

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 12 NOVEMBER 1929

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TUESDAY, 12 NOVEMBER, 1929.

The SPEAKER (Hon. C. Taylor, Windsor) took the chair at 2.30 p.m.

QUESTIONS.

SALE OF TOWN ALLOTMENTS AT GORDONVALE.

Mr. W. FORGAN SMITH (*Mackay*) asked the Secretary for Public Lands—

“In connection with the sale of the town allotments situated at Gordonvale to be offered by auction as perpetual town leases at the Land Office, Cairns, on Tuesday, 12th November, 1929—

1. What is the average area of the allotments, and does he consider that such area is large enough for the purpose, having regard to the climatic conditions of the North?

2. What is the capital value placed on the allotments?

3. What is the actual cost incurred by the Crown in resuming the land and preparing it for subdivision as perpetual town leases?”

The SECRETARY FOR PUBLIC LANDS (Hon. W. A. Deacon, *Cunningham*) replied—

"1. Average area of allotments, 25.3 perches. The allotments are considered of adequate size for residential purposes. Any one person may acquire six allotments.

"2. From £50 to £150 per allotment. Total capital value, £8,075.

"3. The land was not resumed. The previous selector surrendered the land by arrangement and received payment of £100 as compensation, on the basis of the value of the land for agricultural purposes. The cost of survey of the allotments was £85 10s."

GOVERNMENT ACTION TO PREVENT SPREAD OF NOOGOORA BURR.

Mr. DUNLOP (*Rockhampton*) asked the Secretary for Public Lands—

"Will he peruse carefully the leading article in the Rockhampton 'Morning Bulletin' of Wednesday, 30th October, 1929, re the serious question of the pest, the noogoora burr—at present so prevalent in the Central-West—and say what action he proposes to take to stem the tide of this particular pest?"

The SECRETARY FOR PUBLIC LANDS (Hon. W. A. Deacon, *Cunnigham*) replied—

"I have perused the leading article mentioned. Action has already been taken to cope with the noogoora burr pest. The Prickly-pear Land Commission has made available arsenic pentoxide, which has been proved to be an effective poison, at the same rate as for the destruction of pear. A power plant for the application of the poison on a large scale has been successfully demonstrated in various localities in which the burr menace is serious, and several of these plants have been purchased by landholders. The clearing of holdings is being enforced, under the provisions of section 137A of the Land Acts, in all cases in which such clearing is an economic proposition. At the request of the Queensland Government the Commonwealth Bureau of Science and Industry is making investigations into the growth and habits of the burr and into the possibility of its control by biological means. In this connection Dr. Jean White-Haney visited Queensland some months ago, being afforded every facility for visiting the various parts of the State affected by the pest, and given all possible assistance. No report has yet been received from the bureau. For further more detailed information as to the steps the Government is taking to deal with this pest, I would refer the honourable member to the reports of the Prickly-pear Land Commission for 1927-28, page 15, and for 1928-29, pages 14 and 15."

PAYMENTS FROM UNEMPLOYMENT INSURANCE FUND

Mr. BULCOCK (*Barcoo*) asked the Secretary for Labour and Industry—

"1. Has he noticed that the payments to unemployed persons under the Unemployment Insurance Act were considerably higher last month than in the corresponding month of last year?"

"2. Does this fact not suggest that, as compared with last year, unemployment has increased, in spite of his assurance that unemployment is on the decrease?"

The SECRETARY FOR LABOUR AND INDUSTRY (Hon. H. E. Sizer, *Sandgate*) replied—

"1. Yes.

"2. No; and for the information of the honourable member I might add that, whereas for the period from 14th May, 1928, to 31st October, 1928, unemployed registrations showed an increase of over 600, the figures for the same period in this year show a decrease of over 500."

REDUCTIONS IN CLASSIFICATION OF RAILWAY STATIONS.

Mr. BULCOCK (*Barcoo*) asked the Secretary for Railways—

"1. How many railway stations have been reduced in classification since July last?"

"2. How many officers have been reduced in status in consequence of the reclassification of these stations?"

The SECRETARY FOR RAILWAYS (Hon. Godfrey Morgan, *Murilla*) replied—

"1. Twenty-six stations and gates reduced in classification or closed.

"2. Fifteen. No permanent hands have been dispensed with, and a considerable saving has been effected."

INTENTIONS IN RE ESTABLISHMENT OF ABATTOIRS IN BRISBANE, TOWNSVILLE, AND ROCKHAMPTON.

Mr. BULCOCK (*Barcoo*) asked the Premier—

"1. Is it intended to take any action in the near future to establish or acquire an abattoir in the metropolitan area?"

"2. Will favourable consideration be given to the necessity of establishing abattoirs at Townsville and Rockhampton?"

The PREMIER (Hon. A. E. Moore, *Aubigny*) replied—

"1. The report of the experts appointed to deal with this matter has been received and is now under consideration.

"2. This is a matter for consideration if and when experience and circumstances warrant the extension of the abattoir system."

PAPER.

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

Report of the Inspector of Hospitals for the Insane for 1928-29.

DISEASES IN PLANTS BILL.

THIRD READING.

The SECRETARY FOR AGRICULTURE (Hon. H. F. Walker, *Cooroora*): I beg to move—

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

Question put and passed.

BANANA INDUSTRY PROTECTION
BILL.

THIRD READING.

The SECRETARY FOR AGRICULTURE (Hon. H. F. Walker, *Cooroora*): I beg to move—

“That the Bill be now read a third time.”

Question put and passed.

INCOME TAX ACTS AMENDMENT
BILL.

THIRD READING.

The PREMIER (Hon. A. E. Moore, *Aubigny*): I beg to move—

“That the Bill be now read a third time.”

Question put and passed.

INDUSTRIAL AND PROVIDENT SOCIETIES ACT AMENDMENT BILL.

INITIATION IN COMMITTEE.

(*Mr. Roberts, East Toowoomba, in the chair.*)

The ATTORNEY-GENERAL (Hon. N. F. Macgroarty, *South Brisbane*): I beg to move—

“That it is desirable that a Bill be introduced to amend the Industrial and Provident Societies Act of 1920 in a certain particular.”

The Industrial and Provident Societies Act of 1920, by clause 29 of Schedule II., provided—

“All moneys payable by a member to a registered society shall be a debt due from such member to the society, and shall be recoverable as such either in the district court of the district in which the office is situated, or in that of the district in which such member resides, at the option of the society.”

When the Supreme Court Act of 1921 abolished district courts, it was provided that any reference in any Act of Parliament to the district court should be construed as a reference to the Supreme Court. Accordingly, a society wishing to sue a member for any dues owing to the society had thereafter to take action in the Supreme Court. That has proved more expensive than should be necessary under the circumstances, as the dues owing might be as low as £2 or even £1.

Mr. W. FORGAN SMITH: That is like using a steam hammer to crack a nut.

The ATTORNEY-GENERAL: Of course, there may be cases, although very rare, where the debt would be over £200, in which case the society would have to sue in the Supreme Court with or without the amendment which we are proposing. The principal clause of the Bill which I desire to introduce is in these terms—

“Schedule II. of the principal Act is amended as follows:—

Subclause one of Rule 29 is repealed and the following subclause one is inserted in lieu thereof:—

All moneys payable by a member to a registered society shall be a debt

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due from such member to the society, and shall be recoverable as such in the magistrates court constituted under the Magistrates Courts Act of 1921 or in any other court of competent jurisdiction, either in the district in which the office is situated, or in that of the district in which such member resides, at the option of the society.”

There is really nothing else in the Bill, and no further explanation is necessary, and I do not anticipate that hon. members opposite will find anything to object to in it.

Mr. W. FORGAN SMITH (*Mackay*): No opposition to the Bill will be forthcoming from this side of the House. Presumably this matter was overlooked when the Supreme Court Act was passed through this Chamber.

The ATTORNEY-GENERAL: Yes.

Mr. W. FORGAN SMITH: It is unreasonable to expect a provident society to take action in the Supreme Court for the recovery of dues, particularly when the amount concerned is small. The Bill is one that can be heartily supported by every hon. member.

I rose particularly to state that it is remarkable that the provisions of this Act are not availed of to a larger extent in Queensland. Queensland has advanced rapidly in connection with co-operative activities on the part of primary producers, but has not developed to the same extent as other countries in connection with co-operative activities. It is difficult to launch successfully a co-operative body on a large scale in this State, although in other countries it has become a very important feature in the social and economic life of the people. For example, one co-operative wholesale society in Great Britain purchased the whole of the West Australian wheat crop in one parcel, which indicates the extent to which co-operative activity is possible, provided that it is established on a sound basis. There are very few cases of bodies of individuals co-operating with one another for the advancement of their social and economic welfare. It is astonishing to me that in that respect the Act has not been availed of to a greater extent.

The ATTORNEY-GENERAL (Hon. N. F. Macgroarty, *South Brisbane*): The Bill is introduced on account of representations made to me by a co-operative society.

Mr. W. FORGAN SMITH: There are very few of them.

Question—“That the resolution (*Mr. Macgroarty's motion*) be agreed to”—put and passed.

The House resumed.

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

Resolution agreed to.

FIRST READING.

The ATTORNEY-GENERAL (Hon. N. F. Macgroarty, *South Brisbane*) presented the Bill, and moved—

“That the Bill be now read a first time.”

Question put and passed.

Second reading of the Bill made an Order of the Day for to-morrow.

JURY BILL.

INITIATION IN COMMITTEE.

(*Mr. Roberts, East Toowoomba, in the chair.*)

The ATTORNEY-GENERAL (Hon. N. F. Macgroarty, *South Brisbane*): I beg to move—

“That it is desirable that a Bill be introduced to consolidate and amend the law relating to juries.”

This Bill will include part of the 1867 Act, one section of the 1884 Act, and part of the amending Act of 1923 and the rules thereunder. The Bill is a consolidating measure, and will obviate the necessity for referring to three or four Acts of Parliament in order to ascertain the law on this question. Under the 1923 Act the Governor in Council has power to make rules on the recommendation of two judges, but this Bill provides that the Governor in Council may make rules on the recommendation of a majority of the judges.

The Bill makes provision for general and special juries, the term “general jury” being substituted for the present “common jury.”

Mr. W. FORGAN SMITH: The term “common” is rather ambiguous.

The ATTORNEY-GENERAL: Yes; the term “general” is much better, which is the reason why we are adopting it. The general jury will consist of twelve persons, whilst the special jury will consist of four male persons. The existing provisions with regard to women will apply to the general jury—that is, they may sit on a general jury if they notify their desire to do so.

Mr. KIRWAN: They are not to be eligible for a special jury?

The ATTORNEY-GENERAL: No.

Mr. W. FORGAN SMITH: Another injustice!

The ATTORNEY-GENERAL: That may or may not be. At any rate, after having given the matter consideration, we came to that decision.

On the application of the Crown or of a person interested—namely, the defendant—a special jury of twelve men may hear a criminal case.

Whilst observing the existing qualification with regard to age, which stands at from twenty-one years to sixty years of age, and the provision that a person must be on the electoral roll, there is a further qualification stipulated in the Bill that such persons must be householders. The term “householder” is thus defined in the Bill:—

“A person who is a householder or occupier of a dwelling-house or whose wife or husband is such an occupier; the eligible children of such occupier; and a person who has occupied residential quarters, a flat or room, for a period of not less than six months prior to the compilation of the jury list.”

In other words, the person must have lived in the district for six months.

A new disqualification has been inserted in the Bill. Anyone who is of bad fame or repute will now be disqualified from service on a jury.

The Bill also extends the exemption from service on a jury to university professors, dentists in actual practice, journalists bona fide employed in court reporting, members

of a fire brigade in certain cases, and commercial travellers actually employed as such.

Mr. KIRWAN: Are ambulance men included in that exemption?

The ATTORNEY-GENERAL: No, but I will consider them, as they may be in the same position as fire brigade men.

The jury district will be a district with a radius of 5 miles from the town in which the court is situated, but in Brisbane and Cairns a radius of 10 miles will apply.

Mr. W. FORGAN SMITH: Why Cairns?

The ATTORNEY-GENERAL: Speaking frankly, the 10-mile radius was provided for Cairns by the previous Government, and I propose to leave it in that category. It has some reference to the circuit court not sitting at Innisfail, and we are following the action taken by the previous Government in that respect by providing the 10-mile radius for Cairns.

The jury district may be amended by Order in Council as at present.

[3 p.m.]

The special juries will be selected from persons who are described as accountants, architects, auctioneers and commission agents, auditors, brokers, civil engineers, Crown lessees, directors of companies (if not exempted), farmers (not farm employees), garage proprietors, indent agents, insurance agents, mechanical or mining engineers (if not exempted), mercantile managers, merchants, station managers, storekeepers, and warehousemen.

The gentleman who was known as “esquire” in the 1867 Act will not be included in the list. If the occasion arises, a special juror may be required to serve on a general jury.

There is no provision made for a majority verdict in criminal cases, therefore the present law in that respect will remain as at present. In civil cases, by consent, after six hours' deliberation, a majority verdict of three-fourths will be accepted, with the consent of both parties.

Mr. W. FORGAN SMITH: Have you given consideration to the question of majority verdicts in criminal cases?

The ATTORNEY-GENERAL: I did give consideration to the question; but I think that the principle that the whole twelve should agree in criminal cases is a good one. It would be dangerous to allow a majority verdict in criminal cases.

Mr. W. FORGAN SMITH: Supposing you increased the number of jurors to fifteen, and allowed a majority verdict then?

The ATTORNEY-GENERAL: While the number remains at twelve, I think it would be fair to leave the law as it is. The right to be tried by twelve jurors is such a long-established custom that I really do not think it would be advisable to alter it.

There are provisions dealing with precepts and panels. There is provision for the panel to be gone through before the final count. That is, the jury list can be gone right through in a civil or criminal case, and either side can challenge every man on the jury the first time round. For instance, a few jurors or none at all may be sworn in the first time round. When you start to call the jury the second time the peremptory challenges start.

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The scale of fees in connection with general juries will be as at present, but an increased scale is provided for special jurors. A special juror will be paid one guinea per day. That can be altered by Order in Council. Seeing that there are only four special jurors, the expense to the Crown will be no greater by reason of there being only four. But that is a matter that can be altered if it is considered advisable. Before the Bill was finalised an opportunity was taken to obtain the views of the judges. Already I have accepted recommendations from different judges.

Mr. POLLOCK: You stated that no one of bad fame or repute can be on a jury.

The ATTORNEY-GENERAL: That is so.

Mr. POLLOCK: How is that arrived at?

The ATTORNEY-GENERAL: There is provision in the Bill for returning officers to furnish to the sheriff, who compiles the jury list, a list of the people who should be eligible for the jury.

Then there is provision in the Bill that the police shall render every assistance in the compilation of the jury list, and shall undertake any inquiry that the sheriff or the principal electoral officer or other officer may require. Between the electoral officers and the police they should be able to decide who is a fit and proper person to be on a jury. I do not think there is any further information for me to give, as the rest of the Bill consists of matters of detail.

Mr. W. FORGAN SMITH (*Maclay*): I do not propose to say very much at this stage. We shall give the Bill mature consideration when it has been printed and circulated.

The Bill deals with a very important matter, that is, the administration of the laws of this State. The jury system is a very old-established one, and is regarded as one of the necessary methods to secure complete justice to all persons affected by the operations of the law courts. So far as I have gathered from the Attorney-General, the qualification has been altered in the case of common juries to householders. At the present time the jury list is compiled from the list of persons who have the qualification of citizenship under the Elections Act. That is going to be altered now to provide that the jury list shall be compiled only from those who are householders or who are renters or lessees of buildings or certain property—really a form of property qualification.

The ATTORNEY-GENERAL: Oh no; I would not go that far.

Mr. W. FORGAN SMITH: A man who is a lessee of property has really a property owner's qualification.

The ATTORNEY-GENERAL: In a very slight degree.

Mr. W. FORGAN SMITH: Nevertheless, the principle is there—that is the basis of the qualification. A man who is a boarder or living at an hotel will not be qualified under this Bill.

The ATTORNEY-GENERAL: Oh, yes. I can read you the qualification.

Mr. W. FORGAN SMITH: The matter is one that deserves very serious consideration. There has been a good deal of comment about the actual operations of the jury system in Queensland for some years past.

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The courts have been hampered in certain areas in the State in regard to the operation of the jury system; and that is why I asked the Attorney-General by interjection whether he had considered the question of a majority verdict with an increased number of jurors. That has been suggested as one of the methods whereby one of the difficulties that now exist could be done away with. At the present time all that is required to deal with a case is to get one juror to hold out for an acquittal. He holds out, and, after a period of time, the jury report that they cannot agree, and that there is no likelihood of their agreeing. I am not prepared to advocate any departure in that direction; but it is a line of thought to which the Attorney-General would naturally give some consideration when preparing the Bill. A good deal can be said for the extension of the number of the jury to fifteen and the substitution of a majority verdict. That is in operation in certain countries which are noted for wise and sound administration of the law, and it has given very successful results; but whether that would overcome the difficulties which have operated in some centres in Queensland remains to be seen. I have no very definite or fixed opinions upon the matter, and I shall reserve my general criticism on the Bill for the second-reading stage.

Mr. POLLOCK (*Gregors*): While I have no desire to criticise the Bill at this stage, I would point out to the Attorney-General that in his list of qualifications of those entitled to serve on special juries he has omitted a very important section of the community—at least I take it to be omitted. Frequently in the country districts of Queensland, where cattle and sheep stealing cases are being tried, and where questions of validity of contracts in regard to droving and shearing and such other matters are taken into consideration by the court, the men most qualified to sit on special juries would be men with some knowledge of those industries and avocations—accountants and others in the list read out by the Attorney-General would not have the qualifications in regard to dealing with such cases as those I have referred to. For instance, where the validity of a cattle-droving contract, with all its implications, is in question, I should say that an experienced drover would be a much better man to have on the jury than an experienced accountant. He could give very valuable information to the court and the rest of the jurors, who might be men who followed city occupations. Similarly, in the case of shearing contracts and shearing operations, a man with first-hand knowledge would be of very great help. Such cases are very frequently tried in the country districts of Queensland, and I am sure that the addition of such men to the jury list would help to make the Bill more workable.

The Minister has followed a very wise course in securing the attention of the judges to these matters. A judge who is continually concerned in the administration of the law should know the weaknesses of the present jury system probably better than anybody else, and naturally the advice of the judges to a Minister preparing such a Bill would be very valuable, and certainly very desirable. Consequently, I congratulate the Attorney-General on having consulted the judges in regard to many of the questions which arise in the Bill. I mention these

matters for the hon. gentleman's consideration, as I feel that the inclusion of such provisions will make the Bill more workable.

Mr. COOPER (*Bremer*): I am afraid that, when we get this Bill in our hands, we shall probably find one or two very objectionable things in it. I would like to enter my protest against the alteration which the Attorney-General proposes of the word "common" to the word "general." To alter that word appears to me to be a backward step. "Common" is a common word, and has been in common use much longer than "general" has been in general use, and I recommend to the Attorney-General to stick to the word "common" as having a far better and more comprehensive meaning than the word "general."

I am concerned about the alteration in the qualifications for jurors. The insinuation is there—although the Attorney-General put it very clearly and very nicely—that the poor man without money or property is practically not good enough to be included in the jury list. That is a direct insinuation that the poor man cannot be honest, whereas, as many of us know, many men are particularly poor because they are meticulously honest.

OPPOSITION MEMBERS: Hear, hear!

Mr. COOPER: There is just one other aspect of the matter I want to mention, and that is the restriction of the duty of every man in the community who is a law-abiding citizen to serve upon the jury of his country. I am just afraid that this restriction may be the beginning of another restriction in the franchise. This restriction, I am afraid, may be followed later by a restriction of the duty which a man owes to his country in other directions. A man owes a number of duties to his country. One is to answer the call of the law when that call is made on him. It is his duty to put everything else aside and answer that call.

Another duty is to take his share in the formation of the Government of the country; and I am afraid that the restriction of the qualifications of the juror may be used as a starting place for the whittling down of the qualifications of the voter—and that I am satisfied would not be in the interests of the progress of the nation. Anything in the nature of a restriction of the rights and duties of the people in this regard will not be of advantage to the nation.

In respect of one other matter—jurors' fees—I would like the Attorney-General to be a little more definite. A juror performs a very important function, and, although he is performing it for the Crown, and should perform it no matter at what inconvenience or expense to himself, nevertheless I do think that this State is sufficiently well off to pay to the common juror—as he is at present, at any rate—a fee equal to what the Crown pays for the work performed by a common witness. Take the case of two gentlemen who were brought from the North recently to give evidence in a case—Mr. Reid and Mr. Goddard. One, I believe, received expenses at the rate of £2 a day for thirty days, and the other £2 a day for a period of fifteen days.

Mr. W. FORGAN SMITH: That was not in the course of law; it was in the course of a fishing expedition.

Mr. COOPER: I only know they were summoned by the Crown to perform a special duty, and they answered the summons of the

Crown; and not only did they receive those fees, but they received them beforehand.

The ATTORNEY-GENERAL: You will find that they were not called by the Crown, but by the creditors.

Mr. COOPER: The Crown stood the racket. I quite recognise that they were called upon to give evidence on a special date, and that may have had something to do with it. Jurors are liable to be summoned at any old time. There two particular men were good for their particular work only before 12th October. However, that is by the way.

Mr. KELSO: Very much by the way.

Mr. COOPER: By way of finding out something that the other side wished to find out.

Mr. KELSO: You are working in side issues.

Mr. COOPER: It is not a side issue.

The CHAIRMAN: Order!

Mr. COOPER: I hope the Attorney-General will give some consideration to jury fees when the Bill is before the House, and that he will give us an assurance that the fees will be fixed somewhere near the level of the expense incurred by a jurymen in attending the court.

I ask him also to give further consideration to the qualifications of the jurymen with a view to making them as wide as possible, so that every member of the community may perform this duty to the Crown. I agree with the Attorney-General that people of bad fame and with bad records should not be allowed to serve upon a jury; but people with clean characters and people who are honest, fair, and decent should have the right to serve on a jury. There should be no restriction if a person is of good character; but I am afraid that this Bill will be used as a lever to exclude people from what is undoubtedly their birthright.

Mr. HANLON (*Ithaca*): The views that I am about to express were expressed by me on a previous occasion when sitting behind a Government. Jurymen have a justifiable complaint against the manner in which they are treated by the Crown. The whole cause of justice is dependent upon jurymen being unbiased and impartial; but jurymen are only human. If they are called upon to serve on juries and are retained at a court for five or six weeks, they are losing money all the time. Jurymen, particularly those with families, cannot afford to lose money day after day. It is a distinct hardship upon them, and it creates a sort of antagonism towards the Crown. I hope the Attorney-General will give consideration to the matter of increasing the fees before the Bill reaches another stage. No man serving on a criminal jury should be expected to serve at a financial loss to himself. I have served on juries myself; and on one occasion the jurymen suggested that they should refuse to serve, but eventually they led a deputation, I think to the bailiff, complaining of the length of time they had been compelled to put in at the court, and pointing out the financial loss they were suffering. No man should be called upon to serve at a loss. There are quite a number of tradesmen earning from £1 per day who are called upon to serve on juries for 14s. or 15s. a day for six and seven weeks on end. Even when they are

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not called to serve on a jury on any particular day, they are not in a position to resume work because they have had to arrange for someone else to do their work while they are away. All this time the jurymen are losing a few shillings every day, and that creates a feeling of antagonism towards the Crown.

Another provision in the Bill which rather took me by surprise is the provision for special juries in criminal cases. When we see the Bill, we shall be in a better position to know more about that matter. It is rather remarkable that a Bill should provide that, if the Crown so desires, it can select a special jury to try a particular case. We know that social standing and position in the world lend considerable bias to a decision; and, if the Crown particularly desires to secure a conviction, it would have a much better chance of doing so by empanelling a jury from persons who by training, by social position and social environment, were antagonistic to the person on trial.

Dr. KERWIN: Nonsense! They are honest.

Mr. HANLON: I have met a few honest people in my time, and I have also met some very dishonest ones in good positions. One has only to peruse the police records to see how many dishonest people there are in every walk of life. There seems to be a desire amongst those of the same political persuasion as hon. members opposite to suggest that only working people are dishonest, and that no one who has wealth is dishonest.

Dr. KERWIN: Nonsense!

Mr. HANLON: As the hon. member for Bremer pointed out, poverty amongst certain people is practically the result of their honesty.

Mr. KENNY: You are the only man who suggests that.

Mr. HANLON: That may be. Perhaps I am the "lonely prophet crying in the wilderness." On reading reports of income tax prosecutions for the past few years I am led to believe that many large taxpayers are prepared deliberately to rob the Crown if they get an opportunity. Not only are they guilty of a breach of the law, but they have acted in a disloyal way, and certainly not in the service of the State. Apparently the Crown will now have the right to select a special jury comprising persons in fairly good social positions in order to try a particular case. That is an alteration in the whole system of British criminal justice. Of course, we shall be able to go into the matter much further when we have the Bill before us; but it does appear to me that the Attorney-General should be able to give good reasons before departing from the old-established idea of British criminal justice. I would certainly require some very strong reasons for the creation of a privileged jury-class before I would be prepared to support such an alteration in the law.

Mr. BDFORD (Warrego): The revival of the special jury reminds one of the particular circumstances surrounding the Mercantile Bank case in Melbourne some years ago. In that case a special jury—or a "grand jury" as it was called—was called to consider the case of Sir Matthew Henry Davies and a couple of his associates, who were men of great financial and social tonnage. A true bill was not found against them, and the prosecution of one of the most flagrant instances of bank robbery that ever occurred

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in Australia was allowed to go by the board, although men with much lesser social and financial tonnage in the case of the Australian Freehold Banking Company and other smaller banks went before the ordinary or common garden jury, and ended up in the ordinary or common garden gaol. This discrimination was used for the purpose of saving men whose social position made it necessary that they should be saved, without any consideration of the general law on the subject. I think this revival of the special jury is a very bad innovation; it practically revives the grand jury for the grand people, whilst providing an ordinary jury for ordinary people.

Mr. KIRWAN (Brisbane): Following on the remarks made by the hon. member for Warrego, I have a distinct recollection of an important case which was tried in Brisbane, the venue having been changed to Brisbane, and the case being heard before a jury specially selected because the powers that be considered that ordinary jurymen were not qualified, or probably could not be trusted, to give the prisoners concerned a fair trial. Certainly in that case the men were found guilty, and one of them suffered the extreme penalty of the law. I see no reason why an ordinary jury which is competent to try ordinary cases should not also be competent to try other cases. It is obvious from what the hon. member for Warrego said that special juries were used in special circumstances. Did I understand the Attorney-General to say that a prisoner has the same right to demand a special jury as the Crown?

The ATTORNEY-GENERAL: Yes.

Mr. KIRWAN: Under these circumstances the Crown may be evening it up a bit. I think that under the old law the Crown only had the right to ask for a special jury.

The exemption to fire brigade men in connection with service on juries is very necessary, because we can readily realise that the work of any brigade is likely to be disorganised by the absence on jury service of one or two members of the brigade. I trust that the Attorney-General will also bring ambulance men under the exemption category, as their work also warrants consideration in this connection.

The additional qualification that a jurymen must also be a householder is no new idea from hon. members opposite. It is the old idea that has been prevalent in Queensland for many years that, if you do not own property, you have no right or intelligence to vote—a most extraordinary attitude to adopt. We remember, however, that, when the war broke out, a man was not asked if he owned a house before being allowed to enlist.

Mr. KENNY: You were not too interested in the soldiers during the war.

[3.30 p.m.]

Mr. KIRWAN: I do not intend to reply to that stupid and silly interjection, which is so characteristic of the hon. member who made it, but I will take the opportunity to deal with the hon. member if he likes to discuss that question at any time. So long as a man was sound in wind and limb, he was allowed to enlist. If those men were capable of handling a rifle, surely they are capable of serving on a jury or qualified to exercise a vote! I shall say nothing more on the matter until we have had an opportunity of seeing the Bill.

The ATTORNEY-GENERAL (Hon. N. F. Macgroarty, *South Brisbane*): In reply to the comments made in connection with common juries, I would point out that a man on the jury has something to do with administering the law; and I refuse to give that right to a man who has not been resident in the town for at least six months. When he has been there six months he must have some residential qualification. There is no discrimination being shown between the rich and the poor. We simply say that a juror must be a householder, and that he must have lived in a place for at least six months and have some interest in that place before we allow him to assist in administering the law. Six months' residence is a very small qualification, and there is no discrimination against the humblest man in the State.

Mr. POLLOCK: Wherein does it differ from the previous Act? At present so long as a man is on the electoral roll he is entitled to be on the jury.

The ATTORNEY-GENERAL: A person has now to be three months in the State and a month in the district before he can get on the roll; so we are only adding three months' residence to the qualification. I think that is a moderate qualification.

I would also like to refer to the question of jury fees. Nobody has had more experience of juries and the inconvenience they have been caused than I. In answer to the hon. member for Ithaca, I would point out that an increased fee can be allowed. That is a matter of detail. Nobody has more sympathy with jurors than I have. I am not going to commit myself at the present time; but, if an opportunity occurs at a later date, I shall be only too pleased to help jurors to get increased fees. That can be done by regulation.

With regard to the revival of the special jury system, that is one of the most advisable things we can do. I say that advisedly. At present juries are chosen from electors within a radius of 2 miles of the court house; and I have seen boys of twenty-one sitting for two weeks on most important cases, and I really believe they did not know one thing about them. It is not a question of rich or poor at all. There will be a better chance of getting a more intelligent verdict from a man who is a merchant or a warehouseman, and who has knocked about town in his business capacity. You cannot expect a real intellectual verdict from boys of twenty-one. I have seen boys on juries; and, if I am any judge of human nature, they did not know what was going on.

Mr. W. FORGAN SMITH: Who was addressing them?

The ATTORNEY-GENERAL: Sometimes I was addressing them. (Laughter.)

Mr. W. FORGAN SMITH: You put them to sleep. (Renewed laughter.)

The ATTORNEY-GENERAL: I admit quite frankly that I have put many a juror to sleep; but I have this consolation—that I also woke them up. (Laughter.) I do not think any barrister can say he never put a juror to sleep. The system of having young men on juries to decide important cases is not right, and that is the main reason why we are going back to special juries. We do not disqualify any man who has had experience. A young

man of twenty-one can be on a jury so long as he comes within the category mentioned in the Bill. We propose to have a bigger radius, and we hope in that way to pick out better juries.

In reply to the hon. member for Brisbane, I shall look into the question of ambulance bearers. They may be included with the salaried officers of hospitals. At any rate, I am quite prepared to put ambulance men in the same category as fire brigade men.

Mr. HANLON: My objection to special juries is in regard to criminal cases.

The ATTORNEY-GENERAL: I forgot to add that, if the Crown makes application for a special jury in a criminal case, or if the defendant makes a similar application, it does not follow that it will be granted as a matter of course. The permission of the court has to be obtained.

Mr. POLLOCK: Under what circumstances will special juries be justifiable in criminal cases?

The ATTORNEY-GENERAL: That would be a matter for consideration by the Crown or by the defendant. A man might be on trial for a very serious offence, and he might consider that a general jury would not suit him, and desire to apply for a special jury, thinking that he would get a more intelligent jury or a jury with wider experience in the affairs of the world. I have never seen it done; but the opportunity is there for both sides, and they will have to get the permission of the court.

Question—"That the resolution (*Mr. Macgroarty's motion*) be agreed to"—put and passed.

The House resumed.

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

Resolution agreed to.

FIRST READING.

The ATTORNEY-GENERAL (Hon. N. F. Macgroarty, *South Brisbane*) presented the Bill, and moved—

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

Question put and passed.

Second reading of the Bill made an Order of the Day for to-morrow.

ROYAL NATIONAL AGRICULTURAL AND INDUSTRIAL ASSOCIATION OF QUEENSLAND BILL.

INITIATION IN COMMITTEE.

(*Mr. Roberts, East Toowoomba, in the chair.*)

The SECRETARY FOR PUBLIC LANDS (Hon. W. A. Deacon, *Cunningham*): I beg to move—

"That it is desirable that a Bill be introduced to enable the Brisbane City Council to sell a portion of the land described in certificate of title No. 215621 and held by the said council as a reserve for public park purposes, and for other consequential purposes."

The reason for introducing this Bill is to validate an agreement made between the Brisbane City Council and the Royal National Agricultural and Industrial Association of Queensland in 1923 to exchange a portion of land known as the Acclimatisation

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Society's grounds. A piece of land was to be surrendered by the association, and the Brisbane City Council agreed to sell a piece of this land to the association. This Bill is introduced to legalise the transaction and enable the City Council to sell the land to the Royal National Association. In the second place, the Bill gives the Governor in Council power to authorise the City Council to sell further ground.

Mr. POLLOCK: Where is this land?

The SECRETARY FOR PUBLIC LANDS: The Acclimatisation Society's grounds, adjoining the National Association grounds.

Mr. POLLOCK: Do you say that you are giving power to take land at any time from the Acclimatisation Society?

The SECRETARY FOR PUBLIC LANDS: The Governor in Council can authorise the Brisbane City Council at any time to sell more of that park to the National Association. It is anticipated that sooner or later the National Association will take in practically the whole of that park.

Mr. W. FORGAN SMITH: Are you giving the City Council a general power or a particular power?

The SECRETARY FOR PUBLIC LANDS: No; only a special power to sell this part of the reserve; but we are giving power to the Governor in Council to authorise the City Council to sell further parts if they are required. It is anticipated that sooner or later more land will be required for National Association purposes.

Mr. POLLOCK: What about the kiddies who want to play there?

Mr. WILSON (*Fortitude Valley*): I understand that this Bill is introduced in confirmation of an agreement entered into by the City Council with the National Association to sell a small area of ground known as the Acclimatisation Society's ground to the National Association. I was a member of the City Council at the time, and only a small area is involved, the price being £750. It was mutually agreed on by the respective parties, following upon the negotiations which originally began in August, 1922, and were finalised in 1925. The agreement sets out that it shall be a condition that the City Council shall round off the corners of Water street and Constance street leading into Gregory terrace, and also of Brookes street and Gregory terrace and the corner of O'Connell terrace and Brookes street. I take it that the whole thing has been completed, and that this is the confirmation of the transaction entered into at that time.

Mr. POLLOCK: They say that this Bill gives the Governor in Council power to authorise them to sell some more.

Mr. WILSON: That is a matter for consideration later on. We all recognise that the National Association is pushed for room. It has acquired this ground, which was originally a quarry, and I am of opinion that it is only a question of a few years when the National Association will be asking for more of what is known as the Acclimatisation Society's grounds. The National Association's grounds have become so congested that it is absolutely impossible to carry on much longer at the rate of progress they are making. The Acclimatisation Society's grounds may be described as adjacent to the hospitals, and naturally, as they adjoin the National Association's

grounds, they are very desirable indeed from the point of view of the association. The association frequently approached the City Council for a piece of this ground, and also asked it to close Gregory terrace, which runs right through from Brunswick street to Brookes street, but the City Council strongly objected to that course, feeling that it would be unwise, and the association is allowed to close it only during the time that the show is in progress. I take it that this is only a confirmation of the agreement entered into in 1922 and finalised in 1925.

Mr. W. FORGAN SMITH (*Macleay*): I have no objection to authority being given to the City Council to complete and put on a proper legal basis the agreement entered into in 1923 with the National Association. The Committee will understand that there is nothing wrong with that principle; but I object to agreeing with the principle that the Governor in Council may at any time give any local authority power to sell land. I can conceive a situation arising in many parts of the State where, owing to large expenditure or to difficulties which it may encounter from time to time, a local authority may be hard up and endeavour to sell its reserves.

The SECRETARY FOR RAILWAYS: This only applies to the agreement entered into in 1923.

Mr. W. FORGAN SMITH: No. I understood the Minister to say that the Governor in Council was taking power to authorise the City Council to sell further areas.

Mr. KENNY: Of the same piece of land.

Mr. W. FORGAN SMITH: I am dealing with the Minister at the present time—not with his advisers.

Mr. KENNY: I am giving you a little bit of advice and information.

Mr. W. FORGAN SMITH: The hon. member may be interested in giving advice, but, whenever he interjects, he reminds me of a well-known verse in the Bible, "And behold, from the window of my chamber I saw a young man void of understanding." (Laughter.) I was going to say that during periods of financial stress local authorities might be tempted to sell reserves or public parks, or portions thereof. Anybody who knows anything about town planning and the difficulties which present themselves in connection therewith will know that in the early days township sites were laid out without sufficient areas being provided for reserves for public purposes of this kind. That applies more particularly to Brisbane. A brief survey of Brisbane will convince anyone that the people of Brisbane require every inch of open space that exists at the present time and that they require a great deal more. One of the most essential things in the metropolitan area is the establishment of playgrounds for children. While I do not oppose the ratification of the agreement entered into, I certainly oppose any general power being taken for the disposal of the public estate and public reserves of this character in this way.

Mr. HANLON (*Ithaca*): I desire to enter my most emphatic protest against the Minister taking this power to give the City Council authority to dispose of the rest of this land.

The SECRETARY FOR PUBLIC LANDS: No authority is given to the City Council. The

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authority is vested in the Governor in Council.

Mr. HANLON: I am not concerned as to who shall exercise the authority, but I object to the authority being given. I object to power being given to anyone to dispose of what is the prettiest little park in Brisbane, and perhaps in Queensland. There are very valuable trees in this park, the poinciana trees alone having excited general comment and admiration. There are other very beautiful trees in those grounds—trees that cannot be replaced—and it is now proposed to hand over this little gem of a park to the National Association for the purpose of serving a temporary expedient. That is all it means. One hon. member suggested that in a few years the National Association will have to seek land farther out. The few acres that are left in this little park at present will postpone that removal for a few years; but are we to destroy one of the most beautiful little parks in Brisbane for the purpose of serving the interests of the National Association in order to put off their removal for a few years? This park is a very valuable adjunct to the Brisbane General Hospital. It is a beauty spot for the patients in the hospital. Many of the patients—many able to walk and others on crutches—frequent the park. It is particularly availed of by visitors to the hospital. When an inmate is seriously ill and is visited by relatives with children—relatives do not care to bring the children into the wards to disturb patients who are seriously ill—the children are left in the park while their elders pay their visit to the hospital. If anyone wishes to appreciate the value of the park for this purpose, it is only necessary to visit the place on Wednesdays and Sundays and see the number of children playing in the park whilst their parents and guardians are visiting sick ones in the hospital. It would be a crying shame if the Brisbane City Council were given authority to dispose of any more of the park. It was a mistake in the first place to allow even one acre to be disposed of; but now, in view of modern developments, it is proposed to dispose of the rest of it. Within a few hundred yards of these grounds a park was made at considerable expense. I refer to the creation of Centenary Park. The action in making available the open space in Centenary Park is quite justifiable; but, whilst on the one hand we recognise the value of beauty spots and parks to the city, we have on the other hand the stupidity of people who are prepared to murder these parks in order to serve a temporary purpose. If the continuation of the Royal National Association depends upon the murdering of our beauty spots in Brisbane, then we shall have seriously to consider if the National Association is worth supporting any longer.

Mr. G. P. BARNES: Your Government initiated the idea.

Mr. HANLON: That may be. Cain initiated murder, and we are descended from him, but that does not suggest that murder is justifiable. If mistakes were made in the past, that does not justify the continuation of those mistakes in the future. The very idea that a mistake was made in the past is a reason why we should avoid similar mistakes in the future. The fact that a certain policy was wrong in the past does not suggest a continuation of that policy. It was a mistake to give away any portion of this park in the first place; and it would be a mistake and a real crime if the balance of

the park were allowed to be taken from the people of Brisbane.

The SECRETARY FOR PUBLIC LANDS (Hon. W. A. Deacon, *Cunningham*): The Royal National Association requires only 2 rods of this land, and a plan is attached to the map showing the area required.

Mr. POLLOCK: You said a moment ago that the association required the whole of the land.

The SECRETARY FOR PUBLIC LANDS: The hill portion will not be disturbed, and it will not be destroyed as a park. It is not at all likely that the Governor in Council will give any association authority to destroy a park. The Royal National Association requires only a small portion, and hon. members can safely trust the Government to see that the interests of the people are preserved.

Mr. W. FORGAN SMITH (*Mackay*): I am prepared to agree to the ratification of the agreement made in 1923 for the portion of the land mentioned in that agreement. I am not prepared to give authority to anybody to dispose of any more of that land in future. There is a very good reason why such authority should not be given. When a Bill of this kind has to come before Parliament, the public have an opportunity of getting the safeguard that no pressure is being brought to bear by any powerful association to have something done by Order in Council. While I am not opposing the main agreement between the Brisbane City Council and the Royal National Agricultural and Industrial Association, I feel it necessary, on behalf of the Opposition, to enter my protest against the disposal of any more of this land, which I shall do by calling for a division on the proposal. I am not opposed to carrying out the existing agreement; but, when the Bill comes before Parliament at the Committee stage, we on this side will move for the deletion of the second portion of it.

Mr. KIRWAN (*Brisbane*): It is to be regretted that it should be necessary at any time to take any portion of the few parks that we have in the city of Brisbane. The Acclimatisation Society's Gardens, as this ground was known in the early days, is one of the oldest parks in Brisbane. A previous Clerk of this Parliament, the late Mr. L. A. Bernays, had many years' association with that society, and did splendid work in introducing new types of plants to Queensland. Indeed, the Acclimatisation Society has done excellent work in that regard. This Bill seeks to ratify the agreement made between the two parties; but I am inclined to oppose any further alienation of this park. Would it not be possible to get the Brisbane City Council to do something in the direction of beautifying Victoria Park, which, I regret to say, is in much the same state as it was when I arrived in Brisbane forty-six years ago? Except for a few trees which have been planted on the ridges in that park—and those ridges, by the way, were created in the days when all the rubbish of the city was deposited in that area—very little work has been done; and I commend the suggestion that something be done to beautify the park and to create a sports ground there. At least something should be done to beautify the portion of Victoria Park facing the General Hospital and the Children's Hospital, because quite a number of visitors to

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the hospitals leave the younger members of their families in that park whilst they visit those institutions.

The PREMIER: The money obtained from the sale of this land might be applied for that purpose.

Mr. KIRWAN: I am glad to have that information. If the council did any work in that direction, we would then have a park which would serve the same purpose, if anything did happen to the Acclimatisation Society's gardens.

Mr. POLLOCK (*Gregory*): The Minister made it quite clear when outlining the provisions of this Bill that it was intended sooner or later to sell the whole of this park to the Royal National Association. The hon. gentleman said that power will be taken by the Governor in Council to sell portions of it as the Royal National Association desires them. If I understood the hon. gentleman correctly, he said that the association would want it, and sooner or later would get it.

The SECRETARY FOR PUBLIC LANDS: That is quite correct.

Mr. POLLOCK: We say that it is most incorrect. There are really only two parks in that portion of the city. This park is really the most beautiful that we have in Brisbane, and the poinciana tree there is a constant source of admiration by people who come from the Southern States. If you hand this

park over to the Royal National Association, you might just as well destroy that beautiful bougainvillea garden at Indooroopilly, which I think is one of the finest sights in Australia. (Hear, hear!) I do not think we are justified in giving away any more of this park. We are prepared to agree to the ratification of the agreement arrived at between the Royal National Association and the Brisbane City Council in regard to a portion of this park; but, having done that, we are not prepared to give general power to the Governor in Council to authorise the City Council to sell the rest of the park. What would happen to this park if the National Association were given power to utilise it as a part of the Exhibition Grounds? Once it is sold, we shall have no further control over it. It might be used as an arena for wood chipping, or it might be used for parking cars. The National Association might even cut it up into pigsties, when the vegetation grows there for many years at considerable expense and all the beauty of the grounds would be gone. This park serves an excellent purpose for people who come from country districts to visit friends and relatives in the General Hospital. Country people who come to visit friends in the hospital are not too conversant with the little places in which they may have a rest; and this little park is the only place where these people can have a rest. They are even allowed to take inmates of the hospital who are not actually confined to their beds out into the park and have private conversations with them. That is an immense advantage both to the inmates of the institution and to visitors. On the other side there is that huge undeveloped area called Victoria Park, which there is now an agitation to turn into municipal golf links. Whether that will ever come to anything it is not for me to say; but, if it does, it will be the end of chance visitors resting in some place adjacent to the hospital or a place

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where their children can play while they go to see their sick friends. Anyone who knows anything about golf knows that the average golfer would not allow you to sneeze while he is hitting a golf ball. (Laughter.) If Victoria Park is turned into a golf course, visitors will not be allowed to roam around the links. For these reasons it is advisable to keep this little park intact, and thereby preserve the natural beauty of the place. If the National Association desires more ground let it resume an area on the other side. It is in a fairly good financial position. I admit that it serves a good purpose; but why should it not pay for the resumption of ground rather than rob the public of its parks? We have no justification for giving authority to the Government to dispose of this park. The Minister has assured us that he is going to allow the National Association to buy it. There is no justification for that, and we should not be asked to vote for a measure of this kind.

Mr. HANLON (*Utahoe*): I should like a little more information in regard to this matter. The Premier interjected that the proceeds from the sale of this park land will be used for the beautification of Victoria Park. This is what has me puzzled: Although this Bill purports to give the Brisbane City Council power to sell this land and the Premier says the council is going to use the proceeds for the beautification of Victoria Park, at yesterday's meeting of the Brisbane City Council neither the mayor nor any of the aldermen knew anything about it. When notice of this Bill was given on Friday last, I saw Alderman Warmington, and at yesterday's meeting of the Brisbane City Council he brought the matter up in order to see what the Bill meant. This is the "Daily Mail's" report of the proceedings—

"I think the Bill is loaded," said Alderman W. R. Warmington, when seeking at yesterday's meeting of the Brisbane City Council information regarding the Bill proposed to be introduced in Parliament at an early date, giving the council power to sell certain park lands.

"The Mayor (Alderman W. A. Jolly) said that he knew nothing about the proposal.

"Alderman A. Watson: Perhaps it is the gardens they are selling.

"Alderman Warmington: Don't say anything silly.

"The Mayor said that possibly the measure had something to do with the sale of certain park lands by the old Brisbane City Council to the Royal National Association some years ago. He would make inquiries to see what the question was about."

We are entitled to a little more consideration. It appears to me that the Secretary for Public Lands has entered directly into negotiations with the Royal National Association, or the association with him, and they have decided to do this without consulting anyone else concerned. Apparently they consider that the Royal National Association and the Secretary for Public Lands are the sole people who should be consulted in the interests of the people of Brisbane. It is rather a slight on the City of Brisbane Council that the Minister should introduce a Bill into this House giving authority for the selling of park lands in Brisbane without the

council being even consulted. As to the statement that the council is going to use the money for the improvement of Victoria Park, seeing that the council knows nothing about the matter, we can take the statement at its face value.

Mr. DUNLOP (*Rockhampton*): I rise to oppose this Bill in every shape and form. My experience in our own city of Rockhampton and elsewhere is that, if anyone in any city takes any interest in the preservation of lung areas for parks and playgrounds for children, it is the council concerned. This park has existed for some years in this locality, and not one inch should be given away, because it will be too late to get any more land later on. Every city should hold on to any park lands which it has got. The trouble is that municipalities have not been far-seeing enough to earmark suitable areas in their respective localities for parks. I am not prepared to give approval to any agreement which would permit of the selling of an inch of the ground either now or in the future.

Mr. FRY (*Kurilpa*): I do not want to delay the Committee.

Mr. COLLINS: They are getting timid over there now.

Mr. FRY: I am not timid, but I think the hon. member for Bowen may be timid before we finish. When we consider that this is an arrangement made by the Labour Government—

Mr. POLLOCK: That is not true—only part of it is.

Mr. FRY: The biggest part of it was made whilst the Labour Government were in office.

Mr. POLLOCK: That is not true.

Mr. FRY: They were not concerned with the welfare of the city of Brisbane. I know more about park lands than anyone in this Chamber so far as the city of Brisbane is concerned. About a year ago I went into the question of the park lands of Brisbane in order to ascertain just how much park land is available. I found that park lands constitute only 3½ per cent. of the metropolitan area, whereas there should be about 10 per cent. If the Government are going to allow the Brisbane City Council and the Royal National Association to deal with this land, I would ask the Government to make sure that the Brisbane City Council takes steps to acquire other park lands as breathing spaces for Brisbane. I am going to support the introduction of the Bill for two reasons—first, because one part of the agreement was approved of by the Labour Party, and the other part was approved of by our Government.

Mr. W. FORGAN SMITH: Did you say that the Labour Government agreed to it?

Mr. FRY: Apparently.

Mr. WILSON: The Labour Government had nothing to do with it. It was an arrangement between the Brisbane City Council and the National Association.

Mr. W. FORGAN SMITH: Of which the Labour Government approved.

Mr. FRY: Something of the kind. When we reach the Committee stage I shall give the details with regard to park lands, if

necessary. The Government may be able to use their influence to induce the Brisbane City Council to resume land bordering on the river for park purposes.

Mr. WILSON (*Fortitude Valley*): The hon. member for Kurilpa has misrepresented the whole business. He said that the Labour Government agreed to this proposal. The Labour Government did not do so. When I was in the City Council an agreement was come to between the City Council and the National Association. I think the hon. member for Toowong will be able to bear me out in that. If the Government had anything to do with it, there would have not been any occasion to ratify that agreement. Mr. Theodore was Premier at the time. As the Leader of the Opposition has already explained, we on this side of the Committee do not object to the ratification of the agreement, but we strongly object to the filching away of any more of that ground.

Question—"That the resolution (*Mr. Deacon's motion*) be agreed to"—put; and the Committee divided:—

AYES, 35.

Mr. Annand	Dr. Kerwin
" Atherton	Mrs. Longman
" Barnes, G. P.	Mr. Macgroarty
" Bell	" Maher
" Blackley	" Maxwell
" Boyd	" Moore
" Brand	" Morgan
" Carter	" Nimmo
" Clayton	" Peterson
" Daniel	" Russell, H. M.
" Deacon	" Russell, W. A.
" Duffy	" Sizer
" Fry	" Tedman
" Hill	" Tozer
" Jamieson	" Walker, H. F.
" Kelso	" Walker, J. E.
" Kenny	" Warren
" Kerr	

Tellers: Mr. Fry and Mr. Maxwell.

NOES, 20.

Mr. Bedford	Mr. Hanlon
" Bow	" Hanson
" Brassington	" Hynes
" Bulcock	" Kirwan
" Collins	" Pease
" Conroy	" Pollock
" Cooper	" Smith
" Dash	" Wellington
" Dunlop	" Wilson
" Foley	" Winstanley

Tellers: Mr. Hanlon and Mr. Hanson.

Resolved in the affirmative.

The House resumed.

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

Resolution agreed to.

FIRST READING.

The SECRETARY FOR PUBLIC LANDS (Hon. W. A. Deacon, *Cunningham*) presented the Bill, and moved—

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

Question put and passed.

Second reading of the Bill made an Order of the Day for to-morrow.

Mr. Wilson.]

HEAVY VEHICLES ACT AMENDMENT
BILL.

COMMITTEE.

(Mr. Roberts, East Toowoomba, in the chair.)

Clauses 1 and 2 agreed to.

Clause 3—“Amendment of section 3—Application of Act; Heavy vehicles carrying primary produce on traffic routes”—

Mr. W. FORGAN SMITH (*Maclay*): This is the main provision of the Bill. During the second reading debate the Minister indicated that the sting was in the tail of the Bill, or, in other words, that there was power under the principal Act to make certain regulations. Apparently he anticipates imposing such a tax on heavy vehicles as will have the effect that he desires in introducing the Bill.

I have given a good deal of thought to the question of motor competition with the railways. It is a problem that affects every State in Australia and every country in the world at the present time. In Great Britain the roads have been improved enormously during the last fifty years by modern methods of construction; and railway companies there have had to write down their capital, in some cases by as much as 40 per cent. That is to say, individuals who a few years ago held £100 worth of railway stock now realise that that stock is worth only £60. The private railroad companies, however, have not been content to allow private individuals to secure control of the traffic by means of motor traction, but a majority of the companies have retained to a very large extent the traffic in that country.

At 4.25 p.m.,

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

Mr. W. FORGAN SMITH: The companies have actually undertaken motor traction on the roads, and in that way have considerably conserved their earnings. It must be borne in mind that motor transport is something that has come to stay. It is convenient in countless different ways, not only from the point of view of the expense to the individual, but from the point of view of convenience in handling. Take, for example, the trade between Brisbane and Ipswich. A lorry can load up at a bulk store in Brisbane and convey the goods to the shop door in Ipswich, where the purchaser desires them to be delivered, whereas in connection with the railways the goods have to be conveyed from the bulk store to the railway station, and on reaching the point of destination they have to be conveyed from the railway truck to the premises of the individual who accepts delivery of them. As a consequence, from the point of view of convenience to the public, there is an inducement to use this method of transport.

Whether any effort made under this Bill will act as a deterrent in regard to the points I have mentioned remains to be seen. Personally, I think that a complete survey of the whole transport problem of Queensland is required. A survey of a comprehensive character has not been undertaken hitherto; and the time is not far distant when in many portions of the State the people will be called upon to decide definitely and for all time what form of transport they desire. Public money cannot continue to be spent on railways and on roads, the one asset being used

[Mr. Smith.

in competition with the other. That position has to be faced, and I suggest to the Minister that a comprehensive survey of the whole of the transport problems of the State is one that he should undertake. In such a survey the Railway Department should take into consideration, not only whether or not it is advisable to run motor transport on existing lines, but also whether the methods adopted in Great Britain and the United States of America of taking control of motor transport on the roads should not also be followed here.

I should like some information from the Minister in regard to this clause. In one part of the clause it is provided that heavy vehicles carrying primary produce shall be exempt from the provisions of the Act, and also that they can carry other goods so long as those goods are not for sale. A further portion of the clause sets out that heavy vehicles used for the conveyance of primary produce are only exempt to the extent that they carry goods to the nearest railway station. The Minister knows, and has commented on it in public, that in certain areas of the State primary producers use motor transport in preference to the railways. That is their business. We know that a considerable quantity of goods is carried in that way, the producers consigning by the railways that form of produce which is often carried by the Railway Department at a losing rate. If the Minister investigates the schedule of rates issued by the Railway Department so far as they relate to certain kinds of primary produce, he will find that they are carried at a very low rate, and that what is in the nature of a State subsidy is being given to that form of primary produce. That was introduced before the competition of motor transport became as acute as it is to-day. The idea was that, if the Government could give assistance in certain directions, they were justified in doing so, as the railways were being run in any case, and other forms of freight being available at a different rate, all the freight combined paid for the running costs of the trains. That position no longer obtains, the Railway Department being asked to carry the freight which does not pay, whilst the motor transport caters for freight which under the railway schedule would be charged for at a higher rate. Consequently, the intention of the Railway Department to assist agriculture is, to a very large extent, being defeated, and the department is at all times carrying the burden. I should like the Minister to say whether there is a definite limitation in regard to this exemption to the carriage of produce to the nearest railway station. If heavy vehicles owned by farmers or by carriers at any time carry produce in competition with the railways, will that bring them within the scope of this Act?

The SECRETARY FOR RAILWAYS: Yes.

Mr. W. FORGAN SMITH: The Minister will realise the difficulty of policing that provision, which will create great difficulties particularly in certain dairying districts. The Minister will probably find that produce is brought to a railhead and is conveyed past that railhead to another destination, so that only one portion of the motor transport will be entering into competition with the railways. The Minister will find a good deal of difficulty in administration in determining to what extent a heavy vehicle is used for the carriage of primary produce to the railhead only and to what extent it is used in

competition with the railways. In those respects the clause at the present time appears to be somewhat ambiguous and contradictory.

[4.30 p.m.]

The SECRETARY FOR RAILWAYS (Hon. Godfrey Morgan, *Murilla*): If heavy vehicles at the present time were compelled to pay for the construction of roads and also to pay a certain amount each year for the maintenance of those roads, we would have very little to fear from their competition with the railways. To-day these heavy vehicles are able to compete with the railways owing to the fact that the people of the State provide good roads, while the owners of the heavy vehicles contribute nothing towards the construction of the roads and little or nothing towards the maintenance of the roads. The railways, on the other hand, have to pay running costs, have to contribute a large amount of money to the upkeep of the permanent way, and also have to find interest on the cost of constructing the railway system. Under existing conditions it is only natural, therefore, that heavy vehicles are able to compete successfully with the railways.

In reply to the question raised by the Leader of the Opposition as to what class of vehicles will be taxed, no heavy vehicle that is used by a primary producer to convey his produce to the nearest market will be taxed to any greater extent than it is at the present time, provided the owner only conveys back his own goods or goods for a neighbour for which he makes no charge; but, if he receives payment for the cartage of goods back, he will come under the heavy vehicle* taxation.

Mr. W. FORGAN SMITH: It will present some difficulty in administration.

The SECRETARY FOR RAILWAYS: We recognise that there will be some difficulty; but we shall not only have the officials of the Main Roads Commission looking after things, but also officials of the Railway Department. We naturally suppose that railway officials, recognising the importance of the railways carrying those goods which should be carried on the railways, will co-operate with the Government in seeing that these heavy vehicles do not escape scot free. I feel sure that eventually we shall get over any difficulty, and that the railways will convey a great deal of goods that at the present time are carried by motor trucks. I have come in contact with quite a number of the unfortunate individuals who are driving these heavy motor vehicles. I say they are unfortunate because in a great many instances they buy a heavy vehicle to do certain work, and subsequently find that they can get no more work in that direction. Then they start to compete with the railways. They work twelve to fourteen hours a day and even longer. They travel by night as well as by day, and some of them live like blackfellows during the trip. Owing to the fact that they are compelled to carry the goods at a very cheap rate, after delivering the goods at their destination and arriving back home, they have very little to show for the hardships suffered by them on the trip. Competition with railways from heavy vehicles is really in its infancy; and, if we can check it, we shall not be doing a great deal of injury to anyone in the community. When this Bill becomes law, it is our intention to put a very stiff tax upon heavy

vehicles. Whether that will prove successful or not remains to be seen.

Mr. DASH: You mean lorries?

The SECRETARY FOR RAILWAYS: Vehicles that come under the heavy vehicles tax and those which enter into competition with the railways; but we do not intend to impose fresh taxation upon any heavy vehicle that is used by a farmer to convey his produce to the nearest market or the nearest railway station.

It will only be vehicles that are bringing produce to a certain destination and returning with loads of goods that are entering into competition with the railways. If they return loaded with goods to some distant town not connected with the railway, or to some station or farm, they will not be taxed any further than they are at present, because we intend to assist vehicles of that description in every shape and form, recognising that they act as feeders to the railways and assist in the development of the State. We are not going to do anything to hamper them, but will encourage them in every way we can.

I hope that, when we regain this traffic, we shall be able to reduce railway fares and freights to some extent. It is not my intention during the period I remain in office as Minister to increase fares and freights, because I recognise that fares and freights are too high at the present time. Simply because we want to do away with this competition, we are not going to make it an excuse to fleece people by means of higher freights. We want to reduce the freights, and we recognise that, if we have more goods to carry, we can reduce the freights. In America and other parts of the world they have found that it is far better to handle large quantities of goods at a low freightage than a small quantity of goods at high freights. That is what we are aiming at. Owing to the fact that we have recently reduced the freight on store cattle by 20 per cent., a great number of cattle which were previously brought in by road and travelled to the Southern States by road are now being conveyed by rail. We have got an enormous amount of revenue in that direction, and the carriage of store cattle is now a payable proposition. In order to get all that is going in many other respects, we must have reasonable freights.

The same applies to sheep. If there is too great a freight on store sheep, the sheep can be walked. Fat cattle and sheep will not walk any great distance to market because they will lose condition; but people who have store cattle or sheep say, "We will not use the railways because the freight is too high." If we make the freights for carriage of that stock reasonable, we shall get them conveyed by rail. That is the policy we have endeavoured to adopt throughout. When this Bill becomes law, it is not intended to increase railway freights—in fact, I am of opinion that we shall be able to reduce them, especially on some of the goods which are carried at exceptionally high freights at the present time. What we want is really a reclassification of our railway freights; and we are going in for that now with a view to reducing freights on some goods which are now very high in comparison with the costs of the goods.

Mr. HANLON (*Ithaca*): I am pleased that the Minister is considering a reclassification of railway fares and freights. When I sat on

Mr. Hanlon.]

the other side of the Chamber and suggested that policy a couple of years ago, the present Minister, who then sat on this side, pooh-poohed the idea, and was quite indignant about a reclassification which would perhaps add a few pounds to the contributions of the primary producers to the railway. Now the hon. gentleman has the responsibility of administering this department, he finds that, whilst he would like to cater for the primary producers, they must pay a little more to the railways. He realises there is an enormous loss on the Queensland railways in view of the fact that the railways have been built for their benefit.

Mr. BRAND: The Minister has not admitted anything of the sort.

Mr. HANLON: He has admitted that he has to make the primary producers pay a little more.

Mr. BRAND: He has not.

Mr. HANLON: There is a provision in the Bill that they must cart only to a railhead, whereas at present they can cart direct to a market. They would not cart direct to the markets unless they could save something, so what is the use of saying that the Minister did not say they would have to pay a little more to the railways? Many things are exempted, such as fruit, vegetables of a perishable nature, cream, fresh milk, and primary products. Wheat is already carried at a rate that does not pay the department, and there is practically only wool left. Despite what the Minister has in view, that a truck used solely for the purpose of carrying primary produce shall be exempt from taxation if it carries direct to a railway station, there is another provision that practically exempts every primary product except wool from the operation of the Bill.

Mr. BRAND: Don't you agree with that?

Mr. HANLON: What is the use of the Minister suggesting that they should be taxed unless they carry to a railway station, if in the next breath he is going to exempt most of them? The only primary commodity that he is going to get is wool, because wheat is already carried at such a low price that motor transport does not compete with the railways.

The SECRETARY FOR RAILWAYS: If they carry produce to the nearest railway station they are exempt; but if they carry goods back they are not exempt.

Mr. HANLON: It is provided that, if they carry goods of a highly perishable nature—which includes practically all vegetables, milk, cream, fresh meat, and livestock—they can carry them anywhere without taxation.

The SECRETARY FOR RAILWAYS: That is so.

Mr. HANLON: Potatoes can be classed as highly perishable vegetables, because new potatoes deteriorate much more quickly than ordinary green vegetables, so that practically every vegetable may be classed as highly perishable. So that the only commodity the Minister has left to get is wool. Apparently, as a result of all the "riemarole" of this Bill, the Minister is likely to accomplish no more than if he simply exempted all vehicles except those carrying wool. That would have the same effect as this Bill.

Another factor I would like the Minister to take into consideration is that the money collected by this tax is used to create a fund

which goes back to local authorities for road-making purposes. I have said before that all money paid by motor vehicle owners which improves their roads is money well spent; and, if this money is to be spent by the Railway Department on roads running parallel with the railways, then the Minister may as well not bother at all. It would be good business—in fact, it is the only natural corollary to bringing in the Bill—to devote the money collected solely to constructing and maintaining roads which act as feeders to the railways and to restrict local authorities who get the money to that course. The whole excuse for the Bill is to give some protection to the railways, and the natural thing is to use the money on roads that feed the railways, otherwise the Minister is merely making roads to help his competitors. So long as the money is spent on the roads, he cannot tax motor vehicles so heavily that the money will not be money well spent from the point of view of the motor vehicle owner.

Mr. FOLEY (*Leichhardt*): On the second reading of this Bill I said that I was very sorry to hear the Minister say that the main object of the Bill was to do away with the motor lorry so far as it competed with the railways. Any attempt to overcome the difficulties with which the railways are faced by proceeding in that manner seems to me to be tackling the problem in the wrong way. Other countries have the same problems to contend with, although they have a much greater tonnage to handle; and they have only solved them by taking control of the motor trade where it was possible to get control, so that thereby they were in a position to cater for the traffic which otherwise would use the railways, particularly on the shorter trips, but which finds the motor system more serviceable. Take as an illustration the man in Ipswich who wants to get goods from the metropolitan area. He merely rings up Brisbane, and the goods are placed on a lorry and landed in Ipswich in half a day. The Railway Department cannot possibly hope to cater for that trade.

Mr. BRAND: They could do that in half a day.

Mr. FOLEY: Surely the hon. gentleman is not taking up the stand that he wishes to wipe private competition off the roads! Motor vehicles are giving a service which the people want, especially over short distances. Take even the case I dealt with the other day—that of a man who said that he was running his lorry between here and Lismore—an enormously long trip—and competing successfully with the railways, yet earning big money.

The SECRETARY FOR RAILWAYS: The reason is that we are building main roads for him, and he is contributing very little towards them.

Mr. FOLEY: He is contributing his tax.

The SECRETARY FOR RAILWAYS: A very small tax.

Mr. FOLEY: In the case of short hauls in the metropolitan area it would pay the Railway Department to enter the motor trade itself. To tax the motor vehicle, which is giving a cheaper and quicker service, off the road and revert to the old railway rates, which were much higher, is really encouraging an increase in production costs instead of a decrease.

[Mr. Hanlon.]

Our object should be to reduce productive costs rather than to increase them. We should follow the tactics adopted by owners of motor vehicles and provide a quick and cheap service. If the motor vehicle owners can do it, surely it can be provided by the Railway Department! If the department were to follow that course it would be serving a double purpose. It would be assisting to reduce productive costs and at the same time providing the people with a service which they no doubt find an advantage, otherwise they would not be availing themselves of it.

The SECRETARY FOR RAILWAYS (Hon. Godfrey Morgan, *Murilla*): Hon. members opposite appear to overlook the fact that motor vehicles are able to compete successfully because the State has provided good roads for those vehicles. If the motor vehicles were called upon to pay a fair share of the cost of the construction and maintenance of the roads, they would not be in such an advantageous position from the viewpoint of competition.

Mr. FOLEY: You are not concerned about their paying their fair share. You are concerned about putting them off the road altogether.

The SECRETARY FOR RAILWAYS: Information has been secured both in this State and from all the other States of the Commonwealth proving conclusively that, in order to meet the cost of repairs consequent upon the damage to the roads by these motor vehicles, it would be necessary to impose a tax of 6d. per mile. If we were to impose a tax of 6d. per mile to meet the construction and maintenance cost of the roads, that would amount only to a fair proportion of the tax due by the owners of motor vehicles. The Railway Department has to construct and maintain railways, but the owners of motor vehicles are allowed to compete with the railway system under a system whereby they do not contribute their fair share of the cost. If they were called upon to contribute 6d. per mile for the construction and maintenance of the roads, the railways would be in a position to compete.

Mr. FOLEY: You would have no main roads at all then.

The SECRETARY FOR RAILWAYS: It is only right that the whole system should be placed on a business basis. The motor vehicles are entering into competition with the railways, and they should be compelled to enter into competition on a fair basis. The State stations and other State activities were allowed to enjoy unfair competition because they were not called upon to contribute to the revenue of the State in the shape of rates, taxes, and in other ways. The motor vehicles are entering into unfair competition with the railway system because we do not impose on the motor vehicles a tax sufficient to pay for the damage done by them to the roads.

Mr. FOLEY: I agree that the motor vehicles should pay a fair contribution towards the maintenance of the roads.

The SECRETARY FOR RAILWAYS: The people of Ipswich are beginning to realise that the railways are more important to them than the motor traffic. They realise that Ipswich is dependent upon the railway system and the wages paid to the railway employees, with the result that the people of Ipswich are now giving practically the whole

of their business to the railways. They are of the opinion—and rightly so—that they can assist the railways and benefit the people of Ipswich by giving their traffic to the Railway Department.

Mr. HYNES: When you were in opposition you used to criticise us for making speeches like that.

At 4.50 p.m.,

The CHAIRMAN resumed the chair.

Mr. DASH (*Mundingburra*): An important factor operating against the Railway Department is the fact that there is no co-operation between the merchants and the Railway Department. I know that in the past in Townsville there was no co-operation between the merchants and the Railway Department. The merchants have certain days on which they rail their goods, and on those days they despatch their loaded lorries to the station an hour or two hours before closing time. The railway yard becomes congested, and by 5 o'clock a number of the lorries have not been unloaded. If the merchants were to co-operate with the department and were to send their loaded lorries to the railway yard early in the morning instead of late in the afternoon, no doubt the Railway Department would be able to compete on a more favourable basis with the motor lorries, as the whole of the merchandise could then be loaded on to the trucks. At present the lorries are despatched late in the afternoon, the merchants assuming this attitude: "We will send the loading up to the Railway Department, where it can be loaded into the trucks and forwarded. We are finished with it once it leaves our premises." I am satisfied that this Bill will not be very efficacious from the point of view of regaining traffic for the Railway Department. As the Minister has pointed out, most of the motor vehicle drivers own their own lorries and leave the city of Brisbane at 5 o'clock in the afternoon, travel to Ipswich during the night, and are ready to unload at the store of destination at 8 o'clock next morning, whereas the Railway Department is not able to do that. Perhaps the department would be in a position to forward the goods with considerably more prompt despatch and provide a service equal to that of the motor lorries if the department was given an opportunity of loading the merchandise on to the trucks earlier in the day.

No doubt the motor lorries, particularly those shod with solid tyres, take heavy toll of the good roads. That is one reason why a heavier tax is imposed on lorries shod with the solid tyres than on lorries shod with pneumatic tyres. For that reason many people are adopting a light type of motor truck, such as the "Dodge," which is able to carry from 30 cwt. to 2 ton on pneumatic-tyred wheels and travel much more quickly.

I am glad to see a provision that vehicles carrying passengers must register and insure. In many instances accidents have happened and the unfortunate persons who were injured had no chance of getting compensation, not even to the extent of the medical costs incurred. For that reason I think there should be insurance in respect of every vehicle carrying passengers, no matter whether a charge is made for the conveyance of the passenger or not. In the past lorries have carried as many as twenty and thirty passengers. We know the owners do not do that service for nothing—that either the cost of petrol used or the time of the driver is

Mr. Dash.]

paid for by the passengers. My point is that, when an accident happens, there is no one responsible for the payment of compensation, if such be necessary.

The policy of carrying goods past a rail-head will make the Bill difficult to police. The Minister says that, if a person brings vegetables to the railhead by motor vehicle, he may take away loading from the station to his friends so long as he makes no charge for doing so. There are very few persons, however, who would do such a thing, particularly when long distances, probably 20 or 30 miles, are involved in the service. The Minister will have some difficulty in policing that; and I think it would be better to provide that any back loading from the railway station shall be taxed.

THE SECRETARY FOR RAILWAYS: We are providing for the man who, after delivering goods at the railway station, may be returning to his home and may take with him a bag of sugar to a neighbour.

MR. DASH: As those people may be in competition with others so far as motor transport is concerned, that may also be unfair competition.

MR. POLLOCK (*Gregory*): This clause covers the whole principle of taxation of vehicles which run in competition with the railways in the conveyance of goods and passengers.

THE SECRETARY FOR RAILWAYS: Heavy vehicles.

MR. POLLOCK: I agree that something has to be done to protect the interests of the public as exemplified by the money that is invested in the State railways; and anything which can reasonably achieve that objective is a good thing. It must be remembered, however, that, when you interfere with private individuals running trucks and carrying their own wool and other produce in competition with the railways—and, after all, this Bill is an interference with private enterprise and to that extent is against the policy of the Government—you must be prepared to give on your railways a service as good as the one you are attempting to tax out of existence. Take, for instance, the case of a man who brings his own wool by truck or by lorry from the Charleville district to Brisbane. That heavy vehicle is to be taxed out of existence so that the railway will get the job. That is the principle underlying the Bill.

MR. BRAND: We are making him pay something for the upkeep of the road.

MR. POLLOCK: The real object is to get the business for the railways instead of allowing private enterprise to get it by means of motor trucks and lorries. I agree with that. The man who brings that produce down to Brisbane must do it because it pays him.

The wool freights on the railways were based on the highest prices obtained for wool in the history of Queensland. That was in 1925. The Labour Government accept responsibility for that. The wool

[5 p.m.] industry was very prosperous, and we thought that the woolgrower could pay a higher rate on his produce than he was previously paying; and no doubt he could do so on the high prices he then obtained for his wool. But to-day, if you are going to prevent that woolgrower from bringing down his wool by motor lorry in competi-

tion with the railways, you must give him the same service at a reasonable price to justify the taking away of that business from his lorry. To institute such a scheme as this without first attempting to give him as good a service on the railways is an unwarrantable interference with private enterprise. You must show him that you can convey his produce satisfactorily on the railways; give him a quick service; look after his interests in every respect; and give him the same service as he could get by sending his wool down by motor truck. Unless you do that, you are not justified in interfering with him. If a man finds that he is securing just sufficient for his produce to enable him to convey it to market by his own motor vehicle—as he has a right to do—if you deprive him of that right, you must be prepared to substitute something in its place. Is the Minister going to do that?

MR. WARREN: You mean give him good roads to compete with the railway?

MR. POLLOCK: I would not argue that at all. After spending £60,000,000 or £70,000,000 on railways, we should not allow motor vehicles to run in competition with these railways—American vehicles for the most part, run on American oil, while the railways are run by locomotives and trucks made in Australia—for the most part in Queensland—and run on Australian coal and by Australian labour.

MR. MAHER: You agree with us.

MR. POLLOCK: I agree with the Government up to a point. It is a good thing to protect public money spent on the railways; but, while protecting that money, you must give certain rights to the individual. You must give him the same service that he can render himself. Take the case of a man who wants to send a cargo of goods from Brisbane to Toowoomba. If these goods were sent by railway, it would be necessary for him to take the goods to the railway station. If he arrived there after a certain hour he would be turned back, because the goods could not be loaded, and he would probably take them along the following morning. They would then be conveyed by rail to Toowoomba, and the man at the other end would have to pay the cost of unloading, and he would have to run certain risks. As against that the motor traffic has meant that, if a man wants to send to Toowoomba goods that can be carried on a lorry, he rings up the merchant, and the merchant rings up the man with the motor truck. He loads the goods at the merchant's warehouse, and takes it into the back yard of the man in Toowoomba and there unloads. That is the service that the railways will have to give to these people. Much as we would like to see the railways succeed, you cannot tax these lorries out of existence unless you give the same service to the public. You cannot expect railwaymen to work all the hours of the day and night the same as do the lorrymen. Wages men will not do it, and you cannot expect them to do it. Again, the man who takes these goods by truck has no risk of pilfering. That is a risk that you have to run on the railways. I am not here to say who is to blame for it; but I represent townspeople and toilers in the western districts of Queensland who have to run this risk. How can you give a service on the railways that is going to compete with that sort of thing? That is the thing we

[*Mr. Dash.*]

have to work out. So far I have not been able to see how you can give them that service on the railways, either under State or private enterprise. Unless you can give them something approaching the service they can get from motor traffic, you will find it very difficult to legislate them out of existence, desirable as that end may be.

If you take a man who buys a lorry and pays a deposit of £30 or £40 on it and goes out with the intention of working it off, he will work sixteen and eighteen hours a day until he gets it paid off. No State enterprise can compete with him. You cannot legislate him out of existence. He is giving double the labour we can get from our railways. I am not arguing that we ought to ask for that labour from our railwaymen; but we have to face that difficulty. If the Government think they can solve it merely by taxing motor vehicles, they will find themselves mistaken. We must get lighter vehicles on the railways, be able to give more expeditious delivery, and do all those things that the motor lorry man does for the general public. When we have solved that problem, we shall have come somewhere near putting the railways on a payable basis. I do not think any Government can solve all those problems. I do not believe any Government is going to get business for the railways merely by tinkering with the problem and legislating motor vehicles out of existence. I am not opposed to the measure; but I do not think it contains business proposals which will tend to get the traffic back to the railways.

Mr. BLACKLEY: What do you suggest?

Mr. POLLOCK: That is your job. You said you could do it.

Mr. WARREN (*Murrumba*): I think it is a very good move to try to save the railways; we must have one thing or the other. Some little time ago the Minister suggested that the Dayboro' line would either have to show a different condition of affairs or else close up.

Mr. KIRWAN: That is what they do in New Zealand.

Mr. WARREN: The Dayboro' people met the Minister with one of the biggest deputations that ever faced a Minister of the Crown. These men had not one word to say against this Bill, which at that time had been indicated. In fact, they spoke in favour of it. They said, "We do not want to lose our railway." They even said that the motor competition was not legitimate; but, if it was based on sound business lines, it would not be in existence. We have cases all through the State of big motor companies "going to the wall." If a fleet of motor trucks are allowed to start carrying in competition with the railways, they will only last as long as those particular trucks last, when they will "go to the wall." It is not legitimate competition. If the motor truck owner paid proper expenses and a just share towards the upkeep of the roads he travels on, he would not exist at all.

Mr. POLLOCK: What does that matter? You have that competition, and you have to deal with it.

Mr. WARREN: We want the motor truck to compete fairly. This Bill is not intended to cripple motor truck traffic, but only to see that there is fair competition. Let the

motor truck owners pay their legitimate share towards the cost of the upkeep of the roads.

Mr. POLLOCK: You have spent £63,000,000 on construction of railways; why don't you use them for motor traffic?

Mr. WARREN: I do not believe it would pay the Railway Department to enter into motor competition at all. We have found that State enterprises have not been successful. That is unfortunate. If they were successful, the Railway Department could easily run its own motor trucks and regulate this matter to a certain degree; but, unfortunately, they have not been successful. If the Minister sanctions a system of motor transport on the railways, he will only be making a mistake. The only thing he can do is to have more motor rail traffic, utilising the rail motor to a greater extent. It seems to me that we have not solved the engine trouble in connection with rail motors; but other States have solved it, because they have been running rail motors fairly successfully for years, and it is time our Railway Department solved the problem. We have motor competition with the North Coast Railway for 60 miles from Brisbane—that is where the roads are good.

These trucks do a tremendous amount of damage to the roads which have been made by the shires in that stretch of country. They do not do merely ordinary damage. They break bridges; they cut up roads that would carry any ordinary traffic; they do hundreds of pounds' worth of damage in one day. They do damage that the councils cannot afford to make good. I believe that business men are beginning to see the necessity for doing something to meet the competition with the railways. People on branch lines are beginning to recognise that the Government must do something to save our branch railways. That is in the right direction of retrieving a mistake—of rectifying an evil that has existed for a considerable time and does nobody any good. I know three motor trucks on the North Coast line. The men get up at 3 o'clock in the morning, and work all day until 10 o'clock at night. No human being can stand those hours; yet those men do it for a time, and still do not appear to be prosperous. I am afraid that, as a rule, the motor car owner is a bad bookkeeper. He has not made sufficient to buy a new truck when the old truck is worn out, and at once he is in deep water. The life of a heavy truck is shorter and its cost of upkeep greater than people think. It is subject to more mishaps than the lighter truck. If the motor truck can pay its fair share of the cost of the roads and still compete on a business basis with the railways, there is no justification for any attempt to keep it off the roads; but I am satisfied that, if it does that, there is no danger that it will compete successfully with the railways.

Mr. POLLOCK: You said that there was too much interference with private enterprise.

Mr. WARREN: I say that we have to save the railways at any price. It is the responsibility and the business of this Assembly to do it; and, even if it goes to the extent of touching upon private enterprise, we have to seek every possible means available to us. We cannot do without the railways. It is all very well to say that the motor truck has come to stay. It may be fortunate or unfortunate; but, if it has come to stay, it must act as a feeder to our railways. It must not come into competition

Mr. Warren.]

with them; and, if the people take the whole question into consideration, they will find that the railways can serve them better than motor vehicles, provided they get more trains. If we allow the railways to be robbed, we interfere seriously with a big asset run by Queensland workmen, most of it built in Australia by Australian workmen, and we interfere with it for the sake of vehicles built largely in America and of motor spirit and other things which we have to import also. If we allow these things to happen and destroy the structure we have built up during many years, I say we do wrong. If, on the other hand, we refuse to allow it, even if thereby we interfere with private enterprise, I say that we are justified in doing so rather than permit our railways to get into a worse position than they are in now. The railways are in a bad enough way already. About three years ago—I think on the Address in Reply—I dealt with the question of competition by motor vehicles, and an hon. member now on the other side said, "Good luck to them!" I said, "Yes, good luck to them if they can compete legitimately with the railways."

I do not think that the motor lorries can compete with the railways on an equitable basis. As the result of many years' experience from my knowledge of internal combustion engines, and knowing the short life of those engines, I am convinced that, if the railways are conducted on a proper basis—unfortunately, they have not been conducted on a proper basis—and are conducted as a business proposition, no motor service can compete with them.

Mr. COOPER (*Bremer*): I am reminded this afternoon of two people who attempted to do futile things. King Canute was one, and Mrs. Partington was the other; and I trust that the Secretary for Railways will not go down in history as the third who attempted to do the impossible. I believe that what he is attempting to do can be done, and I hope it will be done.

Mr. KIRWAN: I think I have heard that before.

A GOVERNMENT MEMBER: "It can be done; it will be done."

Mr. COOPER: My desire in quoting that phrase is because "conscience doth make cowards of us all," and the consciences of hon. members opposite may yet bring them to their bearings. If the motor service of which we have heard so much this afternoon was compelled to bear an equitable share of the costs that have been incurred, nobody would grumble. In the city of Ipswich I see thundering through the streets occasionally the Esk daily service, the Boonah daily service, the Harrisville daily service, the Toogoolawah daily service, and the Toowoomba daily service—big trucks carrying merchandise out and bringing merchandise back to the city. They are running on roads built mainly by the people of the country.

Mr. KELSO: Some of them are not roads.

Mr. COOPER: They are now good roads in the main. A little while ago they were not roads. Now these people have good roads on which to travel, due to the immense amount of money that has been spent by the State in building the roads. These people are making their livelihood on those roads; and it is fair and just that they should pay their fair share of the upkeep. Just as a

man who occupies a position in a main street has to pay rent and has to pay for that position, so the man who runs his motor truck up and down a road should pay his rent of that road, because that is really his place of business—not the place at the terminus where he stores his goods or where he delivers his goods. They are not his places of business. The road on which he runs is his place of business. The railways of this country were built by the country for the country; and, if the country is foolish enough to allow that magnificent asset to be destroyed by a few people for private gain, then the country is very foolish indeed.

There are two things that the country can do. It can allow the railways to go in the interests of a slightly improved service, or it can stand by the railways and suffer slightly in the matter of service. On an occasion like this one cannot but regret the conservative atmosphere that surrounds the Railway Department. The department always sneered at the possibility of motor transport being a great menace to the railway service; but circumstances forced the Railway Department to take notice, and much too late it has taken notice of its formidable rival. If the department had taken notice earlier, the motor traffic would not have been given the possibility of becoming the serious competitor that it is to-day.

Mr. MAHER: The trouble was created by the heavy increase in freights imposed by the Labour Government.

Mr. COOPER: That had nothing to do with it. If the hon. gentleman knew anything about a railway, he would know that that was not the cause.

Mr. MAHER: It was a prime factor.

Mr. COOPER: The hon. gentleman brings to my mind the fact that certain people in his electorate have reminded me that they have to pay a rabbit tax and the hon. member deals in rabbits. Hon. members opposite must either stand the racket of the loss on the railway system or they must stand the racket of denying the motor traffic an opportunity to trade upon the roads. Supposing that a man had a railway engine and trucks and he went to the Commissioner for Railways seeking permission to run his engine and trucks on the railroad track for practically nothing, what would we think of the Commissioner if he allowed that to be done? Yet we allow the motor people to run their trucks over the roads that we have built; and they are allowed to do so for practically nothing. They have as much right to pay a fair rental for the use of the roads as any person would have to pay a fair rental for the use of our railways. The cases are parallel. I think the Railway Department is considerably to blame in not having tackled the matter earlier. I hope the Minister will be sufficiently interested in his work and attentive to his duty to prevent this unfair competition. The motor lorries are prepared to carry cream to the butter factories in which hon. members opposite are so much interested in fair seasons and in fair weather; but so soon as the weather becomes foul the trucks go into their sheds, and the Railway Department is called upon to carry the cream.

A GOVERNMENT MEMBER: It is unfortunate.

Mr. COOPER: It is. If the owners of the trucks were fair, they would shoulder part of the expense thus entailed. The butter factories, which now do not lose by reason of

[*Mr. Warren.*]

the fact that their cream is delivered in all weathers, ought to bear their fair share of the loss on the railways, seeing the railways carry their cream at all times. They are by no means engaging in fair competition with the Railway Department in allowing these people to make use of the Railway Department just whenever it suits them, and something ought to be done in that regard.

I urge upon the Minister the necessity of making the railways secure, and seeing that those people who compete with the Railway Department do so upon fair and equitable terms. If the Minister has it in him, I want him to use his best endeavours to shake the Railway Department out of its conservatism in these matters. It must progress with the times; it must move forward. The days when it took three days to get a parcel from Brisbane to Ipswich have gone and must not return simply because certain vehicles are to be prevented from competing with the Railway Department. I hope the Minister will not be joined in the future with King Canute and Mrs. Partington, but will do his very best to do away with this traffic that is injuring the finest asset we have in the State—an asset that made the country, and an asset that we cannot afford to see thrown away for the sake of a few heavy vehicles.

Mr. HYNES (*Townsville*): Although the Minister states that he intends to impose such a tax under the schedule as will kill this competition, I very much doubt whether the tax will have the desired effect. If the object of the Bill is to remove the unfair motor transport competition with the railways, why not adopt the direct method of prohibiting this competition by introducing legislation to that end? That would be the more logical way of dealing with the matter. The Minister has stated that the sting in this Bill will be in the regulations issued when it becomes law, and that the taxation imposed will have the effect of restricting the motor transport competition. It does not matter whether that competition is killed by taxation or by prohibition; the effect on the people who are competing at the present time will be the same. I believe in making the people for whom the railways were built use those facilities, and I would have no half measure about it. We are obliged to pay interest and redemption on the capital expenditure of £63,000,000 which is invested in the railways, irrespective of whether these facilities are or are not being used to their full capacity; and in those circumstances the Government are faced with the duty of making some provision to increase the earning capacity of the railways, so that the interest and redemption payments can be met. It has been stated that the object of the Bill is to interfere with the existing motor competition. That can be dealt with much more effectively by following the lead of Victoria, where some time ago motor vehicles were prohibited from competing with the railways under certain circumstances.

I also desire to refer to how the position might have been improved by the present Administration in the direction of securing for the railways some of the freight which is at present being carried by motor transport. Much dissatisfaction exists at present through the lack of expedition in handling the lorries which go to the goods sheds or sidings with goods for transport by the railways. Under the existing administration

there is a tendency to curtail the number of men engaged in that work at the various places. One of the chief reasons why people use motor transport to send merchandise from Brisbane to Ipswich is the expeditious manner in which those goods can be transported by that form of conveyance.

[5.30 p.m.]

Not only in Brisbane, Townsville, and Rockhampton, but in other cities of this State a large number of porters who were handling this work for the railways have been dismissed or put into another avenue of employment. That means that, instead of improving the facilities for the expeditious handling of goods despatched on the railways, those facilities have been reduced. If there is less expedition in the handling of goods in the goods sheds and at railway sidings, there will be less chance of this Bill having the desired effect.

In one country centre I asked a person who was bringing his goods into the city by motor lorry why he did so; and he said that he had great difficulty in getting trucks to enable him to despatch his produce from the country siding. That is another matter that might engage the attention of the Minister. Some of the internal arrangements in the Railway Department could be improved, and this would have the effect of securing an increased volume of business for the department. I would commend that phase of the question to the Minister. There should be no delay in despatching to country sidings trucks that are ordered, so that, when a man brings his produce to the siding, he will not be compelled to wait. Then the trucks should be placed in a convenient place so that there will be no necessity for the producer to wait for an engine to come along and give him a shunt to get his truck in a convenient place for loading. I have known people compelled to sit down and wait a long time for an engine to come along and shunt the truck into a proper position. These are factors that have operated against the use of the railways, and they are factors which can be remedied by administration. I would suggest that the Minister should give consideration to this matter, and do away with this long-standing grievance.

Then there is the question of building decent macadamised roads into railway sidings. If the Government wish to make the railways popular, they must give the people proper conveniences for using the railways. One can understand the objection of a man who has a horse team to carting produce into railway sidings if, on every occasion he goes into the yard, he finds someone else bogged there. The same applies to motor vehicles. Immediately rain comes there is a good deal of congestion in some of these country yards, and motor trucks get bogged. It is an easy thing for the Minister to build decent roads into these sidings, so that there will be some inducement for settlers to use the railways instead of sending their produce direct to market.

Mr. KELSO: I thought Mr. Larcombe attended to all these matters?

Mr. HYNES: He did to some extent; but it is the present Government's duty to improve on his administration. If the previous Government did not do what they should have done, that is no reason why the present Government should sit back in the breeching and allow this thing to continue.

Mr. Hynes.]

Subclause (c) contains these words, "also occasionally let or used for the carriage of more than seven passengers." The Government are going to have some difficulty in policing that provision. First of all, they will have to prove that the vehicle is "also occasionally let or used." You have to prove that it is let for the purpose of carrying more than seven passengers. That is going to cause some difficulty in policing the clause. The man who pays a wheel tax and plies for hire should have some protection against unfair competition in connection with this matter. If the clause is properly policed, it will have a dual effect. It will probably encourage more passengers to travel by the railway, and it will also discourage people who are engaged in unfair competition with hire motor vehicle owners who are paying a wheel tax under existing legislation and give them the protection to which they are entitled.

Another matter which might engage the attention of the Minister is in connection with the class of goods carried by motor transport. It is impossible in this or any State in the Commonwealth for motor transport to deal with the whole of our produce. It is impossible for bulky products, such as maize, wheat, lucerne, and sugar, to be carried by motor transport, so motor truck owners pick the eyes of the railway schedule and only carry commodities on which there is a high railway freight. It would encourage people who now avail themselves of motor transport for that class of goods to use the railways if the Minister would consider a more scientific adjustment of the freight schedule.

The SECRETARY FOR RAILWAYS: We are doing that now.

Mr. HYNES: I am pleased to hear that, as it will be an incentive for people to use the railways more than they are doing at present for the carriage of these goods.

Personally, I favour the introduction of the measure and support the clause. My only grievance is that the provisions of the Bill are not drastic enough. I would like the Minister to say straight out that he will prohibit unfair competition by motor traffic with the railways, and to see that the existing facilities for handling goods at the various sheds are improved and the roads made better. If there was no delay in consignees securing trucks when they ordered them, for instance, more use would be made of the railways than is being done at present. I hope the Minister will do something to improve the administration of the department and to tighten up the provisions I have referred to.

The SECRETARY FOR RAILWAYS (Hon. Godfrey Morgan, *Murilla*): There are two or three matters I would like to mention in reply to the hon. member for Townsville. One is in regard to the unloading of vehicles which go to a railway station with goods. At present, at Roma Street and other large stations, we have to pool the work. It is not a matter of sacking men—we are not sacking men of that description at all—we are pooling the work and giving them three or four days' work in the week. We are doing that because we have not sufficient work to keep them wholly employed.

Mr. HYNES: Consignees are complaining that there is unnecessary delay.

The SECRETARY FOR RAILWAYS: Not unnecessary delay, because we have more

[*Mr. Hynes.*

men there to do the work than we have work for them to do.

We hope that the improvements that will be brought about by this Bill will result in sufficient work offering to enable us to give these men full-time work. It is more profitable to the department to give men the full forty-four hours a week than to employ them for three or four days a week, as we are now doing.

In regard to another important matter, we are repealing paragraph (z) of subsection (1) of section 3 of the principal Act, which applies the Act to—

"Motor trucks which, although ordinarily used for the carriage of goods, are also occasionally let or used for hire or reward for the carriage of passengers."

For that we propose to substitute the following paragraph:—

"Motor trucks which, although ordinarily used for the carriage of goods, are also occasionally let or used for the carriage of more than seven passengers."

We are doing away with the element of hire or reward. Whether the owners are being paid or not, they will not be able to carry more than seven passengers without registering and taking out insurance policies. The difficulty we have had under the present Act is to prove that the owners of such vehicles receive payment. We could not get any persons to say that they had paid the owners, although there is no doubt that they did actually pay them. After the Bill is carried, if these owners carry more than seven passengers, they must register, unless the vehicles are used for charitable or family purposes.

Mr. HYNES: What will "public purposes" be?

The SECRETARY FOR RAILWAYS: It might be a case where the vehicles are used for some public or semi-public gathering.

Mr. KIRWAN: The opening of a railway?

The SECRETARY FOR RAILWAYS: Yes. Some people might then decide to lend their vehicles. They might meet the people at the railway station and carry nine, ten, or twelve of them to their destination.

Mr. KIRWAN: Provided they did it voluntarily.

The SECRETARY FOR RAILWAYS: They must not make a charge. The purpose must be a charitable or family purpose or public or semi-public purpose—a Sunday school picnic, for instance.

Mr. HANLON: What about family picnics?

The SECRETARY FOR RAILWAYS: If they were used for family purposes, without charging, I do not think we would tax them.

Mr. HYNES: Any motor truck or motor car?

The SECRETARY FOR RAILWAYS: Yes. If used for family purposes, I do not think we would tax them; but, if a motor car or motor truck carries more than seven persons for any purpose other than the purposes which we exempt, it will be liable to registration.

Mr. HANLON: Suppose a man is going home with a lorry and more than seven persons jump on for a lift?

The SECRETARY FOR RAILWAYS: We must exercise common sense. We recognise that there are difficulties; and, because a man jumps on to a lorry for a ride home from work, we are not going to prosecute him. I feel that the Bill is going to do good, particularly in the direction mentioned by the hon. member for Townsville.

Mr. BULCOCK (*Bareeoo*): Generally speaking, it is an excellent thing that a public utility such as the railways should be preserved for the public, and that the work now being done by certain motor lorries should revert to the department. I see nothing but good arising from that policy. Certainly some persons will regard it as a very harsh policy; but we cannot consider individual interests against those of the whole community.

I have listened with a great deal of attention to what the Minister has been good enough to give us; but there is one point on which I am not quite clear, and, in order to get some clarity of thought, with the permission of the Minister, I will state a hypothetical case. Take the case of a lorry engaged in carrying commodities to a town some distance from a railway, and frequently picking up primary produce there—generally wool—for return to the railway. We all know that the cost of living in a little town situated 60, 70, or 80 miles from a railway is very high. I have in mind the case of Tambo, which is supplied with foodstuffs by motor lorry from Blackall, the road used being a gazetted main road. In some cases such a lorry picks up a loading of primary produce and returns with it to Blackall, getting there another load from the railway station, and taking it to Tambo. This taxation will mean that the cost of living in such towns will be unnecessarily increased; and already it is cut of all proportion to what it should be.

The SECRETARY FOR RAILWAYS: That vehicle will not be subject to a tax in excess of what is paid to-day.

Mr. BULCOCK: Not in the case that I have stated?

The SECRETARY FOR RAILWAYS: No.

Mr. BULCOCK: I was not quite clear, because the Minister has confined his remarks to vehicles engaged in the transportation of primary produce.

The SECRETARY FOR RAILWAYS: No. If the vehicle is operating between Blackall and another town, and is returning with back loading to Blackall, then the present charge will not be increased.

Mr. BULCOCK: I am very glad to hear that. Supposing the lorry is not engaged in any other trade but the transport of commodities, including foodstuffs and liquid refreshments and returns empty, will it be subject to additional taxation provided there is no railway in the vicinity to serve the needs of those people?

The SECRETARY FOR RAILWAYS: No.

Mr. BULCOCK: I am glad that the Minister has given me an assurance on those points.

The SECRETARY FOR RAILWAYS: The additional taxation will be imposed only on vehicles competing with the railways.

Mr. BULCOCK: At the present time sporting bodies may guarantee that a certain amount will be realised by the running of a train between two points. If the amount

secured by the sale of railway tickets is not equal to the guarantee, the sporting body concerned is ordinarily required to make good the difference between the amount realised as revenue to the department and the amount guaranteed. I know that the Minister and previous Ministers have relieved various committees of the necessity of paying the amount short of the guaranteed amount. Those who guarantee these amounts are of the opinion that, when the amount is in excess of the amount guaranteed, the excess should revert to the club or sporting body which secured the train.

The CHAIRMAN: Order! I cannot allow the hon. gentleman to proceed on those lines.

Mr. BULCOCK: Mr. Roberts, if you would allow me to proceed—

The CHAIRMAN: Order! I will not allow the hon. gentleman to proceed on those lines.

Mr. BULCOCK: It is now proposed to limit the means of transport to the utilisation of a train service. Owing to the inability of the Railway Department frequently to make a train available on a specific date, no communication can be established between two towns. We all realise the desirability of establishing communication and harmonious relationship between towns. Take the case of a football team from Blackall visiting Barcardine to contest in a match, which usually takes place on a Sunday. There is a considerable amount of difficulty in marshalling a train at Blackall, as the carriages have to be run all the way from Longreach, and it would be necessary to guarantee a very high amount, generally somewhere in the vicinity of £120. To avoid that during the past few years, when the department has stated that it is unable to supply a train for the specific date, the people avail themselves of other means of transport. Football matches are contested according to a fixture table, and on a specific date the department may not find it convenient to run a train, or those concerned may not feel justified in guaranteeing a certain amount because the match is at the "tail-end" of the season, and the cup can be awarded only to a team that may be well ahead in points and would not lose the cup if it lost the match on that particular day. In these circumstances the committee concerned may feel that the anticipated gathering at the match would not warrant guaranteeing the department a certain amount. These people are then compelled to fall back on the motor transport system, and it is now proposed to subject that system to an increased taxation.

The SECRETARY FOR RAILWAYS: I do not think they would be subject to the tax when running on Sundays, if no trains were available.

Mr. BULCOCK: Supposing that the department notified the committee that a train between Blackall and Barcardine could not be made available on a certain date and the supporters of a team desired to go to Barcardine, would the department, on application being made by the sporting body, absolve the owner of the motor concerned from the payment of this taxation if the team and its supporters desired to travel by motor lorry?

The SECRETARY FOR RAILWAYS: I would not like to give a reply off-hand. That is a matter that would require consideration.

Mr. Bulcock.]

Mr. BULCOCK: I know that the Minister understands the position in this regard.

The SECRETARY FOR RAILWAYS: I know all about it.

Mr. BULCOCK: The Minister doubtless realises how bitter is the feeling of the people in the country who are inconvenienced in this respect when they consider that people in the city can get trains to the seaside without any guarantee. If the Minister would give me an assurance that he would give favourable consideration to relief from taxation in the event of circumstances arising such as I have outlined, I would be quite satisfied.

The SECRETARY FOR RAILWAYS: Every case will be favourably considered.

Mr. BULCOCK: I thank the hon. gentleman on behalf of the people whom I represent.

Clause 3 agreed to.

The House resumed.

The CHAIRMAN reported the Bill without amendment.

Third reading of the Bill made an Order of the Day for to-morrow.

INDUSTRIES ASSISTANCE BILL.

CONTINGENT NOTICE OF MOTION.

Upon the Order of the Day being read for the consideration in Committee of this Bill,

The SPEAKER said: There is on the business paper a contingent notice of motion relating to this Bill, standing in the name of the Leader of the Opposition. Before giving the hon. member an opportunity of moving that motion, I desire to say that, in view of the fact that it is rather unusual to move for the appointment of a Select Committee in connection with any public Bill, any discussion on this motion must be confined strictly to the question of the appointment of a Select Committee. As the second reading of the Bill has been agreed to by the House, no further second-reading speeches will be permitted in discussing the motion to be moved by the Leader of the Opposition.

Mr. W. FORGAN SMITH (*Mackay*): I beg to move—

"1. That the Order of the Day be discharged from the paper, and that the Bill be referred to a Select Committee for the purpose of taking evidence and reporting to the House upon the most efficient means of encouraging existing secondary industries and establishing further secondary industries as a means of increasing opportunities for employment.

"2. That such Committee have power to send for persons and papers, and to sit during any adjournment of the House, and that it consist of the following members:—Honourable A. E. Moore, Honourable H. E. Sizer, Mr. H. M. Russell, Mr. W. Forgan Smith, and Mr. P. Pease."

My reason for moving that a Select Committee be appointed is that this Bill deals with a subject of very far-reaching importance—namely, the encouragement of the secondary industries of Queensland. Secondary industries are matters in which every section of the community is interested, and it is desirable that, as far as possible, the Government should give every encouragement to the establishment of such industries. I feel sure

[*Mr. Bulcock.*

that a Select Committee vested with the authority contained in this motion would render valuable service to the State by the investigation that will be made if the committee is appointed.

[7 p.m.]

In moving for the reference of the Bill to a Select Committee, I am not putting before this Parliament any new idea. As a matter of fact, the provision for Select Committees is one that has, unfortunately, not been used to the extent it could have been used in the past; but provision has at all times been made for the appointment of such committees, and frequently, when appointed, they have done excellent service. Speaking from memory, I can remember a Select Committee being appointed on the proposal to establish District Courts; another was appointed in 1916 with regard to the proposal to establish Sugar Cane Prices Boards; another was appointed to deal with the Dairy Produce Act. In all those cases Select Committees rendered valuable service to Parliament, and, through Parliament, to the State. As a matter of fact, in an important Bill affecting in a far-reaching way the country's interests, it is desirable that such a committee should be appointed. It cannot be argued that the Government of the day, who prepare Bills, have a complete monopoly of all the experience that is required to deal with an important matter. In the last analysis, legislation is the duty and responsibility of Parliament; and it is a wise thing to secure the assistance of all sections of Parliament with a view to introducing a measure that will have the effect that is desired.

Industry is the concern of all sections of the community. Various ideas could be put forward as the reason why we have not great secondary industries at the present time. Difficulties are often stated with regard to the carrying on of existing industries; and surely it is a fair and reasonable proposition that, before launching on a scheme of a far-reaching character of this kind, we should investigate the whole purview of the problem with a view to arriving at the best results!

When I gave notice of this motion, the Premier interjected that he took full responsibility for the Bill now before the House. That is true. The Government of the day naturally take that responsibility. I am not suggesting that his responsibilities are not wide; but I put this proposal forward in the spirit of rendering service to the State of Queensland. The Ministry may have certain ideas with regard to policy; the Opposition may have certain ideas with regard to policy; but surely on a matter of industry, which is the very life-blood of the community, we can arrive at some common understanding that will be of advantage to Queensland!

In addition to that, the motion provides that the committee shall "have power to send for persons and papers and to sit during any adjournment of the House." In a problem of this nature it is a good thing to consult people engaged in industry. There are many people in Queensland whose views on a proposal of this kind would be well worthy of consideration. At a moment's notice I could mention the names of half a dozen men whose views on a proposal of this kind would be of extreme value to the State. It cannot be urged that men who are not in Parliament are not au fait with the

various economic causes that affect industry; and men who are confronted with these problems every day in various walks of life could give very valuable advice and assistance in the framing of a measure of this kind.

I do not propose to mention the names of any individuals; but there are men in Queensland whose views and advice on proposals of this kind would be extremely valuable to Parliament and in framing a measure of this kind. The proposal is that the State should go out of its way to assist industry. This is a departure in connection with the control of industry—a departure which, if successful, would have far-reaching consequences on the industrial life of this State.

The SPEAKER: Order!

Mr. W. FORGAN SMITH: I am not endeavouring to deal with the principles of the Bill. I am showing the reasons why, in the framing of a Bill dealing with secondary industries—either new or which are to be brought into being for the purpose of absorbing our people in employment—those things should be investigated with the view that, when any Bill is brought into the Chamber, this Parliament will have had the advantage of the fullest possible investigation into the factors governing industry, the fullest possible advice that may be given by people who are in a position to give that evidence and advice, and by acting on which we shall be in a better position to deal with the Bill than we are at the present time.

A proposal of this nature is naturally not put forward in any party spirit. I know that the Government of the day have a majority in this House, and can decide on any form of legislation which the majority of hon. members are prepared to support. I am not putting forward this proposition in a party spirit, and it will be noticed by perusing the personnel of the proposed Select Committee that the Government of the day will have a majority on the committee. I mention that to indicate that there is no attempt on my part to secure a party advantage; but there are certain vital factors that are the deep concern of this Parliament.

Why is it that large numbers of men are unemployed in the State at the present time; that industries are not extending to the extent that they ought to extend; that new industries are not being embarked on to the extent that those who love Queensland would like to see them established? These are all problems that come within the purview of this Bill, and they are all problems which depend for their solution on this Parliament to some extent. The best method of arriving at a solution thereof is along the lines I have indicated. Everyone must realise the methods in which Bills are prepared. A Government comes into power after a general election. The majority of the members of the Government are unused to the responsibilities of office, and are lacking in the experience of administering great departments. They are men who have ideas along certain lines, and they seek to give legislative expression to those ideas. They call for the advice and support of various Government officials. Then a Bill is framed by the parliamentary draftsman, approved by Cabinet, and presented to Parliament. Can it be urged that such a method of framing a Bill dealing with such an important matter as this is the best that can be achieved by this Parliament? Notwithstanding what the

Premier may say regarding the waste of time and so forth, can it be urged that everything that is good is contained in this proposal—that the proposal contains no dangerous principle? Can it be urged that everything is done in such a Bill which is desirable, or in the interests of the people of Queensland? When the question is put in that way, it is obvious that it must be answered in the negative. Therefore, in proposing the appointment of a Select Committee of this nature we are urging that every member of this House be asked to devote his attention to this subject, not on the basis of party advantage, but on the basis of advantage to the industries of Queensland. Surely that is something that can be supported by all sections of the community!

There is another phase of the question which is worthy of note, and to which I would like the Premier to pay some heed before coming to any decision as to whether he will support my proposal or not. I ask him to banish from his mind any question as to who is putting forward this proposal; to keep his mind free from party considerations; and to apply himself to the general question that is wrapped up in this motion.

The position taken up by many investigators of the present day is that the capital in industry is owned by certain individuals and that the rest of the people own no capital but can supply labour; and that there is a conflict of interest between those who own the capital and those who supply the labour. The Premier and those who support him very often argue that it is because of that conflict of interests that industries are not expanding to the extent they ought to expand; therefore the co-operation of all sections of the community is desirable if industry is to be placed on a sound footing. I am giving the Premier, as the head of his party, the opportunity to-night to decide whether he will accept the co-operation of Labour in this industrial matter or not. No one can for a moment overestimate the importance of the industries of Queensland. They are the lifeblood of the nation. On their welfare and development to a very large extent depends the future of Queensland. In every newspaper, in every magazine, we read articles contending—almost every public man has at different times urged it—that, in order to overcome these problems of industry, the co-operation of all sections of the community is required.

The position is that the Ministry have introduced a Bill containing, perhaps, the germ of a good idea. That idea can be developed and improved upon. I am taking this opportunity, on behalf of the Labour Party, of offering to the Premier that co-operation in the solution of the problems of industry that has been called for so often and for so long. I am satisfied that a calm and impartial consideration of all the facts involved in this proposition can lead to only one result in the mind of any intelligent man applying his faculties free from party bias to the question; and that is that the appointment of such a committee and the investigation of such a proposal by such a committee can do nothing but good. If the committee is appointed and it does its work properly, a report can be brought down, and upon that report a Bill can be framed and a measure put on the statute-book having the support of all sections of this Parliament, commanding their influence in the

Mr. Smith.]

various parts of the State—a measure, therefore, that will command the respect and support of every section of the community.

The proposal we are considering is probably the most important we have discussed during this session. I ask the Premier to consider the question in the same spirit in which I have put forward my ideas and to support the motion. If he does so, he will show that to some extent at least he is above mere party political considerations. He will show that he has the spirit of co-operation within him, and that he desires really to solve the problem rather than to gain any party advantage. It is a time when we should say to ourselves, "Come, let us reason together." (Government laughter.) That is the principle contained in my amendment.

In conclusion, I repeat that the problems that confront industry in Queensland are problems that vitally affect every section of the community, and, on behalf of the Labour Party, I am offering to co-operate with the Government in the solution of the problem now before the House.

The PREMIER (Hon. A. E. Moore, *Aubigny*): I have not the slightest intention of allowing this Select Committee to be appointed. The whole proposal is an absurd one. The Leader of the Opposition made a hideous, stupid mistake when the Bill was going through its second-reading stage, when it was for hon. members to discuss the principles of the Bill. At that stage the Leader of the Opposition was the only one who took the trouble to make a speech on the Bill—nobody else—and then they called "Divide," and voted against the second reading of the Bill and the very principles it contains. If it was such an important Bill as the hon. member makes out, does he not think that some other hon. member on his side would have been prepared to make a second-reading speech and discuss its principles?

Mr. POLLOCK: We think he put up an excellent case.

The PREMIER: If hon. members are satisfied that their leader put up such an excellent case that it was not necessary for anybody else to speak, why on earth does he now want to appoint a Select Committee?

Mr. HANLON: He is satisfied that the Bill will be a failure.

The PREMIER: Hon. members opposite are praying that it will be a failure.

Mr. HANLON: No.

The PREMIER: After all their talk about unemployment, and all their talk about what the Government were going to do to alleviate unemployment, as soon as the Government introduce a Bill with a view to doing something in that direction, the Leader of the Opposition wants it delayed for twelve months so that he might call meetings of business people outside and have discussions with a view to introducing a non-party measure that everybody can support. Definite provisions are laid down in the Bill. Before the elections I stated exactly what those provisions were going to be. There was no doubt about them in the minds of anybody. I stated perfectly clearly both before and after the elections what they would be. The Bill contains definite principles.

Mr. BEDFORD: You also offered to raise £2,000,000 to provide 10,000 jobs.

[*Mr. Smith.*]

The PREMIER: I do not know whether the hon. member was here when the Bill was discussed.

Mr. BEDFORD: No; but I am here quite often enough.

The PREMIER: I am pleased that the hon. member is back again. No doubt he has had a most successful trip to the South.

It has been suggested that we have not made sufficient use of Select Committees. Did hon. members opposite, during their fourteen years of office, ever make use of a Select Committee?

Mr. W. FORGAN SMITH: Yes.

The PREMIER: Drawn from both sides of the House?

They might have made use of Select Committees within their own party, but they never made the suggestion that there should be a Select Committee appointed from both sides of the House.

Mr. W. FORGAN SMITH: Did you ever put forward such a proposal?

The PREMIER: No. We knew that it would be silly and stupid. There was no occasion to delay the House in discussing such a stupid proposal as is put forward now. No Government would accept it.

Mr. W. FORGAN SMITH: Do you suggest that the consideration of industry is silly and stupid?

The PREMIER: No.

Mr. W. FORGAN SMITH: You have not a big enough mind.

The PREMIER: There are definite proposals put forward in the Bill, and it is perfectly adequate for anybody with any intelligence to discuss them without going outside the walls of Parliament and delaying the measure for months and months merely to seek the advice of somebody else.

Did hon. members opposite ever take any notice of the advice of the people outside, who the Leader of the Opposition now says were competent to give it? When introducing land legislation in 1927, the people who were competent to give advice on that legislation placed that advice before the then Government. Did that Government take the slightest notice of it? Not the slightest! They took up the attitude, "We are the Government, and we will do what we like." Then, having got themselves into an impossible position, they appointed a Commission to get them out of that mess.

Mr. BRASSINGTON: You are side-stepping the question.

The PREMIER: I am not side-stepping the question.

Mr. W. FORGAN SMITH: You are showing yourself to be a mean party hack.

The PREMIER: Hon. members opposite had before them a definite proposition and definite principles, but only one member of the party took the trouble to speak on the subject, and because he found none of his party prepared to back him up he lost his temper, called "Divide," and now he is trying to get his party out of the position into which he got them.

Mr. W. FORGAN SMITH: A lot of rot.

The PREMIER: Why should the Government delay this measure for twelve months

in order to allow the Leader of the Opposition to get his party out of the position into which he got them? It is absolutely absurd. I would not dream of considering such a proposal. The Bill is before the House, and definite principles are laid down in the Bill. It is not altogether an experimental measure. It is practically the same, word for word, as the measure introduced in another Parliament in the British Empire.

Mr. W. FORGAN SMITH: Nothing of the kind.

The PREMIER: It has proved moderately successful on the other side of the world; and there is no occasion whatever for a Select Committee to be appointed in Queensland to consider it. We will go on with the Bill. If hon. members opposite have amendments to move, and those amendments are likely to improve the Bill, I am prepared to give the fullest consideration to them. It is not necessary to consider this Bill outside Parliament. Hon. members opposite can secure opinions from business people, and can get them to frame amendments. We are prepared to consider any amendments, and give them the consideration they merit. We intend to go on with the Bill, hoping to achieve some success. If it is not entirely successful, then I am prepared to meet business people whom hon. members opposite may desire to bring along so that their views may be placed before the Government. I do not say that the Bill will be perfect by any means. If we discover that it is not achieving the success we anticipate, then I am prepared to accept the advice of people who are qualified to give it from their business experience. Why should we delay the Bill interminably in order that a non-party committee may be formed to discuss the reasons for unemployment? We know the reasons for unemployment to a great extent.

Mr. W. FORGAN SMITH: My proposal is that a committee be appointed to devise a better Bill than you have framed.

The PREMIER: The hon. gentleman need not worry himself about devising a better Bill.

Mr. W. FORGAN SMITH: I am worrying about Queensland.

The PREMIER: If hon. members opposite have the intelligence with which they credit themselves, they should be able to move amendments that they consider calculated to improve the Bill. The opportunity to deal with this Bill is when it is going through this Chamber; and it should not be delayed interminably. I have not the slightest intention of accepting the motion of the Leader of the Opposition for the appointment of a non-party Select Committee, which would only delay the Bill for another twelve months. I am prepared to go on with the Bill, and to consider any amendments put forward by the Opposition.

Mr. PEASE (*Herbert*): In supporting the motion submitted by the Leader of the Opposition, I am astounded that the Premier has not shown a better spirit. When the hon. gentleman and many members of his party were in opposition in this Chamber, at various times they suggested the idea of a joint committee comprising members from both sides of the House to investigate financial matters particularly. You, Mr. Speaker, in many of your speeches referred to that as a vital principle, as did also the hon. member for Toombul, the hon. member for

Nundah, and many other financial members of the then Opposition. The request was made at various times to the then Premier that joint committees should be appointed.

Mr. KELSO: You are romancing.

Mr. PEASE: The files of "Hansard" will disclose speech after speech made by hon. members opposite advocating the principle which the Premier will not admit to-night.

The SECRETARY FOR LABOUR AND INDUSTRY: What did you do?

Mr. PEASE: The job is one for the Government. We were not asked to do what our Leader has asked the Government to do on this occasion.

Mr. KELSO: Your statement is not correct.

Mr. PEASE: At different times hon. members opposite advocated certain principles; but they were not game to move such a motion as has been moved to-night by the Leader of the Opposition. "Hansard" will show that in the last ten or twelve years hon. members opposite, whilst advocating this principle, never moved a motion to that effect. Under these circumstances the Government of the day could not do what they were not asked to do. We have taken hon. members opposite at their word, and have suggested what was advocated by the Premier and his colleagues when sitting in opposition.

Mr. KELSO: That is an absolute misstatement.

Mr. PEASE: The hon. member for Toombul advocated the appointment of a joint committee to deal with all financial matters; yet the Government are swallowing all their principles in this direction, just as they have done in many other respects. Does the action of the Government to-night not show that, when they were in opposition, they were merely talking for talking's sake?

Mr. KELSO: Your statement is absolutely incorrect.

Mr. PEASE: I can prove from the pages of "Hansard" that the hon. member advocated the appointment of a joint committee.

Mr. KELSO: That is an absolute fabrication.

The SPEAKER: Order!

Mr. PEASE: Yet the Premier is trying to sidetrack that principle to-night.

In this motion the Leader of the Opposition is giving the Premier a chance of co-operation in a measure which is vital to Queensland in that it involves the expenditure of a considerable amount of money. If ever a financial measure required the best thought of Queensland, it is surely this one. In his attitude to-night the Premier has displayed a very bad spirit, because the hon. gentleman, now that he has an opportunity of putting into practice the principles which he advocated, hesitates to do so.

Mr. KELSO: Why did you vote against the second reading?

Mr. PEASE: The hon. member must know that I am only allowed to debate the question of the appointment of a Select Committee; and that is all I intend to do. Let me inform hon. members that in the Federal sphere a political party similar to that of hon. members opposite had a better conception of their duty. The Bruce-Page Government established the principle of joint committees on financial matters in the Federal

Mr. Pease. }

Parliament. I have in my hand a report from the Joint Committee of Public Accounts; and I want to read the heading to show hon. members why joint committees were considered necessary—

“Having regard to the amount of public money involved, the frequent criticism, both in Parliament and in the press, and repeated requests for more detailed information concerning the Australian Commonwealth Line of Steamers, the Joint Committee of Public Accounts, in May, 1926, commenced, under the powers conferred upon it by the Committee of Public Accounts Act 1913-1920, an investigation of the Commonwealth Government shipping activities.”

The action of the Bruce-Page Government in doing that no doubt was responsible for a certain amount of good. Dozens of reports showing the necessity for the appointment of joint committees on financial matters can be seen in our own library. Despite all that, a measure which is going to involve tremendous financial responsibilities is not considered important enough for the consideration of a joint committee. After all, it is not the Premier and his party who are going to bear the burden if a mistake is made. It is Queensland.

Mr. KELSO: What did you do when you were in power?

Mr. PEASE: The job is one for the Government; it does not matter what we did. The public are disturbed about this Bill, in connection with which there has been a great deal of press criticism, just as there was press criticism with reference to the business with which the joint committee was appointed by the Federal Government to deal. The public mind of Queensland is disturbed about this Bill, which is exercising the minds of the leaders of thought of all shades of opinion, who are concerned not so much from a political standpoint as from the point of view of how much Queensland is going to lose over the transaction. It does not matter what happened in the [7.30 p.m.] past. Hon. members on the Government side live in the past. They are the Government now, and the job is theirs. They should realise by the criticisms of the people in regard to this measure that this solution of a joint committee is a good one. What are the British Government doing? They are going on with a vast Empire marketing scheme involving millions, and they are appointing a commission from both sides of the House, including members of the House of Lords, to go into that matter, and they are going to call the Premiers of all the British Dominions to a joint committee meeting in London to consider this measure. What for? For the good of the British Empire, and so that the whole Empire shall be linked up in this marketing scheme. How are they doing it? They are going to do it by the appointment of a joint committee practically of all the Parliaments of the British Empire. This is a scheme that Australia, and Queensland in particular, is going to have a good deal to do with owing to our sugar, wool, and wheat products. The Premier is bringing forward one of the gravest proposals involving financial risks that Queensland has known, and, owing to party political considerations, he will not see that the Labour Party is giving him a chance to co-operate. The Premier, on the hustings, asked that Labour should co-operate with

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him. He asked for the co-operation of the business people of Queensland; he asked for the co-operation of the workers of Queensland; and now that the Leader of the Opposition is giving him a chance of co-operating with the workers of Queensland and the business people of Queensland he will not accept it. Why? Because he is too mean politically. He is not concerned about the welfare of Queensland. He is not concerned about unemployment. He is not concerned about new industry; he is concerned about not accepting this motion so as to get a political advantage. If ever there was a case for a joint committee in Queensland, it is on this occasion. I was listening to a “talkie” film the other day, and I heard the chairman of the joint committee on finance in the United States of America stating the result of the Budget conference. So you see they have joint committees in all the Parliaments of the world.

I spoke on the Bill at its introductory stage, and told the Premier that I was against the proposal as it stands at present, because too much power is given to certain people. Exactly what I stated has been said by financial papers and by people who are able to criticise the measure apart from party politics. We want to be in a position to get the views of these people. There are many people whose views on this matter would be of advantage. It would not hold up the Bill for the length of time that the Premier says it will. The Leader of the Opposition guarantees that it could be done in a month; and I say it could be done in that time if the opportunity were given us. The Government will not give us that opportunity, because they are looking for a political advantage. They are not big enough to do what they advocated when they were in opposition. When the Upper House was in existence, joint committees of both the Upper House and this House were appointed to go into financial matters.

Mr. KELSO: This is a different matter altogether.

Mr. PEASE: If a Select Committee were appointed, we would not only have the opinions of business people and financial people, but we would be able to get the opinions of the leaders of unionism and the leaders of the workers. We could also have the opinions of Customs officials. Only in to-day's paper I read of the alarming increase of the imports into Queensland. If this committee were appointed, we could get the Customs officials to go into this matter and tell us the articles that are being imported into Queensland in competition with our own goods. We want the opinions of experts—men who are able to tell us exactly what is coming in; then we want the manufacturer to go into the question of manufacturing; and then we want to go into the question of marketing. The initiation of any new industry in Queensland is a matter of grave concern; and, if the Premier is going to pass measures without a good deal of thought, it is going to reflect on Queensland. The Government will have applications for the establishment of industries which might not be good for the State, and the appointment of a Select Committee would safeguard that sort of thing. The only argument of the Government is that it will delay the measure. They were not in such a great hurry to meet Parliament and get measures before the House

The SPEAKER: Order! Order!

Mr. PEASE: Following upon the introduction of this Bill, which involves the expenditure of a considerable amount of money, our leader wishes to have a joint Select Committee appointed comprising three Government and two Opposition members, with the power to take the evidence of experts. We would not need to go outside Brisbane to get evidence, because we can get information from big manufacturing firms here. The headquarters of our various industries are situated in Brisbane, and, as our leader said, it would only take about a month to go into the matter. When Government members were on this side, I listened to them year after year after I came into the House stating that the Government of the day should allow them representation on committees. Hon. members opposite were offered representation on the Public Works Committee. They would not accept it at first; but after many years they found out how foolish they were, and accepted it. They never asked the Government of the day, as our leader has, for the appointment of a joint Select Committee.

The PREMIER (Hon. A. E. Moore. *Aubigny*): I move—

“That the question be now put.”

Mr. POLLOCK: Do you think the question has been sufficiently debated, Mr. Speaker?

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

AYES, 34.

Mr. Annand	Mrs. Longman
„ Barnes, G. P.	Mr. Macgroarty
„ Blackley	„ Maher
„ Boyd	„ Maxwell
„ Carter	„ Moore
„ Clayton	„ Morgan
„ Daniel	„ Nimmo
„ Deacon	„ Peterson
„ Duffy	„ Roberts
„ Fry	„ Russell, H. M.
„ Grimstone	„ Russell, W. A.
„ Hill	„ Sizer
„ Jamieson	„ Swayne
„ Kelso	„ Tedman
„ Kenny	„ Tozer
„ Kerr	„ Walker, J. E.
Dr. Kerwin	„ Warren

Tellers: Mr. Fry and Mr. H. M. Russell.

NOES, 18.

Mr. Bedford	Mr. Foley
„ Bow	„ Hanlon
„ Brassington	„ Hanson
„ Bruce	„ Hynes
„ Bulcock	„ Pease
„ Conroy	„ Pollock
„ Cooper	„ Smith
„ Dash	„ Wellington
„ Dunlop	„ Wilson

Tellers: Mr. Bow and Mr. Conroy.

PAIRS.

AYES.	NOES.
Mr. Costello	Mr. Winstanley
„ Butler	„ Stopford
„ Barnes, W. H.	„ Jones

Resolved in the affirmative.

Question—“That the resolution (*Mr. Smith's motion*) be agreed to”—put; and the Committee divided:—

AYES, 17.

Mr. Bedford	Mr. Hanlon
„ Bow	„ Hanson
„ Brassington	„ Hynes
„ Bruce	„ Pease
„ Bulcock	„ Pollock
„ Conroy	„ Smith
„ Cooper	„ Wellington
„ Dash	„ Wilson
„ Foley	

Tellers: Mr. Conroy and Mr. Foley.

NOES, 34.

Mr. Annand	Dr. Kerwin
„ Barnes, G. P.	Mrs. Longman
„ Blackley	Mr. Macgroarty
„ Boyd	„ Maher
„ Carter	„ Maxwell
„ Clayton	„ Moore
„ Daniel	„ Morgan
„ Deacon	„ Nimmo
„ Duffy	„ Roberts
„ Dunlop	„ Russell, H. M.
„ Fry	„ Russell, W. A.
„ Grimstone	„ Sizer
„ Hill	„ Swayne
„ Jamieson	„ Tedman
„ Kelso	„ Tozer
„ Kenny	„ Walker, J. E.
„ Kerr	„ Warren

Tellers: Mr. Nimmo and Mr. Tozer.

PAIRS.

AYES.	NOES.
Mr. Winstanley	Mr. Costello
„ Stopford	„ Butler
„ Jones	„ Barnes, W. H.

Resolved in the negative.

COMMITTEE.

(*Mr. Roberts, East Toowoomba, in the chair.*)
Clause 1—“*Short title*”—

Mr. W. FORGAN SMITH (*Mackay*): I should like some information from the Premier concerning this clause, which reads—

“This Act may be cited as ‘The Industries Assistance Act of 1929,’ and shall come into operation on a date to be fixed by the Governor in Council by proclamation published in the ‘Gazette.’”

Why the delay? The Premier has already stated that he has work in hand; that he knows exactly what he intends to do; that as far back as the last election campaign he stated what he intended doing. Why, therefore, the necessity to await the proclamation of a date by the Governor in Council?

Mr. KELSO: That is what you always did.

Mr. BULCOCK (*Barcoo*): Since the Premier has pledged himself and his party to the wisdom of this measure, I think it is necessary that it should be brought into operation without any undue delay. The hon. gentleman has already informed us that there are four applications before him for assistance. The board, I take it, will not be constituted until this Bill is ratified by Parliament. What is going to be the position of the two applications which the Premier has told us are now pending? Surely they are entitled to the earliest possible consideration! Surely, too, if this Bill is going to relieve unemployment—and that is claimed by the Minister in charge of the Bill—it is the bounden duty of the hon. gentleman, since he knows what he is going to do, to bring the Act into operation at the earliest opportunity to demonstrate that he at least has faith in its efficiency!

Clause 1 agreed to.

Clause 2—“*Interpretation*”—

Mr. BULCOCK (*Barcoo*): I should like the Premier to give some information concerning the definition of “Works,” which reads—

“Any works or factory for the manufacture of articles, together with all machinery and appurtenances used therein or in connection therewith, and all tramways leading thereto, and the site of the works and all land used in connection with any such tramway.”

Mr. Bulcock.]

Has this definition any specific significance, and is it designed to meet any particular case?

The PREMIER: No.

Clause 2 agreed to.

Clause 3—"Constitution and appointment of Board"—

Mr. BULCOCK (*Bercoo*): I beg to move the following amendment:—

"After line 39, page 2, insert the following proviso:—

'Provided, however, that the Governor in Council shall from time to time, in any case in which he thinks it fit and proper so to do, constitute a special Board of three persons in relation to any industry concerning which industry special qualifications are necessary to be possessed by the Board to arrive at a recommendation in respect of an application concerning such industry, and all the powers and authorities of the Industries Assistance Board shall be had and exercised by the special Board concerned.'

The Bill provides for the establishment of a board of a more or less permanent nature, consisting of a certain number of individuals. I take it that three persons will probably constitute the board. It is humanly impossible for any three individuals to be au fait with all the ramifications of industry. They will be unable to make a satisfactory survey of every application that comes before them; and the State finances are going to be involved either directly or indirectly in this Bill. It is very obvious that occasions will arise when special advice will be necessary, more particularly in relation to the establishment of new industries. Whilst the board which the Premier proposes to set up may have the qualifications that are necessary in some particular direction, it is very obvious that the members will lack qualifications in other directions; and I say that without any reflection on the qualifications of the members of the board which it is proposed to set up. In other words, it is humanly impossible for any board of a permanent or semi-permanent nature to be able to survey the whole of the ramifications of the industries that will seek assistance and therefore necessitate inquiry by this board.

[8 p.m.]

A board consisting of experts, not necessarily limited to the same number as the primary board, would probably be able to bring special qualifications to bear in order that it might make proper investigations. The Premier will appreciate the fact that you would not ask an engineer to inquire into a pottery, and you would not require a solicitor or an auditor to inquire into the ramifications of some new secondary industry that was going to be established concerning which there was very little data. What you would require in such an instance would be a board of keen business men, who would be able to look into the matter and anticipate the requirements of the market in relation to the particular industry. We are anxious to safeguard the finances of the State, and more particularly to safeguard the interests of those individuals who may make applications under the Act. Later on it is provided that all those enterprises which the Government finance either directly or indirectly shall, if they fail, become a charge on the

[*Mr. Bulcock.*

State, and shall become a sort of State enterprise. We contend that the financial interests of the State should be conserved in every possible direction. Circumstances will arise that will make it necessary that special qualifications should be possessed by the people making investigations into any application that is made. If the amendment is adopted, it will have the effect of setting up a board side by side with existing boards, which would in no way hamper the functions of the present board. If the board required a specialised investigation, it would be open for members of the board to make a recommendation to the Premier that they considered the best investigation could be made by people who possess special qualifications in any given direction. We are desirous of having a specialist to make any special examination of any project rather than have it made by somebody not specially equipped to make that examination, who may make a recommendation which may ultimately show faulty judgment. The adoption of this amendment would necessarily tend to make the Bill a better one, and would conserve the interests of applicants who will apply, and whose applications require special consideration.

The PREMIER (Hon. A. E. Moore, *Aubigny*): I cannot see the slightest use in the amendment. On page 3 of the Bill it is provided that—

"The board and each and every member thereof shall have the same powers, authorities, and protection as a commission under the Official Inquiries Evidence Acts, 1910 to 1929."

The board will have power to call anybody it likes to give information with regard to any industry it is inquiring into. All that is necessary is for the members of the board to have sound common sense so that they can weigh the evidence put before them. If there was any value in the amendment, I would not object to it; but full power is given to the board to make inquiry from anybody. It can get the full facts of the case from anybody it likes. It will decide whether there is sufficient security for the Government, and then it will rest with the Government whether they make an advance or not. It does not mean that they are going to rush into it. Hon. members know that there will be dozens of things put up to the board that nobody will look at. I expect there will be a number of "wild cat" schemes brought forward; but surely the board and the Government are going to be sensible enough to turn that sort of thing down! If we get half a dozen good schemes out of the whole number put forward, it will be well worth while. No one expects the Government to adopt every scheme put before them. I know there are people who will bring forward undesirable schemes; but I hope people will realise that the Government will not support any "wild cat" propositions.

Mr. HYNES: You will only get "dud" propositions.

The PREMIER: Under the Co-operative Agricultural Production and Advances to Farmers Act we did not get any "dud" propositions; and I think it will be the same under this Bill. At any rate, we intend to give people the opportunity. I do not intend to accept the amendment, because I think it is entirely unnecessary.

Mr. PEASE (*Herbert*): No doubt the Premier has in his mind the names of the members whom he intends to appoint to the board; and, if we knew who the appointees are to be, we should be in a better position to judge in the matter. Probably he intends to appoint the Auditor-General as a member of the board.

Question—"That the words proposed to be inserted in clause 3 (*Mr. Bulcock's amendment*) be so inserted"—put; and the Committee divided:—

AYES, 17.

Mr. Bedford	Mr. Hanlon
" Bow	" Hanson
" Brassington	" Hynes
" Bruce	" Pease
" Bulcock	" Pollock
" Conroy	" Smith
" Cooper	" Wellington
" Dash	" Wilson
" Foley	

Tellers: Mr. Brassington and Mr. Bulcock.

NOES, 30.

Mr. Annand	Mr. Kerr
" Barnes, G. P.	Dr. Kerwin
" Blackley	Mrs. Longman
" Boyd	Mr. Macgroarty
" Clayton	" Maher
" Daniel	" Maxwell
" Deacon	" Moore
" Duffy	" Morgan
" Dunlop	" Nimmo
" Fry	" Russell, H. M.
" Grimstone	" Russell, W. A.
" Hill	" Swayne
" Jamieson	" Tedman
" Kelso	" Tozer
" Kenny	" Warren

Tellers: Mr. Clayton and Mr. Dunlop.

PAIRS.

AYES.	NOES.
Mr. Winstanley	Mr. Costello
" Stopford	" Butler
" Jones	" Barnes, W. H.

Resolved in the negative.

Mr. POLLOCK (*Gregory*): It appears to me that the real meat in this Bill is to be found in this clause. If there is anything for which the Government profess to stand enthusiastically, it is the removal from political control of all those things which have to do with the administration of public affairs. On a number of occasions the Premier has indicated to the public and to this Chamber that he stands for the removal from political control of the railways and various other important departments where large amounts of money have to be spent and where matters have to be administered impartially.

At 8.15 p.m.,

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

Mr. POLLOCK: In this Bill, which gives an excuse for such a policy as that, the Premier falls down. If it is really proposed that there should be any business in this Bill and that industries should be assisted by contributions of public money—loans for definite purposes—to be repaid under specific conditions—then the board which controls the receipt of such applications should have authority to deal with them on their merits and altogether free from political control. The big institutions which make advances in Australia to industries and people who

require money for developmental purposes are the banks, which are removed from political control. The very first thing done with the Commonwealth Bank was to endeavour to give it a board entirely free from domination by the Government. Here, where it is proposed to give assistance to industries, the board is not to be free from political control, but is to be dominated by the Minister. If the board decides not to give advances to people who desire them, whether their case is a good one or not, the Minister has power to dissolve the board, or to terminate the appointment of any member, and appoint somebody else in his place. How can you have impartial administration on a definite matter such as this with that weakness in the Bill? If the Premier has any intention of giving any assistance to industry by making advances, it is obvious that he desires a board that is going to be quite pliable, and will do as the Minister directs. From that standpoint the Bill is undesirable, and I really think that an amendment could and should be moved here which would define very clearly the powers of the board and put it beyond all interference by any political party or by the Minister.

Generally, I do not stand for control by boards instead of by Parliament. I believe in parliamentary control; but in a case like this there is every justification for the adoption of the principle of control by the board free from political interference. Public money is to be utilised, apparently in a wholesale fashion, in an endeavour to assist industry. If that be the case, then the board should be entirely independent and in a position to make decisions on the merits of all cases free from political interference.

Mr. PEASE (*Herbert*): I think the Premier would be doing a very wise thing if he were to take hon. members into his confidence at this stage and intimate whom he has in mind to constitute this board.

The PREMIER (*Hon. A. E. Moore, Aubigny*): I have not the least intention of informing hon. members at this stage who will constitute the board. That information will be disclosed in due course. It is not intended, as hon. members opposite appear to imagine, that there is to be created a board which will decide whether advances shall or shall not be made. The board will act in an advisory capacity, and, on receipt of applications, will make the fullest investigation, and report whether the security is adequate and whether the State is likely to benefit in the event of assistance being given to the industry concerned.

Mr. POLLOCK: You propose to retain the power to "sack" the members if they do not suit.

The PREMIER: If the hon. member for Gregory would peruse the amendments foreshadowed by the hon. member for Barcoo, he would find that the hon. member recognises the principle contained in the Bill. One amendment foreshadowed by the hon. member for Barcoo provides that the Minister shall consider the recommendations of the board; and, if he rejects a recommendation, he shall state to the Governor in Council his reasons for such rejection. The amendment also provides that the Minister shall refer the matter back to the board for further inquiry. The board will not have at its disposal a large sum of money to dole

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out as it likes. It will be there merely in an advisory capacity.

Mr. POLLOCK: I think my suggestion is a necessary safeguard.

The PREMIER: I do not agree with the hon. member. Do hon. members opposite believe that we are going to embark on a wild financial jazz and "wild-cat" schemes at the expense of the public purse?

Mr. POLLOCK: I do not think you are going to do anything at all under the Bill.

The PREMIER: Then there is no need to worry about it.

Mr. BRUCE: You are going to bolster up private industry.

The PREMIER: There is no question of politics in it. This is a genuine desire to assist in the establishment of secondary industries, especially industries at present in operation.

Mr. BRUCE: With the money of the taxpayer.

The PREMIER: During my second-reading speech I said that I did not approve of the principle as a general thing, but that I recognise that in extraordinary circumstances and times of great difficulty it is necessary to adopt extraordinary measures.

Mr. BRUCE: Bolster up private industries with the taxpayers' money.

The PREMIER: It is better to help private industry with the taxpayers' money rather than that the taxpayers' money should be sunk in State stations without the consent of Parliament and lost to the extent of hundreds of thousands of pounds and the country be called upon to pay the bill.

Mr. POLLOCK: You said that you had already assisted these people.

The PREMIER: I said that we had already had applications.

Mr. HANLON: You said that two applications had been rejected.

The PREMIER: Three applications have been rejected.

Mr. PEASE: Without any board.

The PREMIER: I am not suggesting that every application will be accepted. We might reject 300 applications. That is possible, and even probable.

Mr. W. FORGAN SMITH: You are bound to get applications from all the "lame ducks."

The PREMIER: I admit that; and that is the reason why it is proposed to establish a competent board to make investigations as to whether the security is adequate and as to whether the State is likely to benefit as the result of the assistance given. If every application that was made was likely to be of advantage to the State, there would be no necessity for a board. In such cases the money would be granted right away; but it is deemed advisable to appoint a board with power to make a thorough investigation with the assistance of the Official Evidence Inquiries Acts. If hon. members will read the Bill, they will find that applications must be accompanied by a good deal of information before they are even considered. We do not intend to throw money away. There may be a number of industries in the State to-day that would be of advantage to the State if assistance were given; and it is proposed to set up this competent authority—constituted pro-

bably from persons within the public service—to advise whether it is advisable for the Government to assist those industries either by a guarantee of credit or by way of an advance. That is the entire reason for the board. There is no intention to embark on the wholesale establishment of industries all over the State. It may be possible to assist the industries of Queensland, and thereby provide remunerative employment for a number of employees connected with those industries. That is why it is essential that the board should have that power. The board will act in an advisory capacity, and make recommendations to the Governor in Council.

Mr. W. FORGAN SMITH (*Mackay*): I thoroughly understand that the Bill does not contemplate control or approval by the board, which will be a function of the Governor in Council, and that the board will do largely the spade work on which the special determination shall be made. Information of a far-reaching character is demanded before an application can be considered, and the board is given all the authority of the Official Inquiries Evidence Acts to investigate thoroughly. In effect, the board becomes a Royal Commission within the meaning of those Acts, with power to call evidence, to subpoena and cross-examine witnesses, to demand the production of documents, and in countless different ways to obtain authentic information that may be desirable and necessary for the purpose of deciding whether an advance should be made. I am not objecting to these provisions in the Bill, because it is essential that before any loan is given by the State all necessary particulars should be available so that the public funds may be safeguarded as fully as possible. That is not the matter to which we are objecting; but it will be noticed that, while it is contemplated under this clause that the Governor in Council shall appoint a board consisting of three members having these far-reaching powers that I have enunciated, those members will have no security of tenure whatsoever, but can be removed at the sweet will of the Government of the day—a most incomprehensible provision for which the Minister has given no justification. I am agreeable that a board should be established, as it is essential; but it is also necessary that the members of that board should have power to make thorough investigations; and surely in a matter of this kind it is necessary that the members should have some security of tenure. What a position would be created if, for example, the Federal Parliament were to provide an amendment of the Commonwealth Bank Act that the board provided for the control of the Commonwealth Bank would be removable at any period! The whole practice of government is opposed to the principle underlying this clause, because, when any appointment of a far-reaching character is made by the Government, it is the usual practice to provide security of tenure. For instance, we gave the Commissioner in charge of the Savings Bank when it was operated by the State security of tenure for a definite period, and we dealt similarly with such officers as the State Government Insurance Commissioner, the Commissioner of Taxes, and other persons holding high office in the State. Here is a Bill which the Minister says will revolutionise industry, will restore lost youth, as it were, to the declining industries of Queensland, will

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establish new industries, and a large amount of manufacturing will be done and employment given that does not exist now. The Premier paints a glowing picture of all those nice things which will happen in Queensland under this Bill; but the whole structure of the Bill depends for its permanence and security on the good work that is to be done by the board, according to whose recommendations appropriations will or will not be made. The public funds for which the people of the State stand security will be advanced to a very large extent on the recommendations made by the board; yet the Government, the members of which when in opposition talked themselves hoarse about political control and placing high officers beyond political control, are taking the extraordinary course of appointing a board with such far-reaching responsibilities that can be removed at any time. The Minister says, "Read further in the Bill, and you will see other things." Why, the whole basis of the Bill provides that the Minister's decision shall be complete and absolute in certain cases!

[8.30 p.m.]

This clause is in consonance with such an idea. What confidence can the general public have in a board of an advisory capacity if any member of that board can be removed by the Minister if he does not make a recommendation along the lines desired? The Minister in charge of the Bill may laugh at such an idea. Probably he may yet come to realise that what I am saying is true. If the members of this board are to give their best services to the State, it is necessary and desirable that they should have some security of tenure. Take, for example, other institutions under the control of the Government that make advances. Are they subject to ministerial control? Only to a limited extent. The men in those positions are given security of tenure, and are free from any victimisation by the Minister of the day. This board, when established, will be in the position of giving advice to the Government; and if at any time the Government are not satisfied with that advice, or if the board fails to give the advice that the Government of the day desires, then the Government can accomplish their object by gazeteting any member or all the members off the board and putting in their places others who will be more amenable to the desires of the Government. Such a position is absurd. Is there any financial institution at the present time in Queensland controlling the advancing of money that proceeds upon such a principle? Is it not a fact that men placed in the control of banks and other institutions that advance money have certain definite powers and a definite security of tenure? On the successful carrying out of the duties of this board depends to a very large extent the success of this Bill; yet the members are to be removable at the will of the Minister of the day. All he requires to do is to prepare a minute and gazette out of office a member or members of the board. No public confidence can be reposed in such a board; and the Minister would be well advised to consider the deletion of certain provisions in this Bill. There are men in the public service who could carry out the duties of this board admirably. Why does the Minister not agree to give them security of tenure? Why does he make them removable at the sweet will of any Minister? The whole position is absurd. The Minister by virtue of his position, having

wide and multifarious duties to attend to, is not in a position to give the full time that is necessary to investigate these things; therefore, the board called upon to give advice should be charged with a certain amount of responsibility. I do not propose that in the last analysis that responsibility should be taken from the Governor in Council; but this board should be given definite authority in certain directions, and it should be given definite security of tenure, otherwise no Parliament or anyone outside can have any confidence in the operations of the board.

Mr. BULCOCK (*Barcoo*): The board will be subject to the will of the Minister or Ministers as the case may be. A member of the board who was giving trouble or who would not do a certain thing—who would not meet the desire of the Cabinet—could be dismissed from his seat on that board. It is very obvious that Cabinet must retain responsibility and control of the administration; but it is also just as obvious that we should have a board that is capable of presenting a case without fear or favour. The men who constitute this board should be given security of tenure so that they may be able to make proper recommendations. In other words, if they hold office at the whim of the Minister or at the whim of the Cabinet—if they hold office so long as they please the Government of the day, and lose office as soon as they refuse to carry out the desires of the Government—it is very obvious that no very useful function is going to be performed by the board.

As the Bill stands at the present time, the members of the board will have to be sycophantic or else they will be dismissed individually or collectively. We do not desire that sort of thing. We desire to give the board permanence as far as possible, and also that the members of the board shall feel that they will not be removed from their position at the whim of the Minister whom they may offend because they do not agree with some desire expressed by him. For that reason I beg to move the following amendment:—

"After line 45, page 2, insert the following proviso:—

'Provided, however, that any member of the Board whose office has been terminated by the Governor in Council shall have the right to appeal against such termination of his office to an Appeal Board which shall be constituted as may be prescribed or as recommended by the Public Service Commissioner and approved by the Governor in Council.'

The object of this amendment is to give members of the board security of tenure and enable them to feel that they may at any time express an opinion on the facts of a case without fear of the consequences of that expression. As the Bill stands, they may have occasion to fear that certain results may follow if they express opinions which are unfavourably received by the Minister. The right of appeal would materially strengthen the members of the board. The Minister would hesitate to cause the vacation by a member of his position if he knew such member had a right of appeal. If we are to have an independent and virile board, the members of which can express their opinions without fear or favour, they must be removed entirely from the possibility of coercion;

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there must be some provision made to protect them from dismissal, and that provision is to be found in this amendment. Any Minister would hesitate to discharge a member of the board unless he had a grave reason for so doing. If a member of the board has a right of appeal to another tribunal, he will have security of tenure, and can only be removed for misconduct. So long as he exercises the integrity which the State has a right to expect from him, his position on the board will be sure. I hope the Minister will accept the amendment.

The PREMIER (Hon. A. E. Moore, *Aubigny*): Hon. members opposite have quite a wrong conception of what this Bill is intended to do. They seem to think that members of the Cabinet are going to get their friends to come along and put their cases before the board, whereas nothing like that is intended under the Bill. The person who wants to start an industry under the conditions of the Bill will put in his application to the board, which will deal with it. The Labour Government appointed an Advisory Board under the Petroleum Act exactly under the same conditions, and that board could be dissolved by the Minister.

Mr. POLLOCK: It was not going to handle advances.

The PREMIER: This board is not going to handle advances.

Mr. BULCOCK: It is going to make recommendations upon which the advances are to be based; therefore, fundamentally, there is a responsibility.

The PREMIER: There is only the responsibility of saying whether it will be a good investment or not.

Mr. BULCOCK: The recommendations of the board are to be acted on by the Government.

The PREMIER: A recommendation of the board will not commit the Government at all.

Mr. BULCOCK: Does the Premier suggest that he will not adopt the recommendations of the board?

The PREMIER: Undoubtedly I suggest that the Government will do what they think is best in the interests of this country; and, if the board makes a recommendation which the Government do not consider is in the interests of the country, we will not accept that recommendation. The board is not going to be the final arbiter—the Government will deal finally with the matter. It is not a question of the board saying, "We have made this recommendation, and it must be carried out." I would not permit such a thing.

Mr. POLLOCK: As one cove to another.

The TEMPORARY CHAIRMAN: Order! I would remind the hon. member that his remark is quite unparliamentary.

The PREMIER: The money will be available in the same way as under the Local Authorities Act under which the Government guarantee the interest on certain loans obtained by local authorities. It is only really carrying out the suggestion made by the Economic Board—that a guarantee should be given in regard to the interest on debentures. It is not a question whether it is recommended by the board, but whether it is advisable in the interests of the country. The Government will have the final opportunity of saying "Yes" or "No," and it is perfectly safe to leave things as they stand

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in the Bill. The Government may think, when they appoint the board, that it is a perfectly good board, but they may find afterwards that one of the members is unsuitable, or that his temperament is unsuited to the work.

Mr. W. FORGAN SMITH: You may find that he is temperamentally unfit.

The PREMIER: He may not be a man of sound common sense. He might be a man who would jump to conclusions, and it might be advisable that he should be put off and another man put on. We do not suggest or admit that anybody is going to be put off because he may not do what the Minister or the Government want. I want a board which has sound business common sense, which will go into any matter submitted to it in a common-sense way, without any question of whether the applicants have political views one way or the other or whether they are friends or enemies of the Ministry, considering merely the question whether the industry is a good one on the facts submitted to it. That is the only basis on which we can make a success of it.

Mr. HYNES: If it is a good proposition, it can secure the assistance of outside financial institutions.

The PREMIER: I pointed out on the second reading that money is very tight. We have large conversions to make, and we want to get £10,000,000 locally. That means that, when the banks have to underwrite that amount, they are not looking for new business, no matter how good the security may be; and we say that it is possible that, whereas a man might have to pay 8 per cent. or 9 per cent. for his finance to start a business if he went to a private institution, under this Bill he may get the money for 0 per cent. if he can get a guarantee behind him. That is the whole question at issue, and it makes a big difference in starting a business.

Mr. POLLOCK: You know as well as we do that you have not the money for these purposes, and the Treasurer was told that he could not get it.

The PREMIER: The hon. member seems to know more than I do; but he is only putting up a supposititious case. I say that we have sufficient money to enable us to help some of these undertakings, and we desire to have a board that will investigate them on sound common-sense lines.

Mr. W. FORGAN SMITH (*Mackay*): The amendment is designed to give security to the members of the board. The Premier said that, notwithstanding what the board might advise, the Government would take what action they thought fit. I can understand a Minister rejecting an application or a recommendation of this board for various reasons. The board might advise that an application for a loan is quite sound in itself and recommend accordingly to the Government; but the Government might decide that it is not a good enterprise to which to advance State money, and that the enterprise is one which should look for its capitalisation in other directions. I can quite understand that the final allocation of the funds must necessarily be in the hands of the Government. We have always done that in respect of loans to co-operative factories. An application may be made for a loan of £15,000 for the purpose of building a butter factory. The manager of the State Advances Corporation does not determine that. He and his

officers investigate the whole thing, and make a recommendation to the Minister, who brings it before Cabinet. If the money is available and the Government think it is desirable that the factory should be built, they make the loan. I can quite understand the desirability of the Government retaining in their own hands the right to reject a recommendation; but, from the words of the Premier, it appears that he has also in mind the converse. That follows logically.

THE PREMIER: I did not mean that.

MR. W. FORGAN SMITH: The hon. gentleman's words conveyed an entirely different expression.

A GOVERNMENT MEMBER: You misconstrued them.

MR. W. FORGAN SMITH: I am just as well able to construe the meaning of a sentence as anybody in this Committee, and the Premier undoubtedly said that, whether the board recommended in favour of or against a proposal, the Government would take what action they thought fit. In other words, in the event of the board recommending that an application should not be entertained, the Minister retained the right to recommend it to the Governor in Council, and to say, "Notwithstanding what the board may advise, I think it is a good thing to invest in."

THE PREMIER: That was not intended.

MR. W. FORGAN SMITH: The Premier said that, no matter what this board might recommend, the Government could reject it or accept it, as they thought fit. He said, with all the arrogance, shall I say, of a Minister not long in power, "Who is this board anyhow? It is removable at the will of the Governor in Council. We are the guardians of the public interests, and we think that, in the interests of the State, this advance should be made, and we will make it."

If the Premier considers that it is against the interests of the State to make an advance, it will not be made, and he will act as he thinks right, irrespective of the board. That, in effect, is what the Premier said, and his words cannot be given any other meaning.

The amendment is a perfectly reasonable one. I pointed out before it was moved that these men will be called upon to carry out a very important duty not only to the Government of the day but to the people of the State. The loan funds of the Government are limited. I know that they have approximately £4,000,000 to the credit of the Loan Fund Account at the present time; but, having regard to the position of the loan market both in London and in New York, they are husbanding their resources so that they will not be left at the end of the financial year without any cash in hand to carry on the ordinary developmental work of the State. To the extent that the Government make advances under the Bill to that extent will the Loan Fund be depleted; therefore, it is of extreme importance that the most qualified board be obtained, and that its members be given security of tenure. There is nothing in the Bill that commits the Government to appoint men already in the public service. If, for example, it was proposed to appoint the Auditor-General, the State Insurance Commissioner, the Public Curator, or the manager of the State Advances Corporation to be members of the board, that would be good and well, because those men would have security of tenure

by virtue of their present offices; but the Minister may decide to appoint someone outside the Government service. He has complete authority to do that. What man of any standing is going to take a position of such importance on any board if he can be removed by a publication in the "Gazette" that could be published in twenty-four hours? The whole position is absurd. The amendment provides a justifiable safeguard, and one that will give confidence to the public mind. It provides that, in the event of any member of the board being removed, such person shall have the right of appeal to a tribunal to be established by the Governor in Council on the recommendation of the Public Service Commissioner. If the amendment is accepted, it will place the members of the board beyond the control of the Government of the day to the extent that they cannot be removed for any frivolous reason or some reason of policy. It retains the sovereignty of the Governor in Council while at the same time protecting the individual members of the board. I think the Premier would be very well advised to accept the reasonable amendment moved by the hon. member for Barcoo.

Question—"That the words proposed to be inserted in clause 3 (*Mr. Bulcock's amendment*) be so inserted"—put; and the Committee divided:—

AYES, 17.

Mr. Bedford	Mr. Hanlon
" Bow	" Hanson
" Brassington	" Hynes
" Bruce	" Pease
" Bulcock	" Pollock
" Conroy	" Smith
" Cooper	" Wellington
" Dash	" Wilson
" Foley	

Tellers: Mr. Cooper and Mr. Hanson.

NOES, 31.

Mr. Annand	Mr. Kerr
" Barnes, G. P.	Dr. Kerwin
" Blackley	Mrs. Longman
" Boyd	Mr. Macgroarty
" Carter	" Maher
" Clayton	" Moore
" Daniel	" Morgan
" Deacon	" Nimmo
" Duffy	" Russell, H. M.
" Dunlop	" Russell, W. A.
" Fry	" Swayne
" Grimstone	" Tedman
" Hill	" Tozer
" Jamieson	" Walker, J. E.
" Kelso	" Warren
" Kenny	

Tellers: Mr. Carter and Mr. Kelso.

PAIRS.

AYES.	NOES.
Mr. Winstanley	Mr. Costello
" Stopford	" Butler
" Jones	" Barnes, W. H.

Resolved in the negative.

Clause 3 agreed to.

Clause 4—"Powers and duties of Board"—

MR. W. FORGAN SMITH (*Mackay*): I beg to move the following amendment:—

"After line 24, page 3, insert the following proviso:—

'Provided, however, that before any proclamation dissolving a Board shall take effect, such proclamation shall be submitted to Parliament within seven days of the commencement of the sitting thereof, and if a majority of the

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members of Parliament present shall vote in favour of the dissolution of the Board, such Board shall be dissolved accordingly:

‘Provided further that if a majority of members are not in favour of the dissolution of the Board such Board shall continue to exist and exercise its powers and authorities accordingly.’”

Clause 4 (2) provides that the Governor in Council, when satisfied that the functions of the board have been performed, and that there is no further need for the board, may gazette it out of existence. I do not know whether in that clause the Minister contemplates the general repeal or suspension of the operations of the Bill. If he considers that power is required to enable him to suspend the Act if it is not necessary to grant assistance, or if funds are not available, then it would be futile to have the board; but, if it is intended that the Governor in Council shall have power to take away from this Parliament its prerogative of abolishing or repealing a provision contained in a statute passed by it, then it is wrong. Nothing should be done by the Governor in Council to repeal any law passed by Parliament. In that connection I would like to draw the attention of the Minister to the fact that a Standing Committee was appointed recently in the House of Commons, on the advice of the Lord Chancellor, one of whose first public utterances was to draw attention to the tendency on the part of all Governments—it was particularly noticeable during the tenure of office by the Baldwin Government—to take power which, under the Constitution, is regarded in the highest and best sense as the function and under the jurisdiction of the courts. The August issue of the “English Review” contains an article which mentions that the Lord Chief Justice on one occasion called attention to the fact that certain legislation had been passed in England which gave the Ministry of the day power, by the issue of regulations, to adopt new provisions in an Act passed by Parliament.

[9 p.m.]

The Lord Chief Justice called attention to that extraordinary power in a case with which he was dealing, which involved the power of the Ministry of Health in regard to an order issued by the Ministry of Health ordering a local authority to do certain things. The local authority resisted, and the matter finally came before the Chief Justice sitting in jurisdiction on the King’s Bench, and he decided against the local authority in the case; but he went on to point out—which is quite an unusual thing for a judge to do—the extraordinary character of the statute that he was asked to adjudicate upon, and he pointed out that under another section of the Act the Minister had power to set aside the decision of that court. The tendency of Legislatures is to give Ministers authority which should only be vested in the law courts, and to give public servants a control that is contrary to democracy and means the establishment of bureaucracy. The amendment that I have proposed retains parliamentary control in this case.

The PREMIER (Hon. A. E. Moore, *Aubigny*): This clause sets out clearly what the intention is. It reads—

“It shall be lawful for the Governor in Council, if and when satisfied that the functions of the Board have been per-

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formed and that there is no further need for the existence of the Board, to declare, by proclamation published in the ‘Gazette,’ that the Board shall cease to exist.”

If there are no applications coming in and the board is no longer required, it will be gazetted out of office for the time being. It has nothing to do with the suggestion put forward by the hon. member that the Government want to carry on without a board at all. It will only be put into operation when there is no more work for the board.

Amendment (*Mr. Smith*) negatived.

Mr. HANLON (*Ithaca*): The second paragraph of the clause gives the board all the powers, authorities, and protection as a commission under the Official Inquiries Evidence Act. That is a pretty wide power, and I can see a difficulty arising and perhaps a good deal of trouble for the Government if the board exercises its powers to the full extent. For instance, the board is charged with investigating any proposed new industry or any proposed new business or works. If similar works or factories exist in the State, the board will be bound to investigate the position of the already existing works. It will then have power to call upon the owners of such works or factories, their managers or employees, to reveal confidential information regarding their financial position. It is rather an extraordinary power to give to an investigating board—the powers of a Royal Commission—to probe into the private and confidential affairs of any business which may be affected by the establishment of another industry. I hope the Premier will be able to show us some safeguard in that respect.

The succeeding paragraph reads—

“Regulations may be made prescribing the duties, powers, and responsibilities of such Board, the regulation of meetings, proceedings, and the conduct of business of such Board, the appointment of a secretary or other officers (if necessary), and generally such other matters or things which it may be considered necessary or expedient so to prescribe.”

I hope that is not intended to mean the building up of a branch of the public service attached to this board, and that the expenditure of the State will be for the maintenance of a new department, and not for the assistance of industry.

The PREMIER (Hon. A. E. Moore, *Aubigny*): It is intended to inquire into particular industries. When an industry asks for a loan in connection with its business, the board has the right to get all information available in connection with that business. That is not a new principle. The board appointed under the Petroleum Act is given exactly the same powers—

“For the purpose of such inquiry or investigation the Board, if and when so constituted, and each and every member thereof, shall have the same powers, authorities, and protection as a commission under the Official Inquiries Evidence Act of 1910.”

It is quite a usual provision. The board has not to inquire into all the business in Queensland, but into the industry it is investigating.

Clause 4 agreed to.

Clause 5—"Power to make or guarantee advances to corporations engaged in industries"—

Mr. BULCOCK (*Barcoo*): I beg to move the following amendment:—

"On lines 7 to 9, both inclusive, page 4, after the word—
'concern,'

omit the words—

'or for such other objects as may be approved by the Governor in Council by Order in Council published in the "Gazette."'

That will have the effect of making the Bill specific instead of general.

The PREMIER: I will accept the amendment.

Mr. BULCOCK: I am glad that the Premier, in his wisdom, has seen fit to limit the operations of the Bill to specific instead of general purposes. It seems to me that it would be a very unwise thing to make the proposed financial assistance applicable in such a general way as it would be under the clause as it stands.

I desire to say a word or two about the following paragraph:—

"Moreover, the Minister, in approving of such application, shall take into consideration the question whether or not it is practicable for the applicant to obtain assistance through the ordinary financial channels."

It is obvious that applicants making application for finance or guarantees from the Government would not come to the Government if finance was available from one of the ordinary financial institutions.

The PREMIER: They might.

Mr. BULCOCK: They could gain no very definite advantage by coming to the Government, nor would the Government be disposed to incur a financial liability if some outside institution without the guarantee of the State was prepared to accept the liability. As the clause stands, it is provided that, if they cannot get financial assistance from outside, then, by inference, other things being equal, they shall receive favourable consideration from the board. It seems to me that that provision is put there for the specific object of financing industries that could not ordinarily finance themselves through the ordinary channels of finance.

That brings us to this consideration—that under this Bill it is very obvious that shoals of applications will be made by concerns which have no real claims to financial assistance. If they had such a claim, they would not come to the State for assistance. Only those applicants who find grave difficulties in the way of getting financial assistance from the recognised financial institutions will come to the State; and it is on that fact that we chiefly base our opposition to the Bill, more especially when we take into consideration the ultimate fate of the failures under it. I think the Minister has already suggested that there must of necessity be some failures. If an undertaking fails when guaranteed by the State, the State has to make good the liability. If there is failure in an industry in which general assistance has been given, then the State has to cut the loss and redeem it as far as it can by selling the assets after waiting for a favourable opportunity. If we proposed to give

general assistance, the position would be materially altered; but the Bill provides that the board shall consider whether a concern which makes application for assistance can get that assistance outside. It is obvious that the board will say, "We have not an unlimited supply of money, and since you can get financial assistance outside we shall recommend that you do so." That would be the obvious course to be adopted by the board and by the Cabinet which is not prepared to incur liabilities which it can avoid. That leaves to the Government the class of applicant who cannot get financial assistance from private institutions. Now what is the basis of the rejection of such applications by private institutions? Is it not obvious that fundamentally the basis is that the security is not sufficient for the liability incurred? Obviously the criticism that has been levelled against this Bill, that the Government are going to get the "dud" enterprises and the private financial institutions the sound enterprises, is justified. If we are going to get only the "duds"—those undertakings to which private enterprise will not make advances—it must be patent to all members of the Committee that the percentage of failures under the Bill is going to be very high. When one considers the percentage of failures and the relatively small percentage of successes among new companies, it is obvious that the Government are going to undertake a burden out of all proportion to what they should be expected to assume. In other words, private institutions are going to get the cream of the business offering, with all the security that reposes in it, and we are going to get all the doubtful enterprises, with all the want of security that attaches to them.

Mr. FRY (*Kurilpa*): I would not have spoken on this clause had it not been for the remarks of the hon. member for Barcoo to the effect that the Government will get all the "duds" and the private institutions will get all the good propositions. I am reminded that, when the Co-operative Agricultural Production and Advances to Farmers Act of 1914 was brought in by the Denham Government, the same criticism was offered by hon. members opposite—that the Government were going to get all the "duds" and the banks all the successes.

After working under that Act for fifteen years, the farmers of Queensland now own and manage sixty-four cheese factories, fifty-one butter factories, and fifteen sugar mills, and employ thousands of unionists at the award rates of pay. These industries are the only secondary industries that have any stability in the State—stability made possible by the assistance provided under the Co-operative Agricultural Production Act of 1914. Let us now consider how that Act has affected the general prosperity of the State. The objects of the Bill before the Chamber are somewhat similar to the objects that were contained in the Co-operative Agricultural Production and Advances to Farmers Act of 1914. The late member for Drayton, Mr. Bebbington, and myself were successful in having a motion adopted in this Chamber providing for an extension of the provisions of that Act to secondary industries, but the Labour Government were not prepared to agree to that proposal. The present Government have now introduced this Bill to give employment and to assist employees to become shareholders in industries. That is the aim of the Government.

Mr. Fry.]

The Bill is intended to operate along lines similar to the Act that I have mentioned. Prior to the introduction of that measure the farmers were not in the position to furnish the security to secure sufficient capital for their industry, but to-day there is invested in the industries mentioned approximately £35,000,000; the number of dairy farmers associated with the industry is 22,500; the number of people engaged on dairy farms is approximately 38,000; and the number of cows utilised is 570,000.

Mr. PEASE: All due to organised marketing.

Mr. FRY: It may be due in part to organised marketing, but it is due primarily to the assistance given by the Co-operative Agricultural Production and Advances to Farmers Act of 1914, which the Labour Party opposed.

Mr. PEASE: The Labour Party were responsible for all that.

Mr. FRY: Prior to the passing of that Act an enormous quantity of primary produce was imported into Australia from New Zealand and other places, whereas to-day we are exporting primary produce and giving employment to approximately 38,000 people on the dairy farms of Queensland. The position in Queensland is that we are in need of industries.

Mr. PEASE: What sort of industries?

Mr. FRY: The industries which give employment to our people.

Mr. PEASE: Name a few.

Mr. FRY: Anything that will use our primary products. Are not the miners out of work? Why? Because there is no local market for the coal produced. Doubtless, there would be a market, if steel were being produced in this State. Then there are cotton, wool, and other essential commodities.

Mr. PEASE: Your delegation stopped it.

Mr. FRY: No; the policy of the Labour Government, which aimed at the socialisation of industry and the destruction of privately controlled industry, is responsible for the present position. The principle involved in the Bill now under discussion is entirely different from the ill-conceived object of socialisation of industry. We aim to encourage the employees engaged in any industry to become part-owners of that industry.

Mr. PEASE: Have you read the "Brisbane Courier" on this Bill?

Mr. FRY: I am not concerned with the "Brisbane Courier" or anything else. I rely on my own knowledge in this matter. I would inform the hon. member, however, that I have studied the factory statistics relating to Queensland, which show that, compared with the Southern States, our factories have been closing down at an unfortunately rapid pace. Indeed, unemployment was so bad that, when the Labour Government ceased to function, there were 46,000 unemployed and 96,000 partly employed persons in this State. Our aim is to stimulate employment by every means within our power. In this Bill an opportunity is presented to us, and in the clause now under discussion we have the crux of the whole position.

Mr. PEASE: Read what "Searchlight" says about it.

[*Mr. Fry.*

At 9.25 p.m.,

The TEMPORARY CHAIRMAN: Under the provisions of the Sessional Order agreed to by the House on 22nd August last, I shall now leave the chair, and make my report to the House.

The House resumed.

The TEMPORARY CHAIRMAN reported progress.

Resumption of Committee made an Order of the Day for to-morrow.

The House adjourned at 9.26 p.m.