugar Works Act was put through there was no thought of alteration of this principle, as under twenty times the annual rent basis there could be no appeal. There can be no appeal because there is nothing to appeal against. Provision for appeal is made in the Sugar Works Act to be on the same basis as that under the Local Authorities Act, yet we have the whole value of the section thrown on one side—the very amendment put through by the present Government and altered for the convenience of I do not know whom—because, in the first place, the valuation would have to be kept at the same rate as that of land held under fee-simple. It would not be possible for the Government to place the rental at a higher rate than 1½ per cent. of the valuation. It is not a question of the reason for putting it in, but a question of these regulations altering an Act of Parliament in this way. We pass an Act of Parliament in this House on the definite understanding that the principles of that Act are going to be carried out. When the valuation clauses came before us for discussion, if it had been provided that a 5 per cent. rental on the valuation was to be put on perpetual leaseholds, we would have wanted to know the reason why and would probably have asked for an amendment. We now want to know why the Government are departing from the principles of the Act instead of amending the Land Act. We do not get any information at the time, but after the Act has gone through, without any expression of an intention to alter the Act, we have these regulations laid on the table of the House, and, to my mind, they make drastic alterations in the law without statutory authority. Most extraordinary alterations are brought in by these regulations by which the Land Act is altered and by which the Local Authorities Act is altered. I object to the principle of government by regulation. When the various Bills come before this House, we on this side have always endeavoured to get them made clear and definite, so that when a man takes up land or has any business controlled by an Act of Parliament, he will know exactly where he is. It is almost impossible for a man to know where he is if we are going to have regulations continually framed by which Acts of Parliament are altered. Only yesterday we were discussing the Apprenticeship Bill, which was necessary to validate regulations that have been in force for the last eight or ten months. I object to this principle of having to validate something afterwards. I know the Government have a majority and that we have no possible chance of rescinding the regulations, but I do think we should have an opportunity to ventilate our objection against this practice which is creeping in and becoming more common every day.

One only needs to look through the "Government Gazette" to see the continual alterations that are being made by regulation in connection with the Unemployed Workers Insurance Act as well as in connection with the Apprenticeship Bill, and it is almost impossible for a man to know what he has to do. We want all the conditions under which work is carried out, and under which land has to be taken up, made clear and definite when the Bills are before this House. I quite understand that certain minor difficulties may crop up which make is necessary that power be given to make regulations; but the regulations under the Sugar Works Act go considerably further than that. They depart from the principle laid down by the Government in their own policy, and, when they are departing from that principle, it should not be done by regulation. When the Secretary for Public Lands was introducing the Sugar Works Act, he must have known the intention of the Government regarding what was to take place in this area.

The SECRETARY FOR PUBLIC LANDS: It is all in the Act.

Mr. MOORE: I know the power to make regulations is in the Act, but it is a power that should not be abused. All Acts of Parliament give the Minister in charge power to make regulations to do anything.

The SECRETARY FOR PUBLIC LANDS: No; only within the limits of the Act.

Mr. MOORE: I cannot see that subsection (11) of these regulations is within the limits of the Act.

The SECRETARY FOR PUBLIC LANDS: We are not taking any power outside the Act at all.

Mr. MOORE: This regulation brings perpetual lease selections held under the leasehold clauses in the Local Authorities Act under the perpetual lease provisions of the Land Act.

The SECRETARY FOR PUBLIC LANDS: This is to bring them within the law.

Mr. MOORE: The Local Authorities Act governs all land held in Queensland and if it is held under perpetual lease tenure, it is valued as a freehold; but if it is held under other leasehold tenure, it is valued at twenty times the annual rental.

The SECRETARY FOR PUBLIC LANDS: It is a corporation which is dealing with this land.

Mr. MOORE: If it is a perpetual lease tenure, it should be valued on the same principle as under the perpetual lease section of the Land Act. After all, it is Crown land, and if it is handed over to a corporation to grant a perpetual lease tenure, that is no reason why the Local Authorities Act should be disregarded as regards valuation when it is specifically stated in the Act that any person who takes it up shall have an opportunity of appealing in the same manner as others can appeal under the Local Authorities Act. If it is to be under this principle, there is no opportunity at all to appeal. The rent is fixed, and the valuation is twenty times the annual rent; so what can they appeal against? It is definitely stated in the Bill that the valuation shall be

twenty times the annual rent, so the regulations are at variance with the provisions under the Local Authorities Act. What I want to stress is the growing tendency of the Government to bring about government by regulation. The government of the State is really getting into the hands of an oligarchy, and a small section of Parliament is governing Queensland. The method of government by regulation was never contemplated by Parliament. I think it is an objectionable practice—one that Ministers should curtail, and one that the House should strongly object to. Members are here to pass measures for the welfare of the country, and it is absolutely impossible for them to know how those measures are to be carried out if all sorts of vital matters are left out and afterwards given effect to by way of regulation. I do not suppose our objection is going to be of any weight, but I do think that it should be taken notice of by Ministers, so that when bringing in Bills they will state exactly the principles they intend to have carried out in those measures, and not leave it to be done by regulation. The practice has been growing worse during the last four or five years—certainly during the last 12 months—through the great number of regulations which have been framed under various Acts. It is a practice which should be stopped, and one which hon. members should protest against. When a Minister is bringing in a Bill, and he knows what the intentions of the Government are with respect to it, it is his duty clearly to set out those intentions in the Bill and not leave it to be done by regulations, which Parliament would have objected to if it had been known that matters were to be dealt with by regulations afterwards.

Mr. KING (*Logan*): I beg to second the motion. I think the leader of the Opposition has made out a very strong case, and the Opposition as a body strongly protest against this method of Government by regulation. The leader of the Opposition has very plainly set out the facts in connection with these regulations and the principle involved. It is a well known rule of law that regulations and by-laws made under statutory powers to be of validity must not be unreasonable or in excess of statutory authority authorising the same, and must be in accordance with the general principles of law. We have a Local Authorities Act, and under that Act lands held under perpetual lease tenure have, under section 218, to be valued in a certain way. Then section 19 of the Sugar Works Act of 1922 prescribes that valuations of land shall be made under the Act in accordance with the principles laid down in the Local Authorities Act. I see no statutory authority in any place for these regulations and I cannot see how they are going to be treated as *intra vires*. The local authorities for years past have been fighting to have this section dealing with the valuation of perpetual leaseholds put into the Local Authorities Act. That was allowed by statutory provision a couple of years ago, and now we have the spectacle of the Government—by what I say is a subterfuge—getting behind their own legislation to try and get the valuation made in a different method altogether. I say that is contrary altogether to the spirit of the legislation that has been passed by this House, and I for one strongly protest against it.

[*Mr. Moore.*

The SECRETARY FOR PUBLIC LANDS (Hon. W. McCormack, *Cairns*): The leader of the Opposition is entirely wrong in the attitude he takes up that we have no power to issue these regulations. He based the whole of his argument practically on the Local Authorities Acts, whereas the facts of the case are that the Tully River sugar-mill area is vested in the Corporation of the Treasurer, as provided by the Sugar Works Act, which was passed in 1922, and which gives the Corporation of the Treasurer full power to make all regulations dealing with the matter mentioned by the hon. member If he will look at section 19 of that Act, he will find that the Governor in Council may from time to time make regulations providing, amongst other things which I need not read, for the following:—

> "(ix.) The opening of land vested in or under the control of the Corporation in a sugar works area for disposal as holdings; the tenure on which such lands shall be held; applications for such land; qualifications and disqualifications of applicants; dealing with applications; rentals and other charges; penalties for default; forfeitures; abandonment; improvements; conditions and covenants on which such lands shall be held according to the tenure thereof."

I do not want to proceed through all the matters with respect to which the Governor in Council may make regulations, but I think that under the headings I have mentioned there is full power to do what we have done. The Corporation of the Treasurer, or the Governor in Council acting on behalf of the Treasurer, has there full power to deal with any and all of the matters contained in the regulations complained of. For instance, he may make regulations providing for—

> "rentals, and other charges; penalties for default."

In fact, he has full and complete control of the whole of the affairs in that particular sugar works area, and has power to make regulations for the carrying out of this Act.

Mr. KING: You cannot make them against the express provisions of the law.

The SECRETARY FOR PUBLIC LANDS: We can make them under this Act. The position is that hon. members opposite had the right to argue this point in Parliament when the clause was being put through. The gravamen of the charge against the Government is that they have not authority to make these regulations, but here it is, and the power that is taken in that clause was open to discussion when it was passed through Parliament in 1922. Hon. members opposite then had the opportunity of addressing themselves to the extraordinary power which is given there to the Governor in Council and the Corporation of the Treasurer.

Mr. KING: The power is limited by the other Acts.

The SECRETARY FOR PUBLIC LANDS: The power is unlimited. It is a later power, which, moreover, applies only to land under this particular Act, and consequently it overrules every other Act of Parliament. Hon. members opposite should have objected when the Bill was going through.

Mr. MOORE: We would have objected if we had known you were going to do this sort of thing.

The SECRETARY FOR PUBLIC LANDS: Lack of knowledge is certainly no excuse for the hon. member now.

An OPPOSITION MEMBER: The Treasurer did not make it clear.

The SECRETARY FOR PUBLIC LANDS: My experience is that, when the Treasurer is in charge of a Bill in this House, he does make the provisions of his Bills exceptionally clear. One of his chief qualifications is his capacity to explain fully to the House the meaning of a measure he introduces.

Mr. MOORE: He did not explain that.

The SECRETARY FOR PUBLIC LANDS: He did, because this power is given by the Act passed by him in 1922. I think I have proved that power exists so far as the regulations are concerned.

Mr. KING: No, you have not.

The SECRETARY FOR PUBLIC LANDS: I have. The hon. member knows quite well that the powers in the section I have read are far-reaching.

Mr. KING: You will require to have a validating Bill later on.

[10.30 a.m.]

The SECRETARY FOR PUBLIC LANDS: The fact that a validating Bill is necessary is another point. A validating Bill will be necessary because the Department of Public Lands is proposing to take over these powers from the Treasury. The argument that the Government have not the power to make these regulations falls flat, because we could have done it under the Sugar Works Act of 1922. If the hon. gentleman argued that the Department of Public Lands in doing that would be doing something that was not quite legal, he would be quite correct; but he has not studied his brief. I will explain why that action was taken by the Department of Public Lands on behalf of the Treasury. The question was raised as to the imposing of this extra rental upon the land. My reply to that is that in the specially designed area for the Tully River mill the Government are spending £750,000 of public money, and considerable improvement is being made in that area, and enhanced values are accruing to the land because of the expenditure of that public money.

Mr. MOORE: The hon. gentleman has the power to levy on the landholders.

The SECRETARY FOR PUBLIC LANDS: It is all very well to talk about the power to levy; but the people who are getting the advantages of that public expenditure should contribute something towards it in the way of increased rental on the land which has been made valuable by public expenditure. That is a sound policy, and that is the policy adopted. The leader of the Opposition is quite within his rights in arguing that the Government are not justified in doing that, but I am just as correct in arguing that we are justified.

Mr. MOORE: The Government are not justified in doing it by regulations.

The SECRETARY FOR PUBLIC LANDS: We have the power to do it by regulations, and we are justified in doing it by regulations. Settlement is taking place in the area concerned, and we had to take this action, and we shall have to come here later on to get authority to bring the control under the Department of Public Lands instead of the Treasury. I consider that the Government were justified in increasing the amount of rental. The auction sale of that land proves conclusively that an extraordinary increase in value has accrued in that district by the establishment of the sugar-mill. Anybody who follows the newspapers knows that extraordinary prices were given for township sites in the Tully River area.

Mr. MOORE: That does not alter the basis of payment.

The SECRETARY FOR PUBLIC LANDS: Public expenditure in this area has caused that land to become of very great value.

The next point raised by the leader of the Opposition was with respect to the Local Authorities Act. I want to inform him that, if we had not passed these regulations, it is doubtful if we had the right to rate the land. This is a special area, and is in a somewhat similar position to the area on the Dawson River, where the whole area has been taken from the jurisdiction of the Crown and placed under the jurisdiction of a special Commissioner. In this case the area is under the special jurisdiction of the General Manager of State Sugar Mills.

Mr. KING: I understand that it would have been non-rateable.

The SECRETARY FOR PUBLIC LANDS: The Crown Law authorities considered it at least doubtful whether that land could be brought under section 218 of the Local Authorities Act and be made rateable. The leader of the Opposition, in his remarks the other day on this very question, got mixed up between the Sugar Workers Perpetual Lease Selection Act and the Sugar Works Act of 1922.

Mr. MOORE: No.

The SECRETARY FOR PUBLIC LANDS: From the remarks of the hon. gentleman it is obvious that he did. He applied his remarks to the regulations under the Sugar Workers Perpetual Lease Selection Act, whereas this set of regulations was issued under the Sugar Works Act of 1922. I freely admit that the Lands Department has not the power to act at present. The power is vested in the Treasury, but for the purposes of the more efficient control of this area it was found unwise to create two Lands Departments—one at the Treasury and one in the Department of Public Lands. We shall therefore find it necessary not only for the purposes mentioned, but for other purposes, to pass a short Bill this session. The Governor's Speech mentioned that among other measures to be introduced would be—

> "A Bill to regulate the opening and sale of lands in the Tully sugar works area."

It is unwise to have two departments to deal with the throwing open of Crown lands, and we do not want to incur the expense of having a special lands office up there to deal with the matter. We can have our own office. We also desire that the land shall be submitted to the Land Court for reassessments of rent, and to have the land operating under the Lands Act, but at the same time giving the Treasury power to do certain things on account of that department spending the enormous amount of money that it is spending in this area. There is no intention to alter the law by regulation—that is far from the intention of the Government. This was only done after considerable discussion between the general manager of the

Sugar Works Bureau and the Lands Department, and a means of accomplishing our desire was found.

Mr. MOORE: I quite believe that.

The SECRETARY FOR PUBLIC LANDS: It was submitted to the proper legal authorities so that everything done should be in order. There can be no charge that the Government has made a regulation outside of the law.

Mr. MOORE: I do not say it is illegal, but I do say it is objectionable.

The SECRETARY FOR PUBLIC LANDS: The gravamen of the hon. gentleman's charge was that it was government by regulation.

Mr. MOORE: So it is.

The SECRETARY FOR PUBLIC LANDS: We must make regulations to deal with positions as they arise.

Mr. KERR: It should have been put in the Act.

Mr. MOORE: When the Act was brought in, the Government should have made provision for such a contingency.

The SECRETARY FOR PUBLIC LANDS: If the hon. member ever has the opportunity of sitting on this side of the House and controlling a big department, he will find that it is impossible to put into an Act every detail for the efficient operation of that Act.

Mr. MOORE: But these are its main principles.

The SECRETARY FOR PUBLIC LANDS: No.

Mr. MOORE: The question of rentals must be one of the main principles of the Act.

The SECRETARY FOR PUBLIC LANDS: The House gave the Government power to do what they have done.

Mr. MOORE: We thought that the regulation would be in conformity with the Land Act. Any reasonable man would believe that.

The SECRETARY FOR PUBLIC LANDS: The hon. member apparently does not conceive the difference between the tenure in one of these sugar-mill areas and the ordinary land tenure.

Mr. MOORE: I do see the difference.

The SECRETARY FOR PUBLIC LANDS: Anyone who has lived in and has had anything to do with these sugar-mill areas—which were not created by this but a previous Government—knows that special conditions must apply to those areas. There was a prohibition area defined.

Hon. W. H. BARNES: Do not forget that you broke those conditions.

The SECRETARY FOR PUBLIC LANDS: Through the position created there, people are now being sent to gaol for sly grog selling. The penalty to-day in that area for this offence is imprisonment for six months, and quite a number of citizens of that area are in gaol to-day for breaking the law made by the hon. gentleman.

Hon. W. H. BARNES: They will soon be out, because you will let them out.

The SECRETARY FOR PUBLIC LANDS: They will not soon get out.

Hon. W. H. BARNES: Don't forget your telegram to Cairns.

The SECRETARY FOR PUBLIC LANDS: In the area where we have established a State hotel there are no prosecutions for sly grog selling. However, I do not want to raise that issue; I just mention it to show that special conditions exist in those areas. A large governmental expenditure is going on, and both the present Government and previous Governments have realised that special laws are necessary to deal with the matter. Why, the hon. member for Wynnum established a perpetual lease township in my own district when he was in office. The hon. gentleman actually established a perpetual lease township at Babinda, quite contrary to the policy of his Government.

Mr. BRAND: He was giving it a trial.

The SECRETARY FOR PUBLIC LANDS: His Government admitted by that action that special conditions were necessary in sugar areas, even though it involved a departure from the accepted policy of the Government. I must say that when Babinda was being settled I had much to do with the hon. gentleman and his department, and we got on very well.

Hon. W. H. BARNES: And so we do still.

The SECRETARY FOR PUBLIC LANDS: Let me say, in conclusion, that these regulations are necessary. The transfer of power to the Department of Public Lands requires legal sanction, and that sanction will be secured at the earliest opportunity.

Motion (*Mr. Moore*) negatived.

ANIMALS AND BIRDS ACT AMENDMENT BILL.

INITIATION IN COMMITTEE.

(*Mr. Pollock, Gregory, in the chair.*)

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

"That it is desirable that a Bill be introduced to amend 'The Animals and Birds Act of 1921' in certain particulars."

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 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.

WEIGHTS AND MEASURES BILL.

RESUMPTION OF COMMITTEE.

(*Mr. G. Pollock, Gregory, in the chair.*)

Clause 32—"*Using Weights and Measures not authorised*"—

On which the following amendment had been moved by Mr. NOTT (*Stanley*):—

"On line 41, page 13, after the word 'pounds.' insert the words—

Provided that in any prosecution for a contravention of this section it shall be a sufficient defence if it is proved that the weight or measure or weighing instrument or measuring instrument had within twelve months prior to the

offence been compared and stamped under this Act and that the offence was not knowingly committed."

Amendment (*Mr. Nott*) negatived.

Clause agreed to.

Clauses 33 to 35, both inclusive, agreed to.

Clause 36—"*Penalties*"—

Mr. VOWLES (*Dalby*): I beg to move the following amendment:—

"On line 53, page 14, omit the word 'shall,' with a view to inserting the word 'may.'"

The clause makes it compulsory that any "weights, measures, or weighing instruments with which any offence against this Act was committed shall be forfeited and shall be disposed of as the Chief Inspector directs." There should be a discretionary power.

The SECRETARY FOR PUBLIC WORKS: I will accept the amendment.

Amendment (*Mr. Vowles*) agreed to.

Clause, as amended, agreed to.

Clause 37—"*Who to authorise proceedings*"—

Mr. VOWLES (*Dalby*): I beg to move the following amendment:—

"On lines 4 to 6, page 15, omit the words—

Any such prosecution may be instituted within six months after knowledge of the commission of such offence first came to the chief inspector."

It seems to me that there is no occasion to postpone any action for a term of six months. Any prosecution has to be instituted with the authority of the chief inspector, and I have no doubt he will not be unreasonable in the matter of prosecutions, and, if action is taken, no doubt there will be good reason for it.

The SECRETARY FOR PUBLIC WORKS (Hon. W. Forgan Smith, *Mackay*): The provision is inserted in the Bill so that the chief inspector may have sufficient power. Inspectors in many cases in country districts have very large areas to deal with, and the work has to be carried out under the authority of the chief inspector, so that before any prosecution is initiated the whole of the facts must be forwarded to the chief inspector in Brisbane for investigation. If it is then found that grounds for prosecution exist, the prosecution may be instituted through the Department of Justice. One can readily understand that an inspector in a large district may be delayed in sending in his report, or his report may go astray in the post office, and consequently a period of delay may ensue in taking the proceedings we might be empowered to take and would be justified in taking. Under the Machinery and Scaffolding Act, a prosecution must be initiated within six months of the commission of the act. It is provided in that Act that all cases of fatal accident must be reported to the chief inspector for full investigation, when any proceedings can be taken that are considered justifiable under the circumstances. There was a fatal accident at one of the Northern mills some time ago—as a matter of fact, a man was electrocuted. It was reported upon by the local machinery inspector, and through delay in the report reaching Brisbane, we were unable to take the necessary action which we were empowered to take, and should have taken, under the Act. Through the report having gone astray in the mail we were not advised of the facts and circumstances of the case until it was too late to take proceedings. That is a case which might not happen more than once in a hundred times. If the Committee wishes to accept the amendment of the hon. member for Dalby, I have no objection.

Amendment (*Mr. Vowles*) negatived.

Clause 37 agreed to.

Clause 38—"*Prosecution of offences*"—agreed to.

Clause 39—"*Regulations*"—

Mr. MOORE (*Aubigny*): I would like some information from the Minister on this clause. I notice that the Governor in Council may make regulations with respect to the following matters, *inter alia*—

"(xiv.) Fixing the fees payable in respect of any examination, comparison, adjustment, verification, stamping, or service under this Act;——"

This Bill is going to apply to the whole State.

The SECRETARY FOR PUBLIC WORKS: It will apply to districts gazetted under clause 15.

Mr. MOORE: I think the hon. gentleman mentioned that it was intended to apply to the whole of the State, consequently it will mean that the inspectors will have to travel long distances in discharging their duties, and the persons using the weighing and measuring instruments may have to pay very heavily for the services they get. The regulations issued in 1923 fixed some of the fees as follows, the old fees being given in the second column—

"Measures—	s.	d.	s.	d.
Each bushel	1	6	0	3
Each half bushel ...	0	9	0	2
Each peck	0	6	0	1
Each gallon	0	3	0	1
And all under a gallon each	0	2	0	1"

The regulations also provide—

"The following shall be the fees payable in respect of any adjustment of, or service in connection with, weights, measures, and weighing and measuring instruments—

Time occupied in the work to be paid for at the rate of 5s. per hour."

The old rate was 2s. 6d. per hour.

I am rather afraid that, if this activity of the Government is going to be extended, the fees will be greater than they are at present, and that honest individuals who use these scales and weights—and after all ninety-nine out of one hundred of them are honest—will be penalised by having to pay a heavy fee simply because the Government pass an Act necessitating the appointment of a good many inspectors.

The SECRETARY FOR PUBLIC WORKS (Hon. W. Forgan Smith, *Mackay*): We made regulations under the Act of 1923 because we took over the duties intended to have been carried out by the local authorities, and, in fact, carried out by them to a greater or lesser extent. In many cases under the old Act the law was not administered at all. Inspectors were appointed in some cases, for instance in Brisbane, but in other instances the duties were tacked on to the other duties of some officer, consequently in many cases he could not give the time to them which

was necessary. The desire under this measure is to give power to fix the fees so that the department will be self-supporting as nearly as possible, but the fees existing under the old Act are quite sufficient to meet the requirements of this Act.

Mr. MOORE: They are?

The SECRETARY FOR PUBLIC WORKS: Yes. The chief inspector will not need any increase of staff at all.

Clause 39 agreed to.

[11 a.m.]

The House resumed.

The CHAIRMAN reported the Bill with amendments.

The third reading of the Bill was made an Order of the Day for Thursday next.

PUBLIC CURATOR ACT AMENDMENT BILL.

COMMITTEE.

(*Mr. Pollock, Gregory, in the chair.*)

Clauses 1 to 5, both inclusive, agreed to.

Clause 6—"*Amendment of section* 34—*Order to administer in other cases*"—

Mr. KING (*Logan*): I beg to move the following amendment:—

"On lines 53 to 56, omit the words—

(v.) Where such person leaves a will appointing the Public Curator to be executor.

(vi.) Where the executor or executors of the will of such person has or have renounced."

Section 34 of the principal Act provides—

"When any person who at the time of his death was domiciled or had any estate in Queensland dies, whether such death occurred within or outside Queensland, and whether before or after the commencement of this Act, the Court may, on the application of the Public Curator, grant to him an order to administer the estate of such person in any of the following cases:—"

The section then goes on to set out the cases in which the Public Curator can apply for an order to administer. The Bill purports to give greater powers to the Public Curator. It purports to allow him to apply for an order to administer where a person leaves a will appointing the Public Curator as his executor, and where the executor has renounced. There is no justification in giving the Public Curator power to apply for an order to administer in any case whatever. Why should he not go through the same formula as any other executor applying for probate of a will? If the Act prescribes certain forms for performance by executors generally, surely the same forms should be applicable to the Public Curator! I do not see why he should be in any better position than an ordinary executor in obtaining exemption from applying for probate. In the case of an executor renouncing, the Public Curator is to be given power to apply for an order to administer without going through the form of applying for probate. I take it that where a will is left with an executor it is quite optional for the residuary legatees to apply for probate, and they could apply for probate without the intervention of the Public Curator at all. This Bill proposes to give the Public Curator greater powers than he should possess, and which I do not think he is entitled to. I quite recognise that the Public Curator's office is a very necessary institution, and that it fills a gap that would be very hard to fill if the Public Curator did not have authority to function; but I do not see why he should come in where there is no necessity for him, as is the case in the instances I have mentioned. There is no necessity for the extra power sought under the Bill.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): I cannot see my way clear to accept the amendment. We are merely placing the Public Curator in as good a position, when he is appointed executor, as he would be in when asked to administer an estate. Why should the Public Curator suffer a disadvantage because of the fact that someone has appointed him his executor? When he is not appointed an executor and the estate is passed over to him, he would apply for an order to administer that estate; but, because of the mere fact of his being appointed an executor, he is to be placed at a disability in having to apply for probate, costing the estate £2 17s. more. The hon. gentleman may argue that the same right should be given to other people. There may be something in the contention, but I would point out that we are dealing with the Public Curator, and I do not think anybody should be eager to impose upon the Public Curator an obligation which will have the effect of increasing the cost to those estates which he is administering.

Now let me deal with the case where power is given to the Public Curator to administer an estate where an executor has renounced. As a matter of fact, the Public Curator will deal with an estate of that kind in the way he is now dealing with it, even if the amendment is carried. There is a doubt as to the legality of his doing so, and it is to overcome a doubt in the mind of the draftsman that this clause has been inserted. I cannot see my way clear to accept the amendment, because it is not desirable that the Bill should be altered in the manner suggested.

Mr. VOWLES (*Dalby*): The main argument of the Attorney-General is: Why should the Public Curator be placed in the position of charging an estate a certain sum of money for probate when he should go straight to the court and get an order to administer? If that is good in the case of the Public Curator, why should not the same conditions apply to a public trustee company?

The ATTORNEY-GENERAL: I am only dealing with the Public Curator, but the point of the hon. member is worthy of consideration.

Mr. VOWLES: The Attorney-General is not giving the same consideration to a trustee company to enable an estate to be saved costs.

The ATTORNEY-GENERAL: I am prepared to consider that suggestion.

Mr. VOWLES: The hon. gentleman desires to place the Public Curator in a position in which he will be able to administer an estate cheaply, but he is not placing other people in the same position.

The ATTORNEY-GENERAL: I cannot place them in a similar position under this Bill.

Mr. VOWLES: I recognise that, but that provision can be made in the Act relating to those companies. There is no necessity for

the Public Curator intruding into the matter of grants of probate to executors or orders to administer as there are many persons capable of making such application. So far as I can understand the Bill, it appears to me that it will enable the Public Curator to cater for business executed on a commission basis against people engaged in that particular business. I contend that they should all be placed on the same footing.

Amendment (*Mr. King*) negatived.

Clause 6 agreed to.

Clause 7—"*Amendment of section 37—Election to administer estate not exceeding £400 without order to administer or probate*"—

Agreed to.

Clause 8—"*Power of Public Curator in certain cases of devises of realty*"—

Mr. KING (*Logan*): I beg to move the following amendment:—

"On line 48, page 3, after the word 'contrary,' insert the words—

'by leave of the court or a judge.'"

Before the Public Curator exercises the power intended under this clause I want that he should first get the consent of the court. If an executor or trustee requires to execute a mortgage or raise money by the sale of any portion of an estate, he has first to apply to the court for an order, and the same principle should apply when the Public Curator has charge of the estate. He should not act in that direction except on an order of a judge. I ask the Attorney-General to give this matter some consideration.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): I do not consider that the amendment is advisable. If the Public Curator finds that there is not sufficient in the personal estate to pay the debts of the testator, this clause will empower him to raise money on the land. He cannot now deal with the land unless it is entered up by transmission. The creditors of an estate have no redress against the Public Curator, but they have against the beneficiaries of the real estate. In order to overcome that difficulty it is simply provided here that he should be made the trustee, and that the transmission of land shall be entered up to him in order that he may lease, mortgage, or sell the land to meet the obligations of the creditors inexpensively. The amendment provides that he shall only take this action on an order of the court. It is one of the simplest actions of the Public Curator.

Mr. KING: The clause gives him power to raise money by way of mortgage.

The ATTORNEY-GENERAL: Yes; but why should he have to go to the court for authority to get sufficient money by way of lease, mortgage, or sale to pay liabilities?

Mr. KING: The Trustees and Executors Act is very particular on that point.

The ATTORNEY-GENERAL: It is particular; but surely the hon. member can trust the Public Curator to the extent of knowing what to do and to do it correctly? There is ample redress against the Public Curator if he is wrong. The whole resources of the State stand behind the person wronged. All that this Bill seeks to do is to minimise the cost of administering estates. Every time an application is made before a judge the estate is involved in additional expense. The hon. member therefore ought to allow this clause to pass.

Mr. KING (*Logan*): I am as anxious as any hon. member to assist to bring about a reduction of legal costs, but this may be an instance of a penny-wise and pound-foolish policy. The law is very specific and drastic in relation to trustees. If they want to raise money, they must make application to the court and satisfy the judge that they are acting bona fide, and that the money is wanted for certain purposes. Nevertheless, the Public Curator is being empowered to raise money without any such order whatever, and it might ultimately happen that he has acted wrongly or negligently, and an action would lie against him. The Public Curator would be absolutely safeguarded if he first obtained an order of the court.

Amendment (*Mr. King*) negatived.

Mr. ROBERTS (*East Toowoomba*): I beg to move the following amendment:—

"On line 54, page 3, after the word 'sale,' insert the words—

'at public auction.'"

I have reason to believe that the best prices are not always obtainable by the Public Curator in the matter of the sale of property which comes into his possession. I am in no way blaming the Public Curator. It is possible that the method of obtaining the valuation is not what it should be.

Hon. M. J. KIRWAN: There is also the possibility that the beneficiaries may be pushing him for a sale.

Mr. ROBERTS: I quite recognise that. In fact, I have a case in my mind where the beneficiaries were certainly pressing for a realisation, and it does appeal to me that, if these properties are to be disposed of, the fairest means would be by public auction. That would take all blame away from the Public Curator, and would ensure the best price being obtained.

Mr. KERR (*Enoggera*): I hope the Attorney-General will accept this amendment. The one that I had intended to move will be covered by it. I think the hon. member for East Toowoomba is quite right in saying that the Public Curator should not be given the opportunity of putting a price on land or other property that he has for sale. It should be submitted to public auction. It will be remembered that the Commonwealth Government purchased quite a large number of estates in Queensland, and they are disposing of those estates in the only proper way in my opinion—that is, by public auction. It may be necessary for the Public Curator to place a reserve on the property at the public auction, and this amendment will not prohibit him placing such a reserve. I believe that people are justified in asking for a reserve being placed on properties in which they are interested.

One realises that there is usually an anxiety to wind up an estate, and that anxiety may lead to a lower price being realised than would otherwise be the case. I think the Attorney-General would be justified in stipulating that the very best price should be secured, and the only way to do that is by public auction. In many cases a house or land may go very cheaply, and it would be within the power of those concerned to criticise the action of the Public Curator in disposing of the property at that price. A sale by public auction would obviate such an occurrence.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): I think we can manage this matter by taking in both the amendment of the hon. member for East Toowoomba and that of the hon. member for Enoggera. That would then provide that the property should be put up for public auction, and that the best price obtainable could be secured thereafter if unsold at auction. If the hon. member for East Toowoomba will incorporate the additional words in his amendment, I am prepared to accept it.

Mr. ROBERTS (*East Toowoomba*): I accept the invitation of the hon. gentleman and add to my amendment the words—

"or at the best price obtainable thereafter."

The amendment will then read—

"at public auction, or at the best price obtainable thereafter."

Amendment (*Mr. Roberts*) agreed to.

Mr. KERR (*Enoggera*): I beg to move the following amendment:—

"On line 55, page 3, after the word 'lease' insert the words—

'at the best rent obtainable.'"

I have another amendment later which is more of a consequential nature. I think my present amendment should be inserted in the Bill. It would then take away from the Public Curator the possibility of securing a low rent for the persons concerned.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): I have no objection to the amendment, but I really think such a course would be followed in any case.

Amendment (*Mr. Kerr*) agreed to.

Mr. KERR (*Enoggera*): I beg to move the following consequential amendment:—

"On line 56, page 3, omit the words—

'and at such rent'"

Amendment (*Mr. Kerr*) agreed to.

Clause 8, as amended, agreed to.

Clause 9—"*Amendment of section* 55—*Public Curator may give discharge in certain cases*"—agreed to.

Clause 10—"*Case of transfers of real property not completed in proper form*"—

Mr. KING (*Logan*): I beg to move the following amendment:—

"On line 51, page 4, after the word 'may' insert the words—

'by leave of the court or a judge.'"

This is a big power to place in the hands of the Public Curator—the power to execute a transfer under certain conditions—for instance, where a registered proprietor who has sold land is absent from Queensland, is dead, and his estate has not been administered, or he cannot be found. If the purchaser has paid off the amount owing on that land I am sure he would not make the slightest objection to paying the slight additional expense incurred by the Public Curator going to the court and getting an order to execute the transfer.

[11.30 a.m.]

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): I would again point out that my object in including this clause is to obviate expense and delay. If this provision were not there, the persons affected could apply for a vesting order. I am told that the obtaining of a vesting order is a very intricate and difficult procedure. I think it would be better to eliminate the clause altogether rather than compel a person to go to the court as provided by the amendment. The person affected might just as well apply for a vesting order.

Mr. KING: A vesting order would be more difficult to obtain.

The ATTORNEY-GENERAL: It might be more difficult and might be more costly. The amendment, if accepted, would compel the Public Curator to go to the court and incur some expense. I do not think it is fair to compel him to go to the court and get an order from the judge in a case of this kind. We are giving him power to lease or mortgage, if a person is away, and that might involve ten times the amount of money involved in this matter. All the moneys will have been paid, and it is only a matter of granting a transfer. If the Public Curator has to go to the court, it will involve additional litigation. Of course, the hon. member may say that the person interested will not object to pay the additional fee, but I would point out that the land involved may not be very valuable. I do not think the amendment is necessary.

Amendment (*Mr. King*) negatived.

Mr. VOWLES (*Dalby*): I have been wondering whether there is sufficient power given to the Public Curator to carry out what the Minister intends. Power to execute a transfer is all right. Power is given to execute a lease or mortgage also, but it is not much use having power to execute a transfer when you have not got the title deeds. If the person cannot be found, probably the title deeds cannot be found, and the Public Curator should have power to execute a transfer which will bring about a registration of the title. There should be a larger power given than has been asked for by the department.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): The Public Curator is not anticipating any difficulty, as the mere fact that the deeds have been lost will not affect the issue at all.

Mr. VOWLES: Who is going to make application for a new deed?

The ATTORNEY-GENERAL: The Public Curator, on behalf of the purchaser.

Mr. VOWLES: He can only sign a transfer. He cannot make an application for a new deed if the deed has been lost.

The ATTORNEY-GENERAL: He will be able to get an affidavit from the person affected, and the Titles Office will have power to issue a new deed.

Mr. ROBERTS (*East Toowoomba*): I know of one instance where a person has held the deeds of a certain property since 1887, and he is unable to get a title. The land in question is not of much value, but it is of some value to this person who has been in occupation since 1887 and who has paid all the levies and rates, and he considers he is honestly entitled to the land. I would like to know if there is any method by which relief could be given in a case like that? He has got the deeds, but they are not in his name.

Clause agreed to.

Clause 11—"*Amendment of section 58—General powers of Public Curator*"—

Mr. KING (*Logan*): I beg to move the following amendment—

"On line 7, page 5, after the word 'thereof' insert the words—

'also, after the word "court" the words "or a judge" are inserted.'"

This clause is an amendment of section 58 of the principal Act, which gives the Public Curator power to sell land up to a value of £500 on application to the court, and it is now proposed to give the Public Curator power to sell land up to a value of £1,000 on application to the court. All my amendment asks is that the words "or a judge" be inserted in the principal Act to enable the application to be made in chambers.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): I understand the insertion of these words is unnecessary, as in the Principal Act the words "Supreme Court" or "Court" are interpreted as including "the Supreme Court of Queensland or a Judge thereof."

Amendment (*Mr. King*) negatived.

Clause 11 agreed to.

Clause 12—"*Where Public Curator may distribute assets after notice of rejection of claim of creditor*"—agreed to.

Clause 13—"*Cases where estate may be distributed after advertisement*"—

Mr. KERR (*Enoggera*): I beg to move the following amendment:—

"On line 50, page 5, after the word 'prescribed,' insert the words—

'or prior to the date of any distribution.'"

The clause deals with estates which may be distributed after advertisement. A date is inserted in the advertisement, and no claim sent in after that date will be entertained. I think it is only just that any claim which comes in prior to the date of distribution should be allowed, and this amendment will give the Public Curator an opportunity of dealing with the matter.

The ATTORNEY-GENERAL: I will accept the amendment.

Amendment (*Mr. Kerr*) agreed to.

Clause 13, as amended, agreed to.

Clause 14—"*Protection of aged and infirm persons*"—

Mr. VOWLES (*Dalby*): I beg to move the following amendment:—

"On line 48, page 6, after the word 'Curator,' insert the words—

'(or corporation or such other person as the Court may determine).'"

In this clause a new power has been given for the protection under certain conditions of persons who, by reason of age, disease, illness, or physical or mental infirmity, are rendered incapable of managing their affairs. Power is given under the Insanity Act to the Public Curator to administer the estates of such persons. I consider that it is very desirable that that should be done, but I do not see why bonâ fide public trustee companies, which are registered in accordance with law and have paid their deposits to the State, should not be privileged the same as the Public Curator is, and more particularly why the relatives should not have a similar right. Take the case of a man who is engaged in a hotel or grocery business, and who has a son who is thoroughly conversant with the whole of the details of the business and is more suited to carry it on than any agent could be. Why should that son be debarred from the privilege of conducting his father's business, if the father is in such an unfortunate position as to come under this category? There is the question of expense to be considered. The Public Curator is not going to do this for fun; he is going to receive certain commissions; and why should those commissions be taken out of the business if there are members of the family competent to carry on those operations? I would like to have a reply from the Minister with regard to public trustee companies. We have passed legislation permitting those companies to carry on, and we accept their money; therefore we should give them the same opportunity of doing business as the Public Curator under any of our legislation. I see no reason why a member of the family, or the nearest friend who is willing to carry on the responsibility, should not be permitted to make application to the court and have the same privilege as the Public Curator. It might be much more in the interests of the estate than to allow an outsider to carry on the business. It does not much matter how good the intentions of the officers of a public department may be, it is impossible for them to carry on the business as well as the relatives of the man, who understand the local trade and business connections and everything which will make a success of the business. This clause is not intended to wind up the business and realise the assets; it is a case of carrying it on; and those persons who make the application should be the persons to be consulted first, and they should have as much right as the Public Curator or any outside authority to conduct the business.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): I cannot accept the amendment. This provision is an innovation, and we should give it a trial and see how it works, and I am disposed to entrust that trial to the Public Curator, who is responsible to us, rather than to any outside authority.

Mr. VOWLES: What about a member of the family?

The ATTORNEY-GENERAL: I will deal with that directly. I have no particular objection to trustee companies as such, but this is an experimental piece of legislation, and its administration should be confined to the Public Curator until we see how it works.

With regard to the question raised by the hon. member for Dalby about the management of the estate by members of the family, we have made the provision for that later on in the clause—

"[85E] (1.) The court, in and by the protection-order or from time to time, may, in its discretion—

(*a*) Except from the estate to be taken possession of and controlled by the Public Curator any part or parts of the estate of the protected person, and permit such part or parts to remain in the uncontrolled possession of the protected person, or of the wife or husband or children of the protected person."

That provision gives power whereby the whole of the business or a certain part of

the business of a protected person may be left to the untrammelled control of his family. I think that should meet the objection of the hon. member and I hope he will allow this part of the clause to go as it is. It is really an experiment, and it will be necessary to see how it works in practice.

Amendment (*Mr. Vowles*) negatived.

Clause 14 agreed to.

Clauses 15 to 19, both inclusive, agreed to.

The House resumed.

The CHAIRMAN reported the Bill with amendments.

The third reading of the Bill was made an Order of the Day for Thursday next.

AUCTIONEERS AND COMMISSION AGENTS ACT AMENDMENT BILL.

COMMITTEE.

(*Mr. Pollock, Gregory, in the chair.*)

Clauses 1 to 3, both inclusive, agreed to.

Mr. MOORE (*Aubigny*): I beg to move the insertion of the following new clause to follow clause 3:—

> "In section 8 of the principal Act, after the word 'company,' the words 'or a registered firm' are inserted."

When the second reading of the Bill was being discussed, it was pointed out that clause 13 would enable corporations or joint stock companies to exhibit merely a sign bearing the words "Licensed Auctioneer" instead of exhibiting the names of all the auctioneers employed by it, but that this consideration was not to be extended to other firms. I claim that these firms should be placed on exactly the same footing as corporation or joint stock companies, and the Minister recognised that there was a certain amount of justification for my contention. I find, however, that it is impossible to effect what I desire by an amendment of clause 13 and that we have to go to the principal Act in order to do so. That is why it is necessary for me to move this new clause.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): The hon. member on the second reading pointed out that clause 13 did not meet all cases, such, for instance, as the case where a firm consisted of several auctioneers, all of whom would have to be registered. I have taken the matter into consideration, and I think that the hon. member's amendment will obviate the difficulty. It seems to me that it may be out of order, but I do not want to raise that point with the hon. member. I propose to accept the amendment.

New clause (*Mr. Moore*) agreed to.

Clause 4—"*Amendment of section* 12—*Application of trust moneys*"—

Hon. W. H. BARNES (*Wynnum*): I would like to call the attention of the Minister to the provisions of subclause (2)—

> "Every auctioneer shall, within two months after the receipt of money in respect of any sale, pay the balance of such money (if any) to the person on whose behalf the property was sold, or as he may direct."

The point I want to raise is that two months are to be allowed for payment of the money. It seems to me that the period is altogether too long, particularly as later on there is to be an extension of time for rendering an account from fourteen days to thirty days. That, however, is dealt with in clause 15, with which I cannot deal just now.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): This is a new provision. No time limit at all was stated in the principal Act, and it is thought better to fix a time rather than have it indefinite.

Hon. W. H. BARNES: Does it not clash with the next clause?

The ATTORNEY-GENERAL: No. That deals with the rendering of accounts. No period is stipulated in the principal Act, and it is thought that two months is a reasonably long period within which to require the payment of the sale money.

It was thought that it would be better to have a period of two months rather than no stated period at all.

Hon. W. H. BARNES (*Wynnum*): I recognise and appreciate the motive of the Minister in this direction, but in [12 noon] my judgment the giving of undue time in which to pay over money for anything that has been sold at auction is rather likely to lead to trouble. I am not going to move an amendment, and I do not want to appear hard in this direction. The sooner that trust money is disposed of the better it will be for all concerned. I have heard the Minister's explanation, but I cannot understand why account sales should go without the cheque.

Clause 4 agreed to.

Clause 5—"*Amendment of section 13—Account of moneys received and their application*"—

Hon. W. H. BARNES (*Wynnum*): I would like to ask the Minister why there is to be an extension of time from fourteen days to thirty days in connection with rendering account sales. If the hon. gentleman would consult his own State Produce Agency, he would find that they do not keep their clients waiting thirty days. The chances are—though I have no authority for making this statement—that they pay once a week. My experience is that with business of this nature the money should be paid promptly. Some people may retain money for the purpose of getting interest; but, wherever you are handling money belonging to other people, the more promptly it is paid away the better in the interests of all parties.

The ATTORNEY-GENERAL (Hon. J. Mullan, *Flinders*): This clause has been inserted after representations from auctioneers and commission agents. I had several deputations and many discussions with the auctioneers, and subsequently I got the Registrar of Auctioneers and Commission Agents to investigate the requests that were made, and he assured me that the request for an extension of time from fourteen days to thirty days was reasonable. He pointed out that, although fourteen days would be regarded as adequate in the majority of cases, still it was found that in many cases that time was too short. It is with the idea of liberalising the Bill and making it manageable that thirty days are to be allowed.

Hon. W. H. BARNES: I recognise that.

The ATTORNEY-GENERAL: The hon. gentleman will remember that, when the principal Act was going through the House, I stated that it was not my intention to

embarrass or harass anyone, and the consensus of opinion is that the period should be fixed at thirty days.

HON. W. H. BARNES (*Wynnum*): I did not say that the hon. gentleman had any desire to harass anybody. On reading the Bill one would come to the conclusion that he is desirous of liberalising it; but it is my opinion that the more time you allow for the payment of money the greater opportunity there is for lack of action on the part of the person who should pay that money. I venture to say that in the majority of cases it will be found that, as a result of liberalising the terms of payment for goods sold, instead of the money being paid over in thirty days it will probably not be paid over until about sixty days, which will make the risk much greater.

Mr. PETERSON (*Normanby*): I can hardly follow the argument of the Attorney-General for the reason that, although it may be good policy on his part to agree to the wishes of the commission agents and auctioneers, still the public have the right to be protected. It is the function of Parliament to frame legislation in such a way as to protect the public. In this case the commission agents and auctioneers are to be granted an extension of time in which to render accounts. That may be all very well in the case of some complicated transaction; but, when it comes to dealing with produce sold at the Roma Street Markets or elsewhere, and to giving produce merchants the right to keep back trust money for at least thirty days, it is not right.

At 12.5 p.m.,

Mr. GLEDSON (*Ipswich*), one of the panel of Temporary Chairmen, relieved the Chairman in the chair.

The ATTORNEY-GENERAL: All business persons render their accounts monthly now.

Mr. PETERSON: There is a vast difference between rendering an ordinary business account at the end of thirty days and rendering an account for the sale of property. Probably a worker has lost his job, and wants to sell his worker's dwelling in order to go elsewhere, and he places it in the hands of an agent, who sells it. The worker goes for his money, and he is told by the auctioneer that he cannot get his money until the expiration of thirty days and advises him to call back at the end of that time. The Minister would be wise if he made the period in connection with the sale of produce and like sales a long way less than thirty days. It is my experience that a number of commission agents have had rather too much privilege from Parliament during the last few years. I would suggest that the Minister see his way clear to differentiate between the different classes of business carried on by commission agents and auctioneers. Take a furniture sale. A man may be forced through various circumstances to sell his furniture, and, according to this clause, he cannot demand payment for his property until the expiration of thirty days. Surely that is not a fair proposition to enact.

The ATTORNEY-GENERAL: The average auctioneer pays as soon as the money arrives.

Mr. PETERSON: That may be so, but the hon. gentleman is giving him the right to have trust money in his account at the bank for thirty days if he so desires. If a man is forced to sell his furniture, then there should be some stipulation whereby the auctioneer should be made to pay within a reasonable period or else pay interest on the money. Somebody will be getting interest on the trust money. Where you have money in the bank for thirty days—sometimes very big deposits—somebody is receiving interest, and in this case some provision should be made enabling the owner of that money to receive that interest. I ask the Minister to protect the public a little, and see that they get a greater share of protection in this direction.

Clause 5 agreed to.

Clauses 6 to 12, both inclusive, agreed to.

Clause 13—*Amendment of section 28—"Registered Office of the licensee"*—

Mr. MOORE (*Aubigny*): I beg to move the following amendment:—

"On line 34, page 5, after the word 'company,' insert the words—

'or registered firm (whether as a member of such firm or otherwise).'"

Amendment (*Mr. Moore*) agreed to.

Mr. MOORE (*Aubigny*): I beg to move a further consequential amendment:—

"On line 36, page 5, after the word 'company,' insert the words—

'or firm.'"

Amendment (*Mr. Moore*) agreed to.

Mr. MOORE (*Aubigny*): I beg to move another consequential amendment:—

"On line 38, page 5, after the word 'company,' insert the words—

'or firm.'"

Amendment (*Mr. Moore*) agreed to.

Clause 13, as amended, agreed to.

Clause 14—"*Inspection of books, etc.*"—agreed to.

The House resumed.

The DEPUTY CHAIRMAN reported the Bill with amendments.

The third reading of the Bill was made an Order of the Day for Thursday next.

JUSTICES ACT AMENDMENT BILL.

COMMITTEE.

(*Mr. Pollock, Gregory, in the chair.*)

Clauses 1 and 2 agreed to.

The House resumed.

The CHAIRMAN reported the Bill without amendment.

The third reading of the Bill was made an Order of the Day for Thursday next.

OATHS ACT AMENDMENT BILL.

COMMITTEE.

(*Mr. Pollock, Gregory, in the chair.*)

Clauses 1 and 2 agreed to.

The House resumed.

The CHAIRMAN reported the Bill without amendment.

The third reading of the Bill was made an Order or the Day for Thursday next.

POLICE ACTS AMENDMENT BILL.

SECOND READING.

The HOME SECRETARY (Hon. J. Stopford, *Mount Morgan*): Although the measure

is not a lengthy one, it will be agreed that for some time past it has caused quite a stir in the public Press of this State. I would like, first, to relate one or two incidents leading up to the introduction of this Bill so that the public may know the true position.

Mr. HARTLEY: Hear, hear!

The HOME SECRETARY: For some time the executive of the Police Union have been asking for certain reforms. They waited upon me in April last, and requested an alteration of the Police Act which would fix a definite age for retirement for the police of this State. Personally, I believe there is some justification for the claim that the police force should be brought into line with the other public servants of the State, and that a definite age should be fixed when they should be asked to retire from office, but I did not agree with many of the requests made by the Police Union.

One in particular appeared to me to be absolutely absurd. I refer to the request that the Government should take from the Police Superannuation Fund an amount to provide sustenance for the children of deceased police until those children reached the age of nineteen years. Many of the fathers of those children were doing duty in the Queensland Police Force when they were nineteen years of age. After discussion, the Police Union agreed to alter the request so that the children of the police would be on an equal footing with the other orphans of the State. The request was then altered to an increase in the amount payable as sustenance for children payable from the Police Superannuation Fund from £13 to £26 per annum up to the age of fourteen years. That brought the request into line with the conditions that operate in connection with the other orphans of the State, and I had no hesitation in agreeing to that request.

On the question of the retiring age, whatever difference may exist between the secretary of the Police Union and myself, it is based upon the tactics that the secretary used in furthering the claim of his union. On every occasion that he met me he tried to show that, when the police officers of this State reached the age of sixty years, they became doddering old fools, incapable physically and mentally of carrying out their responsible duties. I appeal to hon. members of this House and say that, if they cast their eyes around their own streets and look at the men filling the important positions of inspectors of police to-day, whose age in many cases exceeds sixty years, they will agree that that description does not fit them. Many of those men are to-day mentally and physically alert, and quite capable of carrying out their duties.

As the head of the Home Office, I feel that it is my duty to protect the interests of every officer in my department when that officer is assailed from any quarter at all. As I said before, I recognise that the police have a reasonable ground for asking for a fixed age for retirement; but I claim that they should honestly assert that their reason for making that request is that those in the lower branches of the service may have more speedy promotion.

So far as the Government are concerned, it would mean practically nothing out of the way to them to grant a request for a retiring age of sixty, giving the officer the right to be continued in office if such continuance were of benefit to the State. While there are many men to-day holding office in the police force who are over sixty years of age and who are under the Police Act of 1863, the majority of the police of to-day are under the Police Act of 1863 Amendment Act of 1891. The promotion or retirement of men who are under the latter Act makes no material difference to the Government, but the men under the earlier Act are retired on a pension which is almost equal to the salaries they draw, and the retirement at once of a large body of those men would mean a considerable drain being made upon the Police Superannuation Fund.

Mr. G. P. BARNES: How many 1863 men are left?

The HOME SECRETARY: I could not give that information off hand, as I did not expect this Bill to come on this morning, but at least eleven men would be affected by the passing of such a provision.

When the Police Acts Amendment Act of 1921 was introduced, a change was made in the pension scheme. Previously a policeman retired on practically the salary he was in receipt of at the date of his retirement. Under the amending Act, after a policeman has served fifteen years, he may retire with a pension of £120 per annum, and for every additional year of service he will receive an additional £5 pension. That operates up to a maximum pension of £250 per annum. If hon. members will figure that out, it will be found that under the new award asked for in conference by the Police Union, a policeman to attain his full pension would require to serve forty-one years, so that to retire at sixty years of age, in order that he may obtain that maximum pension, he must join the police force at nineteen years of age.

The crusade or attack that has been made continually in the Press to the effect that I have not dealt fairly with the police will not stand examination. I say this because of the fact that I am introducing this measure to-day as a conclusive proof that every one of the reforms that I ask for requires legislation by this House before it can be given effect to; and no matter how desirous I may have been to meet the wishes of the police, I could not have done so in a more speedy manner than by the course I am pursuing to-day.

Other clauses of the Bill deal with appeals against promotion. In the conference that was held between the Police Union, the Secretary for Public Lands, and myself, the police asked for an appeal against promotions and against transfers. After deliberation, we agreed to give the police the right of an appeal against promotion up to and including the rank of senior sergeant—that is, to deal with all the positions occupied in the police force by members of the Police Union. That was agreed upon in conference, and this measure [12.30 p.m.] has been framed solely on the lines agreed upon at that conference. I have not departed in the least from what was agreed upon, nor do I think I would be justified in departing from what was agreed to at that conference. Since the conference was held I have received numerous requests from the secretary of the Police Union asking me to go fur-

ther than the agreement come to at that conference. I recognise that the secretary of the union has made every possible effort to induce hon. members on both sides of the House to believe that the measure I am introducing to-day does not contain everything agreed upon at that conference, but I want to assure the House that it does. There were three main principles agreed to at that conference—firstly, the age of retirement; secondly, the right of appeals against promotions; and, thirdly, an increase in the amount to be paid as sustenance for the children of deceased police officers. I am not going to labour the question now. I quite recognise that the Bill is one that may bring forth amendments at the Committee stage, and, when these amendments are brought forward, I think I shall be able to show that the Government in the Bill have faithfully carried out every promise made at the conference that took place between representatives of the Government and the Police Union. I have much pleasure in moving—

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

HONOURABLE MEMBERS: Hear, hear!

Mr. MOORE (*Aubigny*): Like the Minister who has moved the second reading of this Bill, I was rather surprised at its coming on so quickly. The silence of hon. members on the other side of the House has enabled the business to be put through very quickly, and this has placed the Minister in a very unfortunate position. There is not very much in this Bill. I was rather surprised at the Minister criticising the tactics of the secretary of the Police Union in his endeavour to secure what he required.

The HOME SECRETARY: I did not criticise his tactics but his misrepresentations.

Mr. MOORE: The Minister objected to the attacks in the Press, and also to the tactics of the secretary. I suppose the secretary found that the Government were squeezable, and he endeavoured to squeeze them as far as possible in order to get the most out of them. One could only expect that, when the police formed a union, the secretary, who has his job to look after, would do his utmost to get the greatest concessions possible from any Government who might be in power for the time being. If he can use threats, and he thinks that those threats will be successful, naturally he will do so. I suppose the Minister, when he was organising in the sugar industry, adopted the same sort of tactics in his endeavour to get the greatest possible concessions for the people for whom he was fighting. I do not blame the secretary of the Police Union for his efforts.

The HOME SECRETARY: I did not adopt unfair tactics or use threats.

Mr. ROBERTS: The hon. gentleman has used threats since he became a Minister. (Laughter.)

Mr. MOORE: While I do not blame the union secretary, I am very pleased that the Government have stood firm on the question of the retirement of police officers at the age of sixty years. Because a man has reached the age of sixty years it does not say that he is incompetent. The actions of the Government prove that they do not consider a man is incompetent when he has reached the age of sixty years. Have we not a Deputy Governor who is seventy-three or seventy-four years of age? That proves that the Government consider a man quite competent to fulfil his duties although he is over what is recognised as the retiring age. Then again, we have recently appointed an Agent-General who is considerably over the retiring age; and surely it is not right to say that, because a policeman reaches the age of sixty years, he has become a doddering lunatic. Some of the best men in the police force to-day are men who have reached what I might call the age of discretion. After all, sixty years to-day is only middle age, and a police officer who has gone in for physical culture should be perfectly competent to carry out his duties when he has reached the age of sixty years. I am pleased, even if only from the economic point of view, that the Government have stood firm on this question, and have reserved to themselves the right to say that, if they consider a man is efficient and capable of carrying out his duties, he shall be retained in the service after he has reached the age of sixty years. I have read many of the letters in the "Police Journal," and I quite agree with the Minister that it would have been a great deal better if there had been a little more honesty displayed and the men said straight out that they want the senior men to be retired so that promotion will be quicker. All sorts of excuses were put forward to account for the request that has been made, and hardly any of them gave the honest reason, which was that they wanted to get promotion quicker in the lower ranks of the force.

I quite agree with the increase to £26 of the amount to be paid as sustenance for the children of deceased police officers. There is no reason why the children of police officers should be placed in a worse position than the ordinary State child.

I do not know that there have been any attacks in the Press on the Home Secretary The Press, I suppose, the same as the general public of Queensland, want to see the police force contented. We want to put them in a position where they may realise that they are being treated fairly because they have responsible duties to carry out. In many of our country towns the police officer is the most important individual in the town and it depends a great deal on the way he carries out his duties as to how the town is conducted.

The SECRETARY FOR PUBLIC INSTRUCTION: Your side at one time did not think they were worthy of a vote.

Mr. MOORE: I do not know that a policemen worries very much about a vote. If he gets £5 rise in his salary, he does not care much whether he gets a vote or not.

THE SECRETARY FOR PUBLIC INSTRUCTION: That is a nice thing to say about a policeman—that he would sell his franchise for £5.

Mr. MOORE: The police vote does not make very much difference so far as elections are concerned. What they are wrapped up in is the question of getting what they consider fair conditions—conditions equal to those obtaining in the other States. I consider they should have fair conditions. They are placed in a responsible position and have to perform onerous duties in many cases, and their conditions should be made as favourable as possible. But I do not say they have any justification, merely because

they have a union, for trampling on the Government and attempting by a threat to force the Government to give concessions to which they are not entitled. They are entitled to the concessions given in this Bill, and I believe the Government have done the right thing in granting them. If, as the Home Secretary intimated, he has received all sorts of letters since the conference asking for greater concessions than were agreed to at the conference, he is perfectly justified in withstanding those requests if they are accompanied by threats. If any injustices are pointed out, the Government are quite right in considering them; but there is no justification for the Government knuckling down merely because they are terrorised by the threat of any organisation. The Minister has given the police a very fair and square go in granting these concessions, although they certainly had to be dragged out of him. He delayed granting the concessions which, after all, are reasonable, until it would appear that he was forced into granting them. The threat of a police strike seems to have driven him into a corner, and he had to concede something which he might have conceded without being placed in what appears to be a false position. The hon. gentleman says that it was quite impossible to grant these concessions without the consent of Parliament. I am very glad that the hon. gentleman looks on it from that point of view, as there are Ministers on the other side of the House who would have been prepared to grant the concessions by regulation and wait seven or eight months to get their action ratified by Parliament. We have had many examples of that already this session, where Acts of Parliament have been violated by regulation, and parliamentary ratification has to come afterwards. I am personally glad that the Minister took the straightforward course in bringing the Bill before the House and letting the people know exactly what is going to happen, rather than doing it in the way of relying on his majority in Parliament to ratify something which had been done previously. If other Ministers had followed the example of the Home Secretary in regard to this measure, we would not have had so much cause for complaint against them.

I do not think we have much to complain about with regard to the requests made in conference having been agreed to, though I do not think for one moment that requests for greater concessions are going to stop. We know that the duty of a secretary or an organiser is to keep on trying to get further and further concessions all the time. That is what he is paid for, and if he can show that he can get something more, it helps him in his occupation; but because that is his business, it does not say that the Government should knuckle under to any threats which are made. If concessions are asked for which are against the interests of the public, it is the duty of the Government to stand up against those concessions, recognising that the officials of the union are only doing what they are paid for. We expect Ministers to do what they are paid for, which is to look after the interests of the State and the public generally.

Mr. VOWLES (*Dalby*): I think it is generally recognised that we should have a contented police force, considering the duties which devolve upon them. They are responsible for the observance of law and order in the community. I am one who happened to be in Melbourne at the time the trouble arose between the public and the police there. It was an eye-opener to me as to what can happen in five minutes once authority is done away with. I think that the people of Queensland, if they saw the object lesson which I saw in Melbourne, would realise more than they do to-day what we owe to the police service. For these reasons the police should be a contented body, and we should give them within reason all that they desire.

I have read the Bill, the principles in which have been arrived at as the result of a recent conference between the officers of the department and the responsible officers of the police force, and I am glad the Government are putting the suggestions made into effect. There was a report in the Press that an attempt was being made to force the Government in this matter, and that certain direct action was going to be taken by the police force. I am pleased that nothing was done in that direction, because if that had happened, I think the police would have lost all public sympathy. Whether that was owing to the Home Secretary, I do not know. However, that position was not brought about, and the police are going to get what they are entitled to. If they are not altogether as well looked after as the police in other Australian States, they must realise, like all other public servants, that any increase they are going to get has to be provided for by taxation from some other source. I sympathise with the police force and public servants generally—but we can only deal with them in reason. I think the police force realise that, and do not expect the Home Department to do what is unreasonable.

I agree under certain conditions with the principle of altering the amount payable to dependants of policemen who die. I am astonished that the allowance was not previously altered to what it is proposed to make it now. When you consider that an ordinary individual or his children would be entitled to £26 under the State Children Act, a policeman, who has certain claims on the public on account of the duties he has to perform, has been placed in a worse position than an ordinary member of the public.

I propose to deal with the question of appeal when the Bill is going through Committee.

Mr. ROBERTS (*East Toowoomba*): I certainly appreciate the position of the Queensland police. I recognise that the manner in which the police perform their duties is creditable to all concerned, and I am pleased that the Government propose to give them some consideration in this Bill. I quite realise that possibly all the police are asking for cannot be granted. I recognise that the action of the union is too drastic, but the Government are largely to blame for that. They have encouraged men in the public service from time to time to ask almost for the impossible. I recognise that these amendments will give considerable relief, and I am sure they will be appreciated by the police force. Our police force ought certainly to be on an equal footing with that in the other States.

Mr. KERR (*Enoggera*): As the Minister in his speech said, this particular matter has caused a stir in the State, and, apart from causing a stir in the State, it caused a very great stir in the ranks of the Government party.

Hon. M. J. KIRWAN: Who told you that?

Mr. KERR: It requires no newspaper announcements to know that. We know that, had the secretary of the Police Union and his colleagues not placed a revolver at the head of the Government, they would not have had this Bill to-day. (Government dissent.) It seems lamentable that it should remain for a Government to have a revolver placed at their head before they will do the right thing by the police. After ten years of this Government's administration the police are under worse conditions and have a lower rate of pay and allowance for children under their superannuation scheme than in the alleged Tory State of New South Wales. Ministers did not realise that fact until this revolver was placed at their heads, and it is lamentable that they could not realise their responsibility and do the right thing at the right time.

Mr. HARTLEY: The trouble is that you cannot recognise the difference between firearms and a packet of crackers. (Laughter.)

Mr. KERR: The trouble is that the crackers have gone off in the Bill. I repeat that it is regrettable that a Government should not be able to recognise the justice of the claims of the police until the matter was forcibly brought under their notice. It is very interesting to turn to the Home Secretary's remarks some nine years ago, when he was speaking in Parliament on this question. This is what he then said—

> "When he (Mr. Stopford) addressed a body of workers in any part of the State, he always told them that bad conditions were the effect of a cause, and he pointed out to them that, if they removed the cause—which was bad organisation—then the effect must disappear automatically, and that was just what happened. The police force of Queensland was going on right lines in deciding to band themselves together, to claim equal justice to that meted out to other public servants. This Administration although sympathetic towards the action of the police in banding themselves together, should show their sympathy in a practical manner. They should immediately take steps to see that a board of appeal was appointed and placed at the disposal of the police, so that they could bring their grievances forward and have them rectified."

It is a different Mr. Stopford to-day to the gentleman who expressed those opinions nine years ago. He has been in a Government which has been in power for ten years, and it was not until a desperate attitude was taken up by the police of Queensland that the Government were brought to their knees, and this legislation is the result. It is regrettable that any Government should place themselves in the position that they require to have a revolver levelled at their heads before they do the right thing.

I want to deal in detail with some of the reforms proposed in this Bill. Some people have expressed certain opinions about the provision with regard to appeals, but I venture to say that it does not go far enough. There is no reason why, if a man is transferred as a punishment, he should not have the right of appeal to some tribunal. That right is given to other men right throughout the public service. A man may be transferred to any part of Queensland as a punishment—and it is a punishment—and he has no redress. It is interesting to remember the recommendation of the Police Commission of 1899, consisting of Judge Noel (chairman), Messrs. F. W. Dickson, T. Garvin (Inspector-General of Police of New South Wales), J. Sadlier (formerly of the Victorian police), and Theodore Unmack. With regard to transfers they said—

> "From the evidence given and a return before us furnished by the department, it would seem that transfers are too numerous, especially of married men. This means hardship to the men, and unnecessary expense to the country. Transfers should not be too readily resorted to as a means of punishment."

The Government must admit that transfers may be made for punishment purposes, and, if appeals against transfer are allowed in the Railway Department and in the public service generally—affecting many thousands of men—why should not the same conditions apply to the police? I think that requires a good deal of explanation, and I foreshadow an amendment, for which I will ask the support of the House, to provide that any man who thinks he is unjustly treated and is transferred to the Never Never with his wife and family will have the opportunity of some redress if it is a case of unjust punishment.

The Bill does not go far enough in regard to appeals in cases of promotions. In the Railway Department an appeal is permitted to any man who has been passed over in promotion or seniority. He has a right of appeal to a board presided over by a police magistrate. Why has not a police officer who is passed over got an equal right? It is bare justice to give every man the right to go before an appeal court. I have another amendment dealing with that matter which I propose to place before hon. members in Committee.

The question of appeals in cases of reprimands or cautions also must be considered. I have seen in the office of the Commissioner records of the men, and I have found on them the remarks, "Reprimand" or "Caution." Such an entry may be down half a dozen times—those men have black marks against them. When a question of promotion arises, the records are turned up, and such men naturally have not as good a record as others. I think therefore that every man who is unjustly punished should have the right of appeal with a view to having such reprimand or caution removed, or not placed on his record. Why, the Brisbane tramway staff has its appeal board, to which appeals may be made against the decisions of superior officers. The Assistant Home Secretary knows that the same thing obtains in the Railway Department. The Government gave the police the right to form a union. The Home Secretary said, "Organise! Get into a union!" and, when they get into a union and make their demands, the Government are not prepared to recognise the justice of them. Can any hon. member tell me why an appeal should not be granted against a caution, reprimand, or any other punishment? There is no reason why these men should not have the same right as men in the Railway Department and other branches of the public service. Rights have been given to them and those rights must be extended

to the full. The only cases in which the police can appeal against punishment are those of fine or disrating.

With regard to the allowance for the children of deceased members of the police force, we find an alleged Labour Government refusing to give conditions equal to those conceded in New South Wales.. Is it that we are poor? Is it that we are financially embarrassed to such an extent that we cannot give what they give in New South Wales? We speak the same language, we have a worse climate to contend with in Queensland, and the duties of the police in Queensland are greater and more onerous than in New South Wales. Yet, although the Government are increasing the allowance per child to £26 as in New South Wales, it is to stop at fourteen years of age, whilst in other States it continues until sixteen years. Is there any justification for a Labour Government in Queensland giving less than a Liberal Government in New South Wales? I say that the police would be well advised to put us into power as quickly as possible, and let us give them conditions equal to those of their confreres in New South Wales (Government laughter.)

Hon. M. J. KIRWAN: See what they got in Victoria.

Mr. KERR: Here a Labour Government sit back and laugh. Look at the hon. member for Bulimba! Undoubtedly he got the votes of some of the police at his election—look at him laughing. The time has passed when the Queensland Government can say they are first in Australia in administration. In the Bill before the House they give less than is conceded under the administration of a so-called Tory Government in the next State.

The Bill proposes to increase the allowance to orphans from £13 to £26 per annum, and that principle will have the support of the Opposition. When all circumstances in connection with superannuation are taken into consideration, it will be found that we are not doing a great deal for the orphans of the police. Although it is [2 p.m] proposed to make the allowance the same as in New South Wales, we find that in Victoria there is an allowance of £26 per annum until the child attains the age of sixteen years. In Queensland, State children receive £26 per annum. While that is reasonable to a certain extent, we are not advancing as we should in that direction.

Mr. HYNES: It is more than your Government gave.

Mr. ROBERTS: The allowance is being increased only in proportion to the increase in wages.

Mr. KERR: The wages have gone up, and so the allowance must be increased.

Mr. ROBERTS: The Government are backward in that direction.

Mr. KERR: In Queensland, the State children receive £26 per annum, and in some of the other States they receive £39 per annum. Queensland is behind some of the other States in connection with allowances to the orphans of police under a superannuation scheme. What do we find in connection with the contribution to such schemes? In Queensland the police have to contribute 5 per cent. of their salary, in New South Wales they contribute only 3 per cent., and in Victoria only 2½ per cent. The contributions under the Queensland police superannuation scheme are the highest in any English-speaking country in the world.

Hon. M. J. KIRWAN: Who fixed them?

Mr. KERR: Cannot the Government unfix them?

Mr. HYNES: Your crowd would not give the police a vote.

Mr. KERR: Are we to go back to the nigger days?

Mr. HYNES: Your party wanted to keep the niggers here.

Mr. KERR: Ask the police whether they would like to be in the same position as the police in New South Wales, from an £ s. d. point of view. The police have votes the same as any other member of the community, and why should the Government live ten years on their votes? The police are not satisfied with the vote only, but they want the same £ s. d. as the police in the adjoining States. I do not say that we have a better service, but we have an equally excellent service, and when considering the pay of the police, we are bound to take discipline into consideration. The contributions to the Queensland police superannuation scheme amount to approximately £16,000 per annum, which is the highest amount of contribution of any police superannuation scheme in Australia. Under all the circumstances the police are justified in their claim.

The Government have seen fit to increase the allowance to orphans to £26 per annum, but in their wisdom they have not seen fit to extend the same consideration as is given in Victoria in that respect.

Hon. M. J. KIRWAN: They got a lot of consideration down there quite recently from your kind of Government.

Mr. KERR: Why does the hon. gentleman not keep to present day conditions?

Hon. M. J. KIRWAN: I am talking about a few months ago.

Mr. KERR: We advance by evolutionary steps, and the Opposition at times evolves beyond the standard reached by the Government. (Government laughter.) I have had just as much experience as the hon. gentleman.

Mr. HYNES: The Victorian Tory Government tried to smash up the Police Union.

Mr. KERR: That is sheer imagination on the part of the hon. member. The Labour Government in Victoria will not reinstate those members of the police force who were dismissed.

The next principle in the Bill is in reference to the age of retirement. This clause is identical with the provision in the New South Wales Act. It is a "Yes-No" sort of clause. The police will not know where they are under it, and the Bill does not indicate whether it will be carried out or not. The Government have not shown that they are strong enough to come down with a measure such as exists in other States including a clause with a definite retirement age. The Victorian Act of 1923 fixes the compulsory retirement age for constables and sergeants at fifty-five years, for inspectors and superintendents at sixty years, and for the Chief

Commissioner at sixty-five years. In every State in Australia with the exception of Queensland and New South Wales the compulsory age for retirement is fixed at sixty years. Is it not possible for the Government to come into line not only with New South Wales but with the other States of Australia and the English-speaking people in other parts of the world in regard to this particular legislation? Acting on the recommendation of the Desborough Commission which inquired into these affairs in England following the police strike of 1919, the British Government passed an Act which fixed the compulsory retiring ages similar to those which now obtain in Victoria.

The HOME SECRETARY: I know who prepared that brief for you. (Laughter.)

Mr. KERR: The policy of the Government in this connection is a retrogressive one. Their legislation is not in advance of that of other States of Australia or other British communities. The police are, firstly, the servants of the community, and secondly, of the Government. They must carry out the orders of the Government. When legislation in connection with the police was before the New South Wales Parliament in 1906, Mr. Carruthers said—

> "No, I am not prepared to put in any restriction of that character. What I am prepared to do is to make the clause read thus—
>
> Should the public interest render it expedient to retain the services of any officer above the age of sixty years, and should such officer consent to his services being so retained, the Minister——

not the Inspector-General—

> after the prescribed investigation, may authorise such retention."

He goes on to say—

> "That will put it in the hands of the Minister to do it where the public interest demands it after an investigation to be prescribed by the Governor in Council. There will always be an investigation, perhaps by a Board consisting of the Minister, the Inspector-General, and some other person, of which a record will be kept, and anybody who desires to know why so and so was retained in the service will be able to get a copy of the proceedings and ascertain the reasons."

I suggest to the Home Secretary that he could create a Board to deal with the age of retirement. If any reason exists why the services of an officer should be retained, then the evidence obtained by that Board will be on record for the guidance of those who desire to see the reason for the retention. I have practically dealt with this small amending Bill.

Mr. HYNES: To your own satisfaction.

Mr. KERR: Certainly not to the satisfaction of the hon. member's Government. It is not my endeavour to give satisfaction to the Government, for I am out to give satisfaction to the police force of Queensland. When the Estimates are, before this House no body of men receives greater commendation from the Government benches than the police; but when the opportunity arises for them to put that commendation into practical legislation and to remunerate the police adequately for their services, what do we find?

We have here an amending Bill of a "Yes-No" attitude. There are clauses in the Bill which are equal to the provisions of similar Acts in other parts of the Commonwealth. Provisions which should be included are not included, yet such provisions are in force not only throughout the rest of Australia but in every other English-speaking country in the world. The question of discipline is not involved in this Bill. Such a question does not arise in connection with the police force in Queensland. Undoubtedly our police are worse off to-day than were the soldiers of the Australian Imperial Force. Their powers of appeal against punishment are not as great as were those of the men of the Australian Imperial Force, where very strict discipline was demanded. The members of the Australian Imperial Force could get greater satisfaction through their appeals, even if they had to go to the War Office itself.

The SECRETARY FOR PUBLIC LANDS: Yes, they could get court-martialled.

Hon. M. J. KIRWAN: And shot.

Mr. KERR: No. That is wrong. I know an instance of a man who was dealt with for a breach of the regulations, and who was punished by a Board constituted in France. That man was dismissed from the army and sent back to Australia. As a final resource he appealed to the War Office, and not only was he reinstated and his stars returned, but he was sent back to the battalion to which I belonged.

The SPEAKER: Order!

Mr. KERR: This Bill does not offer facilities to the police such as they should have. Nine years ago the present Home Secretary advocated those facilities, and now, after nine long weary years, I trust that he will take the opportunity of putting into legislation those things which he previously advocated.

Mr. FRY (*Kurilpa*): Mr. Speaker.——

The HOME SECRETARY: More influence.

Mr. FRY: The interjection by the Home Secretary indicates that the Police Union have confidence in me and not in him. That might settle the point as to what influence may be operating through my efforts. I took an active part in organizing the superannuation fund for the police. "Hansard" will show that, when the Government hesitated and would not move, I stood up in this House and advocated the benefits of a superannuation fund.

The SECRETARY FOR PUBLIC INSTRUCTION: There was a superannuation scheme long before you came into the House.

Mr. FRY: I am glad that that scheme has been put into operation.

Mr. HARTLEY: "Self-praise is no recommendation."

Mr. FRY: I congratulate myself upon being able to stand up in this House and say what I want to say, provided it is within the bounds of Standing Orders. In any case, I may express my opinions with regard to the police force. I view the police force in the nature of a national

insurance rather than in the nature of men wanting employment. The police must take unlimited and untold risks when protecting the institution of Government and general public. They must take the risk of personal violence. They are called upon to protect the individual in cases where it may mean their death. They are also entrusted with the protection of our property throughout the length and breadth of the land. Even the smallest child in the State is under their care and the oldest man in the State likewise. Every Act passed by this House is enforced by the police force, and unless the police force can be relied on to the utmost, then the government of the country is weakened. The best men only should be taken into the police force, and the best men only should be encouraged to enter the force. If you are going to get the very best men that the community can produce—men of the highest integrity; men who are trustworthy in every respect—then they should be well compensated for the onerous duties they have to perform. The Bill is in accordance with what the Home Secretary promised some time ago, but there are other things which we must consider in conjunction with the proposals of the Government. The Government are going to retire men at sixty years of age with a proviso that they may keep them on until sixty-five years of age under certain conditions; but it must be remembered that there are other considerations which should be brought in to compensate for retirement. Take the country police—men who are stationed away from headquarters, where there are no telephones to enable them to get into communication with headquarters for instructions. They are called on to decide for themselves, and they have to take the responsibility of their decisions. Yet these men are probably required to wait eighteen or twenty years before they get promotion. In this regard, I would suggest that some form of examination should be instituted to enable these men to show their qualifications for a higher rank. A similar provision should operate all round.

Mr. WRIGHT: You voted against a provision for examination yesterday.

Hon. M. J. KIRWAN: You argued against examination yesterday.

Mr. FRY: The Assistant Home Secretary and the hon. member for Bulimba have committed themselves, and I ask them to refer to "Hansard," as "Hansard" will prove that they are both wrong. These cheap jibes are no good to me, and I am not going to put up with them. I neither voted nor argued against examinations yesterday or at any other time, and well they know it.

A GOVERNMENT MEMBER: What are you suggesting? (Laughter.)

Mr. FRY: They know more about suggestion than most people, and they know that with that power of suggestion they are likely to create a false impression amongst the people outside.

The SPEAKER: Order! Order!

Mr. FRY: I challenge the Assistant Home Secretary, who is a responsible Minister of the Crown, to justify what he said just now. He cannot do it. It is only typical of the statements made by members of the Government every hour of their existence. These members of the police force who are out in the country should be given an opportunity, by some form of examination, to show their fitness for promotion. Promotion ends at the age of fifty-six years.

The HOME SECRETARY: What sort of a chance does the man outback have compared with the man in the city in the matter of getting tuition?

Mr. FRY: I ask the Home Secretary why, if a man is not competent, he is put in a detached post to carry on the work there. A man should have an opportunity of showing his practical fitness for the job. The fact that you keep a man eighteen or twenty years "out back" before he gets promotion does not justify you in keeping him there and penalising him.

The HOME SECRETARY: That has not been so since this Government came into power.

The SPEAKER: Order! I would remind the hon. member for Kurilpa that he will not be in order in discussing the whole administration of the police force of Queensland on this Bill. If he desires to do that, he ought to have taken the opportunity when the Bill was initiated in Committee of moving to widen the scope of the Bill. He must now keep within the order of leave.

Mr. FRY: I started by saying that this Bill provides for retirement in the police force at the age of sixty years, and under certain conditions at sixty-five years of age, but I think the Government should also make provision for the man who is "out back."

The HOME SECRETARY: How can we make provision for that man to come in when the union objects to city men being sent out?

Mr. FRY: I contend that there should be some provision for those men who are "out back" to get preferment in the service. It is a well-known axiom amongst organisations such as the police force that their members are at a disadvantage when away from the city. Personally I think I could improve the Police Act very much and bring about and maintain a very efficient service. We should attract to the police force the best men we can get. I am not complaining about the police force to-day. I have on previous occasions in this Chamber referred to them as one of the finest police forces in the Commonwealth.

Hon. M. J. KIRWAN: How did you stand in the Merivale street stunt?

The SPEAKER: Order!

Mr. FRY: I know where the hon. member stood when he said that the soldiers were "manuring the fields of Flanders."

Hon. M. J. KIRWAN: I never said anything of the kind. I deny that statement, and I ask the hon. member to withdraw the remark.

Mr. FRY: I accept the hon. member's denial, but he will have to deal with the newspapers.

Hon. M. J. KIRWAN: I will deal with you.

The SPEAKER: Order! I would ask the hon. member for Brisbane not to interject but to allow the hon. member for Kurilpa to proceed.

Mr. FRY: If the hon. gentleman wishes to attack me and hits below the belt, I will retaliate. There should be some provision for appeal against punishment in the Bill. As the hon. member for Enoggera pointed

out, in the military forces of Australia even the lowest man in the ranks has a right of appeal to a higher tribunal—to the Military Board. He afterwards may appeal to the Minister for Defence, which means that it goes on to the Government. In this respect the police are following the precedent created by the Commonwealth Government. I think that that would be a very good amendment of the Act, and it is one which I shall support when it comes forward. I would suggest that the court of appeal in that regard should be an impartial tribunal.

The increase of the allowance to orphans from £13 to £26 is a necessary provision, but I think it should be extended up to the age of sixteen years, because boys are not allowed to work before that age. We ought to bridge over the period when the widow or the orphan most requires assistance, and we know that a growing boy between fourteen and eighteen years of age requires more clothing and is more expensive to keep than before.

I intend to support the Bill with some amendments, and I want to declare emphatically that I believe the Home Secretary is favourable to putting the police on a better footing. I commend him for it, and I also say that there are many opportunities for improving their conditions without any prejudice to Government control. The question for us to consider is, "Is the police force as well provided for as it should be? Is it the best force we can possibly get?" If it is, well and good. If not, why not make the conditions better? If there is anything connected with the police force that is wrong, it is a reflection on the Government, and this House should refuse to grant money until the Governmenut show that such is not the case. Otherwise it is a reflection on the whole of the Administration from the Home Secretary down. I say that we have a good force. I am proud of them. When we go away we are very pleased to describe them as a smart body of men, and I am very pleased to be able to stand up in this House and advocate giving them the best conditions it is possible to give from the topmost to the lowest rung.

Mr. RIORDAN (*Burke*): I am surprised at the hon. and gallant gentleman who has just resumed his seat adopting the attitude of champion in favour of the police force. There is no doubt that the police force has benefited to a great extent under this Government, because this Government put into their hands the most effective means of organising and bringing about better conditions. To-day they enjoy a form of organisation that was denied to them by previous Governments. I remember that, when the police were not standing up to the collar as required by the then Tory Government and the gentleman who to-day is pleading their cause, a request was made to Mr. Fisher, then Prime Minister of the Commonwealth, to supply the military to keep them up to the collar. There was no Labour Government in power then. Who opposed the establishment of the Police Union? We remember that, when this Government gave the police power to form themselves into a union, it was the hon. gentlemen on the other side who cried "Blue ruin!" and said the police would go up to the Trades Hall and throw in their lot there. And what is wrong with the police going up there, any more than going along and attending meetings of the Employers' Federation? No doubt the police have had grievances under this Government as under other Governments, but their grievances have been considered, and they have obtained redress.

[2.30 p.m.]

The police have been able to approach the Minister, and on all occasions their executive has been allowed to voice its opinions. Did any other Government ever give the police that concession? We have hon. gentlemen opposite championing the cause of the police to-day who some years ago cried "Blue ruin!" because the police were given the right to organise. Who made it possible for the police to enjoy the conditions that they are enjoying to-day? They have access to the Arbitration Court, and have other means of bettering their conditions. If there is any organisation that would have a tendency to break up any union, whether a police union or otherwise, it is the organisation that tried to bring force against the strikers in 1912.

I would like to say something as to the right of appeal. I think some consideration should be given to the police in country districts in the question of appealing against promotion. A circular should be sent out through the official organ of the union informing the country police of any contemplated promotions or transfers, and giving them time to lodge an appeal against such promotion or transfer, if they so desire. They should also be given assistance to enable them to come in and fight their appeal if it is a just one; and, if the appeal is successful, then the whole of the expenses of fighting that appeal should be defrayed by the Government. No one cavils at the increased allowance from £13 to £26 per annum for the orphans. The pity is that every little orphan in the State cannot enjoy the same advantages. I hope the day is not far distant when the State children will be able to obtain the same rights as are obtained by any organised body. I congratulate the Government on introducing the Bill. If it is not all that is required by the police, it will at least show them that their organisation is getting them somewhere. While the present Government are in power the police will have the right to organise, and will not have a Government fighting them in an attempt to break up their organisation. I hope the Bill will have an uninterrupted passage through this Chamber.

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

COMMITTEE.

(*Mr. Pollock, Gregory, in the chair.*)

Clause 1—"*Short title and construction of Act*"—agreed to.

Clause 2—"*Age of retirement*"—

Mr. KERR (*Enoggera*): I beg to move the following amendment:—

> "On line 21, page 1, after the word 'years' insert the words—
>
> Such investigation as to fitness to be made by a board consisting of a police magistrate, a representative of the Commissioner, and a representative of the Police Union."

We have not had very much time to prepare amendments because we did not anticipate that the Bill would be taken through

the committee stage immediately. It is not necessary for me to repeat what I said during my second reading speech in connection with this matter. The question of the age of retirement can very well be left to such a board. It would be much better to allow a board, consisting of a police magistrate, a representative of the Commissioner, and a representative of the Police Union to decide this matter. No question of principle is involved in the amendment, as the object of the Bill is to give the greatest satisfaction to those concerned. The amendment does not affect in any way the discipline of the force. On the other hand, it will bring about a greater degree of discipline by reason of the greater contentment that it will create. The board could not be composed of better persons than a police magistrate, the Commissioner—who is very well known in the force as a sympathetic man and has jurisdiction over the force—and a representative of the union. I hope that the Minister will accept the amendment. I believe that, if he does that, he will not then have a revolver placed at his head to force him to do certain things. The board could also deal with other matters pertaining to the force. A board is appointed to deal with all public service appeals, and it will be a wise precaution to appoint a similar board for the police.

OPPOSITION MEMBERS: Hear, hear!

The HOME SECRETARY (Hon. J. Stopford, *Mount Morgan*): I cannot accept the amendment, as it is outside the scope of the Bill.

Mr. BRAND: Why not?

The HOME SECRETARY: The hon. member for Enoggera has brought forward a principle that is not involved in the Bill.

Mr. BRAND: It is moved in the prescribed manner. Do you not want to make the Bill the same as the New South Wales Act?

The HOME SECRETARY: I want to make the provisions of this Bill agree with the decisions of the conference. I have no intention of accepting the amendment, because I do not see any business in it. Let us analyse the amendment. The Bill provides for what was agreed upon in conference.

The CHAIRMAN: Order! I would like to point out to the Home Secretary that the amendment is quite in order.

The HOME SECRETARY: Hon. members must recognise that, as the clause stands, whoever occupies the position of Home Secretary takes the responsibility for any action that has the effect of prolonging the services of any officer of the Police Department. He can be criticised in the House if he does not use that power in a legitimate manner. The board would only shift the responsibility from the shoulders of the Minister—who has a greater knowledge of the workings of his department—to a police magistrate who would come in for a few hours and give a decision which would not only affect the individual, but the whole of the State.

Mr. ROBERTS: You are on very weak ground now.

The HOME SECRETARY: Hon. members do not assume for a moment that the Commissioner for Police or his representative is going to vote against the action taken by his department, or that the Police Union representative is going to vote against what his union instructs him to do? In the public service to-day the prolongation of the period of service of any officer in the service is decided by the Public Service Commissioner. I claim that the Police Union executive who discussed the pros and cons of this matter in conference and who agreed to the proposals embodied in this Bill, should be prepared to stand by their agreement. If the Minister abuses whatever powers there may be in his hands, then they may deal with him in a public manner afterwards.

Let me cite the case of a police officer, the sub-inspector at Rewan. Hon. members who attended the Exhibition and who saw the demonstration by the mounted police must have appreciated the efficient training given to both men and horses. The sub-inspector responsible for the breeding and breaking in of those horses is an invaluable member of the Police Department. He would not be very valuable in Brisbane dealing with the traffic and other metropolitan matters, but he would be a very difficult man to replace in his particular work. He is not young, but he is strong and physically and mentally fit. Do hon. members assume for one moment that I would shirk my responsibility as a Minister if, when that officer reached the age of sixty years, I felt that he should be retained in the interests of the police force and of the State? I would not shirk that responsibility, no matter what pressure was brought upon me.

Mr. BRAND: By what means do you propose to investigate the capability or otherwise of an officer?

The HOME SECRETARY: I should, of course, call for advice from the responsible officers of the department. I would look into the career of the man, and judge from the evidence submitted by the Commissioner whether his services should be prolonged or not.

Mr. BRAND (*Burrum*): I very much regret that the Minister cannot see the wisdom of accepting the amendment submitted by the hon. member for Enoggera. After all, if the Home Secretary is sincere in this matter of the age limit, he must recognise that, if the police are to be fairly treated, there must be some recognised body that will determine whether each and every member of the force is fit or otherwise.

I have in my mind a case in point which happened a few years ago in Maryborough. I refer to the case of Inspector Toohey. Inspector Toohey was a most valuable officer, but on reaching the age of sixty years for political reasons he was transferred from Maryborough to Cairns. If the proposed amendment is rejected and the clause remains as it is, there is nothing to prevent any Minister for political or personal reasons from victimising a man when he reaches the age of sixty years.

The HOME SECRETARY: If anyone had wished to use political influence, Inspector Toohey could have been emptied out.

Mr. BRAND: He was transferred to a station rated lower than the one he had held. It was obvious that he would not stand that, and he resigned.

The HOME SECRETARY: He had no Northern experience at all.

Mr. BRAND: Then why was he sent to a station that was rated below Maryborough?

Simply because he carried out his duty in Maryborough and did not agree with the actions of the leader of the Labour movement in that town. I hope that the Home Secretary will recognise that he is not always going to be the Minister in charge of the police in Queensland. The amendment is one most decidedly in the interests of the police force of Queensland and in the interests of the State as a whole.

Amendment (*Mr. Kerr*) negatived.

Mr. KING (*Logan*): I would like to ask the Home Secretary whether this clause will apply to the police who joined the force prior to 15th November, 1891.

The HOME SECRETARY: Yes.

Mr. FRY (*Kurilpa*): I beg to move the following amendment:—

> "On line 24, page 1, after the word 'pounds' insert the words—
>
> such allowance to be paid to all orphan children until they reach the age of sixteen years."

The CHAIRMAN: Order! I would point out to the hon. member that the amendment is out of order, as it would impose an additional charge upon the revenue not provided for in the appropriation recommended by His Excellency.

Clause 2 agreed to.

The House resumed.

The CHAIRMAN reported the Bill without amendment.

The third reading of the Bill was made an Order of the Day for Thursday next.

ADJOURNMENT.

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

> "That this House do now adjourn."

The business to-morrow will be the Financial Statement, and after I have delivered the Statement, we shall proceed with the debate on it.

Hon. W. H. BARNES: That is very unusual.

The PREMIER: It is unusual, but we must proceed with the debate unless the House is prepared to go on with the second reading of the Loan Bill, which has been made an Order of the Day for Tuesday next. I take this opportunity of intimating to the leader of the Opposition that I will furnish the hon. gentleman and any other hon. member whom he wishes to designate with an advanced copy of the Financial Statement in order that they may be in a position to proceed with the debate.

Hon. W. H BARNES (*Wynnum*): Notwithstanding the courtesy of the Premier in offering to furnish hon. members on this side with advance copies of the Financial Statement, as a private member I protest against the procedure indicated by the hon. gentleman for to-morrow. It is a most unusual thing to go on with the debate on the Financial Statement immediately after it is delivered.

The PREMIER: The hon. member knows that when the Chancellor of the Exchequer makes his Budget Speech in the House of Commons they go straight on with the debate.

Hon. W. H. BARNES: It is not following the usual custom here, at all events.

Question put and passed.

The House adjourned at 2.50 p.m.