

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 29 SEPTEMBER 1936

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"2. That Mr. Speaker be requested to communicate to the family of the deceased gentleman the above resolution, together with an expression of the sympathy and sorrow of the members of the Legislative Assembly of Queensland, in the loss they have sustained."

said: The late Mr. Glassey was elected to the State Parliament in 1888 for the electorate of Bundamba, which he represented until 1893. He was defeated at the general election, but was elected for the electorate of Burke at the by-election in 1894. He represented Burke until 1895, and was then elected for the electorate of Bundaberg in 1896. He was the member for that electorate until 1900. He was elected to the first Commonwealth Parliament as a Senator in 1901, but was defeated at the following election. He was also a member of the Federal Council of Australasia in 1899.

The deceased gentleman, Mr. Speaker, was one of the pioneers of the Labour Party and the Labour platform in Queensland. He was a Radical at a time when it was not popular to be so, and he put forward without hesitation the views he held to be true. His honesty of purpose was known to all, and he has left foundations behind him on which others have built well and truly.

Perhaps one of the most interesting things the late hon. gentleman did was the introduction of a Bill in 1895, entitled the Legislative Council Veto Abolition Bill, which laid down the principle that a Bill that had been twice passed by the Assembly and been thereafter blocked by the Legislative Council should automatically become law. That Bill only reached its first reading; but it is interesting to note that sixteen years afterwards the same principle was adopted by the mother of parliaments in the Parliament Act of 1911. That Act, which abolished finally and completely the veto of the House of Lords, and established the predominance of the House of Commons, is based, in many respects, on the very principle that the late Mr. Glassey advocated sixteen years previously.

In the years 1894, 1895, 1896, and 1897, he made very strenuous efforts to get the principle of adult franchise established in this State, and it was finally adopted in 1905.

It is interesting to look back on the period in the public life of this Commonwealth in which this gentleman played an important part. He was a pioneer in legislation, a pioneer in reform, and all those who knew him mourn his loss. I commend the resolution to the Assembly.

Mr. MAHER (*West Moreton*) [10.38 a.m.]: I desire to second the resolution of sympathy moved by the Premier in respect of the lamented death of the late Thomas Glassey.

The late Mr. Glassey came to Queensland from Ireland in the early pioneering period of Queensland's development. It is just as well at a time when our own Australian population is becoming more intensely Australian, that we should pause to consider what we owe to the very fine pioneers who came out from the old country in the early days, and laid the foundation of Queensland's progress and development. The late Mr. Glassey belonged to that very excellent class. He was a splendid stamp of a man, who had the courage of his convictions at a time, as the Premier stated, when it took courage to express such views. By his strong personality

TUESDAY, 29 SEPTEMBER, 1936.

MR. SPEAKER (Hon. G. Pollock, *Gregory*), took the chair at 10.30 a.m.

PAPER.

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

Report and balance-sheet of the Public Curator of Queensland for the year 1935-1936.

DEATH OF HON. THOMAS GLASSEY.

MOTION OF CONDOLENCE.

The PREMIER (Hon. W. Forgan Smith, *Mackay*) [10.33 a.m.], by leave, without notice, in moving—

"1. That this House desires to place on record its sense of the loss this State has sustained by the death of the Hon. Thomas Glassey, formerly a member of the Legislative Assembly of Queensland, and a Senator of the first Commonwealth Parliament.

[*Hon. E. M. Hanlon.*

and vigorous fighting spirit, he played a very important part in helping to mould public opinion in this State, and also in developing our industries, and making Queensland better for the generations to come.

The late Mr. Glassey lived to a very ripe old age—ninety-two. It is only two or three years ago that I saw him in this Chamber, either at the opening of Parliament, or the occasion of the visit of the Duke of Gloucester, and he seemed to take a very keen and intelligent interest in the proceedings. He gave excellent service to the people of Queensland as member for different constituencies, and also as a member of the Federal Parliament. Every section of the community mourns his loss. The Opposition wish to join wholeheartedly in the resolution to convey, through you, Mr. Speaker, a resolution of sympathy to the late Mr. Glassey's family and relatives.

The motion was carried, hon. members standing in silence.

CITY OF BRISBANE ACT'S AMENDMENT BILL.

THIRD READING.

The SECRETARY FOR HEALTH AND HOME AFFAIRS (Hon. E. M. Hanlon, *Uthman*): I move—

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

Mr. MAHER (*West Morston*) [10.43 a.m.]: The reason I call “Not formal” to this motion is that at the Committee stage of this Bill the Secretary for Health and Home Affairs made certain statements—I do not say wilfully—which undoubtedly misled the Committee as to the provisions of the Criminal Code of Queensland.

When explaining the effect of clause 11, inserting new section 25b in the City of Brisbane Acts, the hon. gentleman said that in the event of the commission by an alderman of an offence with which that clause deals, under the Criminal Code, that alderman would be liable to a fine of £1,000 and imprisonment. On reference to the Criminal Code I have discovered two directions in which the Minister's statement is open to question. In the first place the penalty for the offence in question is a fine of £500 and imprisonment, not a fine of £1,000 and imprisonment, as was stated very distinctly by the hon. gentleman. Under section 441 (1) of the Criminal Code, as amended in 1931, that is the maximum punishment in the case of an alderman—assuming even for the moment that it does cover an offence committed by an alderman. Whereas the penalty under this Bill in the case of an employee is £100 and loss of employment by any local authority for five years. The latter provision is quite mandatory, and this makes the punishment greater than in the case of an alderman. An alderman might be fined a comparatively small amount, but would not suffer loss of his position. However, that is not the main point which I desire to emphasise, although it goes to show that the Minister misled the Committee when he made a statement that an alderman was subject to a fine of £1,000 and imprisonment, whereas even if the contention of the Minister is correct the alderman will not be subject to more than a fine of £500 and imprisonment.

The point I desire to bring before hon. members is that the offence in question is set out in the Criminal Code as one committed by an agent. Section 442b, inserted in the Code in 1931, commences with these words—

“Any agent who corruptly receives or solicits from any person for himself or for any other person any valuable consideration—”

To make that section applicable to an alderman it must first be established that he was an agent within the meaning of that section.

The term “agent” is defined in section 442a, and the relevant portion of the definition reads—

“The term also includes a Minister of the Crown and a person serving under the Crown, or a Minister of the Crown or corporation representing the Crown and a person serving under any local authority.”

You will note there that there is no reference to an alderman. It refers entirely to a person “serving under any local authority.” I contend, therefore, that an alderman is not covered by the Criminal Code or the amending Act of 1931 in regard to the offence in question—corruptly receiving any fee or reward, such as accepting a fee for getting a man a job under the Brisbane City Council.

You will recollect, Mr. Speaker, that the amending Act of 1931 was passed because of the offence of receiving secret commissions in the dairying industry. The Government of the day deemed it necessary to bring in a Bill to make punishable the offence of receiving secret commissions. Prior to that no punishment was prescribed in the Criminal Code for such evil-doers. In the amending Act of 1931, however, the need for making aldermen also liable for receiving fees and rewards outside their proper remuneration was apparently overlooked.

From my interpretation of the Criminal Code as it relates to this matter, it seems that by amending the City of Brisbane Act, as the hon. gentleman now proposes, Parliament will have imposed a penalty in the case of an officer of the council who receives a fee, reward, or bribe in exchange for securing employment or for anything of that nature, whilst an alderman, guilty of exactly the same offence will not be subject to any penalty.

Mr. SPEAKER: Order! I should like to remind the hon. gentleman that if he is proposing to move an amendment he will be in order in giving his reasons for it.

Mr. MAHER: I am leading up to an amendment. Mr. Speaker, which I propose to move at this stage.

Mr. SPEAKER: Order! If the hon. gentleman will move the amendment, I shall be able to determine whether his remarks are relevant.

Mr. MAHER: I propose to move the following amendment:—

“Omit the words—

‘the Bill be now read a third time,’ and insert in lieu thereof the words—

‘the Order of the Day be discharged, and the Bill be recommitted for the further consideration of paragraphs (2), (3), (4), of subclause (25b) of clause 11.’”

Mr. Maher.]

The effect of that amendment is to ask that the Bill be recommitted so that Parliament may discuss in the light of what we know now, the advisability of including aldermen in the same section as officers of the city council. "What is sauce for the goose is sauce for the gander," and it is right that Parliament should legislate to make punishable offences of the kind I have mentioned, and that offending aldermen should be liable as well as guilty officers.

An alderman should not be above the law. I am unable to see how the term "agent" covers an alderman of the Brisbane City Council, and I have had that opinion checked by others who are perhaps more competent than I to interpret the law. They support my view that the term "agent" in the amending Act of 1931 does not cover an alderman of the council. Therefore, it is only proper that aldermen should swallow the same medicine as Parliament prescribes for officers.

The PREMIER: The existing law, the Criminal Code and the amendment relating to secret commissions, adequately deals with aldermen who commit such offences.

Mr. MAHER: You argue that it does include aldermen?

The PREMIER: That is our legal advice.

Mr. MAHER: That may be so, nevertheless it is the courts of law that will interpret these sections. Parliament legislates, but courts of justice interpret. I fail to see, after a very close study of the wording of the clause, how an alderman can be termed an "agent" under that legislation. This is the relevant clause, under the heading of secret commissions—

"The term also includes Ministers of the Crown and persons serving under the Crown or Ministers of the Crown."

It will be seen that a Minister of the Crown is specifically mentioned. Persons serving under the Crown, which would mean employees of the Crown, and persons serving under any local authority are mentioned, but there is no reference to aldermen or to the Lord Mayor, for example. They are not specified, and in the interpretation of Acts of Parliament in the law courts, that is what the court must take into account, and not what the Minister thinks was either in or out of the Act. "A person serving under any local authority" would, of course, unquestionably cover employees of the council. But council officers are also punishable under the terms of the City of Brisbane Act, as the hon. gentleman now proposes to amend it. So that double punishment is possible for officers of the council, but neither in the Criminal Code nor the amending Act of 1931 are aldermen specifically mentioned. Aldermen are not mentioned either in this proposed new subsection of the City of Brisbane Act. So that from my study of the position as it stands at present, council employees are subject to very drastic punishment—not only under the Code (as amended), but also under the amending Bill, whereby an employee of the council, who accepts bribes or is guilty of "graft," cannot be employed by any local authority for five years—but an alderman apparently can do those things without being punished. I think

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it is a matter of very grave importance to the State, graver under the circumstances ruling to-day than ever before. I think we are justified in asking for the recommitment of the Bill, as sought by this amendment, so that we can have this matter rectified. Aldermen could then be brought within the scope of the punishment for such offences.

There is a section that may be used by the Minister to buttress his case. It says—

"Any agent who corruptly receives or solicits from any person for himself or for any other person any valuable consideration . . ."

But the term "agent," defined in the beginning of the Act does not include an alderman.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: If aldermen have been omitted then it is the only class that has been.

Mr. MAHER: I agree with the hon. gentleman. Practically every other class in the community is dealt with in the Criminal Code in connection with secret commissions and I cannot understand why aldermen were not included. It is important that they should be included, and that they should be subject to the same punishment as is prescribed for employees of local authorities who receive secret commissions or other illegal payments. I ask the Minister to consider carefully what I have said, despite the legal advice that he may have received on the point. It will be remembered that prior to 1931 the Criminal Code did not contain any provision to the effect that persons who received these secret commissions were to be punished, and accordingly it was amended in that direction. At that time people were receiving secret commissions of all kinds, and perhaps they are to-day, too. I ask the Minister to prove to this House that aldermen who receive secret commissions, bribes, or other illegal payments are punishable under the relevant section of the Code. I emphatically assert that they are not covered by that section, and it is important that Parliament should give very careful consideration to that aspect of the matter when dealing with this Bill so that aldermen, too, will have reason to fear if they accept these illegal payments as members of local authorities. That is my point.

I therefore move the amendment I have outlined.

Mr. DEACON (*Cunningham*) [10.59 a.m.]: When the Bill was in Committee I moved an amendment to insert the words "aldermen or" in subsection 2 of the proposed new section 25b so that aldermen, too, would be subject to punishment if they received secret commissions, but after hearing the explanation by the Minister to the effect that aldermen would be punishable under the Criminal Code for this offence I asked and obtained the permission of the Committee to withdraw my amendment. I believed that the Minister was correct in his statement that aldermen would be subject to an even greater penalty under the Criminal Code for this offence. Now the Leader of the Opposition has pointed out that there are grave doubts whether it does provide that aldermen shall not receive secret commissions. They are not specifically mentioned in the Criminal Code, although almost every other person is. Members of Parliament and agents are

included but aldermen are excluded, notwithstanding that officers of a local authority are mentioned.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: Are members of Parliament mentioned?

Mr. DEACON: Members of Parliament are mentioned.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: Why were they mentioned?

Mr. DEACON: They were included because previously they had been omitted.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: They were included because a member of Parliament was involved.

Mr. DEACON: My point is that servants of a local authority are mentioned, but aldermen are not. They are about the only class in the community not mentioned in the Criminal Code. Therefore, the Criminal Code should be amended to include them or they should be included in this Bill. It is an easy matter to include them in this Bill and make them subject to the same provisions as other persons mentioned in the Criminal Code. I should not have withdrawn my amendment had I not understood from the Minister that there was no need for the amendment as my purpose was already provided for. It is quite clear now that there is a need for their inclusion, either under the Criminal Code or this Bill.

There is no reason why, if members of Parliament are subject to this law, aldermen should not be subject to it. There is no doubt that there have been isolated instances where both members of a local authority and Parliament have taken graft. Fortunately, the occurrences are few, but there always will be instances so long as we are subject to the frailties of mankind. A provision should be inserted in this Bill making the punishment fit the crime. Now that we have the opportunity, it is only right that we should make it as clear as possible that aldermen are covered.

The SECRETARY FOR HEALTH AND HOME AFFAIRS (Hon. E. M. Hanlon, *Utaca*) [11.2 a.m.]: I do not know where the Leader of the Opposition has been getting his law from, but it sounds something like one would pick up on the three-penny counter in Woolworths. The Act passed by the previous Government to amend the Criminal Code by making provision for the prohibition of secret commissions and for the prevention of fraud, and to amend the Criminal Code in further particulars was introduced to deal specifically with a special set of circumstances that had arisen at that time. Certain actions by people engaged in the butter industry, or some other allied industry, were disclosed to the public.

I want to call attention to this fact: That although any member of Parliament, who at that time was alleged to be receiving secret commission from machinery merchants for the sale of machinery to dairy farmers and butter factories, or who was adjudged guilty of any other form of corruption, was made liable to certain penalties, he was not so liable as a member of Parliament—he was not acting as a member of Parliament for the purpose of unloading expensive machinery on butter factories—he was merely acting as an agent of the

vendor. The same with aldermen. If an alderman accepts a bribe from some contractor or some supplier to the Brisbane City Council, he is not acting as an alderman for the corrupt tenderer supplying the goods; he is acting as that tenderer's agent.

The definitions of the latter term in the Act referred to, reads—

"The term 'agent' includes any corporation, firm, or person acting or having been acting, or desirous or intending to act for or on behalf of any corporation, firm, or person,"

If the Leader of the Opposition forgets all the verbiage, that follows he will perceive that the term "agent" includes any person who acts for any other person.

Mr. DEACON: Under the Code the corporation is a council.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: I am afraid the hon. member for Cunningham is better at the plough than at the law. This is purely a legal question. We are advised by our legal advisers that the term "agent" does include an alderman, a member of Parliament, or any other person who may carry on corrupt practices.

Mr. MAHER: Why not make it explicit?

The SECRETARY FOR HEALTH AND HOME AFFAIRS: Surely the term "agent" is wide enough to include anybody! We are informed by our legal advisers that "agent" is a person who acts for or on behalf of any corporation, person, or firm. If that is not wide enough I do not know what is.

What did hon. members opposite seek to do in the Committee stage? The hon. member for Cunningham moved an amendment to the clause dealing with this matter to have the word "alderman" inserted. That was moved in respect of a clause dealing with punishment for taking fees or bribes. If the word "alderman" had been included—and I explained this to the hon. gentleman at the time and as a result he withdrew his amendment—it would have limited an alderman to a punishment of £100 in a court of summary jurisdiction. Had the amendment been accepted an alderman would have been brought down to the same level of punishment as an officer of the council. Suppose, however, that the hon. gentleman's argument is right, and that the £500 penalty only would apply. Isn't it five times greater than the penalty the hon. gentleman wanted to apply? The amendment moved by the hon. member for Cunningham and supported by a member of the Opposition brought an alderman within the ambit of a section that provided a maximum penalty of only a £100 fine.

Section 10 of the Criminal Code, which deals with this matter, provides—

"Any person guilty (whether on indictment or on summary conviction) of an offence against this Chapter is—

(a) Liable, if a corporation, to a penalty of one thousand pounds, and if any other person to imprisonment for any period not exceeding one year, with or without hard labour, or to a penalty not exceeding five

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hundred pounds, or to imprisonment and penalty as aforesaid."

Mr. MAHER: That does not include aldermen.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: It does. Our legal advisers tell us it does. If the Parliament cannot make laws we had better give up the whole business.

The term "agent" includes anybody as "agent." If a member or a Minister acted on behalf of some firm supplying goods to the State he would not be acting as a member or as a Minister, but would be acting as an agent for some person doing business with the Crown or the local authority, as the case might be. Corrupt contractors are not fussy about the titles of the people they do business with. The latter are their "agents" pure and simply, and they do not care whether they are members of Parliament or hoboos. So long as they do the work all right they will be paid for it. Our legal advisers tell us that the term "agent" means any person acting for or on behalf of some other person, and there is nothing in the suggestion that an alderman is not included in that definition.

In addition to the punishment already mentioned, a person is—

"liable to be ordered to pay to such person and in such manner as the court directs the amount or value, according to the estimation of the court, or any valuable consideration received or given by him, or any part thereof, and such order shall be enforceable in the same manner as an order of the court."

In addition to the punishment of a fine, this section of the Code provides for the forfeiture of any benefits received. Hon. members opposite are definitely seeking to bring aldermen into a section that lowers the punishment.

Mr. MAHER interjected.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: The real trouble of the Leader of the Opposition is that on the previous Wednesday the Bill automatically went into the Committee stage after the second reading stage that afternoon. The hon. gentleman made a violent protest. Now, actually, what did happen? Hon. members opposite have had the Bill in their possession for seven days, and I doubt whether any hon. member opposite had opened it.

An OPPOSITION MEMBER: That is not true.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: That is the trouble with hon. members opposite. They had this Bill in their possession for seven days before the second reading stage. After what took place that afternoon, I doubt whether any of them had opened the Bill, or at most bothered to do more than read it. If the Bill is recommitted there will be a repetition of those tactics. The debate was merely a campaign of nag and nag in order to put in time until the clock got round to 4 o'clock, so that they could get away.

The Government are quite satisfied that the Code covers aldermen. Certainly no good purpose would be served by including the term "alderman" in a section specifically designed to give a lesser punishment to servants of local authorities.

[Hon. E. M. Hanlon.]

Mr. GODFREY MORGAN (*Dalby*) [11.12 a.m.]: There is no need for the hon. gentleman who has just resumed his seat to be nasty in regard to the action taken by members of the Opposition. He said that we made a protest. We did protest against the Bill's proceeding to the Committee stage immediately after the second reading stage. On every occasion that such action has been taken, we have endeavoured to make a protest, and we are right to do so. If the hon. gentleman is conversant with the procedure under the Standing Orders he will know that after the first reading of a Bill the next stage is the second reading of the Bill.

Mr. SPEAKER: Order!

Mr. GODFREY MORGAN: I think I have a right to reply to the hon. gentleman. You allowed him to deal with it, Mr. Speaker.

Mr. SPEAKER: Order! I hope the hon. gentleman is not going into it fully.

Mr. GODFREY MORGAN: No. I am not going into it fully. The hon. gentleman took exception to the protest of members of the Opposition against the Bill's going into Committee immediately after the second reading stage. In reply to the hon. gentleman I say that we do not desire to stonewall, but if the practice is to be adopted of going into Committee on a Bill immediately after the second reading stage, I, for one, will stonewall as long as I possibly can, unless, of course, the Leader of the Opposition consents to the Bill going into Committee immediately. There may be some measures in respect of which we can see no objection to that course, but in the case of an important measure it may be necessary for us to resort to stonewalling tactics in order to get an opportunity to understand its contents. In this case we received a copy of the Bill, and could go into it, but we had not received the amendments to be moved by the Minister in charge of the Bill. In order to gain time to study them, we had to do a bit of stonewalling. This we were perfectly entitled to do, and the hon. gentleman would have done the same had he been in our position.

Mr. SPEAKER: Order!

Mr. GODFREY MORGAN: I intend to connect my remarks with the amendment. On Friday the hon. gentleman was most emphatic that he did not want to make the penalty on an alderman less than that on an employee, and accused the Opposition of endeavouring by an amendment to lessen the penalty on an alderman and increase it on an employee. But what do we find? Owing to the fact that the Minister told us something that was not quite correct—I do not blame—

The SECRETARY FOR HEALTH AND HOME AFFAIRS: It is not correct to say that. Your opinion is that as a matter of law I was wrong?

Mr. GODFREY MORGAN: Yes.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: My opinion is that I was right. It is not a question of stating anything that was not correct.

Mr. SPEAKER: Order!

Mr. GODFREY MORGAN: I intended to add, Mr. Speaker, that I did not think

the Minister believed he was incorrect, because he had the Parliamentary Draftsman alongside him. The hon. gentleman, in such cases, has the Parliamentary Draftsman alongside him and can get any information he desires on any point with which he is not quite au fait.

My point is that we now find the Minister saying that the word "agent" will cover aldermen. I say it will not, and I am entitled to that opinion, because it would be the most difficult thing imaginable—say in the case of the acceptance of a tender—to prove that an alderman was acting as an agent. It could not be proved in a court of law. An employee of a local authority is specially mentioned in the Criminal Code, and he can be dealt with under the Criminal Code, but an alderman is not specially mentioned. It has been said publicly in the Press that aldermen have taken a certain amount of money from people who are desirous of obtaining employment under a local authority, and that before a person could get a job in a local authority he has had to approach an alderman and give him a certain amount of money. It is most important that this matter should be dealt with so that opportunity for this kind of graft can be eliminated. I think the Minister is big enough to recognise that if he is wrong the matter should be rectified, and that aldermen should not be allowed to escape punishment. Only last week, during the discussion on this measure, the hon. gentleman said that the alderman should have a greater penalty inflicted upon him than an employee.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: Do you not think the offence would be greater on the part of an alderman than an officer?

MR. GODFREY MORGAN: I take the view that they are both public servants. Aldermen are appointed by the people, and then these people's representatives appoint the employees. In my opinion they are both equally culpable. The hon. gentleman has said previously that aldermen should be subject to the greater punishment; he is now going to let the aldermen off. He is unintentionally going to allow them to escape. It will be easier to prove the guilt of an employee than of an alderman.

The most honourable thing for the Minister to do would be to agree to the recommitment of the Bill, so that this clause could be amended, so as to leave no loophole. It happens that Bills go through the House hurriedly, and afterwards, when cases arise from discrepancies in them, the Crown has to spend large amounts of money to defend their actions. We want to avoid that. We do not say that the Minister has done anything wrong, but we do contend that an opportunity should be given to put this matter right and make the Bill absolutely complete, so that aldermen can be prosecuted and convicted when they are guilty.

Surely the hon. gentleman cannot be serious when he contends that an alderman comes under the definition of "agent"? As I said before, it would be almost impossible to prove he was acting as such, and consequently he would not be prosecuted successfully. I think that the amendment moved by the Leader of the Opposition should be accepted by the Minister in good faith.

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

AYES, 34.

Mr. Brassington	Mr. Mann
" Brown	" McLean
" Bulcock	" Mullan
" Clark	" O'Keefe
" Cooper	" Pease
" Donnelly	" Power
" Duggan	" Riordan
" Dunstan	" Smith
" Foley	" Taylor
" Gair	" Walsh
" Gledson	" Waters
" Hanlon	" Wellington
" Hanson	" Williams, H.
" Healy	" Williams, T. L.
" Hislop	
" Jerson	<i>Tellers:</i>
" King	" Collins
" Lacombe	" Hilton

NOES, 13.

Mr. Bell	Mr. Morgan
" Brand	" Nimmo
" Daniel	" Plunkett
" Deacon	
" Edwards	<i>Tellers:</i>
" Maher	" Clayton
" Maxwell	" Nicklin
" Moore	

PAIR. NO.

Mr. Stopford Mr. Russell

Resolved in the affirmative.

Question—"That the Bill be now read a third time" (*Mr. Hanlon's motion*)—put and passed.

POLICE SUPERANNUATION DECLARATORY BILL.

SECOND READING.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS (Hon. E. M. Hanlon, *Ithaca*): I move—

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

MR. GODFREY MORGAN (*Dalby*) [11.29 a.m.]: I rise to a point of order. On Friday, when the Committee was considering the advisableness of introducing this Bill, I raised the point whether it was sub judice, because a decision had been given by the court in a test case dealing with this matter, and an appeal to a higher tribunal was pending. A ruling was given by the Chairman of Committees, after you had addressed yourself to the point, Mr. Speaker, in a speech in which you stated that the Committee was not able to say whether the Bill would apply to the test case until it had been read a first time.

Now that we have got the Bill, I claim that my point of order was sound. There is no doubt that the Bill has its origin in and specially refers to certain civil proceedings that have been taken.

In the first place, the complainant (a retired member of the police force) proceeded against the Government, because he felt that he was not receiving fair treatment in regard to his long service and superannuation payments. The police magistrate, Mr. Tregear, gave a decision in his favour. The Government have appealed against that decision, and the appeal is about to be heard. That case was a test case. A number of retired

Mr. Morgan.]

officers of the police force who were similarly situated combined, subscribed sufficient funds, and instituted proceedings against the Government as a test case. It should be recognised that if the original complainant is successful in the present proceedings, all those ex-officers should also succeed. This Bill will not in any way interfere with the decision, whatever it may be, in the case brought against the Government by the original complainant—in which the decision is likely to be given at an early date—but it will interfere with the rights of every member of the police force associated with the complainant. That is why I claim it is almost impossible for members of Parliament to debate this Bill without in some way referring to this test case.

There are two points in my objection. The first is whether this Bill should be introduced (owing to the fact that an appeal from the decision in the test case is pending), and the second—which arises if you, Mr. Speaker, decide against me—where do hon. members stand in relation to the general debate on the Bill? If you agree that the Bill can proceed through all its stages, we desire to know just what our position will be in the debate. Shall we be able to make reference to the appeal before the court and give reasons why these ex-members of the police force should not come under the provisions of this Bill? Some hon. members may desire to recapitulate the reasons given in the decision of the police magistrate. I have that decision, and it states that the long service of the complainant must be regarded as separate and distinct from his superannuation payments, that he was entitled to long service leave irrespective of his superannuation benefits which he contracted for provided he served twenty-five years in the police force and was retired under the age limit.

Mr. SPEAKER: Order! The hon. member is hardly speaking in support of his point of order.

Mr. GODFREY MORGAN: The point I am speaking to is this: Can we refer to the reasons given by the police magistrate in his decision? We want to point out the reason why we are opposing this Bill. One reason is that the principle has already been decided in favour of the complainant in the test case. Consequently, we shall have to use that decision as a reason why the Bill should not become operative in the case of those associated with the complainant. That is the most important of the two points I have raised. Can a Bill be introduced when it may affect a case pending before the court? Clause 2 of the Bill reads—

“The provisions of this section shall operate and have effect, and shall always be deemed to have operated and to have had effect, notwithstanding any judgment pronounced or order made by any court of competent jurisdiction, and whether such judgment was or shall be pronounced or order was or shall be made before, on, or after the passing of this Act; and any such judgment pronounced or order so made is hereby vacated and shall be void and of none effect whatever:

The next clause provides that the Bill shall not operate so far as any existing case is concerned—that is, it does not apply to the present complainant—but it does apply to any other case that is pending.

[Mr. Morgan.

I leave the matter in your hands, Mr. Speaker. I consider it a most important one, and your decision may have a far-reaching effect.

The PREMIER (Hon. W. Forgan Smith, Mackay) [11.35 a.m.]: I desire to speak on the point of order, the point of order I discussed on a previous occasion when it was raised by the same hon. member.

The hon. member for Dalby does not appear to understand and appreciate the power of Parliament. Parliament is supreme within the terms of its own constitution. The main point raised by the hon. member for Dalby, in effect, is this: Is it competent that a Bill shall be introduced when a case is pending before the court? That is a fair and honest statement of his complaint. I should like to point out that that is a matter for Parliament to decide, and that Parliament has decided in favour of introducing such Bills under such circumstances.

It is sometimes argued that no Bill should be introduced to deprive a successful litigant of the fruits of a verdict legally and properly given by a competent court of jurisdiction. But a case within that class, affecting the control and distribution of trust funds, is the famous Free Church of Scotland case, which finally went to the House of Lords. A union between two churches had taken place. There was a minority who did not believe in that union, and they appealed to the courts, and argued that inasmuch as they were the only body in existence under the law to whom the trusts could apply, they were entitled to all the funds. That, briefly stated, was the point they raised, and the House of Lords decided in favour of the minority. The late Lord Oxford, then Mr. Asquith, was at that time a Minister of the Government, and it is on record, too, that at the time he obtained in that case the highest fee that had ever been paid to eminent counsel learned in law. After the House of Lords, the highest legal tribunal in Great Britain, had given a decision, a Bill was introduced having for its purpose the equitable distribution of those trust funds. Notwithstanding the House of Lords decision, those trust funds were distributed by Parliament on what Parliament considered to be an equitable basis. That legal decision was without an equitable basis. I mention that case to indicate that Parliament, within its constitution, has the right to do what it thinks proper in the public interest, and to show that in a proper case Parliament will ignore the decision of a court. If there distributed trust funds among the parties in a manner that it considered fair and equitable to all of them.

I now come to another example. This took place in the Queensland Parliament, when a Bill was introduced by a Government of which the complainant of to-day was a member. I refer to a Bill dealing with marriage and divorce, an Act to legalise the marriage of a woman with the brother of her deceased husband. And what were the circumstances? The case was part heard before the Supreme Court, and the judge intimated that if the case proceeded he would have to give his decision according to the law, but that in equity and natural justice that verdict was one that should not be given. Parliament passed “An Act to Legalise the Marriage of a Woman with the

Brother of her Deceased Husband," section 3 of which reads—

"This Act shall extend and apply to any such marriage as aforesaid notwithstanding that an action, suit, or proceeding for a declaration of nullity in respect of any such marriage was, had, taken, or commenced prior to the passing of this Act, but in respect of which action, suit, or proceeding the court had not at the passing of this Act made any such declaration of nullity; and the provisions of this Act shall apply and extend to the intent that any such marriage (being the subject of any such action, suit, or proceeding as aforesaid) shall not be voidable or in any wise impeachable upon the ground only of such affinity between the parties thereto, and to this extent this Act shall have retrospective operation."

That is a section in an Act passed by a Government of which the hon. member was a member, and it dealt specifically with a case that was part heard before the court. It altered the law so that the judge could not give a verdict in a given direction in a particular case. Prior to the passing of that Act the marriage of a woman with a brother of the deceased husband was illegal, and the case was for a declaration of nullity. Had the judge proceeded with the case, brought it to its termination, and delivered his verdict, the verdict would obviously have been one of nullity. Parliament at the time recognised the injustice of that result and introduced a Bill—while the case stood part heard—to provide for the legalisation of that particular marriage and any marriage made that might be attacked under similar circumstances subsequent thereto. That is a sufficient answer to the plea of the hon. member for Dalby.

Mr. SPEAKER: If this question were to be answered in the affirmative, i.e., that the Bill as a Bill is sub judice, it would strike at the tap-root of representative government. Therefore, the Bill cannot be sub judice. A Bill introduced by a Government cannot be sub judice. That is clear and definite.

The hon. member asks, however, "If the Bill is not sub judice, where do we stand?" In order to avoid the risk of giving what might be said to be a partisan ruling and to show that it is not a partisan ruling, I desire to give the history of this case and make one or two common-sense remarks in support of my decision. Firstly, when this question was raised in Committee, I urged from my place on the dais at that time that the Committee was not competent to deal with the question. Committees can only deal with those matters that are referred to them by the House itself. They make their reports to the House. The question whether a Bill is, or is not, sub judice can only be decided by the House after it has seen the Bill, when it is printed and read a first time. That happens in the House after the Committee stage has been completed.

The objection to the principle of discussing a matter which is under adjudication by a court of justice is apparently not yet fully understood by hon. members. When an hon. member with nearly thirty years' experience raises such a question it is perhaps understandable that hon. mem-

bers who have more recently made their advent into the House should wonder what the position is. The position is that it is not desirable to have discussion—it is not in good taste to have discussion—upon matters that are being determined by a court of law, for the reason that Parliament, in the first instance, provided that nobody in the community should be empowered in any way to prejudice, by intimidation, or threat, or influence, the natural course of justice. It was a sound reason. Parliaments afterwards felt that as they were the most influential bodies in the community—the headquarters of government—they ought to take their own medicine and they should not, by futile discussions or by ordinary discussions, say anything that would prejudice the course of natural justice. But when it comes to discussion on the rights of a Government to introduce, and of Parliament to pass, a Bill to direct the courts, it is a different matter. It is not desirable, as a general practice, that a Government should introduce legislation to direct the courts in respect of a case that is sub judice, but it may be necessary to do so, and when it becomes necessary to do it, the powers of Parliament are clear and distinct. We live under a system of representative government. This is the headquarters of representative government. Courts are created by Parliament, therefore Parliament can instruct the courts during the hearing of cases or at any other time. It can reverse the findings of courts, it can abolish courts if it so wishes—either criminal, civil, or industrial courts—but as a general principle, unless it is the intention of Parliament to amend the law, it is not wise that Parliament should have discussion upon matters that are before the courts.

That brings me to this point: A question was raised by the Leader of the Opposition the other day—and the inference might be drawn from the ruling I then gave that a Government have rights, and the Opposition have not—as to whether Parliament should consider the manner in which the offence known as contempt of court should be dealt with. An Opposition has no legislative rights. An Opposition has the right to raise matters for discussion, and there may or may not be definite concrete business in a motion that is brought before the House in that way. But if a Government bring a Bill before the House, which seeks to instruct the courts or to deal with judges, then there is definite business involved. The Government is the executive of Parliament. It is responsible for the administration of justice. If it brings before Parliament a Bill which it is intended to pass, even to abolish courts, then Parliament is empowered and is in duty bound to hear its case and act according to its views. The Leader of the Opposition might say in that case, "Then the Opposition have no rights," but that is not correct. The Standing Orders of the House are so framed that the House can do whatever it wishes at any time that it wishes—that is, the majority of the members of this House can do as they please. Consequently, I gave a ruling to the effect that the subject-matter of the motion which the Leader of the Opposition desired to move was sub judice and should not be discussed then and if the Leader of the Opposition dissented from my ruling and the House decided that it should be reversed, then the House could discuss it over my dead

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body, or in my absence, whichever the case might be. At that stage, any sensible Speaker would bow to the will of the House. So that the Opposition have exactly the same rights for discussion as have the Government.

But a Speaker with common sense must presume that the executive authority in the State charged with the responsibility of initiating legislation would not bring to Parliament a Bill for the purpose of securing idle discussion—there would definitely be business behind the Bill—so that in that case, Parliament is entitled to discuss any Bill that is brought before it, whether it deals with matters before a court, matters that are likely to be before a court, or have been dealt with before a court. I should say that in that case, while Parliament was dealing with such a matter, the courts would regard it as sub judice and refuse to deal with it. And rightly so, too, because this is the highest court in the land.

Now the only other point to be answered—and I hope I am not taking up a lot of time unnecessarily in lecturing—is this: if a Bill cannot be regarded as being sub judice, is it right that a case before the court should be discussed during the debate on such a Bill? I should say the answer depends on circumstances. It might easily happen that the court would be determining a case wherein the State would be involved. If the court's decision went against the State, in that it would be liable in the payment of a vast sum of money which it could not afford, or which it would not be able to find, it might be necessary to legislate.

The PREMIER: Or which it considered was not right.

Mr. MAHER: Against the decision of the court of law?

Mr. SPEAKER: That perhaps might be the case. I can easily visualise circumstances wherein a judge would make a decision which this Parliament considered to be not in the best interests of the State. In that case, Parliament would have the right to instruct the court what to do, to take the case out of the court's hands, or to reverse its decision after it had been made.

Mr. MAHER: That is the danger.

The SPEAKER: As a matter of fact, Parliament always instructs courts. Parliament lays down the maximum penalty that a judge may inflict.

A GOVERNMENT MEMBER: And the minimum.

Mr. SPEAKER: And the minimum at times. Parliament also directs courts in many other respects. It lays down the law which courts may interpret. Therefore, courts are subservient to parliamentary directions, and their powers are defined by the legislation that is passed by Parliament. For instance, suppose that a court had decided against the Government, and the Government was to be forced to find a sum of £500,000, which—as the Premier quite properly observes—it might not believe was justified in the public interest. In that case, the Government could introduce a Bill. Parliament should listen to the Government's case and, if necessary, pass the Bill, and on that Bill every phase of that case

in the court could be discussed because it would obviously be necessary to give reasons why the Bill should be passed. No Parliament could be expected to pass a Bill dealing with a case before the court—taking action so drastic as that—without giving the public some reasons for its action. I should say that once a Bill is introduced concerning a matter which is sub judice, the question of good taste disappears. Parliament has acted in the interests of sheer necessity, and good taste must always take second place to necessity.

Mr. GODFREY MORGAN: That is the main part of the ruling. It is the most important part.

Mr. SPEAKER: Good taste must take second place to necessity, but when it comes to a question of mere discussion without a degree of business behind it in a form of a direction to courts, then that is another matter. I hope I have not wearied the House with an unnecessary explanation.

Mr. MAHER (*West Moriston*) [11.55 a.m.]: I have listened to this very interesting explanation and ruling this morning on this very important matter. It must be conceded that the position is very confusing. The authority that you quoted in refusing to accept my motion in respect of a contempt of court action is worth while repeating at this stage. You said—

“Todd in Volume 1 of ‘Parliamentary Government in England,’ says, page 573—

‘It is highly irregular to bring into discussion, in either House of Parliament, any matters, whether they relate to civil or criminal cases—’”

Mr. SPEAKER: Order! Is the hon. gentleman proceeding to discuss the ruling that I have just given?

Mr. MAHER: On a point of order.

Mr. SPEAKER: Order! There is no point of order. I have given a ruling. Does the hon. gentleman wish to speak on the second reading of the Bill?

Mr. MAHER: I do and I should like to point out that the position now is rather confusing, especially for the Opposition, and I feel that I am justified in quoting the authority that you used in overruling my motion.

Mr. SPEAKER: Order! The question before the House is, “That the Bill be now read a second time.”

Mr. MAHER: Yes.

Mr. SPEAKER: If the hon. gentleman wishes to discuss the ruling of the Chair he may do so by giving notice in the proper way.

Mr. MAHER: No, I do not wish to disagree with your ruling. The Bill has been introduced by the Government in distinctly bad taste, seeing that there is an appeal pending in a test case, and that it is their object to prevent retired police officers with similar rights from securing the fruits of a victory obtained by a litigant in a recent court case. This retired police officer felt that he had certain rights, and he appealed to a court of justice to interpret the law on the matter. The court found that he possessed those rights, and it gave him a favourable decision against the Crown. A number of other retired police officers

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possessed the same legal rights. They had posed their financial resources to enable the successful litigant to proceed with a test case to determine their rights. It is the function of Parliament to make laws and the court to interpret them, but Parliament should be the last tribunal in the land to over-ride or annul a decision of a court based on the existing law. In this case the retired police officer in question disputed the Government's interpretation of the law, and the court gave him a favourable decision. Why then should the Government with bad taste introduce this Bill in this hasty manner and push it through all its stages to-day so as to prevent a handful of retired police officers from securing similar benefits to those of the successful litigant? A large sum is not involved. Even if there were, the principle still remains.

The Minister should not anticipate the verdict of the court and adopt these rush tactics. It must be apparent that the legal adviser to the Crown realises that the Crown would not be successful. Therefore, this legislation must be passed at all hazards to offset a possible judgment against the Crown. I have no objection to the Minister posing as a cautious, prudent custodian of the public purse. I have no objection to his taking action to test the opinion given by the police magistrate and using public funds for the purpose. That is his legitimate and rightful function, but there it ends. If the verdict of the court is against the Government, then the Minister and the Government should be prepared to accept it and let the matter drop. The law is there as defined by the court of justice—that these men have certain rights. Why should the Government introduce this Bill in this hasty manner to deprive these men of their rights? There is no justice in such a principle at all.

The Minister recognises in the Bill the rights of the successful litigant by exempting him from its provisions. Why not limit the Bill to all future cases? The Bill is a declaratory Bill and should make provision for the future, thus allowing those officers who are in the same position as the successful litigant to be placed on equal terms with him.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: How do you know they are entitled to it?

MR. MAHER: The court has said so.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: No, it has not.

MR. MAHER: The court has dealt with this matter on the weight of evidence and in the light of existing law has declared in favour of the litigant. Admittedly there is an appeal, and no one can forecast the result of that appeal. Nevertheless the Government, by introducing this Bill in the manner they are doing, must expect that the verdict of the lower court will be upheld.

These retired police officers are not being justly dealt with by the Crown. They are men who during their long service have been stationed in remote areas of the State, and are entitled to what they are claiming. After all is said and done, they have given good service to the Crown and the public.

The small amount of money involved makes the action of the Government in introducing this special hasty legislation to defeat the verdict of the court all the more despicable, especially while the contentious matter

is still before the court. They are creating a very awkward position for all concerned in this Parliament, for it makes it necessary that hon. members should take a wider view of the matter—that is, that Parliament is supreme. We should not be placed in that position. The Government should have waited until the appeal had been decided, and then determined their attitude.

What do the retired police officers claim? They say that they are entitled to superannuation payments from the commencement of their accrued leave, which is taken on their retirement from the service. It is a pretty paltry thing to dispute that right and bring in a special Act of Parliament, which involves a great deal of cost to the country, in addition to the cost of the legal proceedings.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: Have you ever paid an employee double time?

MR. MAHER: I have not only paid an employee double time, but have given concessions in addition, according to the value of his services. So has every employer. Some employees who have given a lifetime of service to their employers have been dealt with very generously, as far as means would permit. I know employers who have not treated their employees so generously, but a great number have made just concession to employees who have left their service after giving them long and faithful service. That is the time when a concession is desirable. We may deal a little less considerably with employees who have only had a short period of service, but in the case of men who have served the State efficiently, is it not rather paltry to introduce a Bill of this nature, when only a small number of applicants and a small sum of money are involved?

These old officers would not be getting more than they are entitled to if they got this extra amount. Many of them were employees of the State when the wages paid were not equal to those of the present day. Many of them had to serve in the western areas of the State, where the cost of living is much greater than in the towns. They served the people well, and are we not entitled to deal with them in a magnanimous spirit, particularly in view of the fact that the law has been interpreted in a manner favourable to them? No matter what we may think, the point is that the law is there, and it has been interpreted in favour of these men. All the men affected are entitled to the same treatment as the successful litigant.

The Minister, in introducing this Bill, enforces the truth of the old saying, "There is no boss so hard as the man who has been a worker himself." The Minister professes to speak for the workers, yet he is the hardest of taskmasters. Men who are used to handling large bodies of men are not usually as hard taskmasters as the Minister has demonstrated he is.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS interjected.

MR. MAHER: I recognise there has to be fairness in all things, that it is not possible for the Minister to make his department a benevolent institution; nevertheless, these men are entitled to a measure of justice.

These retired police officers, who are being legislated out of their rights, are the victims of very grave injustice. A very big principle

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is involved, and I am sorry to think that the Government should adopt such rush tactics to prevent them from securing the fruits of their victory in the court. Many of the authorities hold it to be highly irregular to introduce a measure that involves proceedings before a court, and affects them in such a way as may prejudice litigants. Although Parliament has power to pass this Bill, the Minister is acting very wrongfully, and very ungenerously to these men. I am sorry to think that should be so. I feel that the Bill is very unjust to these old officers of the Crown.

QUESTION OF PRIVILEGE.

Mr. WATERS (*Kelvin Grove*) [12.10 p.m.]: I desire to raise a question of privilege. This morning, one of the messengers told me that Mr. Cameron, secretary of the Retired Police Officers' Association, desired to see me. I spoke to him in the lobby. He asked me what I was going to do about this matter before the House. He mentioned some difficulties from his point of view and said he wanted me to speak against the Bill. I told him that as a member of the Government Party I had no intention of doing that. He then informed me that there were 360 retired policemen and their relatives living in the Kelvin Grove electorate, and that he would certainly see to it that these people would be used against me in future elections. I resent intimidation of that kind on a question of policy, and I therefore desire to bring the conduct of that man before the House.

Mr. SPEAKER: Order! Am I to understand from the hon. member that within the precincts of this House such a form of menace was used to induce him to speak and to vote against this Bill?

Mr. WATERS: Yes.

Mr. SPEAKER: Is the person responsible in the lobby at present?

Mr. WATERS: He is still there, Mr. Speaker.

Mr. SPEAKER: Section 45 of the Constitution Act of 1867 makes this provision—

"The Legislative Assembly is hereby empowered to punish in a summary manner as for contempt by fine according to the Standing Orders of the House and in the event of such fine not being immediately paid by imprisonment in the custody of its own officer in such place within the Colony as the House may direct or in Her Majesty's gaol at Brisbane until such fine shall have been paid or until the end of the then existing session or any portion thereof any of the offences hereinafter enumerated whether committed by a member of the House or any other person."

The offences include—

"The assaulting obstructing or insulting any member in his coming to or going from the House or on account of his behaviour in Parliament or endeavouring to compel any member by force insult or menace to declare himself in favour of or against any proposition or matter pending or expected to be brought before the House."

Under the circumstances I do not know what action Parliament proposes to take in respect of this matter and, pending the

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House's determination as to what is to be done, I ask the hon. member to point out to the sergeant in the lobby the person or persons responsible, and the sergeant to have him or them removed from the precincts of the House immediately.

POLICE SUPERANNUATION DECLARATORY BILL.

SECOND READING—RESUMPTION OF DEBATE.

Mr. BRAND (*Isis*) [12.12 p.m.]: The principles contained in this Bill are evidently disagreeable to many hon. members in this House. On a point of order it has been claimed that the Bill should not be proceeded with at this juncture, and the discussion that has taken place relative to it has afforded ample evidence of the fact that a good deal of feeling has been engendered by its introduction. We have to bear in mind the fact that the Government are endeavouring to alter a law of the land, under which a case is listed for decision in the courts of justice. I, therefore, regret that the principles contained in this Bill come before the House this morning.

It is quite obvious, Mr. Speaker, that such a Bill as we are now discussing would not have come before the House had the Government, particularly the Minister in control of the Police Department, by their administration in the past two or three years, not made such inroads on the superannuation fund as to force a declaration of the law in this respect. The Bill will apply to approximately 90 per cent. of the men who are to-day receiving superannuation. After its passage they will be deprived of privileges that the State intended they should have as policemen and employees of the State. They will not enjoy privileges that have been enjoyed by members of the force who retired some years ago. We know that policemen, when they retire at the age of sixty years, are generally entitled to long service leave. They are also entitled to superannuation payments that are reasonable at that period of life. Generally speaking, men who take their long service leave at that stage are entitled to at least £6 a week, but the men who have been called upon to present themselves to the medical board for examination during the last two or three years do not get the benefit of a retiring allowance in excess of about £2. They have lost the privileges that their retiring allowance should give them, and the Bill is objectionable in that respect. An exceptionally large number of men have been compulsorily retired from the police force because of their examination by the medical board during the last two or three years. In most cases, these men secured a "first-class life" certificate in some of the most important life assurance companies in the State only a few days before their examination by the medical board. Yet they have been thrown on to the superannuation fund because of that examination. That has had the effect of depleting their resources, and now the Government find themselves in the position of having to declare the law in respect of the amount of superannuation and long service leave payments that a policeman shall receive upon retiring.

During my fifteen or sixteen years in this House I have always—both on the Estimates and in the debate on the Budget—heard the

policemen of our State spoken of as one of the finest bodies of men in Australia. The remarkable fact remains that the Minister has recently thrown out of the force ninety-eight men, many of whom have not had a day's sick leave during their career, on the assumption that they are medically unfit for the job. If, on the police Estimates, and on other occasions when we have been discussing the force, we claim that they are a magnificent body of men—and I still believe that to be so—then we should stand up to our obligations, as the law intended. We cannot be hypocrites. The pages of "Hansard" will reveal the expressions of opinion by hon. members on both sides of the House that this is a magnificent force that has done splendid work for the State, and we must recognise our responsibilities in the legislation we pass. The courts of justice have determined those responsibilities, and it is our duty to see that these men get their complete rights. As I said in the earlier stage of this Bill, considering the small amount of money that may be involved, it is not wise for the Crown to bring forward a Bill such as this. It will deprive members who have been retired from the police force of any privilege they might have obtained had they been allowed to remain in it.

It has been definitely claimed outside the Chamber that the retirement of these men is of a political character. I hope that is not so.

A GOVERNMENT MEMBER: Why do you not bring proof of one?

Mr. BRAND: I hope that is not so.

A GOVERNMENT MEMBER: Why lay a charge?

Mr. SPEAKER: Order!

Mr. BRAND: I am telling hon. members that it has been stated outside that the action of the Government is believed to be of a political character, and that I hope that is not so. At least we can say when this Bill is before the House that we disagree with the principles contained in it for the reason that we believe we should do ample justice to this body of servants who have served the Crown faithfully and well. My sympathy is with those men who have been deprived of any benefits that a judgment delivered in a court of justice would have given them. After the passing of this Bill they will not secure any of the benefits they hoped to receive by applying to the court for a direction. Consequently, they should have the sympathy of every member of this House.

I am opposed to the principles of the Bill, and I regret that the Minister should have believed that he had cause to bring it before this House.

Mr. MOORE (*Aubigny*) [12.22 p.m.]: If it is a question of good taste whether a Bill should be brought before this House dealing with a case that is sub judice, then the Government can be charged with the worst possible taste in bringing forward a Bill of this sort at this particular time. It seems to me to be a most extraordinary proceeding. Certain definite conditions are laid down in the police service, or in any service in which holidays are granted, and a cash payment is made in lieu of those holidays if the men do not have them. There is no question of double payment. It is a question that is totally apart from super-

annuation. Superannuation is based on a contributory fund into which every individual in the force contributes.

A GOVERNMENT MEMBER: And the Government

Mr. MOORE: And the Government certainly. Holidays are something apart from superannuation. If there were no superannuation, the holiday portion of the agreement with the Crown would still remain. If after twenty-five years of service they are entitled to six months' holiday leave, and it is inconvenient for the Government to give them that leave and they subsequently retire, the cash payment in lieu of that leave is entirely apart from superannuation. Because the Government happen to be making two payments at the same time is no reason why they should bring in a Bill to interfere with the rights of such people. That cash payment is an earned amount of money; it has been earned in place of accumulated leave.

The Minister would be perfectly justified in bringing down a Bill to provide that the payment should not be made to those men who become entitled to it in the future.

I do not doubt that the Government have power to bring in this Bill at the present time. Mr. Speaker, you have said that Parliament has power to do anything, even to instruct courts, but there is not a judge whose reputation would be worth 2½d. if he were to accept the instruction. He would get out if he was fit to be in that position. He has to interpret the law, and he certainly would not take notice of any discussion in Parliament.

A GOVERNMENT MEMBER interjected.

Mr. MOORE: The last person who should interject is an individual who took two salaries for two jobs. But that has nothing to do with the principle of the Bill. I am looking at it from the point of view of justice. These men entered the service under definite conditions, which were set out at the time. The officers of the police force are entitled to long service leave after so many years' service, and if it is not convenient for the Government to allow them to take their leave during the time that they are employed, they are entitled to a cash equivalent when they retire. They have earned it. It may not be right that they should receive this payment, but it is theirs under the agreement. They have also contributed to a police superannuation scheme. No one will suggest that their contributions alone are sufficient to make it actuarially sound, because we know that it is heavily subsidised by the people through the Government. But that has nothing whatever to do with the payment for accumulated leave. It is quite wrong for the Crown to deprive retired police officers of the money that they have earned in respect of accumulated leave.

Mr. O'KEEFE: What was the agreement entered into between the police force and the Home Secretary in 1924?

Mr. MOORE: It has nothing whatever to do with the question under consideration, which is whether the retired police officers are entitled to the cash equivalent of six months' long service leave after twenty-five years' service. It does not matter whether it was more convenient for the Government to give them the cash equivalent than of

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allowing them to take their leave during their period of service. That does not justify the Government in deciding that the retiring allowance shall not become operative until the cash payment for long service leave has been exhausted. The whole question should be decided on the basis of the agreement relating to conditions of service.

The fact that there may be twenty or even a hundred men involved does not make the slightest difference. The question is: What is the right thing to do, and what is the legal position? The legal position has not yet been finally established. It is true that a lower court has given a decision favourable to the litigant, but an appeal is pending, and we do not know what will be the ultimate decision. It may favour the Government, or it may uphold the lower court, but that is no reason why the Government should take time by the forelock, and introduce a Bill virtually to set aside a decision that has been given against them, and against which an appeal has been lodged.

Mr. O'KEEFE: It is to tighten up the Act.

Mr. MOORE: If the law says that these officers shall not receive two payments at the same time, there is no need to introduce a Bill to prevent certain officers who have contributed towards the cost of testing the law from enjoying what they consider to be their undoubted rights. It does not matter whether the amount involved is £1 or £10,000; it is a question of the legal rights of the individuals concerned. Was a mistake made when the agreement was entered into? Was it the intention of the Government at that time that the retired police officers should not receive a retiring allowance until their long service leave had been exhausted? All we know is that according to a decision of the lower court, the officers in question are entitled to the cash equivalent of long service leave and a retiring allowance at the same time.

It would be just as reasonable for the Government to suggest that the officers who had been permitted to take their long service leave during their period of service should now have to refund the cash equivalent, since they were paid a retiring allowance from the very date of retirement. An officer who was fortunate enough to be allowed to take his long service leave during his employment is paid a retiring allowance immediately he retires at the age of sixty years. The same applies to an officer who retired at the age of fifty-nine and a-half years, but why should an officer be deprived of the cash equivalent of his long service leave because it did not suit the Government to allow him to take his leave during his period of service? Why should a Bill be introduced to prevent him from enjoying the money that he has earned? It does not seem to me to be fair or just.

I am not doubting the power of the Government. The Government can do anything. This Parliament, within its sphere, hampered only to a certain extent by the Federal Constitution, has supreme power. Is it right or fair to use that supreme power in a case of this sort? I object to the application of the principle of this Bill when the case is still before the court. It is quite unfair that one man, who got his leave, should be placed in a better position than another individual who had to forego that privilege to suit the exigencies of the department? He should not be deprived of that

privilege by an Act of Parliament. It places him in a worse position than his fellow-officer who entered the force on the same terms and conditions.

It is hard to justify a Bill of this sort. The Minister may say he is not justified in paying one man two sets of payments. There do not seem to be two sets of payments in the ordinary accepted meaning of the term. One payment is a payment from the superannuation fund, to which contributions are made on a definite basis, while the other is a payment to which the officer is entitled as part of his wages. It would be exactly the same if in the Railway Department, where the employees are entitled to certain privileges, the Government said, "We are going to take away from a certain number of railwaymen the value of the privileges they accumulated during their service before the superannuation payments were made." This is not a question of extra payment; it is a question of holidays, which are a condition of employment, and are regarded as part of wages. To mix that payment up with the payments from the superannuation fund is perfectly unjustified.

I quite fail to appreciate on what basis the Minister is able to justify his present action. It seeks to place one employee in a totally different position to another, notwithstanding that both are carrying out similar duties under similar conditions. The only difference is that one man happens to have the good fortune to obtain his leave during his term of service, his pay continuing during that period; another man is not so fortunate. During his period of service it has been inconvenient for him or the department for him to take his leave, and when at the termination of his service in the department he seeks to take the cash equivalent, the Government deny him that right as a condition of his employment and decide that the superannuation payments shall not commence until that leave has expired.

This Bill will save the Government a certain amount of money, but I see no justification for it. It is unjust, and bad taste for the Government to bring it in at this time, and to make it retrospective in order to apply it to those ex-officers who contributed towards the expenses of this test case. These officers took the risk of approaching the court in order to establish their claim, which they are justified in doing. One court has decided that their claim is sound and that the law means what they say. The Crown then appeals. Before the appeal can be finalised the Government introduce a Bill to take away from these individuals the rights they have established. It is an extraordinary action. I could not justify it, notwithstanding that Parliament or the Government may do so.

Mr. POWER (*Baroona*) [12.35 p.m.]: I am satisfied that the criticism of the Opposition is being made deliberately for party political purposes.

Mr. MAHER: Rubbish.

Mr. POWER: The hon. member knows more about that material than I do.

The Deputy Leader of the Opposition contended that the men were entitled to their superannuation payments, and they should get all they were entitled to. When the Deputy Leader of the Opposition was

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the Premier of Queensland he had no hesitation in repudiating the agreement in regard to superannuation payable to the men who are affected by this Bill, and in view of their record as a Government it is hypocritical for hon. members opposite now to pose as the friends of these people. Anyone who was not conversant with the facts might be led to believe by the speeches of hon. members opposite that their policy was to give everybody everything to which he was entitled to, and to abide by any agreement they made. One need only go back to the year 1929 to find evidence of the actions of the present Opposition in this regard. At that time they had no hesitation in repudiating contracts made in the form of awards of the Industrial Court, and one responsible Minister, in the person of the then Attorney-General, made the statement, which is to be found in "Hansard," that the court was not functioning in the manner in which the Government desired it to function, and that if he had his way he would ringbark it.

Mr. MAXWELL: The hon. member is still bringing that up.

Mr. POWER: I am still bringing it up because I desire to remind the members of the Retired Police Officers' Association and the general public of the record of the Opposition.

I do not see anything wrong with the Bill. I was approached by members of the Retired Police Officers' Association and asked my views in connection with this matter, but no threat of any sort was held out to me. I told them I was behind the Government in the matter. I do not believe that one section of the community should receive greater favour than another section. I only rose to draw attention to the hypocritical statements that have been made by members of the Opposition, particularly the Deputy Leader, who wishes the general public to believe he is the friend of the retired police officers and believes they should get all they are entitled to; yet when in control of the Government of this State he reduced the amount these men were receiving. It was not until this Government assumed office that that reduction was restored.

Mr. DEACON (*Cunningham*) [12.39 p.m.]: When rates of interest and pensions and salaries were reduced the reduction applied to the whole of Australia, but this case is in a different class. These men were clearly entitled to a certain amount of leave on full pay when they were in the service of the State. It was an agreement between them and the Government. The present is not a time of national emergency. There is no question of the Government's not being able to pay the amount involved. There is no question of the men's right to it. The Government have introduced a Bill that will have the effect of saying, "Notwithstanding anything the court has decided, these men shall not get any extra payment." They get a verdict, but it will not be effective.

Notwithstanding the decision of any court, these men always clearly had this right. When they entered the police force there was an existing contract between the force and the Government that the entrant would be entitled to six months' leave of absence on full pay and superannuation as well. The man who took his long service leave

before the expiration of his term is to-day to be put in a favoured position. There are men who were not able to take advantage of this leave during their term of office. This was for the convenience of the Government, who wanted them to stay at their work and saved money thereby. They would have had to pay a substitute for the holiday period, and therefore the officer was kept at his post. There are instances where the officials were kept on at their stations. The Government now tell them that the reason for their not taking their long leave during their term of service is immaterial, and that whether they were under the impression that they could take the leave at the date of their retirement is also immaterial. Had they chosen, the Government could have retired these men six months earlier, and given them full pay for that six months and had a clear conscience. There is no doubt about it at all. This privilege is accorded to other branches of the public service, such as the Department of Public Instruction, the officers of which have a right to take so many weeks or months of holiday leave, and there is no reason why members of the police force should be treated differently from any other section. The Government now take away from the members of the force this privilege, unless, of course, the officers took their service leave before the date of retirement. The Government have been saved the expense of finding a substitute officer for the period of service leave.

Mr. POWER: They would not.

Mr. DEACON: If a policeman in a country centre goes away for six months a substitute is sent to his station. Somebody has to do his duty. There is no greater number of policemen in Queensland than the Government or the Commissioner of Police consider necessary. The number is determined by the amount of work to be done. If police are urgently required all holiday leave is immediately cancelled, and the policemen have to return to their stations. That has always been the case, and some men have never been able to take their holiday leave for such reasons. They now have to lose this holiday leave altogether.

As I have already pointed out there was an existing contract as to service leave and superannuation when these men entered the police force. This contract is now to be made void. No private individual has the right to do anything like this. If he makes a contract he has to abide by it. It is immaterial whether he understands the nature of the contract—he has to keep it. The conditions will be enforced irrespective of the hardship on him. The Government would not step in and pass an Act to relieve any private individual from the obligations of a contract that he had entered into.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: For the last fifty years the Government have been stepping in endeavouring to make employers carry out their contracts.

Mr. DEACON: Trying to make them keep them, yes, but never allowing them to dodge them. As the hon. gentleman said, an employer is never allowed to dodge his liabilities, but as an employer themselves, the Government are quite prepared to do so. The Government would not allow any private party to do the same thing. If the Government had a contract and a court held that there was a doubt as to its meaning, the Government would pass legislation

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to remove that doubt. If the Moore Government did anything like this—

The SECRETARY FOR LABOUR AND INDUSTRY: AFFAIRS: Did the Moore Government pay superannuation?

Mr. DEACON: Of course they did, but there was a reduction. There was a general statutory reduction of all pensions, even old age pensions. All that the Government took off was a certain amount of the Government's contribution towards the superannuation for a certain time. Have this Government restored that? Did they, immediately they got into office, restore the amount the Moore Government deducted? It suited them to continue that deduction. They should have restored it, but they did not do so because they would not pay the money.

If we concede that contracts must be respected, there is no argument at all in favour of this Bill. Whether a contract is a bad one or a good one, the Government must respect it.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: I tried to argue that in the debates on the Financial Emergency Act.

Mr. DEACON: The Minister was not present when I dealt with that in the beginning of my speech. Let me remind the hon. gentleman that all the people of all the nations had to suffer reductions. Even those that had invested their money had to suffer a reduction of interest. It was a time of national emergency, and private people, banks, and financial institutions had to suffer as well. If they had made a contract with anybody to get money for a certain time at a certain rate of interest, that contract was overhauled and a reduction made by law. There was a general reduction, and the whole of Australia participated in it. The situation is now different. There is no financial emergency and the Government have the money and say things are prosperous. We cannot regard the two periods as similar. In this case the Government are doing a thing they would never allow any private citizen to do. They would put him into prison if he tried to do it. They would not dream of passing an Act to help a citizen, no matter what his difficulties were. Many a man might be nearly bankrupt and all his assets tied up, yet everything would be taken if he could not pay his way. Private individuals frequently suffer in that way. If they undertake an obligation and cannot meet it, everything they have is taken from them and divided amongst their creditors. In this case, there is no such difficulty. The Government can pay. The Premier has said over and over again that we have returned to prosperity. Everybody in the State is supposed to be prosperous. There is no shortage of money and there is no difficulty for the Government. It is just inconvenient. They do not like to pay. It does not matter what the contract was, or what the obligation was. Both parties went into the contract with open eyes, knowing what they were doing. It has become a well-established practice. Now, because it is inconvenient, the Government are going to pass an Act of Parliament providing that no court shall enforce it. It is just stealing by the Government. That is all. You would say that of any private individual who did the same thing. The members of the Government would say that he was a thief, but you could not call the Government that because they do it legally. They

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pass an Act of Parliament to allow them to do it. They defy the court and say to it. "You shall not do it anyway, even if we are in the wrong. It does not matter what verdict you think is right, you shall not give it, because we have altered the law. If you have given a verdict before we passed this Act, that verdict is void." That is what the Government are saying. That is wrong.

If the Government approached the officers of police who were entitled to this money, or if they approached those who are suffering at present, and made a fresh agreement with the consent of both parties it would be a different matter. In this case, one party has certain rights which have been established by the courts. The courts say they are entitled to this money but the Government say, "Even though they have so decided, you shall not get it."

Mr. GLEDSON (*Ipswich*) [12.53 p.m.]: It is amazing to hear members of the Opposition, who were members of the Cabinet from 1929 to 1932, proclaiming the rights of police officers. We have heard the Deputy Leader of the Opposition, who was Premier of Queensland from May, 1929, to June, 1932, the then Secretary for Public Lands, and the then Secretary for Railways in the Moore Government saying this morning that these men have certain rights and that the Government are taking those rights from them, but, from May, 1929, to June, 1932, the members of the then Government, who are now sitting in opposition, did not pay one police officer his retiring allowance and superannuation at the same time. What they did was to pay whatever was due to them—either the retiring allowance or the accumulated leave for six months or nine months, as the case might be. At the end of that time they started to make the superannuation payments. After doing that for three years, those members now say that these men are entitled to their retiring allowance and their superannuation as well, and the Government ought to pay them.

They say, in effect, that the law did not require them to make these double payments when they were in power from 1929 to 1932, but now, in 1936, the retired police officers are entitled to them. They make that claim only because they are in opposition, and they have not to find the money or to shoulder other responsibilities of government. They are seeking to convey the impression that these officers are entitled to two payments as a right, when in fact they have no such right.

Mr. MAHER: The law has established their right.

Mr. GLEDSON: The law has not been altered since 1924. If the law has established that right then why did not hon. members opposite recognise it when they were in power for three years.

Mr. MAHER: There was no decision of the court at that time.

Mr. GLEDSON: They did not pay a retired police officer retiring allowance and a pension at the same time. They paid the pension after the payment of long service leave had been exhausted. In 1936 someone discovered a loophole in the law relating to the police superannuation scheme and the officers concerned have asked themselves, "Can we get anything out of the Government? Can we get an additional payment for six months' long service leave?" A

test case was brought before the court and it decided that the retired police officers were entitled to a retiring allowance and superannuation payment at the same time. Does that make it a right?

Mr. MAXWELL: You admit that it is a loophole?

Mr. GLEDSON: I say, if there is a loophole; that has not been finally decided. We do not know what will be the decision of a higher court. If there is a loophole in the law and the court decides that it provides that something should be done that was not intended to be done, it does not mean that a right has been established. The Opposition admit that that was not intended, because when they were in power they did not make both payments at the same time—they paid the pension after the retiring allowance was exhausted. In 1936 they say to the Government, "You should go back and pay the men concerned the amounts that the Moore Government failed to pay to them during their term of office."

The Bill contains only two principles. The first provides that retired police officers shall not be entitled to superannuation payments whilst they are drawing their retiring allowance, and the second, that the Bill shall not interfere with the decision given in the test case. That is fair, but the Deputy Leader of the Opposition objects to it because it will have the effect of placing one man in a favourable position compared with the rest. The Leader of the Opposition said that the amount involved is not considerable, but the principle is very important. The Deputy Leader of the Opposition really upset all that the Leader of the Opposition said, because he is of the opinion that the principle is the same whether the amount involved is £1 or £10,000. In that I think he is right, but the Leader of the Opposition thinks that as only a handful of men are concerned, the Bill should not be passed. Do hon. members opposite imagine that they are going to get any kudos from the public for their attitude in connection with the Bill? We shall see that the people of Queensland are told the truth. We shall tell them that whilst the Moore Government were in power they interpreted the law to mean that a retired police officer was not entitled to two payments at the same time, and that now, in 1936, they ask the Government to make the payments that they considered they were not legally compelled to make during their term of office.

Mr. NIMMO (*Oxley*) [2 p.m.]: The Government are adopting a very dangerous practice in introducing a Bill of this nature, while legal proceedings are before the court. It will disturb the confidence of a good many members of the public service, because it will establish a precedent. If the Government discover defects in the law, which they consider operates against them, they will introduce a Bill that may deprive members of the public service of their just rights. Naturally that prospect will have a disturbing effect on public servants generally.

Unquestionably this Bill affects rights to which retired members of the police force thought they were entitled, that is, their accumulated and long service leave, in addition to superannuation payments. Notwithstanding the claim of the hon. member for Ipswich, had a retired police officer made a similar claim when the Moore Government were in power I believe they

would have conceded it without question. I feel confident that that Government would have honoured their obligations, especially if it had been proved by a test case that the men were entitled to what they claimed.

I drew attention on the motion for the introduction of this Bill to the fact that many of these retired police officers had been unable to take their long service leave as it became due, and that this legislation was, as it were, stealing a march on them, as it deprived them of superannuation payments until payment in respect of that leave was exhausted.

The right of these men to draw two pays has been raised. Let us take a supposititious case. Suppose that no superannuation fund existed, and that a number of retired police officers, being of a thrifty nature, invested in an annuity of, say, £3 a week on attaining the age of sixty years. On reaching that age they would draw that annuity without any interference with their long service leave. There is a clear case in which the principle is established—they contracted to receive certain benefits to operate at a certain age. It is beyond question that these police officers have been contributing to the superannuation fund on the understanding that they will receive certain payments on their retirement. It is very wise to have superannuation funds, both for the police and public service, especially when police officers retire at such an early age as sixty years.

Many officers of the police force have been compulsorily retired in recent months on the ground of ill-health.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: They are not affected by this legislation.

Mr. NIMMO: Of course they are.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: They are not.

Mr. NIMMO: If any of these men have long service leave accruing then this decision of the Government must embrace them also. They would have no opportunity of taking their long service leave before being retired. Sixty years is a fairly young age at which to retire officers, and they must be conceded a fair expectation of life. Is it right under the circumstances to deprive them of their leave?

I said the other day that the cash equivalent of long service and accrued leave should be paid in a lump sum to these men when they retire. It is theirs by right. The Minister contends only a certain number of ex-officers are affected. I maintain all the members of the police force are affected, because the Bill seeks to remove a privilege they have enjoyed in the past. The Government are seeking to take away from them the right to take their long service leave on retirement and have superannuation paid from that date.

The retired officers immediately concerned have contributed to a fund to contest this matter, and they are entitled to the same treatment as the successful litigant. If the Government had not been satisfied that the men would win on application to the court, they would never have introduced this Bill, which contains a provision making it retrospective until the first of this month, thereby eliminating the right of these men to sue the Government for something to which they are entitled. The

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Government could very well give the money when it is claimed by these ex-officers or their dependants who would be only claiming to exercise a right they have enjoyed all these years.

Statements have been made by hon. members opposite, particularly the hon. member for Barcoona, in regard to the treatment of the police by the Moore Government. I venture to say had the Labour Party been in power in Queensland during that period of extreme depression they would have done exactly the same as the Moore Government were compelled to do. Although the minds of the people were inflamed against the Moore Government by speeches delivered on election platforms, the people are now waking up to the fact that similar treatment was meted out to public servants in every State in Australia at that time, the majority of which were controlled by Labour Governments. It is evident that the hon. member for Barcoona was endeavouring to make political propaganda out of the matter, to "square off" with the members of the police force who are being deprived of privileges they previously enjoyed.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: I think the hon. member has listened to that pressure that was complained of this morning.

MR. NIMMO: I did not listen to any pressure. We all have certain pressure put on us. I have been told sometimes when I could not get a school built, "If you do not do it we will vote against you at the next election."

MR. SPEAKER: Order!

MR. NIMMO: I am not endeavouring to make political propaganda out of this. I do not suppose many of these ex-police officers are living in my electorate. I feel that justice is justice, and these men are entitled to the privileges granted to them by the Act, which the Government are now endeavouring to filch away from them by this Bill.

If the Government thought it right they could bring in a Bill to reduce the benefits derived by public servants under the superannuation scheme—they could alter the terms of any agreement—but no Government should attempt to interfere with any scheme or agreement of that nature. I strongly oppose the Bill. The Minister must recognise that it is wrong.

When introducing this Bill, the hon. gentleman made certain statements in which, I feel sure, he does not believe. He merely made them in the ordinary course of propaganda. I think no Minister who is in charge of a department of the magnitude of that controlled by the Secretary for Health and Home Affairs would stoop to sponsoring a Bill in this House that had for its effect the deprivation of men who have rendered wonderful service to the State of any right that they held under a law passed by the Queensland Parliament.

MR. GODFREY MORGAN (Dalby) [2.11 p.m.]: Notwithstanding the remark of the Minister in charge of the Bill, I am of opinion that its provisions will affect every member of the force. Ex-members are to be deprived of certain rights, but those now in the force who will retire when they reach the age of sixty years will be deprived of these rights also. In the test case, the police magistrate, Mr. Tregear, stated that under

clause 9 of the award governing the police force, every employee would be entitled to six months' long service leave on full pay after completing twenty-five years' service. This provision applies to every present member of the force, and the Minister's statement that the Bill would affect only a comparatively few is altogether wrong. If this Bill was not passed by this House, every member of the force, upon his reaching the age of sixty years, would be entitled to his accruing long service leave. Every member who serves twenty-five years in the force is entitled to a period of long service leave. The Minister has said that those policemen who have not served twenty-five years, and are put out of the force because they are medically unfit, are not entitled to this concession under the existing law, but the man who has served twenty-five years is entitled to accruing long service leave; to payment in monthly instalments of this salary as well as superannuation payments.

The hon. member for Ipswich endeavoured to mislead the Chamber by stating that the Moore Government did certain things during their period of office. So far as the police force was concerned, Mr. Speaker, the question was never raised during the Moore regime. The members of the force thought they would retire and go on to superannuation when they reached the age of sixty years, and that was practically all that they could receive. Since the advent of a Labour Government, some individual has discovered—as he had a perfect right to discover—that retiring policemen were entitled not only to superannuation payments, but also to long service leave payments. Those concerned decided that a test case should be placed before a court of law. The case eventually came before a police magistrate, who decided in favour of the plaintiff. This is the reason why this Bill is before this House.

During the period that I was Secretary for Railways in the Moore Government, over 800 railway employees retired on superannuation. Had we adopted the same principle in regard to these railwaymen as the Minister has adopted in regard to members of the police force, 800 railway employees would have been deprived of a great deal of money to which they were entitled.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: You did not support the payment of their superannuation and recreation leave?

MR. GODFREY MORGAN: We did. The hon. gentleman knows perfectly well. At the age of sixty-five they had a certain amount due—in some cases well over £100. I think some men had £150 or more accruing not only from long service leave, but also from other sources. We allowed these men to draw that money at the rate of so much a fortnight, and they also got their superannuation from the day they retired from the Railway Department.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: They were allowed to draw the £100 in fortnightly instalments?

MR. GODFREY MORGAN: Yes.

MR. GLEDSON: They were allowed to pay the money in, too.

MR. GODFREY MORGAN: Yes, I was coming to that. Suppose a man retired at sixty-five and had to pay in £110 immediately to get the pension, we allowed him to borrow from the superannuation board

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the amount accrued to him so that he could pay that in. He would pay interest on that, but it meant that he did not have to go into debt or mortgage his little property or any other asset he may have had. The point is he got the pension from the day he retired from the Railway Department.

Mr. POWER: The railwaymen will never forget the treatment meted out to them by the hon. member's Government.

Mr. GODFREY MORGAN: Their position was better then than it is to-day, and it is getting worse as time goes on. A comparison of the treatment that was meted out to a certain section of the workers by the Moore Government and that meted out to a certain section of the workers by the Smith Government shows a great difference. You were perfectly right in your decision to-day, Mr. Speaker, and it would not be correct to say that I rose because I did not know that Parliament was all-powerful—I knew as well as you did, Mr. Speaker, because I have been long enough in the House to know that Parliament can do whatever it decides—but the point is: Is it the right and proper thing for the Government to use that power? There is no doubt that the Government possess the power to do these things, but whether they are entitled to do them is quite a different matter. Your ruling was perfectly correct that the Government are all-powerful, and that all other considerations must go by the board so far as the Government is concerned.

Mr. SPEAKER: I said that the majority of this House was all-powerful.

Mr. GODFREY MORGAN: Exactly, which means the Government. You know perfectly well, Mr. Speaker, that when the Government want a thing it has been discussed already in caucus, and they come to the House knowing that they can carry it. The Opposition cannot do anything. No matter what Government are in power, they have the majority and can carry their legislation. Before a Minister introduces a Bill into the House he knows he has the voting strength behind him.

As to the other point, I was very pleased to hear your ruling, Mr. Speaker, if only because it cleared the atmosphere, and I hope that it will stand for all time, because we cannot have one ruling in one case and a different ruling in another. According to your ruling, if we so desire, we can have a full and free discussion of this most important matter. I claim that the Government are making a mistake, and I think that the Government, especially as they are a Labour Government, are doing wrong. I do not think it is in accordance with their professed policy to repudiate an agreement, especially when that agreement had been entered into with the working section of the community. It would have been much better if the Minister had decided not to repudiate the agreement.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: I am upholding the agreement.

Mr. GODFREY MORGAN: No, you are not. If you are upholding the agreement, then the magistrate who dealt with the matter was wrong. You are setting your judgment against that of the magistrate. On the other hand, if you waited until a final decision was given you would not only have the decision of the magistrate, but a decision of a higher court to guide you.

Mr. SPEAKER: Order! Will the hon. member please address the Chair.

Mr. GODFREY MORGAN: I am endeavouring to address the Chair.

Mr. SPEAKER: The hon. member is addressing the Secretary for Health and Home Affairs.

Mr. GODFREY MORGAN: I am blind in one eye, but I have my right eye on you all the time. If I had to look straight at you, Mr. Speaker, I could not see you at all. I have no sight in my left eye. At any rate, I have no desire not to address the Chair.

The point I want to make is that it does not pay the Government to repudiate for the sake of a few thousand pounds. I think we ought to be above that. An ordinary individual may repudiate a contract, and if he does then the case is taken before the court, and the court has the final decision. The ordinary individual has to abide by that ruling of the court, whether he likes it or not, but in the case of the Government it is different. The Government can ignore the court. They can simply say, "We do not approve of the court's decision." The point I was endeavouring to make was that the Minister is very anxious to get this Bill passed through Parliament in a hurry. I understand that he intends to take it to the Committee stage immediately after the second reading.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: There is only one clause in it.

Mr. GODFREY MORGAN: It is a matter of principle whether he should go on with it or not.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: We are going on with it.

Mr. GODFREY MORGAN: It does not matter whether there is only one clause or two clauses. The fact is that the Minister is evidently in a desperate hurry to have the Bill made law. Why is he in such a desperate hurry? Is it because an appeal has yet to be heard? If he waited until the appeal was decided by a court of judges, and if that decision was in favour of the plaintiff, the Bill would be repudiating the decision of Queensland's highest tribunal. Whereas, until that decision is given, it is only repudiating a decision given by a police magistrate. Is that the reason why the hon. gentleman is forcing this Bill through the House? I say that it would be much better if he decided to wait until the whole atmosphere had been cleared. The appeal might be decided in favour of the Government, in which case there would be no need for this repudiatory measure. I think it would have been much better to allow the appeal to take its course, and we should then have had the highest opinion it is possible to obtain in Queensland. The Government would have been justified in holding the Bill over until that decision was recorded. If the final decision is in favour of the Government, the Bill will not be necessary, but if it is against them they will not be justified in annulling it for the sake of a paltry few thousand pounds. The retired police officers are entitled to the benefit of the court's decision, and the Minister has been badly advised in introducing a Bill to deprive them of it. The Bill will affect every policeman in the force to-day.

Mr. Morgan.]

Mr. MAXWELL (*Toowong*) [2.26 p.m.]: The hon. member for Dalby has asked what is behind the Bill, why the hurry of the Government, and why they will not wait until a decision has been given on appeal in the test case. I may be wrong, but there appears to be more in the Bill than is apparent on the surface. If it is not passed it is going to place the Government in a very nasty position because widows and orphans of a retired man will feel that the Government did not pay him the whole of the emoluments to which he was entitled for superannuation and long service leave, and the Government will be legally bound to acknowledge the claim. They would be justified in making it.

We have heard that word "contract" used before by hon. members opposite. We know that they have broken contracts on two occasions at least. The first was their repudiation of the contract with the pastoralists, and the second was the contract with the judges of the Supreme Court. This will be the "hat trick." In the latter case an agreement had been made with the judges of the Supreme Court that they should continue in office for life so long as they retained their mental faculties and were of good behaviour. I can recollect the occasion when one of the judges concerned—he is now dead—appealed to the Government from the bar of this House to allow the contract to stand, but they laughed and ridiculed him. To-day another attempt is being made by the Government to repudiate a contract.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: That is not correct.

Mr. MAXWELL: In my opinion it is correct.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: The Bill is necessary to validate a contract.

Mr. MAXWELL: The Bill also protects the Government from any retrospective claims that may be made. It really means that from 1st September, 1936, they will not pay for long service leave. First of all a contract was entered into with the police force in connection with a superannuation scheme involving the payment of contributions by the men concerned. That scheme is subsidised by the Government. It is similar to a policy of life insurance under which beneficiaries received the proceeds of the policy at the end of a stated period or at death. When the contract was entered into the men concerned believed that they would continue to enjoy their long service leave or a cash equivalent as well as a pension to be paid out of their superannuation fund.

As the hon. member for Dalby said, the present is an inopportune time for the introduction of this Bill. There is an appeal pending from a decision given in the Magistrates Court against the Government. If that appeal is decided in favour of the original plaintiff and against the appellants—the Government—this Bill nevertheless will have become law from the date of its passing. It seems to me that the individual who legitimately made application for the payment of superannuation benefits during the period of his accumulated leave will be deprived of his rights altogether. This Bill will mean a great amount of expense. The Government are possessed of a majority to ensure its passing.

[*Mr. Maxwell.*]

I congratulate the Deputy Leader of the Opposition on the very excellent speech he made when he reviewed the Bill in all its phases. He put the case against the Bill wonderfully well without any bitterness, and showed the fairness of the original agreement made with the police. The Minister quoted the incidents that took place during the depression period when certain reductions had to be made by the then Government in accordance with the Premiers' Plan. There is no analogy at all between the position of the Government of that day and the present Government. The Government are not in the position the Commonwealth Government found themselves in on the 18th June, 1931, when the Prime Minister, Mr. Scullin, speaking on the Debt Conversion Agreement Bill in the House of Representatives, said—

"As I have said on a number of occasions, we shall be able to pay only 12s. in the £1 in July unless we ration all our payments in Australia and overseas, or cut all expenditure down. Under existing conditions, if we meet our overseas obligations fully we shall have only 9s. in the £1 to meet our combined obligations in Australia in July."

This Government can pay 20s. in the £1, and there is no reason for the Minister to raise the boggy that the action of his Government was analogous to the action of the Commonwealth Government at that time in reducing pensions. I am very sorry that the Government have gone out of their way to bring down a Bill of this character. It is a step in the wrong direction. It seeks to interfere in the contract entered into between the Government and this section of the public service. The Government hope to shuffle their way out of the back door on this matter by exclaiming once more, "You were in in the Moore Government for some three years. What did you do?" The Moore Government did not have the opportunity of considering the question, but if any application had been made by a section of the police force through their organisation it would have been referred to the Crown Solicitor for an opinion. The Minister laughs, but that is simply what he did himself. It is the bounden duty of every Government to refer such a claim to the Crown Solicitor to discover if the claimant has a case.

I do not know whether any claim was made. I never heard of any, but I venture to say that would have been the course adopted by the Government. If departmental officers advise that a claim should be resisted their advice must be taken. It may have happened under the Moore regime. I do not doubt that when the claim was made it was referred to the Department of Justice.

The position now is that a magistrate has given a decision against the Government, and an appeal to the Full Court is pending. In the interim, with the object of defeating a probable judgment of the court this Bill is introduced. If it is considered proper for a Government to bring in a Bill of this nature, there is nothing to prevent the Government from altering all agreements that have been entered into with public servants. The Government have been ill advised to bring in such a measure. I agree with the Leader and the Deputy Leader of the Opposition that the proper course to have adopted was to wait until

the case was heard and then say, "We will do our duty to these men." These ex-officers have fought the test case with their own money, and the Government are fighting them with the people's money. I am not endeavouring to belittle the action of the Government in defending the case in the first place, but I submit it is not right to introduce a Bill of this nature when an appeal in the matter is pending. What does the Minister propose to do if the appeal goes against the Government? Are the Government going to pay the claim or hide behind this Bill? I believe in the sanctity of contracts, and there should be no shuffling in the matter of agreements with members of the public service. I regret that the Minister is bringing forward a Bill to defeat a probable decision of the court.

The PREMIER (Hon. W. Forgan Smith, *Mackay*) [2.39 p.m.]: The hon. member who has just resumed his seat reminded me very forcibly of a book I read many years ago, entitled, "The Ragged-Trousered Philanthropists." There is a character in that book known as Hunter, and the writer of the book must have had someone like the hon. member in mind when he was depicting that character.

Mr. MAXWELL: I think the hon. gentleman used that illustration before.

The PREMIER: I will use it again in regard to the hon. member. I shall use it whenever I think an opportunity arises, and I think it is apropos the situation at the present time. The hon. member talked much about what he was pleased to call the sanctity of contract. He worked himself into a fury at any idea that a contract should be in any way vitiated, but he supported the vitiation of several contracts when he was a supporter of the Moore Government. If there is a contract in regard to police superannuation, did not the hon. member and his then party vitiate that contract when they reduced the amount of pensions payable individually to the police at that time? That was a definite vitiation of a contract, if there was a contract. The hon. member for Dalby, I think, last week spoke of the evils of party politics, and in a burst of enthusiasm said, "Mr. Speaker, I am prepared to resign my seat in the House if by so doing I could bring about the end of this pernicious system."

Mr. GODFREY MORGAN: What is wrong with that?

The PREMIER: Nothing wrong with it at all, except that the hon. member did not mean it. (Government laughter.) We have a classical example this afternoon of the malevolence and viciousness of party politics. We find members of the Opposition opposing this Bill, not on the ground of equity, not on any question of the sanctity of contracts, but on the base and sordid appeal of party politics. They think there is something in it for themselves. They think that if they can inflame public opinion and get at least some of the people to believe that the Government are acting unjustly, an advantage would accrue to them. (Opposition dissent.)

What is the position? The Bill before the House deals with the retirement of members of the police force, and the question of the payment of accrued leave. On that I have something to say. In that department,

as in all Government departments, certain forms of annual leave are provided for. That leave cannot accumulate beyond a given period, the reason being that it is granted to the men and women concerned so that they may have a rest from their arduous and exacting toil and return to their positions strong and rejuvenated in order that they may carry on their work faithfully and well. There is also provision for longer leave, to be given after certain periods. After one such period of service, six months' leave of absence is available to the public servant. There is a growing practice on the part of public servants not to take out that leave, but to accumulate it with a view to getting its cash equivalent at the date of retirement. I am beginning to ask myself, Mr. Speaker, whether this practice should be continued. It is a practice that has grown up over a great number of years, but if the purpose of granting long service leave to the men and women in the departments is their physical and mental rehabilitation, then these employees ought to be made to take out such leave when it falls due, and the Government and the public service get the advantage of that restoration of virility referred to by the Leader of the Opposition.

We now come to this Bill. It is the result of certain claims being put forward by certain officers. I desire to give the House some of the history attached to this question of a retiring age of sixty years and the payment of extended leave thereafter. As a matter of fact, no legal principle is involved in this Bill at all, nor is a question of contract involved. The only question that is involved is the interpretation of the existing law and practice.

In 1924 it was decided that the police retiring age should be sixty, and the Home Secretary of the day, when representations were made to him, agreed to continue the police in the service until their sixtieth birthday, and then allow them to take out their recreation leave that had been accrued. That meant that, if six months' leave was due they actually got a six months' extension of time, during which they received the salary or wages appropriate to the rank they occupied. At the end of the period of leave, superannuation commenced. That has been the position ever since.

Members of the Opposition have attempted to draw analogies between the police superannuation and the public service superannuation. Are hon. members aware that about 75 per cent. of the police superannuation is a charge against public funds, whereas the superannuation under the Public Service Superannuation Act is in the form of an endowment policy such as an insurance company might give? We contribute something annually to the fund, but it is actuarially sound, and the moneys drawn from it are subscribed entirely by the public servants. So that there is no analogy between the public service superannuation and the pensions allowed to retired policemen. The pensions allowed to retired policemen are, for the greater part, a charge against the public revenue.

Now let me return to the question of contract. If any question of contract had been involved, would it not have been open to the Government to tell those people that instead of continuing them in their respective offices until sixty years of age, and paying them

Hon. W. Forgan Smith.]

accrued leave thereafter, they would retire them at fifty-nine and a-half, and pay for the six months' leave then? That could have been done, but representations were made to the Home Secretary of the day, and Cabinet approved that the request be granted, that the men be allowed to carry on until sixty, and be paid whatever leave accrued thereafter. Assuming that it was six months. For six months after they retired they were able to draw the weekly or monthly amount that they were drawing prior to their retirement.

The question in the present debate was never raised until 1931. In that year—during the period of the Moore Government—a certain policeman was retired on exactly the same basis as all the police had been retired, since as far back as 1924—and retired on a reduced pension in accordance with the Act passed by the Moore Government. He made no claim against the Moore Government at the time. He had to accept, in common with his fellows, the reduction in pension imposed by the member for Toowong and his friends. Now he claims that in addition to the six months' leave, and concurrent with it, he should receive payment of superannuation as from the date of his retirement—in other words, he should be allowed to double-bank. He desires to get his weekly emolument and at the same time he desires to obtain the weekly amount payable under the police pension scheme. No claim was made by this gentleman during the period of the Moore Government.

Mr. MAXWELL: He would have to go to a judge of the court.

The PREMIER: Let me inform the member for Toowong that the judge of the court has not said anything. The magistrate has said certain things, but I am not going to attribute infallibility in the interpretation of the law to any magistrate. We know, of course, that appeals lie, and appeals from magistrates' decisions are often upheld by the Supreme Court. Sometimes they are dismissed. We do not propose to interfere with any decision that the court may make or that a judge may make. We will not rob any successful litigant of the fruits of his venture. What we are doing, and what we have the right to do, is to place beyond any possible legal doubt the practice that has existed for so long. That is all that is involved in it.

I put this proposition to the Leader of the Opposition, who, notwithstanding the fact that he is Leader of the Opposition, has certain responsibilities under the Constitution, and it is his duty as a member of Parliament to protect the public purse. But his attitude, Mr. Speaker, could be defined, or described, in this way—one code of ethics when the matter applies to an individual, but a different code of ethics when the Crown is involved. He protects the individual against any claim if it is a matter of private enterprise, but if Crown funds and the public purse are involved he encourages people to have "an open go." As Treasurer of the State, I say we have to protect the public funds. We have to see to it that no needless charge is made on those public funds, and that all Crown employees or Crown pensioners are given what they are entitled to and no more.

This is another example of the effect of the granting of a concession. If the Home Secretary of the day had not made this

concession, the situation would never have arisen. Those who are opposed to the Bill talk about a contract, but there never was a contract in this connection, and there never was any lack of understanding between the men concerned and the Government about taking long service leave after reaching the retiring age of sixty years. The question is one of interpretation and interpretation only. The Government's action is fair and just, and in keeping with their responsibilities. Hon. members will be neglectful of their responsibilities to the public to the extent that they support and encourage claims upon the Crown that are not warranted, either legally or ethically.

Question—"That the Bill be now read a second time" (Mr. Hanlon's motion)—put; and the House divided:—

AYES, 32.

Mr. Brassington	Mr. Hynes
" Brown	" Jesson
" Bruce	" Larcombe
" Bulcock	" McLean
" Clark	" O'Keefe
" Collins	" Pease
" Cooper	" Power
" Donnelly	" Riordan
" Duggan	" Smith
" Dunstan	" Taylor
" Foley	" Walsh
" Hanlon	" Wellington
" Hanson	" Williams, H.
" Hayes	
" Healy	<i>Tellers:</i>
" Hilton	" Waters
" Hislop	" Williams, T. L.

NOES, 12.

Mr. Bell	Mr. Nicklin
" Clayton	" Nimmo
" Deacon	" Plunkett
" Maher	
" Maxwell	<i>Tellers:</i>
" Moore	" Brand
" Morgan	" Daniel

PAIRS.

AYES.	NOES.
Mr. Stopford	Mr. Russell
" Dash	" Walker

Resolved in the affirmative.

MOTION TO GO INTO COMMITTEE.

The SECRETARY FOR HEALTH AND HOME AFFAIRS (Hon. E. M. Hanlon, *Ithaca*): Mr. Speaker, I move—

"That you do now leave the chair and the House resolve itself into a Committee of the Whole to consider the Bill in detail."

Mr. MAHER (*West Moreton*) [3.1 p.m.]: I want to protest at this stage at the principle of putting a Bill through Committee immediately after the second reading.

The PREMIER: You were told by me on Friday that it would be so.

Mr. MAHER: The Premier was good enough to inform me of his intention to put this Bill through its Committee stage immediately after the second reading stage, and I am grateful to him for doing so. At the same time it is wrong in principle that the Committee stage of a Bill should follow immediately after the second reading. It is unnecessary for me to traverse the reasons, as they are well known to the Premier and hon. members generally. There should be intervals between the various stages of a Bill, so that interested parties could have a talk to the Minister or Opposition and get their viewpoints understood, and,

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if necessary, have amendments moved in Committee. I merely protest pro forma because the Premier was good enough to let me know beforehand of his intention. I have no complaint on that account, but on general principle I want to protest against the decision of the Government to bring on the Committee stage of this Bill immediately after the second reading.

The SECRETARY FOR HEALTH AND HOME AFFAIRS (Hon. E. M. Hanlon, *Ithaca*) [3.3 p.m.]: The Leader of the Opposition has no ground for complaint. There is only one clause in this Bill. That has been debated the greater part of to-day, as well as half a-day last week. All that hon. members opposite desire is that they may hand round Mr. Cameron's letter, which they have all been humming so industriously this morning, and from which they have quoted so many extracts. Why should they want more time to consider a subject that they have debated the whole of this morning and half a day last week? It is beyond my comprehension. One could excuse the Leader of the Opposition for making such a protest if the Bill were one with a large number of clauses and principles, but it contains only one clause and one principle. That has been fully debated, and it seems ridiculous for the Opposition to claim that they want time to think it over. They merely want an interval of a day in order to recapitulate what this House has listened to for the last two days.

Question—"That Mr. Speaker do now leave the chair" (*Mr. Hanlon's motion*)—put and passed.

COMMITTEE.

(*Mr. Hanson, Buranda, in the chair.*)

Clause 1—"Short title and construction"—agreed to.

Clause 2—"Superannuation allowance not to be paid whilst in receipt of any salary from Consolidated Revenue Fund"—

Mr. MAHER (*West Moreton*) [3.5 p.m.]: I have only one parting shot to deliver before this clause goes through Committee, and that is this: The clause strikes a blow at equity under the law. Parliament makes laws for the Government and the people to observe. The people are called upon to observe them whether they like it or not, but this Bill makes it clear that the Government are only prepared to observe a law when it is convenient for them to do so. The Premier's speech this morning and the decision to introduce this Bill when litigation is pending indicates that it is the convenience of the Government that is at issue. The Government have lost in the law courts, and because they find it inconvenient to pay certain sums of money they seek to disobey the law by introducing a Bill of this nature—to make another law to suit their convenience. If a private person was the victim of an adverse decision at law, he would have to submit to the law irrespective of whether it was justice or not. In this case, the court has interpreted the Act in a manner unfavourable to the Government. The Government find it inconvenient to meet this demand, and for that reason bring in a Bill to show, as the Premier indicated, that the Government are above the law.

The PREMIER: I never said the Government were above the law.

Mr. MAHER: The hon. gentleman said Parliament was supreme, Parliament could do what it liked, and if Parliament thinks fit it can introduce legislation irrespective of what interpretation the courts may put upon it. The people cannot take up that attitude. They have to accept the law as it is, with all its imperfections, whether they receive justice or not. They have to abide by the decision of the court, yet the Government, finding themselves inconvenienced by it, are prepared to do an act of injustice, an act of inequity to the retired police officers who are affected by that decision.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: Did the hon. member ever support retrospective legislation?

Mr. MAHER: I may have done so, but at any rate I have always tried so far as was in my power not to repudiate any just obligation, or to amend the law to escape an uncomfortable position.

There is one other matter that I feel is of some importance to this Committee, and that is the fact that the hon. member for Enoggera declared his definite hostility to the Bill during the initiatory stage—he supported the point of view of the Opposition, and did not mince his words—yet for some reason or other unknown to this Committee he has recorded a vote against his expressed conviction. Either the hon. member is an irresponsible person who does not know his mind, and is prepared to express a certain opinion in this House and then to walk in and vote directly opposite to that expressed conviction, or he has been dragooned or compelled by the relentless discipline of the party machine to vote against his conscience. It is a grave thing for this Parliament if men, elected as free representatives of the people, are prevented from casting a vote in accordance with their honest conviction. This is democracy! We have men sent here to represent the people outside, and to express their opinion freely and honestly according to their consciences. The hon. member expressed his opinion during the introductory stage; yet we find him in two divisions recording votes in a directly opposite sense. It is a remarkable volte face, a remarkable turnover, and knowing the hon. member, I do not think he would do it from any sense of irresponsibility. I think he has been forced by the party machine, by the Government, to come in and make himself look ridiculous by giving a vote against his opinion.

The CHAIRMAN: Order! The attack on the hon. member for Enoggera by the Leader of the Opposition is not covered by the principles contained in this clause. At another stage it might have been justified and permissible, but it certainly is not at this.

Mr. BRAND (*Zis*) [3.11 p.m.]: I think I understood aright an interjection by the Minister: that those officers who were retired owing to medical unfitness did not come within the scope of this Bill. If that is so, I should like to know whether the retirement of these officers will not take place until after the completion of their accrued leave. I should like to know whether the hon. gentleman proposes that these officers should then come again before the medical board. It may be found that after they have enjoyed a holiday they are fit to carry on their work in the force. At all events,

Mr. Brand.]

this clause contains a principle that we have been combating during the whole course of this day. It is the principal one in this Bill, and we as an Opposition naturally desire that the matter should be made perfectly clear by the Minister before the Committee stage is concluded. What is the opinion of the hon. gentleman with regard to these officers? The clause unquestionably deprives certain officers of privileges that they enjoy, or could have enjoyed, as a result of a decision by a civil court. It is obvious, from the very fact that the Government have found it necessary to push through this amending Bill this afternoon, that they believe that the Supreme Court will uphold the judgment already given by a police magistrate. These police officers that I have referred to should not be left suspended in mid-air, as it were.

If there is no other way out of the difficulty, I ask the Minister to accept an amendment exempting from the clause those who have been retired owing to medical unfitness.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: They are not concerned in this at all.

MR. BRAND: The hon. gentleman says they are not concerned, but I shall be very pleased if he will give to the Chamber his opinions more fully, so that we shall know exactly the position.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS (Hon. E. M. Hanlon, *Ithaca*) [3.14 p.m.]: Members of the police force retired as medically unfit are protected, for the simple reason that they are not retired at a certain defined retiring age. The date of the discharge of an officer discharged as medically unfit is that on which his leave expires. Under the regulations governing retirement, any other officer retires on the date of his sixtieth birthday.

MR. BRAND: Why not send those discharged as medically unfit for medical re-examination after the termination of their leave?

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: The Commissioner has the right to call upon any officer retired as medically unfit to present himself again before the medical board, and, if he is passed as fit, he can be brought back for service. Those officers who are retired as medically unfit are not affected by this measure at all. The dates of their retirement were the dates on which their leave expired. Until the 1st January this year, the bulk of them had no leave to take. We started only this year by agreement with the police, to give proportionate long service leave, to those members of the force who retired with fifteen years' service.

MR. TAYLOR (*Enoggera*) [3.16 p.m.]: The Leader of the Opposition and his supporters have been treating me as a stepping-stone to their objections to this Bill. I object to one provision only, and that is the retrospectivity. I still have that objection. I do not intend that any member, either on this or the other side of the Committee, should do my thinking for me. I came into this Parliament to think for myself, and I shall continue to do so. If I have an opinion on a certain thing I shall express it. Whether it is correct or otherwise is for other hon. members to judge.

This Bill has exposed the wrong practice of the past, but that does not derogate

[*Mr. Brand.*]

from the principle that where there is a moral obligation it should be observed. Of course, whether there is a legal obligation or not is a horse of another colour.

Regarding superannuation payments: to men who pay for such benefits, the manner in which they are made up is not devised by the police, and, consequently, they should be entitled to that superannuation apart from any other advantages that are incidental to their service and might accrue to them when they retire at sixty years of age. As to any provision in the Bill with respect to the future, that is quite right.

The practice has been wrong in the past. To correct an error is a good thing, but a principle was established by a Minister of the Crown, whose word should be honoured by the Government. That error has not been corrected, and where a principle has been put into effect throughout the service it should be adhered to until corrected. A man's superannuation payments should not be interfered with in any way by any other condition incidental to his employment, whether he is a private employee or a servant of the Crown.

I support the Bill because I believe that it will correct an error, but I do not believe that it should be made retrospective.

MR. NIMMO (*Oxley*) [3.18 p.m.]: I congratulate the hon. member for Enoggera on the stand he has taken. The arguments he has put forward agree entirely with those from this side of the Committee.

THE PREMIER: Do you want him to be sick after your speech?

MR. NIMMO: Well, there are a lot of people who were sick after the hon. gentleman's speech on Sunday night. (Laughter.) I am not here this afternoon to make any apologies. I am here simply to support the rights of these men. The hon. member for Enoggera has just expressed my sentiments to a nicety. I still think that the police who have retired are entitled to certain rights, and this Bill is filching them away. They have gained these rights by law and they have paid for the cost of fighting to maintain them, and in making this clause retrospective in order to affect the retired men and widows who are entitled to certain payments also, and are not going to get them—

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: Poor widows!

AN OPPOSITION MEMBER: You called them poor when you were out for their votes.

MR. NIMMO: No one can shed more crocodile tears than the Secretary for Health and Home Affairs, but on this occasion he is taking something away that he knows is his own heart is wrong.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: Under the Moore Government deceased policemen's widows' pensions were reduced to a lower level, and the children were under worse conditions than State children.

MR. NIMMO: The Secretary for Health and Home Affairs has enjoyed pretty good times since he has been in this House. Since he has been Minister he has had a good Government in the Federal Parliament—not a Labour Government. If a Labour Government had been in power in that sphere there would have been very little loan money for spending. The result is that increases have been given to the

police, but those increases are not nearly as good as those given in the other States. He has no occasion to sneer at the Moore Government. The Moore Government treated their employees as well as any Government in Australia in the depression. Under this Bill, the Secretary for Health and Home Affairs is taking something away from the younger men who are still in the police force, which is theirs by right. There is no question that every man in the police force to-day will suffer through the passing of this Bill. If the Government do not wish to continue the treatment it was originally intended should be given to those men, they should have brought in a Bill, as suggested by the member for Enoggera, to give them lesser privileges than those already retired, but nothing should be taken from men who have retired before the passage of this Bill.

The SECRETARY FOR HEALTH AND HOME AFFAIRS (Hon. E. M. Hanlon, *Ithaca*) [3.23 p.m.]: It is amazing to hear some of the speeches that have been made this afternoon. The hon. member for Oxley was just weeping about the Government taking something from the widows of deceased policemen, but during the period that he was supporting the Moore Government, that Government deliberately took by legislation a certain proportion of the pensions of the widows. It is no use apologising by saying that somebody told them to do it. The old story in the school books will be remembered—"Somebody else did it first. Somebody told me to do it." The fact remains that the Government, of whom the present Deputy Leader of the Opposition was leader, and who were supported by hon. members opposite, deliberately cut the pensions not only of retired policemen, but also of deceased policemen's widows.

Mr. NIMMO: Under stress of circumstances.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: When this Government came into power the first step that they took in regard to police pensions was to restore that cut to widows and children, because we found that the children of deceased policemen were on a lower scale than State children.

We have heard a lot this afternoon about payments into the superannuation scheme and how that fund should be kept sacred. The Moore Government did not keep it sacred when they cut those pensions. The justification given by the member for Oxley and the Leader of the Opposition and other members opposite is that they had to do it under stress of circumstances. Necessity knows no law! That was the Kaiser's excuse for ravaging Belgium. Hon. members who say they did it under force of circumstances, that necessity compelled them, shed tears about taking away something that these people never had! Of course, every possible injury that could be inflicted upon the poor was supported by the member for Oxley when he had the opportunity to do so.

We remember very well, as the Premier reminds me, the attack that that hon. member made on the dental clinics, and how he described as an outrage on the community the fact that it treated the teeth of poor children free, while his son was standing by with his bag open to take the shilling for extracting a tooth. Then they weep about the poor widow and the poor orphan children of the retired policemen!

Mr. MAHER: He objected to the abuse of the dental clinic.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: The word "abuse" does not get the hon. member out of the difficulty. The Leader of the Opposition said that it was all so very confusing after it had been explained to him. When Mr. Speaker gave his ruling he said, "It is all so very confusing." My word, it does seem confusing, bemusing, and befogging to hon. members opposite to take any part in this debate!

Mr. MAHER: One law for the Premier and one law for the Opposition.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: What happened is this—

The CHAIRMAN: Order! I hope the hon. gentleman is not reflecting on the Chair.

Mr. MAHER: No, I am not. I was referring to the ruling and not to you, Sir.

The CHAIRMAN: Order! The hon. member is not entitled to reflect on the Chair.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: The Bill seeks to validate a contract that was entered into between a previous Home Secretary and members of the police force. They actually asked for a concession from the Government, and it was granted. They asked to be allowed to accumulate their leave and take it after the date laid down for their retirement. These men now wish to take advantage of that concession in all the spirit of comradeship and loyalty, as understood by hon. members opposite. After having got that concession they now want to take any cash value that they can, and thus deprive their comrades in the force of the privilege that they had. That is the idea. For the sake of gaining a few pounds themselves they are out to exploit the concession by saying, "We are prepared to take another few pounds and thus rob our comrades who are still in the force of the concession that we obtained." The Police Union made this request on behalf of the men who were nearest the age of retirement, but the men who have retired now want to repudiate it and deprive the men still in the force of it. We are not going to allow them to do it, quite apart from the question of the equity or of honesty in handling public funds. I do not think that the Government would be justified in allowing any section of the police force to take undue advantage of a privilege given to them in their bargaining with the Government, and thus deprive other members of the force of it. It was given to all the members of the police force, and I do not think it is to the credit of the ex-members to try to gain an undue advantage.

Hon. members opposite have been hungrily scanning a document that has been placed in their possession.

Mr. BRAND: I have not seen it.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: Now! now! now! We have been very careful to note the fact and to observe how each hon. member opposite, when he got up, had a letter signed by J. H. Cameron, hon. secretary of the Queensland Retired Police Officers' Association.

Mr. BRAND: I have not seen it.

Hon. E. M. Hanlon.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: It contains the case against the Bill.

Mr. BRAND: I have not seen it.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: The hon. member has one in his possession now. Like dutiful servants they have risen one after another to use their brief. I believe that in many cases they did not understand it and did not make a success in handling it. Let us consider the absurdity of the matter set out above the signature of the gentleman referred to. The letter says—

"It is desired to place the following point before you:—

"Every member of the police force immediately on joining has to contribute 5½ per cent. of his salary to a trust fund called 'Police Superannuation Fund.' These moneys then become trust moneys and should be above the control of Parliament."

Let us consider the foolishness and the absurdity of the suggestion that something should be above the control of Parliament. What would be the position if we were to say, "We will have nothing more to do with it as a Parliament. Parliament is to have nothing more to do with this trust fund." It would mean that I should have to strike out of the Estimates of the Department for Health and Home Affairs a sum of £64,000, which otherwise I should have to ask Parliament to vote to make up the superannuation fund from which the police pensions are paid. The retired policemen would have the privilege then of sharing between them the contributions that are going into the fund for the year, amounting to just over £20,000. The result of Parliament regarding the superannuation fund as being sacred and beyond any reach of Parliament would be that an ex-policeman receiving a pension of £250 a year would receive instead a pension of £60 a year, and other pensions would be proportionately less. That and the rest of this miserable letter shows that this gentleman has a very poor idea of powers of Parliament and what Parliament is doing for himself and his comrades. Still hon. members opposite get up and quote this letter all afternoon!

Mr. MAHER: That is not true.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: We have heard quite a lot about retrospective legislation. A member on this side of the Committee objected to retrospectivity. That hon. member has voted for retrospective legislation before, and so has every hon. member sitting in opposition who was in the House under the Moore regime. Imagine the action of the Moore Government, as quoted by the Premier, putting aside an Act, dealing with marriage and putting a Bill through Parliament to prevent a verdict from being given! This Bill does not prevent a verdict from being given. It merely closes the door and prevents anyone else from taking advantage of the position. We, as a Labour Party, are reasonably consistent in our attitude on all public questions.

I desire to quote against hon. members opposite an amendment of the Income Tax Acts, introduced by Mr. McCormack, when Premier, in order to give an example typical of the tactics of hon. members opposite. Mr. McCormack introduced this amendment,

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the object of which was, not to defeat the verdict obtained by the litigant, but to prevent other people from taking advantage of a similar point in regard to the sale of hotel leaseholds. Hon. members will remember the case well. The then Leader of the Opposition, the present Deputy Leader, in making out a case against that Bill, made the remark that he thought any citizen was entitled to take advantage of any loophole in the law. Next year the people of Queensland blindly saw fit without any consideration for their rights and privileges to return that hon. member as Premier. During his first session that hon. gentleman introduced a further amendment to the Income Tax Acts Amendment Act to make the section relating to the sale of hotel leaseholds still more watertight. This is how the clause he introduced and supported read—

"Without prejudice to any decision or judgment of any court made or given before the first day of September, one thousand nine hundred and twenty-eight, or the right of any party thereto to prosecute any appeal therefrom as if the amendment made to the said section eleven of the principal Act by this subsection three had not been enacted (but notwithstanding any other appeal, whether instituted before, on, or after the said date, or any decision or judgment of any court in respect of any such other appeal) the said amendment made by this subsection three shall be deemed to have been enacted therein at the date of the passing of 'The Income Tax Act of 1924'."

This was in 1923. The Moore Government enacted a clause which had to be read as if enacted in 1924! The clause went on to say—

"and the principal Act shall be read and construed as if at the date of the passing of 'The Income Tax Act of 1924' the said section eleven, as amended by the said amendment, was enacted therein instead of the said section eleven as originally enacted; and the principal Act as so amended shall be applicable and be applied to all incomes for the periods respectively which commenced on the first day of July, one thousand nine hundred and twenty-three, . . ."

This was to prevent the people from taking advantage of a verdict—the same thing the Government are doing to-day. Some person got a verdict that meant that the Income Tax Department had been collecting taxes that could have been recovered by the taxpayer, and the Moore Government altered the Act and included a section that said, in effect—

"This Act shall be read as though this amendment had been made in 1923."

If there is any more glaring instance of retrospective legislation, I have yet to find it.

That illustrates the complete and utter hollowness of the cry put up about this simple measure. This measure will say to the men who have retired, "Although you have found a way to break your contract with the Government of Queensland and do an injury to the present members of the police force, and to put your hands into the public purse, Parliament is going to see you do not take advantage of it." Every

member of this Committee is bound to have regard to the public funds. In the oath a Minister takes are words to the effect that he will faithfully administer his trust, and his trust includes the funds of the community. I maintain that no decent man could occupy a position in the Cabinet and allow any section of the community, because they had discovered a way of breaking an agreement with the Government, to dip their hands into the public funds and help themselves.

Mr. NIMMO (*Oxley*) [3.37 p.m.]: The Minister said that a letter had been going round amongst hon. members and that all hon. members had that letter. I do not know what letter the hon. gentleman is referring to. I did not receive any letter.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: One was sent to every hon. member of Parliament.

Mr. NIMMO: That cannot be so because I did not receive a letter of that nature, nor have I read a letter from any individual named Cameron. I am not influenced by letters that may be sent round.

I wish to refer to one or two statements made by the Minister. The hon. gentleman is continually standing up in this Chamber—he followed the same practice when he was in Opposition—and shedding crocodile tears for the poor down-trodden people in the community. Since the hon. gentleman has been in charge of the Department of Health and Home Affairs, he has demonstrated that he is not a great champion of the down-trodden. I have just received a letter from the Goodna Mental Hospital, where there are fifty-three patients who, in accordance with the practice of the last twenty-five years would have been taken to the Brisbane Exhibition in August last and have been given 2s. for admission and 1s. 6d. for their lunch. But the Secretary for Health and Home Affairs refused to grant that concession.

The SECRETARY FOR HEALTH AND HOME AFFAIRS: That is not correct.

Mr. NIMMO: The letter is in my pocket and the Secretary for Health and Home Affairs can see it if he so desires.

The CHAIRMAN: Order! The letter mentioned by the hon. member for Oxley is not covered by clause 2 of this Bill.

Mr. NIMMO: Much has been said that was not covered by clause 2. I was endeavouring to reply to some of the statements made by the Secretary for Health and Home Affairs about the actions of the Moore Government. I protest against the action of the Secretary for Health and Home Affairs in adopting a cheese-paring policy in his department. We have an illustration of it in this measure, and there are 101 other instances of cheese-paring tactics that I intend to bring up on future occasions. The public will be surprised to learn of the actions of the Minister at a time when conditions in the country do not warrant this extreme cheese-paring that the hon. gentleman has adopted. We still have a large number of unemployed, owing to the impractical policy adopted by the Government in dealing with unemployment, but conditions are such that the Minister is not justified in taking away concessions from these asylum inmates.

The CHAIRMAN: Order!

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Mr. NIMMO: I cannot understand why this cheese-paring policy is being adopted by the Minister. If the condition of the country was such that he had to adopt a policy of repudiation with regard to these men, then the necessity of the case might induce the Opposition to vote with him, but he cannot claim that conditions to-day are such that he has to adopt a policy of repudiation in order to try to square the ledger in his department. I oppose the clause.

Mr. BRAND (*Isis*) [3.41 p.m.]: The Minister by some unreasonable method endeavoured to make the Committee believe that every hon. member received a certain letter. I tell the hon. gentleman I have not received such a letter from Mr. Cameron. An hon. member has handed me one, and I have just finished reading it. I see nothing wrong with the letter. It is no different from that sent by any association or organisation when matters affecting its activities come before hon. members. We get similar letters from other associations and organisations. So far as I have listened to the debate on the subject matter of that document, I am not in accord with the Minister's statement that members of the Opposition made their speeches from that correspondence.

The Minister has referred to an agreement that is in existence and has claimed that the attitude of these men would be responsible for depriving the police of to-day of that privilege. I say to the hon. gentleman that if he cared to do so he could give the force of law to the agreement entered into with members of the police force.

Question—"That clause 2, as read, stand part of the Bill"—put; and the Committee divided:—

AYES, 32.

Mr. Brassington	Mr. Larcombe
" Brown	" Mann
" Bruce	" McLean
" Bulcock	" O'Keefe
" Collins	" Pease
" Cooper	" Power
" Donnelly	" Riordan
" Dunstan	" Smith
" Foley	" Taylor
" Hanlon	" Walsh
" Hayes	" Waters
" Healy	" Williams, H.
" Hilton	" Williams, T. L.
" Hislop	
" Hynes	Tellers:
" Jenson	" Clark
" King	" Duggan

NOES, 12.

Mr. Bell	Mr. Morgan
" Brand	" Nicklin
" Clayton	" Plunkett
" Deacon	
" Maher	Tellers:
" Maxwell	" Daniel
" Moore	" Nimmo

PAIRS.

AYES.	NOES.
Mr. Stopford	Mr. Russell
" Dash	" Walker

Resolved in the affirmative.

Schedule, as read, 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

Mr. Brand.]

LOCAL GOVERNMENT BILL.

INITIATION IN COMMITTEE.

(Mr. Hanson, Buranda, in the chair.)

The SECRETARY FOR HEALTH AND HOME AFFAIRS (Hon. E. M. Hanlon, *Ithaca*) [3.50 p.m.]: I move—

"That it is desirable that a Bill be introduced to consolidate and amend the laws relating to local government."

The Bill that we propose to introduce is a Bill entitled, "A Bill to consolidate and amend the laws regarding local government." It is, therefore, a local government Bill. The title "Local Authorities Act" is being dropped. The broader title is being adopted, because we are widening the functions and powers of local authorities under this Bill. I think everybody will agree that it is necessary that the present Local Authorities Act should be put into a simple form, so that the people engaged in local government can readily understand it. For many years there has been a cry from local authority men for a consolidating Act, but instead of merely consolidating the existing Act and adding amendments year after year, we have taken advantage of the opportunity to plan the Act in a wider sense, and to give local authorities much more power than they have to-day.

The Bill is largely a charter of local government, somewhat similar to that which the city of Brisbane enjoys. It means that, instead of being bound by restricting schedules and powers contained in the Act, local governing bodies will be enabled to make by-laws on any matter of domestic concern. Those by-laws, provided they do not conflict with any other Act, will be open for approval by the Governor in Council. One of the reasons why the Local Authorities Act has got into a state of such frightful confusion is that under the old system it was always necessary to amend the Act almost year by year. Every time a local governing body wanted something new done, there was a demand for an amendment of the Act to give it the necessary power. It is quite obvious that in such a State as Queensland, with its huge area in the process of development, new problems arise for local governing bodies. It is impossible to draft a local government Bill that would lay down strict powers for local authorities, because you would find at an early date that there would be a need to improve it or widen its scope. Consequently, we have so framed this Bill that the local authorities will have the fullest and most ample powers to deal with any situation that may arise.

The old system of making by-laws led to endless confusion, and involved the local authorities in continual appeals for legal interpretations. The local authority might want to make a by-law on a certain subject, and its solicitor or the Crown Law Office might rule that it was outside the scope of the Act, and that there was no power to make such a by-law. That would eventually lead to the making of a demand on Parliament to amend the Act. Or the local authority might desire to pass a by-law and its legal adviser might approve of it, and say that it was within the scope of the Act, but it might then be ruled out by the Crown Law Office. All those little nuisances occurred year by year, and every local authority in the State was having trouble about its

powers. Consequently, the only real way to give them an opportunity to do their job properly is to widen their powers, so that there will be no legal restrictions on them. Supervision is provided for in the same manner as in the City of Brisbane Act. By-laws have to be submitted for the approval of the Governor in Council, and they have to be published in the "Gazette" before they become law.

The power we propose to give local authorities is similar to that given to the city of Brisbane, which I know hon. members oppose, or quite a number of them, bitterly oppose. Since the city of Greater Brisbane has been operating, very few ordinances have had to be disallowed by the Governor in Council. I think that there are only one or two ordinances that have been disallowed by the Government since the inception of the city of Greater Brisbane, and never have the Government had to use their right to repeal ordinances. So that it shows that when local authorities are given power to carry out responsibilities, they generally measure up to them very well.

The Bill has been planned in parts and sections. Each part is planned to deal with certain functions of local government, and each is broken up into sections dealing with some specific principle. We have endeavoured to keep the Bill as small as possible. This is how it has been planned—

Part I. is the usual preliminary part, and includes the short title, repeal and saving provisions, and interpretation clauses.

Part II. sets out the powers of the Central Government, that is to say, the general powers of the Governor in Council and Minister, including power to make regulations to repeal by-laws, rescind resolutions, dissolve councils, and the provisions governing the issue of Orders in Council, etc. The provisions in this part are all more or less in the existing Acts.

Part III. deals with the constitution of areas, alteration of boundaries, and kindred matters.

Part IV. contains the constitutional provisions, elections, etc.

Parts V., VI., and VII. relate to the chairman, proceedings, and office of the local authority respectively.

Part VIII. contains the provisions with regard to making contracts.

Part IX. contains the provisions relating to the constitution of the joint local authority.

Part X. contains all the provisions relating to the financial structure of the local authority, set out in the following order, namely:—

- (1) Rates and charges.
- (2) Borrowing.
- (3) Funds.
- (4) Valuation and Valuation Court.
- (5) Budget.
- (6) Rate books.
- (7) Levy and recovery of rates and recovery of charges.
- (8) Raising loans.
- (9) Accounts and audit.

Part XI. deals with the functions and powers of local government.

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Part XII. contains the provisions with regard to taking of authorised polls.

Part XIII. re-enacts the provisions of the existing law with regard to the incorporation of the Local Authorities' Association.

Part XIV. contains certain transition provisions, made necessary by reason of the fact that the financial year has been altered to the 30th June.

Then there are the schedules, which enumerate the repealed Acts, contain the usual savings, etc.

All told, the Bill consists of fifty-five clauses, whereas the existing Act under which local authorities are working contains more than 400 sections. The consolidated Act recently passed by the South Australian Government contains over 1,000 sections. Our existing Act of 400 sections has sections relating to borrowing, for instance, scattered all over the place. The same applies to rates, to properties, and to joint local authorities, but in framing this Bill all these subjects have been grouped together. That means that the clauses relating to finance will be contained in the relevant part, and clauses relating to the elections of local authorities in another part. The local authorities in the future will find it much easier to ascertain their powers and obligations.

I am satisfied that with the new by-law-making provisions there will not be the ever-recurring need to amend the Act when new by-laws are proposed, but he would be an optimist indeed who would think that a local authority law could be framed to operate for any great length of time without the need for some amendment or alteration. This State covers a vast area, and the population of the various local authorities ranges from a high figure in a big city like Brisbane to a very small number in the sparsely populated centres. Local authority problems vary all over the State. The problems of local government in Brisbane are very different from the local authority problems in a township, say, in a dairying district, and again from the problems in a pastoral district, or in a mining area, or a sugar area.

The problems of local government are also different in dry areas from those in areas with excessive rainfall. One will find, all through the State, no matter to what district one may go, that local authorities have different problems and worries to those in other parts of the State. Consequently, the Government are asked to amend the Act and do things in totally different ways. Any amendment of the Local Authorities Act applies to the whole State, and it happens very often that what suits one part does not suit another. This Bill will confer a charter on local authorities enabling them to make by-laws to deal with their own specific problems, provided such by-laws do not conflict with any other Act of Parliament, and are not contrary to Government policy. With these reservations they will have the widest possible power. That should save Parliament an immense amount of trouble in the future, and make it possible for local government to do its work much more effectively than has been the case in the past.

The scope of the Bill is a wide one. There will be no limitation on discussion because it is a completely new enactment.

Mr. MOORE: Does this Bill embrace matters affecting health?

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: There will be a separate Health Bill, which will be built on to the present Bill. Obviously, however, legislation affecting health matters can only be successfully administered with the co-operation of local authorities. Local authorities play an immense part in matters affecting health, that is chiefly in the prevention of disease. All the work done in the curing of sickness in country districts does not get at the root of the problems facing the community. The main problem of the community is the prevention of disease, and that can only be achieved by the co-operation of local authorities. I am sure we shall have the co-operation of local authorities, because my vast amount of knowledge in local government work assures me of their help. We always find the odd man who loves to have his grievance, but the vast majority of persons engaged in local government want to do the decent thing for their people. After this Bill has been got out of the way, a new Health Bill will be introduced, and also a Hospitals Act.

I am sure that the opportunity of discussing local government in the very widest sense of the term will be welcomed by hon. members. It is a very long time—1902—since local government was fully dealt with in this Chamber. Since then local government discussions have been confined within the narrow limits of amendments. It is the desire of the Government that members should be in possession of the Bill for a reasonable time before the second reading is proceeded with. The Bill is an important one, apart altogether from the wide responsibilities of local government consequent on their many and various activities, and should have the closest consideration of every hon. member before it reaches the second reading stage.

Mr. MOORE (*Aubigny*) [4.4 p.m.]: I do not intend at this stage to attempt any criticism of the amendments embodied in this Bill. Judging by the size of the Bill and the fact that it contains only fifty-five clauses I am afraid that some must be very long ones indeed. I do not know whether the object of placing such long clauses in the Bill is to curtail discussion. It certainly makes it almost impossible to obtain amendments to the clauses.

The Minister spoke of this Bill as being a new measure, and of its being redrafted, its clauses grouped under principles, and divided into parts. The old Local Authorities Act is divided into parts.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: Sections are scattered all over the Act dealing with the same subject.

Mr. MOORE: There were duplications, but they were all divided into parts: as they will be in this Bill. The Minister said there will be opportunity for the passing of by-laws, subject only to ratification by the Governor in Council. That is the same as provided in the present Act.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: They had a very narrow by-law-making power before; they could only make by-laws as authorised by the Act.

Mr. MOORE: It was too wide a power for the Governor in Council because he often

Mr. Moore.]

used to disallow them. You remember, Mr. Hanson, that when one local authority wanted to pass a by-law placing a £5 tax on Alsatians, it was not allowed. Local authorities endeavoured to pass all sorts of by-laws, but they were disallowed.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: That particular by-law was disallowed, because it was not the function of the local authority to do that.

MR. MOORE: If the Minister says it is not the function of the local authority to look after the interests of the people in its area, what is its function?

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: The functions were laid down in the Act, and that is what made it so difficult.

MR. MOORE: In nine cases out of ten they were wide enough, provided the local authorities were given the power. The Minister put his finger on the spot when he said they were perfectly entitled to introduce by-laws, provided they did not conflict with Government policy. That is the basis of that part of the Bill. If the by-laws conflict with Government policy they will not be allowed—exactly as hitherto.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: Would the hon. member suggest the Governor in Council have no control?

MR. MOORE: I suggest that if the Minister is going to give the local governing body wider powers in order that it may carry out its duties in what it believes to be in the best interests of the community—the hon. gentleman said if you give them wider powers they will generally measure up to them—then it is entitled to pass by-laws that it considers are in the interests of a particular area. Such a body is limited in its scope.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: And not be subject to the State at all?

MR. MOORE: Certainly they are subject to the State. The Minister is limiting them a tremendous amount when he says in regard to any by-law, "I do not see anything wrong with it, but it is contrary to Government policy." It is obvious that by-laws must have been passed in years gone by that are contrary to the present Government's policy, but are still operating. That is going to be the whole difficulty. After all, the local governing bodies are not likely to put forward suggestions that are going to be contrary to the welfare of the community as a whole, but as the Minister said they have varying difficulties to face in different parts of Queensland. What might be contrary to Government policy in Brisbane might not be contrary to Government policy in some areas of the State.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: The Government might agree to a by-law prohibiting Jersey herds on the roads in Brisbane, but they would not agree to a by-law prohibiting them on the roads of a shire.

MR. MOORE: That would not be a question of Government policy, but a question of health. It boils down to a question of health.

There is another great difficulty I foresee, that is, the continual incursion into the areas of local government by other Acts of Parliament. We have an Act of Parliament we shall be discussing soon that gives the

Minister power to declare something a noxious weed and to declare something that is a noxious weed not a noxious weed. The local authorities are also called upon to collect for somebody else. A precept is issued them to collect for hospital purposes—in that regard the local authority has one or two representatives on the hospital board—and in another Act of Parliament there is power to impose a precept upon a local authority where it has no voice whatever in the expenditure of the money. The Minister has full power to declare what is necessary in a particular area. If local authorities are to have complete control, which I think is advisable, then no other Act of Parliament should be allowed to interfere.

For many years there has been a very great difficulty in connection with typhoid epidemics. When an outbreak of typhoid occurs, say, in a shearing shed in the West, the local authority concerned has for many years asked for the power to make a by-law for compulsory inoculation of the men in the affected area in order to protect them and others. In the war inoculation proved effective, and time and again local authorities in certain areas, on the advice of the medical health officer, have asked for the power to make the necessary by-law, but the applications have always been turned down. It cannot be said that that is against Government policy.

Of course, I do not know the opinion of the Minister. I am pointing out some of the things in which local governments have submitted proposals in the interests of the areas they controlled, which were turned down, although they understood the local conditions. If the power to disallow such by-laws is to be taken away, and local authorities are to be granted greater powers for the protection of the health of the community, and the proper carrying out of local authorities work, I have nothing to complain of. We know quite well what happens if a local authority oversteps the bounds. The councillors or aldermen responsible are not re-elected at the subsequent election, in just the same way, I suppose, as members of the Government are dealt with, although members of the Government are entrenched behind greater subtlety.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: It puts the responsibilities on the local authorities and the Government.

MR. MOORE: But unfortunately there are other factors that enter into the matter in some of our more distant and sparsely populated areas. In farming areas it may be all right, but the others are in an altogether different position.

I do not desire to say more until I have had an opportunity of going into the Bill thoroughly. The Minister has stated that he wants to give hon. members every opportunity of studying the measure, and I hope enough time for that purpose will be allowed us before going into the second reading stage, and between that stage and the Committee stage. It is a very important Bill, with very far-reaching effects. There has been a continual clamour for the Act to be brought up to date. The Minister says that that has been done, but we should like the opportunity of going into the matter thoroughly, and ascertaining what powers have been given and what restrictions have been imposed.

[*Mr. Moore.*]

The present Act is a large one, and this Bill covers all the activities of local authority government.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: Some of the provisions of the present Act will go into the Health Act.

MR. MOORE: The Bill that we are discussing will cover all the activities of local authorities, and probably include a few more. Although we are told there are only fifty-five clauses in the Bill, when one considers the extent of local authority work, one trusts that a reasonable opportunity will be given hon. members to go into the whole matter and see exactly what the effects are likely to be. If it is as simple as the Minister has said, and gives local authorities greater powers with fewer restrictions, I cannot see that there will be very much to complain of.

The Minister has told us the various parts into which the Bill is divided. If the clauses in these particular parts will widen the powers and enable the local authorities to carry out their operations more successfully, I am sure the Bill will be welcome. But if it is going to obstruct and put difficulties in the way of local authorities and increase their burdens by taxation and expenditure, we shall have to look carefully at its provisions before we can agree to them.

MR. MAHER (West Moreton) [4.16 p.m.]: There is no doubt that a crying need exists for the consolidation of the principal Act and all its amendments, to understand which requires the ingenuity of the proverbial Philadelphia lawyer. For a Bill of this kind to succeed it should be sufficiently comprehensive to define clearly the powers and responsibilities of local authorities, which is a very important matter. Whether this Bill, pressed into fifty-five clauses, can do that properly, remains to be seen.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: It does not define them; it leaves them open.

MR. MAHER: If it does not define the powers and responsibilities of local government, where is their charter? It simply means that the Government propose to control them. The Minister inferred as much when he interjected that where the by-laws conflict with Government policy, the Government have the right to say something on the matter. Apparently no such thing is contemplated in this Bill as giving a definite charter of self-government to local authorities. If that is the case the Bill has failed in its objective. Those who are entrusted with the work of local government are entitled to have their powers and responsibilities defined under an Act of Parliament so that they will know their limitations.

THE SECRETARY FOR HEALTH AND HOME AFFAIRS: The hon. gentleman is advocating the narrowing of the powers of local authorities instead of widening them.

MR. MAHER: Well, what do the powers and responsibilities of local government amount to? They must have something concrete. The State Parliament operates under the Constitution and knows its limitations, and the Commonwealth Parliament likewise. It appears that the Government are preserving the right to meddle in the affairs of local authorities at any time and say whether, in their opinion, a thing is right or wrong. That is not a very satisfactory principle for members of a local authority.

Another interesting point is that while in theory local authorities are governments having full power within their areas in respect of the functions allotted to them, in practice the State Government, which delegates those functions, helps to destroy the control they are supposed to have. In theory, a local authority has certain powers, but in actual fact the Government is continually meddling and breaking down those powers. There is ample evidence of it on every hand. In recent years, the Government have created boards that either override the powers of the local authorities or duplicate their functions. For example, there are water and sewerage boards, harbour boards, the State Health Department, fire brigade boards, hospital boards, the Main Roads Commission, and the Bureau of Industry. Boards of that kind, which are constituted by the State, have the effect of overriding the powers and responsibilities of the local authorities. That is all the more peculiar when the policy of the Labour Party is taken into account! The Labour Party, according to its platform, advocates one central unified Government for Australia, with increasing powers and functions delegated to local authorities or provincial councils.

MR. DUNSTAN: Where do you get that from?

MR. MAHER: That is the policy of the party to which the hon. member belongs.

MR. DUNSTAN: Where do you get it from?

MR. MAHER: From the platform of the Labour Party. That is the policy of the party to which the hon. member belongs. The party as a whole believes in the principle of unification—a uniform centralised form of government in Australia, with increasing powers and functions delegated to local authorities and provincial councils. In practice, however, the Labour Government keeps whittling down the powers and functions of the local authorities. It has increased the activities of the State Government in respect of local affairs. It is rather a peculiar position. As the Deputy Leader of the Opposition pointed out, we have the example of legislation now before the House dealing with stock routes and pests. That is another invasion of the rights and powers of local authorities. It is a Bill taking away certain powers that to-day rest with the local authorities. It creates a separate board or authority to deal with the matter. The Prickly-pear Land Commission controls noxious weeds and pests, a job that properly belongs to local authority. We have this increasing invasion of the domain of local government by the Government, showing that the powers of the local authorities are gradually being broken or whittled down. In view of what I have said it is no wonder the Local Authorities Bill contains only fifty-five clauses. If we believe in the principle of local government, with men undertaking this work in an honorary capacity and discharging all the important functions allotted to them, the Government should be bending their efforts to increasing their powers rather than breaking them down.

MR. DUNSTAN: Are you not a bit early? Why do you not wait until you see the Bill? Is it not desirable to introduce the Bill first?

MR. MAHER: Undoubtedly it is desirable, but I have emphasised at this stage

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that certain important aspects must be considered. The Government, while purporting to stand for increased powers for local authorities as part of their policy, are doing their best to break those powers.

Mr. JESSON: How do you know that? The Bill is not before us yet.

Mr. MAHER: Nothing the hon. the Minister said gave any indication that that was not so. On the contrary, he says, that he is not defining the powers or responsibilities of local authorities. He is leaving them wide open. If the powers are left wide open it means that there will be continual conflict between the policy of the Government and the activities of the local authorities in the various areas, and continual interference with them in carrying out their duties because they will be able to say that they are acting constitutionally and within the limits of their charter. That is the position in which they will be placed if what the Minister has said is true. I do not necessarily have to wait for the Bill to make that observation. Surely I can accept the word of the Minister as being correct in this instance?

We shall be pleased to consider the Bill carefully and to pass judgment upon it in due course.

Mr. DEACON (*Cunningham*) [4.26 p.m.]: It appears to me that the Bill will be a rather disappointing one. There is need for a new Local Government Act, especially as local authorities in the country are very badly treated as to the methods of imposing rates. There is a different method of raising funds for hospitals in the country from that adopted in the city, to the advantage of the city. This is one direction in which country local authorities require an alteration of the law, but there are other matters in respect to which local authorities in the country are in an even much worse position than those in the cities, and they have to shoulder very heavy responsibilities too.

The Leader of the Opposition spoke of the constant invasion of the domain of local authorities by other semi-government bodies especially in the country. I hope that the Bill will more clearly define the powers of local authorities. I am not very hopeful, but I comfort myself by saying that we really do not know yet what the Bill contains. It may turn out to be better than the Minister led us to believe. It deals with very important matters, and many local authorities in the country should be given greater powers than they have.

Mr. JESSON: Give us instances?

Mr. DEACON: I am not going to do that at this stage. I have not seen the Bill. The Minister has given us only a bare outline of its contents, and it is not necessary to debate it fully now. I was disappointed with the speech by the hon. gentleman, because I had expected a fuller explanation, but it is possible that the Bill will be a workable measure, and that it will be much better than the Minister made it out to be. I shall reserve any further comment on the Bill until I have seen it.

Mr. EDWARDS (*Nanango*) [4.30 p.m.]: I suppose that this is one of the most important Bills that have been placed before Parliament for a long time. I was disappointed that the Minister did not give a fuller explanation of its provisions, although I am pleased—and I am sure every other hon.

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member agrees with me—that the Minister has at last seen fit to bring down a comprehensive measure dealing with local government, as it may mean that people in outside areas will take a greater and keener interest in those affairs than has been the case in the past.

I rose principally to refer to an important outcome of the annual conference of local authorities in Brisbane this year. If one fact more than another was apparent on the return of representatives from the conference it was that they travelled long distances at great expense for almost negative results. They questioned whether it was worth while persevering with the conference. That feeling has arisen because over a number of years suggestions for amendments to the Act have been made by conference to the Government and have not been considered with sufficient seriousness by the department. Delegates from conference reported that suggested amendments of the law were successful in a few instances only. It is only natural that that state of affairs should lead to a growing resentment and lack of interest in the annual gathering. Local authorities have very large, varied, and important functions. It is to the interest of the Government that this conference, which is attended by representatives of almost every local authority in Queensland, should be encouraged in every possible way. As the Minister said, the local government problems of the State are many and varied. Many questions discussed at conference are never heard of in some local authority areas. For that reason these discussions are important and of interest to the Government.

I hope that this Bill will have the effect not only of causing the taxpayer to take a greater interest in his local authority, but also of causing the Government to encourage delegates to meet annually and discuss the varied problems that confront them. The conference is of State-wide interest. Many local authority areas are now faced with heavy expenditure in the extirpation of noxious weeds, which could have been effectively dealt with at a small cost when first introduced. Had a greater study been made of this problem when it first appeared the man on the land would be now free from a vexatious problem. In many cases they have run wild, and it will cost much money to check or eliminate them. I feel sure the Secretary for Agriculture and Stock will agree with my remarks. Many of the creek flats that were free of these pests a few years ago are to-day covered with them, and a considerable amount of money will have to be spent before they are cleared. It will be an advantage to the local authorities to be able to deal with the matter of combating the different pests in their respective shires. As I stated at the Local Authorities' Conference, in some cases—I do not say in all—no interest is taken in seeing that the council gets the help it should and that the work is carried out. I hope the Bill will give the councils the encouragement that should be given.

I think it wise to introduce the Bill at this stage in order that members may have ample opportunity of familiarising themselves with a very important measure affecting the welfare of the State.

Question—"That the resolution (*Mr. Hanlon'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 SECRETARY FOR HEALTH AND HOME AFFAIRS (Hon. E. H. Hanlon, *Ithaca*) 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.

STOCK ROUTES IMPROVEMENT AND ANIMAL AND VEGETABLE PESTS DESTRUCTION BILL.

SECOND READING—RESUMPTION OF DEBATE.

Question stated—

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

Mr. DEACON (*Cunningham*) [4.40 p.m.]: Nothing is of greater importance to Queensland than its stock routes, and it is imperative that we should do everything that is possible to improve them. A very large area of the State is given over to stock raising. Travelling stock by road is the cheapest form of transport, especially for store stock, so that whenever possible graziers travel their stock by this method. It is necessary, therefore, that the stock routes should be kept in order. The Minister thinks that he will accomplish this work, and overcome all difficulties by this Bill. He is certainly taking all the power unto himself. He is taking control not only over the stockowners, but also over local authorities and almost everything else. He is to control the lot.

The Minister takes the power to create a new and large department, with a large staff of assistants, under the control of a superintendent. This new department is to have the sole work of taking charge of the stock routes of Queensland, and keeping them in order, and also keeping the local authorities and everybody else, including the landowners, in order at the same time. It is to be given a great deal of power. It will have a lot to do.

Under this Bill the Minister himself can at any time become a local authority. He can also appoint himself to all local authorities and by and large put his representatives where he chooses. He can have fences erected on each side of the route if he wishes or he can leave the route unfenced. He can make the owner fence it. Apparently, he can make the owner pay for fencing at any rate. There is no provision making it incumbent on the Minister to do any of the paying. He takes power to go anywhere, and to stop the owners on any particular run from going anywhere.

If the route is fenced on either side, the station owner or selector of the property adjacent to the route cannot have a fence joined on to it, unless there are gates giving free progress for the superintendent or his assistants on each side of the fence. There must either be a clear track or gates. These new officers could not do as the ordinary boundary rider does, ride along the fence on one side of it. They must have the right also to ride on the other side of such fence, although the fences are the ordinary fences

of wire or wire-fetting that can easily be seen through. Repairs can be effected without any difficulty from either side, but an owner adjoining any of these Government fences will have to make provision for gates on both sides wherever the fences join.

Under another section of the Bill, which deals with vermin, the Minister can become a dingo hunter on his own, or the superintendent can do the job for him. In almost every instance throughout the Bill, “Minister” is the term used. It is the Minister that has the power. Of course, the assistants will have to do the work, but if at any time they have a suspicion that the owner of a property is not destroying dingoes or rabbits satisfactorily, they have the power to go on the property and do the work. They can stay on it five or six weeks or longer, and if they are satisfied, after their examination, that the owner has been doing his best to keep down the vermin they will depart, leaving the owner to pay for all the expenses of their visit. It is a bit hard on the owner, even supposing he has not done his best, but it is there, and the Minister takes the power.

If the hon. gentleman does not want to send his superintendent or assistants, he can license a whole lot of men and send them to trap vermin. He can do that in respect of any property, whether it is a town allotment, farm or grazing selection and the men can go and hunt for dingoes, or rabbits, or mice. The owner has no say in the matter at all. They can go and camp and hunt and the landowner has no control.

Mr. CLARK: They are doing the landowner a good turn, are they not?

Mr. DEACON: Not always. I know some cases where one dingo would not do as much harm as twenty men.

The SECRETARY FOR PUBLIC LANDS interjected.

Mr. DEACON: The Minister might say that, but sometimes even Ministers make mistakes. The hon. gentleman is not infallible. He might find it very difficult to get men who would be quite fair.

As regards travelling stock along an unfenced stock route through a run, the Minister is taking ample power to see that there is plenty of grass in the paddocks. The route might traverse half-a-dozen paddocks, but the stockowner has to keep plenty of grass on it. None of these paddocks is to be so overstocked that the grass will be eaten out, and the Minister has the right to go and muster all the stock at any time to see that the paddocks are not overstocked. You will know, Mr. Speaker, as a practical man, that there are times in Queensland when it is almost impossible to keep grass anywhere because of drought, or bush fires, or other causes. Yet the hon. gentleman has power to see that there is grass on that stock route and the owner is held responsible. How he will do all these things is beyond my comprehension, but still he has the power to do them, and it is mandatory at that.

Local authorities previously controlled noxious weeds. Now the Minister is going to cut them anywhere, on every road that he deems it necessary to call a stock route. Local authorities have charge of that work and do it pretty well and there have not been many complaints. Yet no matter whether the weeds are on the road or on the run, the hon. gentleman is taking the power

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to exterminate them. He has a pretty big job ahead of him.

A GOVERNMENT MEMBER: And he is quite capable of doing it, too.

MR. DEACON: He has not only the power to exterminate the weeds, but he has also the power to declare what are noxious weeds and what are not. He can declare a weed to be not noxious that is noxious, or a weed to be noxious that is not noxious. The Secretary for Health and Home Affairs has the same power. A difficult position is created when we have two authorities with the same power. The Secretary for Health and Home Affairs can deal with noxious weeds or not, as he chooses. Now, we have another Minister taking the same power. It is confusing to local authorities and quite unnecessary. On the average, all the weeds that are proclaimed noxious weeds by the Secretary for Health and Home Affairs are those that are found to be a nuisance. There is no need to give power to another Minister to do the same work, and it would be far better if the power to destroy was left in the hands of the local authorities. There are recognised stock routes in every shire, and most of them are proclaimed. Now that the Minister is taking the power to destroy noxious weeds, it is certain that the local authorities will not feel themselves forced to intervene in that work. They will adopt the attitude that the Minister has taken the job out of their hands and they have escaped that expense. It is a prophecy, sure of fulfilment, that in a very short time—once the Minister takes control with his two departments—there will be more noxious weeds on stock routes than ever before.

MR. JESSON: You only imagine that.

MR. DEACON: The hon. member can imagine it, too. Certainly, it will help. It is not possible for the Minister in Brisbane to cover that work, unless he is going to have a very big department with men spread all over Queensland and a superintendent in each district. Unless there is a superintendent, with men under him in each district, they will not be able to keep the stock routes clear of noxious weeds. That work can be done through the local authorities, as it is now. There is going to be duplication of expense.

In addition, the Minister takes the power to raise the money necessary to carry on his two departments by issuing a simple precept on to any local authority. Once this Bill is passed, he can make a rate for all Queensland. It does not matter whether stock travel through the area or not. As a rule, stock only travel in the country but the Minister can issue a precept for any money he needs, and apparently there is no appeal from his decision. He can say that he needs so much money and he can issue a precept on the local authority, which must collect it from all ratepayers. Only a section of the ratepayers in Queensland are interested in stock. The expense of looking after the stock routes and the provision of water could fairly be charged to the stockowner. It is not fair to ask the farmers and people in the towns to pay that charge. It is not fair to charge people who are not concerned at all with the cost of this new department, which will inevitably grow in a very short time, nor is it fair that they should be asked to contribute towards the cost of providing water facilities on stock routes and maintaining them in reasonable condition by keeping them free of straying stock.

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The Minister takes power to impound straying stock and to offer them for sale, but if he is offered less than 10s. a head he may shoot them. I wonder what he would do with a mob of poddy calves or other small stock that are not worth 10s. a head, or even half that amount at times? Will he shoot them? Apparently the cost of disposing of the bodies will be thrown on the nearest local authority. There is nothing in the Bill to say that the Minister must dispose of the bodies, but he can shoot the stock if he cannot get a certain amount. He can do anything that he likes with stock that will not fetch a certain price. You have seen the time, Mr. Speaker, when even the best sheep in the world were not worth 10s. a head in the West, and you have also seen the time when you could not get that price for a grown bullock. We have seen them in store condition, when they were worth nothing, yet under the Bill if they are travelling stock and do not bring offers of a certain amount after they have been impounded the Minister can destroy them. And he is to be the judge as to whether they are worth keeping. What will his boundary rider or superintendent do if they do not realise the prescribed amount? Apparently he will get rid of them by destroying them in the easiest possible way. The Minister will have a tremendous amount of work to do during a dry time, because we know that if there is any grass on the road at all someone is after it. This is what will happen: there is grass along the stock routes in good seasons, but it will be attacked by the grass pirates, and it will be a simple matter for a stockowner to decide to start his stock on the road for the alleged purpose of travelling them to a place for sale. There may be enough grass to enable him to travel his stock to a certain point, even back again, and it would be cheaper to travel them on the roads as feed them on the station property. There would be no difficulty in that connection whatever, especially with grass all the way and reserves provided.

MR. RIORDAN: You are a grass pirate.

MR. DEACON: I am not a grass pirate, but I am pointing out that there are grass pirates. There are men who, if they can obey the law, will do so, but there are others who will always dodge the law, and do as they like. It is a very difficult matter to control all stock routes and impound the cattle running on them, but it can be done with the help of the local authorities. I know of shire councils that have kept stock off all stock routes with the aid of one man only, with the object of keeping down the growth of noxious weeds. A good thick growth of grass in either the paddocks or on the roads will keep down noxious weeds. Some local authorities save money by impounding all stock illegally grazing on stock routes, except in dry times, when they allow stockowners to turn their stock on to stock routes, because otherwise it would pay stockowners to put their stock on the road and drove them from place to place, thus leaving nothing on the stock route for genuine travelling stock. The object of the Minister to keep stock off stock routes is going to be difficult to attain.

The Bill is not nearly as good as the one passed by the Moore Government. That Bill was a workable measure. Graziers,

farmers, and officers of the department all contributed suggestions. It was not cumbersome in character, and threw the onus of paying on the people who received the benefit. It was a cheaper measure to work, because it was a separate independent law. This Bill will require an army of workers, under a paid superintendent, to control the stock routes all over Queensland. That is a cumbersome way of handling stock routes and keeping them in order. Borees and windmills will need to be placed on stock routes at short distances apart, especially if effect is given to the policy of the Minister. Such provision for water supplies is essential. My objection is not to these things, but the expensive way of overseeing them, the possibilities of failure, and the excessive powers the Minister seems to take, over not only the landowner, but also every authority in the State. The Minister will be the sole authority from the coast to the far West. If he chooses, he can take over the remaining three rabbit boards, namely, Darling Downs, Leichhardt, and West Moreton, and administer them. The Minister can, if he chooses, become the head of those three boards—the sole board in each case. He can be the rabbit board, the local authority—in fact, he can be anything from a chamber of commerce up, wherever he goes throughout Queensland.

It is not necessary to set up such a cumbersome machine with so many extra duties in order to keep a stock route clear and provided with water. I am afraid the scheme will fail because it is overloaded. The Minister is overloading himself with authority. He is placing too many responsibilities on and expecting too much from his superintendents. A much simpler measure would have achieved the object of the Minister, and the State would have been saved a great deal of money. The machinery to be set up under this Bill will give no better service than the machinery set up under the Bill of the Moore Government, but much more money will be spent. In place of the district improvement boards we will have a huge department. There is nothing wrong with the old system under which the local land commissioner, aided by the representatives on the board, took charge of a district. Although I hope the object the Minister seeks to achieve will be achieved I am afraid there is a great danger that it will fail, and much money will be lost and the stockowner will be very little better off.

I do not think the machinery set up under the Bill will have the effect of keeping local stock off the route. One of the reasons for eliminating the old system was that the local people often complained bitterly that their stock were impounded. The same thing will happen under the new system. The conferring of all these powers will not result in a better state of affairs than exists at the present time, and much money will be spent. I regret the Minister did not make better use of his time and frame a more workable measure.

Mr. MAHER (*West Moreton*): I move the adjournment of the debate.

Question put and passed.

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

The House adjourned at 5.11 p.m.