Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 26 SEPTEMBER 1945

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Mr. SPEAKER (Hon. S. J. Brassington, Fortitude Valley) took the chair at 11 a.m.

QUESTIONS.

HERD-TESTING FOR T.B.

Mr. DECKER (Sandgate) asked the Secretary for Agriculture and Stock—

"(*a*) What amount has been received from the Milk Levy, under the Diseases in Stock Acts Amendment Act, up to 31 July, 1945?

(*b*) What amount has been received from 1,511 reactors destroyed to 31 July, 1945?

(*c*) When will the T.B. test be extended to country areas?"

Hon. T. L. WILLIAMS (Port Curtis—Secretary for Agriculture and Stock) replied—

"(*a*) £6,468 4s. (*b*) The Department does not receive payment for reactors destroyed. The slaughtering contractor is entitled to the proceeds resulting from the disposal of the carcasses. (*c*) T.B. testing of dairy herds will be extended to country areas when the testing of herds supplying milk to the metropolitan area has been completed."

FEEDING OF STOCK IN DROUGHT.

Mr. NICKLIN (Murrumba—Leader of the Opposition) asked the Premier—

"1. Has he been requested by the United Graziers' Association to appoint a committee of inquiry into drought-feeding problems to study and report on (*a*) methods of fodder production under different climatic conditions, (*b*) methods of fodder conservation and distribution, (*c*) the mechanics of hand-feeding of sheep, and (*d*) the nutritional requirements of live stock?

"2. If so, what action has been or is being taken in regard to such request?"

Hon. E. M. HANLON (Ithaca—Acting Premier) replied—

"1. Yes.

"2. Proposals for the initiation of a Commonwealth fodder conservation scheme were discussed at a meeting of the Australian Agricultural Council on 30 August last, and detailed plans for the implementation of a scheme by the individual States are now under consideration. Further discussions between Commonwealth and States' representatives are expected to be arranged for at an early date."

CASE OF MR. P. MCCAFFREY.

Mr. NICKLIN (Murrumba—Leader of the Opposition) asked the Premier—

"1. Did he receive a letter, dated 1 August last, from Mr. P. McCaffrey, in which he requested an inquiry by a Supreme Court judge into the charges against him which resulted in his dismissal from the State Public Service?

"2. Has he replied to that letter, and, if so, what is the nature of his reply?"

Hon. E. M. HANLON (Ithaca—Acting Premier) replied—

"1. Yes.

"2. No, but a letter dated 26 July last received by me from Mr. McCaffrey and containing substantially the same terms was replied to on 31 July to the effect that his case had already been fully heard and dealt with by a properly appointed authority under the Public Service Acts and subsequently by the Governor in Council."

HOUSING ALLOCATIONS AND COSTS.

Mr. PATERSON (Bowen) asked the Premier—

"1. What agreement, if any, has the Government entered into with the Commonwealth Government under section 104 of the Commonwealth Re-establishment and Employment Act of 1945 for the allocation of dwelling-houses amongst discharged members of the Forces or other persons?

"2. If any such agreement has been made, will he lay a copy thereof on the table of the House?

"3. Will the Government give consideration to the advisability of introducing legislation compelling every builder of a dwelling-house to furnish to the person for whom the house is built a written statement setting out in detail the amount and the exact cost of the labour and the various building materials used?"

Hon. E. M. HANLON (Ithaca—Acting Premier) replied—

"1. An agreement is now being arranged between the Commonwealth and States which will be the subject of legislation to be submitted to this Parliament at a later date. In the meantime, by arrangement with the Commonwealth Government, up to 50 per cent. of homes being constructed under the War Housing Relief Scheme are available for allotment to ex-service personnel.

"2. See answer to No. 1.

"3. I can see little advantage in such legislation, as a prospective private home builder can insist on such terms being inserted in his building contract if he so desires."

PAPERS.

The following papers were laid on the table:—

Regulation under the Mental Hygiene Act of 1938 (13 September, 1945).

Proclamations (2) under the Diseases in Plants Acts, 1929 to 1937 (13 September, 1945).

FEES PAID BY CROWN TO BARRISTERS AND SOLICITORS.

RETURN TO ORDER.

The following paper was laid on the table:—

Return to an Order relative to fees paid to barristers and solicitors, 1944-45, made by the House on the motion of Mr. McIntyre on 21 August.

LIQUOR ACTS AMENDMENT BILL.

RESUMPTION OF COMMITTEE.

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

Consideration resumed from 25 September (see p. 469) of clause 15—

New section 47A; Cancellation of licensed victualler's licence, wine seller's licence, or registration of a spirit merchant for cause—on which Mr. Nicklin had moved the following amendment:—

"On page 9, lines 5 to 24, omit the words—

'excepting that if a registered brewer is entitled to an estate of freehold in possession or to an estate of leasehold from the Crown of the land upon which the licensed premises are situated or is the mortgagee in possession of such land it shall be a sufficient answer to this ground for a licensee to show that he is bound by agreement with such brewer not to stock and/or supply any class, kind, or description of liquor brewed or made by a person other than such brewer and similar to a class, kind, or description of liquor brewed or made by such brewer and that, subject to such agreement, he does in fact stock and supply, in reasonable quantities, all classes, kinds, and descriptions of liquor usually consumed or demanded by the general public in the locality in which the licensed premises are situated,'

and insert in lieu thereof the words—

"Any agreement or undertaking, whether written or verbal, by which a

licensee is bound to exclusive dealings in respect of supplies of liquor is hereby declared with regard to such binding to be null and void and of no effect in any way whatsoever.' ''

Mr. WANSTALL (Toowong) (11.10 a.m.): This simple little Bill has now been before the House or Committee for a number of days and we are about half-way through it. We have now reached the most important clause in the Bill, the clause that is the milk in the Attorney-General's coconut. In the course of this debate the members of the Opposition have pointed out to the Attorney-General and to the Government generally a number of very serious objections to this clause. On the second reading I made a number of points, included amongst them being these: that the clause as it stands puts the licensee in an inescapable dilemma; it gives him no indemnity against a breach of contract by the brewer supplying him; it gives him no defence against an action for forfeiture of his lease by the brewer who has tied him; it does not make it illegal for him to sell only the tied products. Those are all self-evident on the face of this clause. One would think the Attorney-General would have made at least some attempt to answer these points, but he has not done so; he has merely ignored them; he has not even defended himself on those charges. The conclusion is obvious—there is no answer to them.

Let us add to those points another one, which was given to me by the Acting Premier in the course of his address yesterday when he said that the breweries never put those tied clauses in writing, but what they do is to hold the big stick over the head of the lessor and say, "If you want a renewal, you sell our products exclusively; if you don't, you won't get a renewal," and they do not put the tied clause in writing. The Acting Premier says that gave us nothing to work on. Let us apply that argument to this clause and see how it works out. In this clause it is a defence to the licensee who is charged before the Commission with not selling all kinds of liquor that are reasonably demanded by the community to say that he is bound by agreement with a brewer not to stock or supply certain kinds of wines, spirits, liquor, and so on. In other words, it is necessary for the licensee to be able to show to the Commission, before this defence operates in his favour, that he is bound by agreement with a brewer to do that. How on earth does this clause as it now stands meet the objection of the Acting Premier that this clause was an attempt to get over the difficulties that arise because the brewer does not put the tie clause in writing, but in other words relies on the intimidation of his licensee? The Acting Premier said that this was an attempt to meet that. How can the hon. gentleman, if he wants us to have any regard at all for his sense of logic, ask us to accept that argument when the clause we are debating says it is only a defence for the licensee if he can show he is bound by agreement? Are we going round in circles? That is the sort of argument put up by the Acting Premier in support of this insupportable clause.

The hon. gentleman did say that after all, in practice, these difficulties will not arise because it will not be in the interests of the brewer to have the licence forfeited or cancelled. That does not work out in practice at all because the brewer does not stand to lose anything. The brewer does not care who is the licensee so long as the hotel sells his product beer. Supposing the Licensing Commission takes the licence from John Smith it must give it to someone else. It cannot close every hotel in Queensland. It cannot close up even the majority of them. In fact, it cannot close up many of them. Hotels must continue to trade in this State in order to meet public demand for liquors, and breweries do not care who runs the hotels so long as they own them and have the tie clause. How on earth can that argument be used as a sanction against the licensee's selling only tied products? The licensee has no sanction whatever against the brewer because he knows there is no way of defeating his object of tying up the hotel. If the licence is transferred to somebody else the brewer can still exercise the same tie over the new licensee. The Commission may cancel that licence, and so on ad infinitum, but it cannot close up all the hotels the breweries own or are interested in. Hotels must continue to remain open and so long as they remain open the breweries are on velvet under this clause.

On one of the earlier clauses in this Bill, I pointed out to the Attorney-General the effect of the amendment he was introducing as regards the definition of "brewer," whereby he made any person who held an excise licence under the Beer Excise Act a registered brewer within the meaning of the Liquor Act. I pointed out to the hon. gentleman that it would considerably widen the scope of clause 15, which speaks of registered brewers, by enabling southern breweries to obtain the advantage of this exception in favour of the breweries mentioned in this clause. In other words, southern breweries became registered breweries within the meaning of clause 15, and so obtained the advantages of the monopoly statutorily guaranteed to them under that clause, and the Attorney-General did not even bother to consider that point. The hon. gentleman made no attempt to reply to it, no attempt to indicate to the Committee whether it was the intention of the Government to encourage southern breweries to enter the Queensland liquor traffic, to encourage southern breweries to buy hotels in Queensland so that they could become the beneficiaries under this clause 15.

The fates have dealt unkindly with the Attorney-General in placing him in the position of piloting this Bill through this Parliament. I am struck by the superb irony of the fates that have made our temperance-loving Attorney-General play the role of Santa Claus to the breweries that he is under this Bill. This is the clause, Mr. Mann, for which the breweries of Queensland have waited for many years. The question whether the

Australian Labour Party has been richly endowed by breweries in the past is a most touchy subject and I am not making any suggestion. I am not opening that argument, or making the suggestion that it has in the past had its coffers filled by the breweries, but I am predicting this: that it will never have any financial worries in the future.

Mr. HANLON: I rise to a point of order. Yesterday Mr. Speaker ruled that the debate should be conducted in a seemly manner and I object to any cheap police-court lawyer coming into this Chamber and insinuating that the Australian Labour Party has been endowed by breweries. It is false. The hon. member knows it is false, and he is consciously insinuating a falsehood that is quite in keeping with his general standard of political and professional conduct.

The CHAIRMAN: Order! I ask the hon. member to conduct the debate in a fit and proper manner in keeping with the direction given by Mr. Speaker yesterday. I ask him to refrain from imputing improper motives to the Government Party.

Mr. WANSTALL: Thank you, Mr. Chairman. Now I rise to a point of order. I demand that the Acting Premier withdraw the statement he made that I was a cheap police-court lawyer.

The CHAIRMAN: Order! I have already asked the hon. member to carry on the debate in a proper and fitting manner, as directed by Mr. Speaker yesterday. I do not think any good will come out of going on with this thing any further and I ask him to proceed with the debate.

Mr. WANSTALL: I rise to a point of order. I ask you in your office as Chairman to request the Acting Premier to withdraw the imputation he made against me that I am a cheap police-court lawyer. It is offensive to me personally and I ask that he withdraw it.

Mr. HANLON: It could not offend you.

The CHAIRMAN: Order! I ask the Acting Premier to withdraw the remark.

Mr. HANLON: I stated that I objected to any cheap police-court lawyer coming into this Chamber and casting reflections upon the honour of this party.

Mr. WANSTALL: Did you mean me?

Mr. Hanlon: The hon. member can accept it if it fits him. I believe it does.

Mr. WANSTALL: I rise to a point of order. You asked the Acting Premier to withdraw that insinuation and instead of withdrawing it he repeated it in an aggravated way. I now ask that you request him to withdraw that statement. It is offensive to me personally.

The CHAIRMAN: Order! I ask the Acting Premier to withdraw the remark.

Mr. Hanlon: Since the hon. member accepts it as referring to himself I have pleasure in withdrawing it.

Mr. WANSTALL: Possibly now the Acting Premier will realise that he is not running this Committee. The point I was making was apparently so touchy to the Acting Premier that I will leave it entirely.

The world has become accustomed in the past to being presented with charters. We have seen Mr. Winston Churchill and Mr. Roosevelt give to the world the Atlantic Charter. Dr. Evatt has given the world the United Nations Charter. Now the Hon. D. A. Gledson has drawn up a charter. He has given us the Brewers' Charter. No other description than that of the brewers' charter can be given to this clause. My hon. colleague from Oxley referred to the measure yesterday as the Breweries Monopoly Consolidation Bill. No better description could be given to it.

I wish to deal now with a number of points made yesterday by the Acting Premier in the speech that wound up the proceedings for the day. The first point he made was that this clause will prevent the breweries from having control of wine and spirits. That would be a good point if it were correct, but it is not correct. This is not merely a clause that is restricted to the beer brewed by a brewer. When we speak of breweries we are apt to lose sight of the fact that their ramifications extend considerably beyond the brewing of beer. This is not simply a clause to guarantee to a brewer a Government-conferred monopoly to sell his own beer in his own hotel; it speaks also of any class, kind or description of liquor brewed or made. What do the words "or made" mean? What is there to stop a Queensland brewery from buying the Bundaberg distillery or the Beenleigh distillery? If it does, this clause operates immediately, it creates in favour of the brewery an iron-clad monopoly over rum. The breweries could tie up rum. They could buy a vineyard or wine cellar and tie up the hotels to sell only their wines. They could buy a whisky distillery if they thought fit. It is absolute trash and nonsense, and it is misrepresenting the position, for the Acting Premier to tell this Committee that this is only designed to give the brewer a monopoly over beer whilst it creates an open market for wine and spirits.

The next point he made was that there is no effective way of dealing with the tied-house position because the clause is verbal and not written. He made a great deal of that point. I have already referred the Committee to the wording of the clause and shown that if that is so this clause does not meet it because it is necessary for the licensee to show that he is bound by an agreement. If he has no written agreement—in other words, if he is merely bound by the might and power of the breweries standing over him—this clause is no defence whatever. If these breweries have relied upon their power of intimidation over their licensees, this clause will drive them into executing written agreements; it will drive them into binding their licensees by written

agreements so as to leave no doubt that they do come under this clause. The clause invites the breweries that have no written agreements but have relied upon intimidation to draw up written agreements binding their licensees. That is the clause the Acting Premier was defending in this Chamber yesterday. His argument was obviously fallacious. He said that the breweries are able and always were able to tie up the licensed houses by holding a big stick over the licensees. He said that we cannot stop that. Then he goes on to say that as there is no way of doing it, let us give them a better way of doing it, and that is by drawing up a binding legal agreement.

The next point made by the Acting Premier was equally fallacious. He says that a southern brewery could always buy a licence in Queensland if it wanted to. That is perfectly true, but there is one reason why southern breweries did not and it was that they could not find a non-tied hotel in a good locality. Every hotel in a good locality that was available and on the market had been snapped up by the breweries long since. If this clause becomes law the southern breweries will never be able to find a non-tied hotel. Furthermore, there will never be another brewery in Queensland. There is no room for the expansion of what the Acting Premier calls a lawful occupation —brewing beer—because a new brewery could never break the iron-clad ring given to the existing breweries by this clause. What about the Government's policy of decentralisation? Where could a new brewery open business in Queensland? Where would it be able to sell its product, its beer, unless it could get a hotel and meet the existing breweries on an equal footing?

The next point of the Acting Premier was really laughable. He said that it was impossible to put on two draught beers even if the houses were free and that no hotel in Queensland was selling two draught beers. His arguments were as hollow as a drum. This clause compels the free house to put on two beers and it compels it to put on three beers if the public want them—or four or six. It could be compelled to put them on under this clause. Again the brewery-owned hotel gets the privilege and the advantage. The Acting Premier is compelling the free house to put on two or three beers, which no hotel in Queensland is doing now, he says, but he is giving the brewery-owned hotel the privilege of putting on only one beer. The free house must put on six beers if the public want them. How futile and how foolish are his arguments!

The hon. gentleman's next point was utter drivel. He castigated the Opposition for not advocating a measure to prevent wholesale grocers from tying retail grocers. How can the Opposition do that unless there is a Bill for some subject before the House that relates to it? He made the charge that Mr. R. M. Gow was a member of the Queensland People's Party. That is not correct.

Mr. Hanlon: I did not. The hon. member is proceeding in his usual characteristic style of telling untruths in this Chamber. I made no such statement and I ask him to withdraw it.

The CHAIRMAN: I ask the hon. member to accept the denial of the Acting Premier and withdraw the statement.

Mr. WANSTALL: I will accept the Acting Premier's denial.

Mr. Hanlon: You knew it was untrue when you made it.

Mr. WANSTALL: I resent that statement. The Acting Premier said that the desire of his Government was to give service to the people, that the only motive was to give service to the people, whereas clause 15 guarantees the brewers a statutory monopoly. Will the Acting Premier show how this means service to the people—converting contractual rights of the brewery into the statutorily guaranteed rights provided by the clause? Will he show how he is giving service to the public in that way? On the other hand will he show me how the amendment in any way fails to give service to the people? Unless he accepts the amendment he is branded with the mark of the insincere and branded with the mark of a sham. The amendment is designed to strengthen the clause, to make it illegal for a brewery to incorporate a tie in an agreement.

Finally we were treated to an outstanding revelation by the Acting Premier when he admitted that in the past it was the practice to rush Liquor Bills through the House in one day and he offers in support of that vicious and undemocratic practice the argument that it was to stop the Opposition from making a case against such a Bill. Have you ever heard of a more undemocratic argument?

Mr. HANLON: Mr. Mann, I rise to a point of order. There are odd falsehoods by the hon. member that I have to take objection to. He deliberately said that I had said that the practice of putting Bills through all their stages in one day was to prevent the Opposition from making their case. I made no such statement. The hon. member knows that he is not telling the truth and I ask him to withdraw it.

The CHAIRMAN: I ask the hon. member for Toowong to withdraw the statement to which the Acting Premier has taken exception.

Mr. WANSTALL: I accept the hon. gentleman's assurance that he did not say it.

The CHAIRMAN: I ask the hon. member for Toowong to withdraw this statement.

Mr. WANSTALL: I withdraw it and accept his assurance, but he will have to have his "Hansard" proof amended in order to make his denial fit in.

On the hon. gentleman's admission there is a considerable blot on Government tactics in regard to this Bill. If the hon. gentleman desires to push this Bill through the Committee

so that the Opposition will have less opportunity of debating it, and if that is his reason, then in the interests of democracy some change is overdue.

Whilst I agree entirely with the spirit of the amendment moved by the Leader of the Opposition I am afraid it does not go far enough. I therefore foreshadow a further amendment on similar lines if the opportunity presents itself. I will move to delete all the words that the hon. gentleman seeks to delete in this clause, but I want to strengthen the clause to make null and void the operation of any covenant tying the publican. The amendment I foreshadow reads—

"Moreover, no covenant or agreement, condition, proviso, or stipulation, whereby any person or body corporate is purported to be bound to purchase beer, wines, spirits, or other fermented or spirituous liquors from any other person or body corporate to the exclusion of any other persons or bodies corporate shall have any force or validity whatever.

"Every bond, bill of exchange, or promissory note given for the purpose of securing the performance of any such covenant or agreement, condition, proviso, or stipulation shall be void.

"Every deed, memorandum, or other document which contains any such covenant, agreement, condition, proviso, or stipulation as aforesaid shall be read and construed as if such covenant, agreement, condition, proviso, or stipulation were omitted therefrom.

"Every estate, right, title, and interest, or other benefit which is declared or purports to be divested or forfeited for or on account of the non-performance or non-observance of any such covenant, agreement, condition, proviso, or stipulation shall continue as if the same were not liable to be divested or to forfeiture for such reasons as aforesaid, notwithstanding the non-performance or non-observance of any such covenant, agreement, condition, proviso, or stipulation.

"Every limitation, right of entry, or other estate or interest in real or personal property, or any other benefit whatever which is declared or purports to take place, or effect, or to accrue, or vest on the breach or non-performance of any such covenant, agreement, condition, proviso, or stipulation shall be valid.

"Where any person has entered into any such covenant or agreement, or purports to have made himself directly or collaterally liable for the performance or observance of any such covenant, agreement, condition, proviso, or stipulation as aforesaid, or has made, given, or entered into any bond, obligation, deed, bill of exchange, promissory note, or other instrument of what kind soever given for any such purpose as aforesaid, he shall be entitled to commence or prosecute a suit in any court of competent jurisdiction to cancel or rectify such instrument as aforesaid, in such manner that he shall no longer be or appear to be under such obligation or liability as aforesaid."

My amendment would make it impossible for a brewery to wriggle out of the tied-house provisions. It would make it impossible for a brewery to tie up a house and give the licensee the right to resist any attempt on the part of the brewery to do so. If we permit the clause to remain as it is drafted at present, we shall be buttressing the position of the brewery and thus helping the most powerfully entrenched section in this State.

Hon. D. A. GLEDSON (Ipswich—Attorney-General) (11.34 a.m.): I am a bit concerned about the reason why the Opposition are hanging up this Bill. For nearly a fortnight we have been dealing with beer when we have on the business sheet quite a lot of important Bills dealing with matters vitally affecting the livelihood of our people and members of our services returning from the battlefronts, yet a fortnight has been taken up by the Opposition in an innocuous discussion on this Bill, not excluding, of course, the serial story read just now by the hon. member for Toowong, including his so-forths and so-ons. I am wondering what is behind it all. The only hon. member who said anything about brewery interests was the hon. member for Toowong, who said that there was a director of one of the breweries in one of the lobbies.

Mr. WANSTALL: I rise to a point of order. I did not say that at all. The Attorney-General is wrong in attributing that to me. I therefore ask him to withdraw it.

Mr. Walsh: Your Leader said it.

The CHAIRMAN: Order! I ask the Attorney-General to accept the denial of the hon. member for Toowong.

Mr. GLEDSON: I withdraw the statement I made that the hon. member for Toowong made that statement, but I certainly understood it was made by the hon. member for Toowong. If I am making a mistake I withdraw it, but it was someone on that side of the Chamber.

Mr. Pie: It was I, the hon. member for Windsor.

Mr. GLEDSON: I am sorry I attributed the remark to the hon. member for Toowong and I withdraw my statement that he was the one who made it. I do not know anything about a director of one of the breweries being in the lobbies. If there was a director in the lobbies then he did not see me or make any representations to me in connection with anything in the Bill.

Most of the remarks on this clause have been directed to the latter part of it. The clause is for the purpose of providing for a ground of forfeiture of a licence if the licensee does not keep in stock those classes of liquor required by the Bill. Everyone says he agrees with that, but yet hon. members have spent two days on it. Then they take exception to the excepting clause, which gives

the person who owns the property the right to use that property for the sale of his goods. That is all this clause deals with. If we brought in a Bill taking away the rights of a person who owns a property to sell his goods on that property they would pull the House down or talk for a month instead of a fortnight. It seems to me that all they have set out to do is to delay the passage of the Bill in the interests of someone. In whose interests is it? First of all, they spoke for a day on the matter of bringing in this Bill and rushing it through. We have not heard anything about rushing it through during the last week. They had all the opportunity they could wish for. Their action shows that they are abusing that opportunity. If the Acting Premier came along, as suggested by the hon. member who just resumed his seat, and he took steps to put a Bill through—as the Opposition did when they were on the Government benches—and under the Standing Orders the Bill had to be reported in a certain time, then they might have had some cause for objection; but there is no reasonable ground for objection in this case.

The clause is simple. (Opposition laughter.) Anyone who likes to read the clause can read only one thing in it, and that is that it is for the purpose of providing that a licensee shall keep in stock the class of liquor that is reasonably obtainable by him and is required by his clients. It exempts him in one case, that is, a person who owns a property and makes his own beer can sell that article in the property he owns. That is the whole of the clause. Anyone who tries to read anything into it either as a "whereas" or "wherever" or "what-you-may-call-it" is doing it for the purpose of wasting the time of this Committee instead of getting on with the Bill and the other business on the business sheet. I have no intention of accepting such an amendment.

Mr. AIKENS (Mundingburra) (11.40 a.m.): Might I be permitted to make a few observations that might clear the atmosphere? I do not think any member of the Government can reasonably accuse the Hermit Park A.L.P. or its representative of proposing any policy that is in the interests of the breweries. I think they will give me the credit of expounding my own views even though they may disagree with them. This debate has been remarkable for some admissions made by prominent members of the Government. First of all, it has been remarkable for the admission made by the Attorney-General this morning. I am convinced that the Attorney-General is deliberately refusing to accept amendments, not because he doubts the wisdom of those amendments or the necessity of them, but because his party wants to be able to go to the public later and say, "We introduced a simple Liquor Act Amendment Bill, so simple that the Opposition with all their wisdom and knowledge were unable to move any satisfactory amendment to the Bill."

The Attorney-General this morning made a remarkable statement in which he accused members of holding up the passage of the Bill. I want to say that any contributions I have made to this debate, and any contributions by members of the Opposition that I have heard, have not been an attempt to hold up the Bill. It has been my honest and sincere desire, and I believe the honest and sincere desire of every member of the Opposition to whom I have listened, to put into this Bill something tangible and something in which the people can place their faith and their confidence.

Just a few moments ago, the hon. the Attorney-General tried to use the soldiers as a bludgeon on the members of this Committee to rush through the passage of this Bill.

I am relying entirely on my memory—its retentiveness has very often embarrassed the Government—and it tells me that the hon. gentleman said "We are waiting to get on with the important measures. Soldiers are coming back from the war and waiting to be rehabilitated and the Opposition are holding up the passage of that important legislation by debating a Liquor Bill that is of not very much interest to the people," or words to that effect. Let me remind hon. members and those who read "Hansard" that it was the Government and the Government alone who placed this Liquor Bill on the business sheet ahead of legislation for the rehabilitation of soldiers, and ahead of any other legislation that they intend to bring down. It was the Government alone who gave precedence to the Liquor Bill on the business sheet of the House and the Government alone must take the responsibility for the debate that has ensued.

The CHAIRMAN: Order! I have allowed the hon. member a great deal of latitude but I now ask him to get back to the amendment before the Committee.

Mr. AIKENS: Thank you, Mr. Mann, I was just leading up to it and, as a matter of fact, you just beat me to the punch. We heard too, yesterday, the Acting Premier speaking against the amendment. We saw for the first time, at any rate since I have been in Parliament, the Acting Premier in an endeavour to support the flaccid clauses of this Bill obviously ill at ease. The hon. gentleman is a fairly good debater when he has solid substance with which to debate. He is usually a phlegmatic type of individual but yesterday he was obviously flying signals of distress because during one part of his debate he demanded that he be heard without interruption when his pet aversion, the hon. member for Windsor, interjected.

The CHAIRMAN: Order!

Mr. AIKENS: The Acting Premier stated that no clause in the Bill, whether it be in the Bill itself or whether it be the amendment moved by the Leader of the Opposition, can stop these "shirt-tail" agreements between a brewer or a merchant and the licensee of a hotel. The Acting Premier said that we know that at times there is nothing written, nothing even verbally in the agreement between a brewer or a merchant and a

licensee, but the licensee knows that at the end of his licence or at the end of his lease that if he has not played ball with the brewer or merchant who owns the hotel or lease he will not get a renewal of his lease. The hon. gentleman said, "Consequently we can do nothing about that." Those were the admissions of the Acting Premier himself. Where then did the Government get all this empty blah and blather they handed out to the Press before they brought this Bill down to the House, that this Bill would remove the tied house in this State? The Acting Premier has admitted that this Bill does not do it, yet he would not support the amendment of the Leader of the Opposition which I am supporting because it at least makes a better attempt than the Government are making to remove the tied houses evil in this State.

Here again I wish to refer to a statement made by the Acting Premier in which he advanced the absolutely preposterous thesis that two wrongs make a right. The hon. gentleman said that the chemical interests control the chemist shops of this State, the textile monopolies control the rag shops of this State, the grocery monopolies control the grocery shops of this State; and he said members of the Opposition would rise in righteous wrath if this Government brought down legislation to remove the tied chemist shops, the tied rag shops, and the tied grocery shops from the control of the big chemical combines, textile combines, and grocery combines. In other words, Mr. Mann, the Acting Premier said that because it is right for these big trade combines to tie up their retail premises so is it right for the Government to allow brewers also to tie up the hotels in this State. In other words, he said that two wrongs make a right.

I am not concerned with the politics of the Queensland People's Party or the Queensland Country Party. To be honest, I enjoyed the Acting Premier yesterday tearing into the Queensland People's Party because it reminded me of that saying, "Dog eating dog." I sat back and enjoyed it as I shall enjoy any clash between the Country Party, the Queensland People's Party, and the Government or any responsible member of it. This is something that the hon. gentleman said from which I wish to dissociate myself: he said that if the Government brought down legislation to stop these tied houses in the grocery, chemical, and rag trades there would be a howl of indignation from the Opposition. Now, Mr. Mann, now and again they class me as a member of the Opposition.

I want to say here now that if the Government have the guts or the courage to bring down any legislation that will remove any tied house from the control of any over-riding concern that owns it, and if I think the legislation is "dinkum" I will support it. I will oppose all forms of monopolistic control both inside and outside the House, and the reason why I am not supporting this Liquor Bill in its entirety, the reason why I have moved so many amendments to it, is that I believe the Government are not "dinkum" in the intention to remove brewery control from the tied houses of this State.

Mr. PIE (Windsor) (11.49 a.m.): As I said yesterday, the debate on this simple Bill still carries on. I object strongly to the Attorney-General's making a statement that the Opposition were wasting the time of this Committee in debating this Bill. The clause under discussion, to which the Leader of the Opposition has moved an amendment, is a very important one that has to be thrashed out thoroughly before proper legislation can be enacted to overcome the tied-house monopoly. Yesterday the Acting Premier, supported by the hon. member for Toowoomba, made certain reflections on tied grocery houses and tied textile houses. If they understood the subject at all, they would know there is not one textile manufacturer who engages in retail distribution. So far as groceries are concerned, I know there is one big manufacturer here who distributes through his own stores throughout the State but there are hundreds, indeed thousands upon thousands of others, who have nothing to do with that firm. I think that firm has about 60 chain stores in Queensland, but apart from that there are thousands upon thousands of other grocery stores, and it is used as a selling point in selling the product of the manufacturer that, "The house over the road has to buy from such and such a firm; you should stock goods in opposition."

Only two breweries are affected by this legislation. Let us assume that in a town there are three hotels, two of them tied and one free. One brewery, says, "You must take our beer." The other brewery says, "You must take our beer." The free house says, "What am I going to do?" The breweries say "You will get no beer unless you become tied to us." Could that not happen?

Mr. Hanlon: That is the position today.

Mr. PIE: The Government want to rule out free houses and see them tied to the brewery monopoly. That is what will happen under this clause.

We come now to the question of abuse of privilege. There is abuse of privilege in the rents, as pointed out by the hon. member for Oxley. I know of a case; I think it is either in the electorate of the hon. member for Baroona or the hon. member for Ithaca.

Mr. Hanlon: There is no hotel in Ithaca.

Mr. PIE: It is out Rosalie way. One man told me on Friday night at the Stadium that the rent of his place was costing the brewery £15 a week and they were charging him £60 a week and he was getting out of it because he could not meet that rental. I will give the Acting Premier the name of the hotel afterwards.

Mr. Hanlon: All property-owners fleece their tenants in that way.

Mr. PIE: Yesterday, Mr. Mann, you threatened to name me if I continued interjecting. I ask you to control the Acting Premier today.

The CHAIRMAN: Order! I will not have the hon. member for Windsor telling me how to run this Committee. I will run the Committee in the way I think it should be run under the Standing Orders.

Mr. PIE: I know you will. I am just asking you to to protect me as you protected others.

The question of wine and spirit merchants comes into this. In the North in particular wine and spirit merchants can be wiped out. The position will arise where the brewery will come along and say to the wine and spirit merchants, "Unless you relinquish that tied house we will not supply you with beer." The main sale of beer in the North is Melbourne beer. This Bill will make it possible, as the Acting Premier admits, for the Melbourne breweries to have tied houses.

Mr. Smith: What about the Cairns beer?

Mr. PIE: I am leading up to that. We come now to the position where a brewery that started in Cairns with Queensland capital was making tremendous inroads into the business of the Carlton United Brewery in North Queensland. What happened? The big Carlton monopoly bought them out and today the Cairns show is being run by Melbourne breweries.

Mr. Moore: Do you want southern products to come here?

Mr. PIE: This clause will limit the breweries to the two people who are here now. The Carlton United Brewery is gaining a monopoly of the tied houses in the North.

The hon. member for Toowong has pointed out that this is a matter of tied houses not only in relation to beer but also in relation to wine and spirits, including rum. There are two outstanding brands of rum in Queensland and one firm in particular wanted to sell its brand, which is very well known and for which there is a public demand, to a tied house. It went along to sell it and got orders for 75 cases, but what did the brewery do? It cut down the order to 25 cases and delivered only one-third of the order to the tied house. That is a perfect example of how they will control and restrict the sale of these brands. This clause gives the brewery the right to tie up a house, not only in relation to rum but in other ways as well.

The Acting Premier admitted that Liquor Bills had been rushed through all their stages in one day. The Government have been in power a long time now and surely on this occasion we have the right to know everything about the Bill before we can let it go through, otherwise we are failing in our duty as an active Opposition and as representatives of the people. I remember when the last amendment of the Liquor Act went through. I pointed out how the Acting Premier had politically double-somersaulted. I read what he said on that occasion.

The CHAIRMAN: Order! I ask the hon. member to connect his remarks with the question before the Chamber. He is away from the subject altogether.

Mr. PIE: I remember quite well the Acting Premier's introducing the last Liquor Act Amendment Bill and I remember too that the then Premier, the Hon. W. Forgan Smith, had to pilot the Bill through the House. That is in "Hansard" for hon. members to see. That is after he made the speech on which he has now turned a political double somersault.

This simple Bill has reached the stage at which the Opposition are putting up a definite fight in regard to this clause. The hon. member for Toowong has brought forward evidence in no uncertain manner that proves conclusively that the Opposition have studied the Bill in every way, but the Attorney-General will not accept any advice from us. Yesterday we had a really grand amendment by the hon. member for Bowen, but what happened to it? It was wiped out. Nothing was considered by the Government in relation to it. We are reaching the stage at which once the Government has made up their mind on legislation they will not listen to reason. When we bring forward an amendment that proves conclusively that they are wrong we cannot get it through, simply because the Government have made up their minds. Again, when we prove a case in this Chamber later on legislation is introduced to incorporate our ideas. I say on the floor of this Chamber that when we prove conclusively that our amendments are warranted, why cannot the Government be manly enough to say, "We overlooked that. We will accept your amendment"?

I feel very strongly on this matter and I feel that this clause will strengthen the hands of the breweries in relation to tied houses. It will give a monopoly not only to Queensland breweries but to southern breweries as well. Once that monopoly is in operation and is abused—I am not saying that it is abused now—we shall have instances of what I have already pointed out in that case where I said that £60 in rent went to the brewery and £15 to the owner.

(Time expired.)

Mr. PATERSON (Bowen) (11.58 a.m.): At the outset I want to take exception to the statement by the Attorney-General this morning that those hon. members who are speaking in support of the amendment or are discussing the Bill are responsible in effect for holding up legislation in the interests of returned servicemen. Like the hon. member for Mundingburra, I throw that charge and accusation back in his teeth. If there is any person in this Chamber who is responsible for holding up legislation in the interests of returned servicemen it is the Government. The Government alone decide what legislation shall take precedence. The Government are not forced by me, nor are they forced by anybody else outside their ranks, to place the amendments of the Liquor Act at the top of the business-sheet for prior consideration.

As a matter of fact, the hon. member for Sandgate, during the debate on the second reading protested against rushing this Bill through, and mentioned the fact that the Government had put aside or delayed legislation in the interests of servicemen in order to deal with this Bill. However, I do not want to waste any more time on that issue; I want to pass on to the legislation with which we are dealing.

I agree at the outset that clause 15 is an improvement on existing legislation. My sole complaint is that it does not go far enough. It is true that it does prevent wholesale merchants and all companies or persons other than brewers from tying hotels. But, unfortunately, it still leaves the brewer power to tie up a hotel or a licensee and exercise a monopoly in the sale of the brewer's products. It is for that reason, and for that reason alone, that I am supporting the Leader of the Opposition's amendment, because if it is carried it will not only help to kill the monopoly of the wholesale wine and spirit merchant, but with the same blow it will also kill the monopoly of the brewers. For the life of me—and I say this in all sincerity to the rank and file members of the Labour Party, and I am asking them to search their own consciences in this respect—I cannot see how the Government can bring before this Chamber a Bill that still allows the brewers to tie up publicans. The rank and file apparently exercise sufficient influence to force the Government to bring before this Chamber legislation to kill the monopoly power of the wholesale wine and spirit merchant. But why, I ask them, do they not go further and prevent the brewers from carrying on and extending their monopolistic control over hotels?

In support of what I say, let me deal with the clause that the Leader of the Opposition seeks to amend. It may, for convenience sake, be divided into two parts. It says in the first part, in effect, that the Licensing Commission may forfeit the licence of a licensee if such licensee—

> "Does not keep in stock and/or supply, in reasonable quantities, all classes, kinds, and descriptions of liquor which are usually consumed or demanded by the general public in the locality in which the licensed premises are situated and supplies of which are reasonably obtainable by the licensee in Queensland, ... "

If the clause had stopped there the only purpose for which I would have risen to my feet would be to congratulate the Government on at last dealing a death blow to liquor monopoly, but, unfortunately, for some reason best known to the Government, the clause does not stop there. The clause continues in what I describe, for convenience sake, as the second part—

> "excepting that if a registered brewer is entitled to an estate of freehold in possession or to an estate of leasehold from the Crown of the land upon which the licensed premises are situated or is the mortgagee in possession of such land it shall be a sufficient answer to this ground for the licensee to show that he is bound by agreement with such brewer not to stock and/or supply any class, kind, or description of liquor brewed or made by a person other than such brewer and similar to a class, kind, or description of liquor brewed or made by such brewer and that, subject to such agreement, he does in fact stock and supply, in reasonable quantities, all classes, kinds, and descriptions of liquor usually consumed or demanded by the general public in the locality in which the licensed premises are situated;"

In other words, the second part of the clause, which the Leader of the Opposition is seeking to delete, actually opens the gate wide for the brewer to retain his monopoly. The whole clause says to the wholesale wine and spirit merchant, "You may not tie any hotel," but it says to the brewer, "You may." I ask again the members of the Labour Party; I appeal to them to think of what the Labour Party really stands for; I appeal to them and ask whether they can conscientiously agree to the second part of that clause and still face the public and say that they are dinki-di, genuine, Labour men? Let there be no misunderstanding about this issue. I appeal to them from the bottom of my heart: can any honest Labour man honestly support any brewery monopoly, or any other monopoly? They are prepared to smash the monopoly of the spirit merchant. Why then are they not courageous enough to smash the monopoly of the brewer? Is he any better, is he more saintly, or more Christian? Will he treat the people any better? Will he supply better beer? Is he a saint? Is he an angel? Why is he given some privilege which the wholesale merchant has had taken from him? If any Labour man in this Chamber is loyal to the basic principles of the Labour movement and does his duty he must support this amendment or stand naked and unashamed before the public to answer a charge that he did not support Labour principles in this Chamber.

Monopoly is contrary to the principles of Labour whether that monopoly exists in the liquor trade, the textile or rubber industries, or any other industries. Private profit-making monopolies are contrary to the interests of the people. They are obnoxious to the fundamental principles of the whole Labour movement. No Labour man can support any liquor monopoly, textile monopoly, rubber monopoly, or any other private monopoly.

I agree with the Acting Premier's sentiments when he chided some members of the Opposition because they were so loud in their attacks on liquor monopoly but were silent on the matter of other monopolies. But even though I agree with him on this, I do not agree that because those members are inconsistent that gives the Labour Party the right to be inconsistent. If it is a great political sin or crime for members of the Country Party or members of the Queensland People's Party to be inconsistent, then equally it is a great political crime and sin for members of the Labour Party to be inconsistent.

The argument of the Acting Premier on this question, when he chided certain members of the Opposition on their inconsistency, reminded me of the days when I was debating in school debating societies. For such weak and childish arguments may be suitable in children's debating societies, but they are certainly not suitable in the Legislative Assembly of this State. Something greater is expected from hon. members. We are not expected to come in here and debate legislation on the basis that certain members are inconsistent. What does it matter if they are inconsistent? Does it prove that clause 15 is right or wrong? If members of the Country Party are inconsistent, does that prove that the clause is right? Conversely, if they are consistent, does that prove the clause is wrong? Inconsistency or consistency of their political conduct has nothing to do with the merits of clause 15. For the same reason, the consistency or inconsistency of the Labour Party has nothing to do with the merits of the clause.

Furthermore, whatever may be the relationship between the Labour Party and any outside organisation is equally irrelevant. I know that it has been said that the Bill is wholly wrong because it has been alleged that the Labour Party has received some funds from the liquor interests. Whether it has or has not—and I have been careful not to make any such charge because I cannot produce any such evidence—has nothing to do with the merits or demerits of clause 15. So whether the Labour Party receives funds from the liquor interests, whether the Country Party or the Queensland People's Party receive funds from the liquor interests, has nothing whatever to do with the merits of clause 15.

Clause 15 must stand or fall on its own merits. I propose to base my support or opposition in this Committee solely upon its merits or demerits. I am sufficiently honest to give credit to the Labour Party for the first part of the clause because it looks as if that were one step forward; at least it does kill the tying up of the hotel by the merchants, it does prevent the wholesale wine and spirit merchants from tying up a hotel. But I oppose the second part because it allows the brewery to maintain a monopoly control over the hotel or the licensee.

The Acting Premier used as an argument in his favour the fact that the hon. member for Windsor would object if he was compelled to sell the products of some other manufacturer. I do not doubt that he would object, but what has that to do with the merits of the Bill or the clause? Are we such little babies that when we come in here our attitude to a particular clause is to be determined by the atitude of the hon. member for Windsor on his rights as a business man? I might completely disagree with what he claims to be his rights; but if I did, I would not be influenced in my attitude to a Bill by what he believed to be his rights.

In any case, the Acting Premier missed the whole point at issue. The question is not whether the hon. member for Windsor should demand the right to sell his own products in his own shop, but whether if the Licensing Commission gives a public licence to a licensee, Parliament should exercise its right to dictate the terms under which that licence shall be exercised. The hon. member for Windsor has not been given any monopoly licence as against anybody else because we have not yet introduced a system of licensing businesses in his trade, but Parliament has instituted the Licensing Commission and it has decided that all liquor shall be sold on licensed premises only. In other words, Parliament has seen fit to say that certain persons shall have a monopoly in certain districts of the sale of liquor. This Parliament, then, has conferred upon those individuals a great public privilege, and that privilege carries with it great public responsibilities. One of those great public responsibilities is set out in the very first part of the clause. It is the responsibility of seeing that the public in the district are supplied with all reasonable classes (kinds and descriptions) of the various liquors that can be obtained in Queensland. That is a great responsibility. If Parliament sees fit to pass legislation that textile shops or factories shall be licensed then we should exercise the right to dictate the terms or conditions under which those shops or factories will operate. Up to the present, however, we have not licensed such shops or factories.

Under our liquor law, the position is different. It gives Mr. A., for example, a liquor monopoly in a particular district. He has the sole right to sell liquor to the public in a particular locality. Neither you nor I, Mr. Mann, has any right, nor has anybody else who does not hold a licence, to sell liquor. If we do sell liquor without a licence we can be haled before the court for having committed an offence against the Liquor Act. Parliament gives a licensee the right to act as the sole intermediary through which liquor is sold in a certain district. We as the custodians of public rights surely have the right to say to that licensee that he must sell Bulimba beer if the public in his centre want Bulimba beer, or that he must sell Castlemaine beer if the public in his district desire Castlemaine beer, or that he must sell Cairns beer if the public in his district want that beer. Surely we have that right.

We in the first place have given the licensee that great privilege yet the second part of this clause says, "No, it does not matter whether the public in your district want Bulimba beer. If the Castlemaine Brewery have the freehold on which your pub is situated, then Castlemaine beer alone will you sell, if the Castlemaine Brewery has tied you up or restricted you to selling their particular beer." I therefore repeat my remarks to hon. members of the Labour Party and I ask them in all sincerity: can they square the second part of that clause with their own consciences as Labour men? I cannot, and I hope the day will never come when I can, but if the day ever comes when I can, all I can say is that I deserve all the abuse, lying or false, that has ever been hurled against me,

and I shall have no ground for complaint about what is coming to me.

I pass on. The Acting Premier said that frequently the owners of hotel freeholds make agreements with licensees but are careful not to insert in the agreement any clause that ties the licensee's hands and compels him to buy only liquors manufactured or sold by such owners; the owner, however, makes it plain to the licensee, that he will have no chance of getting a renewal of his lease if he buys any of his liquor from any other person. I pause here to point out that I am merely quoting the hon. gentleman from memory. He then went on to say that up to the present there has been no way of dealing with those cases and that the present amendment in clause 15 is designed to meet the difficulty. I again give credit where credit is due and admit that the first part of clause 15, with which we are dealing, does meet the difficulty as far as the wholesale merchant is concerned, but it does not attempt to meet the difficulty so far as the brewer is concerned. On the contrary, as I have pointed out, it leaves the door wide open to the brewer, it protects him because it states that it shall be a defence for the licensee to say—if he is tied to the Bulimba Brewery, for instance—"I cannot stock Castlemaine beer because I have an agreement with the Bulimba Brewery to stock only beer that is sold by the owner of this particular freehold." Yes, we do know that such agreements are made and we know that owners of freehold do use this method of intimidation, but are we so weak, have we our hands so tied that as the supreme legislators of this State we cannot deal with this evil? What is there to prevent our inserting in our Criminal Code or in our Liquor Act a section that makes it a criminal offence for any such owner to use such methods of intimidation? We can bring these people into the light of day. We can compel them to live in the interests of the useful people in this particular at least, and consequently I have much pleasure in supporting this amendment of the Leader of the Opposition.

This amendment would omit from the clause what I have described as the second part. Thus there would be left only the first part or what I have described as the first part of the clause. Omit the second part, the first then will remain as a beacon light in respect to all other trades, industries, and occupations, because it states, "If you do not stock all the various kinds of beer, spirits, whisky, and so on, that are reasonably demanded by people in your district, you have to run the risk of having your licence forfeited." If only the Attorney-General would accept that amendment moved by the Leader of the Opposition we should have something in the interests of the useful people of this State and something 100 per cent. in conformity with the basic principles of our Labour movement. The public would then not be able to point the finger of scorn at the Government on this question. I feel that in this clause we have the basic principle of the whole amending Bill. It is the main question on which the public seek a lead. Their judgment of the Government will be determined by its attitude to this tied-house clause.

The Labour Party cannot honestly object to the sugar monopoly of the C.S.R., they cannot object to the great glass monopoly or to the rubber monopoly if at the same time they deliberately pass legislation that leaves the brewery monopoly untouched. We have to be consistent in politics. I repeat that my whole attitude to this clause is the same as my attitude to every piece of legislation I discuss. The only issue that ever concerns me in this Assembly is "Is this particular piece of legislation in the interests of the useful people?" I am not concerned to see that it is in the interests of the exploiter or the monopoly; I am solely concerned about that one question: is the particular piece of legislation in the interests of the useful people. If an hon. member can truthfully say, "Yes, it is in the interests of the useful people that breweries should have monopolies," then he can conscientiously vote against the amendment moved by the Leader of the Opposition; but I ask again: is there any man in this Chamber who can conscientiously say that it is in the interests of the useful people to have a law that gives the breweries the right to tie up hotels? Is there one in this Chamber who can conscientiously say that it is? I cannot. My whole training in the Labour movement, the whole of my activities and the whole of my experience in the Labour movement force me to say that that is not in the interests of the useful people. It is not in the interests of the useful people to grant any private monopoly whatsoever and for that reason I not only will support this amendment but I will at all times do my level best to see that it is carried out. If this amendment is not carried now, the day will not be far distant when it will become the law of this land and the black spot of brewery monopolies will be forever wiped from the face of this State.

Mr. MULLER (Fassifern) (12.20 p.m.): I was amazed to hear the Acting Premier say yesterday afternoon that no other country in the world had yet devised a method of dealing with tied houses. I have had no opportunity of examining the accuracy of that statement so far as it applies to other countries, but I did avail myself of the parliamentary records after the House rose yesterday to find out exactly what had happened in this State. I found first of all that the Bill in itself does not now deal with tied houses. On the contrary, it actually strengthens the monopolistic stranglehold that the brewers have on licensees. In order to get a complete interpretation of what has actually happened, we have to go back to the 1912 Act. I find that the problem the Acting Premier referred to yesterday had actually been solved in the period between 1912 and 1932. The question of tied houses did not exist under the 1912 Act. I did not have the opportunity of examining the whole of the records, but as far as I can ascertain that position existed from 1912 to 1932.

The first important amendment to that Act took place soon after the Labour Party was returned to power in 1932. I find that Parliament met on 15 August, 1932, and 16 days later a Liquor Acts Amendment Bill repealing the tied-house provisions of the then existing legislation was rushed through in the one day. It is worthy of note that in 1932 it was necessary to rush that Bill through all its stages in the one day, and that was done despite the protests of the Opposition at that time. In the nine years following the passage of that amending Bill the two Brisbane breweries increased their interests in hotel properties by £2,454,000.

The section in question was not repealed because it was ineffective but because a decision in the High Court of Australia, given on appeal, showed that it was almost fully effective, that is, that it extended to mortgages over hotel freeholds. Instead of amending the section dealing with tied houses to make it completely effective, the Labour Government of the day repealed it, the result being a rapid increase in the number of tied houses. It seems an absurdity that the Act allows a brewer to be interested in licensed premises but prohibits such interests from being held by a constable or bailiff or licensed auctioneer.

Let us have a look at the 1912 Act. Section 69 provided that leases or agreements relating to licensed premises were subject to the consent of the court, which was requested to have particular regard to "any stipulations therein for exclusive dealings in respect of supplies of liquor or goods." It went further and stated that no terms or conditions of any such lease or agreement would be deemed to be fair and reasonable unless—

> "(1) The prices to be charged to the borrower for any such liquor shall be fair and reasonable; and
>
> "(2) The borrower shall not be restricted in the purchase of any liquor to any particular brand, kind, class, or quality; and
>
> "(3) The borrower shall, at any time, be at liberty to discharge the whole of his liability to the person or body corporate to whom he is bound."

What happened in 1932? On 31 August, 1932, the then newly appointed Home Secretary, Mr. Hanlon, introduced the Bill that repealed the section relating to tied houses. I take it, Mr. Mann, that that Mr. Hanlon is the Acting Premier of today. First of all, however, he moved the suspension of the Standing Orders to allow the passage of the Bill through all its stages in one day and that fact is recorded in "Hansard" for 1932, page 189. The then Home Secretary, Mr. Hanlon, explained the reason for the Bill as follows:—

> "Legal opinion in Queensland has always supported the contention that this section did not apply to freehold mortgages; and when, towards the end of last year, the matter was tested in Queensland, the Supreme Court—Mr. Justice Webb on the bench—upheld that view, ruling that the section did not apply to mortgages over freehold property. However, the unsuccessful litigant took the matter to the High Court of Australia, which has ruled that the section applies to all mortgages of any property whatsoever, so that the net result is that people who have advanced their money on certain securities in good faith have been deprived of the benefit of those securities. . . ."

The then Leader of the Opposition, Mr. Moore, said—

> "I have no objection to remedying that anomaly; but I have strong objection to the rest of section 69 being repealed. That will leave the position of the licensed victualler the same as if the Liquor Act Amendment Act of 1913 had never been passed. This protecting clause was inserted for a special purpose—to see that the person borrowing the money was not tied body, soul, hand, and foot to the person lending him the money, and that he should have the right to conduct his business in a reasonable way for the benefit of the public he was out to serve."

In the Committee stage of that Bill, Mr. Moore moved an amendment that would have cured an anomaly arising out of the High Court decision but would still have left section 69—the tied-house provision—in the Act. That is recorded in the same "Hansard" at page 200. The amendment was defeated. The House was divided on every stage of that Bill.

The Acting Premier yesterday said that it was not the practice when giving a lease to put anything in writing, but a booklet issued by the Liquor Reform Society, at page 31, gives clauses taken from an actual lease. One of the clauses reads—

> "During the period of this tenancy or any extension thereof the tenant shall deal wholly and solely with the Company for all wines sold consumed or stored on the premises and they shall on demand execute in the Company's favour the form of bond usually made use of by the Company binding them their executors administrators and assigns to deal wholly and solely with the Company its successors and assigns for all wines sold used consumed or stored on the premises during the period of the said tenancy hereinbefore referred to and further occupancy of the premises by them their executors administrators or assigns."

We know that a brewer who owns or has a mortgage over licensed premises can exercise pressure in certain ways irrespective of anything that is written, but this could be overcome—where there is a will there is a way. For example, there could be a minimum term of lease and the right of the licensee to appeal to the court against cancellation or any increase in rent. Above all, there could be a total prohibition against any brewer or other wholesale seller of liquor having any interest, direct or indirect, in licensed victuallers' or wine sellers' licences. The tied-house system makes it almost impossible for any licensee to improve conditions. There can be no real liquor reform while it continues to exist.

It would appear that neither the Attorney-General nor the Acting Premier has gone to

the trouble to brush up his memory to inform himself of what has actually happened. It will be seen that there was no need to go to other countries to see what was being done to deal with tied houses there. We actually had the power to deal with them in Queensland in 1931-32. It is amazing to know what was actually the position when the records are examined. And records don't lie. Here are the true records of the business that was transacted.

(Time expired.)

Mr. KERR (Oxley) (12.30 p.m.): One or two features have emerged from this discussion. It stands out very clearly that this clause will permit brewery-controlled licensees to sell only liquor supplied by the particular brewery that controls them. On the other hand free houses will be compelled to sell any class of beer at all. The Acting Premier ridiculed the idea that any hotel would sell two classes of beer. That in my opinion is straight-out differentiation between a brewery-owned hotel and a free hotel. It was not apparent until it was spoken about yesterday. The hon. member for Toowong also pointed out this fact. It is not right and it is unjust to allow this kind of differentiation to prevail. I am sure that this differentiation did not occur to the Attorney-General when he introduced the Bill and it really requires only some slight adjustment. If not then it will be a matter of a few months only when another amending Bill will have to be put through this Chamber.

Another point I wish to touch on is that the grip by the brewery monopolies will, after the passage of this Bill, be tightened and become greater than at present. They will insist that all their licensees shall obtain the maximum percentage of profit from supplies furnished to hotels controlled by them. Today we see the humiliating spectacle of queues outside bottle departments. As the breweries inflict on licensees of controlled hotels a percentage of profit roughly about 44 per cent., it will mean that these bottle departments will go by the board. That will be all right for those fortunate members of the community who can, if they so desire, get a bottle of whisky or rum, but what about the thousands of people whose only means of getting liquor in small quantities is through these bottle departments? They will be eliminated by the monopoly. These people will have to come to town day in and day out to get their nip. I foresee that with the passage of this Bill at some future date only a small part, if any, of the liquor supplied by breweries to their controlled hotels will be sold by the bottle and that the greater quantity will have to be sold over the bar.

Mr. POWER (Baroona) (12.34 p.m.): My interpretation of the clause under consideration is that it takes away from those who control tied houses the right to say what class of liquor shall be sold by them. Previously the licensee of a tied house could be told that all he would be supplied with was the liquor controlled by the brewery concerned. This provision will eliminate that monopoly control by the brewery.

During the course of the debate the hon. member for Windsor made a statement in a desire to bolster up his case that is entirely untrue. He made an attack on certain people. He said with respect to a hotel in my electorate that the breweries were paying a rent of £15 a week for the property and had sublet it to a person who was paying £60 a week. He added that the hotel proprietor was leaving the hotel because he could not meet his commitments.

Mr. PIE: Mr. Mann, I rise to a point of order. I did not say that the man was leaving the hotel because he could not meet his commitments. As that statement is wrong, I ask it to be withdrawn.

The CHAIRMAN: I ask the hon. member for Baroona to accept the denial of the hon. member for Windsor.

Mr. POWER: I accept the hon. member for Windsor's denial. I was clarifying his statement and saying what I thought he meant. He said the fellow was getting out of the hotel presumably over the high rent he was paying for it.

Mr. Pie: What I did say was that I was speaking to a person on Saturday night and he said the brewery was paying £15 a week rent for the hotel, that the licensee was paying £60 a week for it, and that he was leaving at the end of next month.

Mr. POWER: I took that to mean that was the reason why the man was getting out. However, I accept the statement. The statement made by the hon. member is entirely without foundation in fact. There is no head lease on the hotel in question. The hotel is the property of the brewery and the rent the man is paying is £50 a week and not £60. The reason for his leaving the hotel is that he has bought a bus run in another part of Queensland which he is going to take over. When the hon. member makes a statement that is not true I think it is my duty to correct it. I have given the facts because I do not want to let the statement of the hon. member go through unchallenged.

Mr. COPLEY (Kurilpa) (12.37 p.m.): Much of the talk on this clause indicates that members have not given sufficient consideration to the position. I was astonished to hear the hon. member for Bowen becoming quite heated in his allegation about honest Labour men. I think every man on the Government side is as honest in his views as the hon. member. I do not grant him the right to say that he is the only one who has inherent Labour principles. I am definitely opposed to monopolies. I say they are something we should endeavour to wipe off.

An Opposition Member: Control.

Mr. COPLEY: Not only control but eliminate. This industry is becoming very strong in the community. I should like to have it hamstringed as far as possible. If members look at the clause carefully they

will read that in only three cases will the agreement with the brewery really affect the issue—if the registered brewer is the owner of the freehold, the owner of the leasehold, or the mortgagee in possession. I think the effect of the words "in possession" has been missed. Many licensees have given mortgages to breweries but the breweries are not mortgagees in possession in those cases. I take it a mortgagee in possession is a mortgagee exercising his rights, who has gone on to licensed premises, taken possession, and put a manager in, even if it is the licensee who gave the mortgage.

The clause says that the licensee must stock and supply a reasonable quantity of all classes, kinds, and descriptions of liquor which are usually consumed or demanded by the general public in the locality in which the premises are situated. I submit that despite all disabilities the Government were labouring under, this is a genuine attempt to make people who have leases to supply other liquors than those actually controlled by the brewer. Do hon. members not think that we are making an honest attempt to see that John Citizen gets a greater variety of liquor than he does at the present time? I think we are endeavouring to do something. I cannot see, even if we adopted the amendment of the Leader of the Opposition or other foreshadowed amendments, even if we wiped out all these agreements, that we should still get back to the position where there would be a verbal agreement. Centuries ago the Laws of England decided that in certain cases there must be agreements in writing. It is not only the brewers who are "crook." Are not some licensees only too prepared to take advantage of any point? Supposing we wiped out all agreements, there would be some dreadful situations. There might be no verbal agreement, but a licensee might say that the brewer told him that at the end of five years, if he did so and so, he would be entitled to remain. It would become a question of fact. I submit that under this clause it becomes a question of fact for the Licensing Commission, which is composed of men of honour and integrity. Despite what has been said about the Commission they are three estimable citizens who would do the right thing in the interests of the public.

The breweries have done things that in my mind have been scandalous. I have on occasion had to make representations to some members of the directorates of the breweries. In some cases, if a man made a success of a hotel for which he was paying a low rental, he would promptly have his rent trebled or doubled.

An Opposition Member: That is right.

Mr. COPLEY: There is no question about that. We had the spectacle in the North of men from the South being brought there and having the opportunity of getting leases from the monopolies, but the moment these monopolies found these men were entering into leases they refused extensions of the leases and put in their own managers so that they themselves could get the increased profits.

If the Leader of the Opposition is honest in his amendment, will he extend the principle to say to all pastoral companies, such as Dalgety and Company and others, that any similar agreement they have made with any leaseholder or any person under mortgage to them shall be null and void? In justice to the breweries I must say that although they have done some terrible things, so have the pastoral companies. Men have slaved on properties and despite droughts and other things have made a fair living out of them, but so soon as this is discovered the pastoral companies, wanting the additional profits, put in their own managers and so reap the reward. How would members of the Opposition react if the Government decided to bring down a Bill dealing with them? Would they support such an amendment?

An Opposition Member: Bring down a Bill.

Mr. COPLEY: Would you support it?

An Opposition Member: Yes.

Mr. COPLEY: You know very well you would not. I know very well that private enterprise would immediately set up a howl.

A matter that has worried me in regard to the discussions on this Bill is the nasty innuendoes that have been made. I remember quite well some remarks that the Labour Party had a right to abuse members of the Opposition. Last evening I listened on the radio to the Leader of the Queensland People's Party dealing with this Liquor Bill, and if ever a nasty innuendo was made it was made then. As a matter of fact, if the Acting Premier sought legal advice on the matter he would find that the remarks made were very close to defamation, and, particularly, one of the nastiest forms of defamation there can be. It took this form: "during the discussion on this Bill a director of a brewery went into the Ministers' rooms and saw the Acting Premier and was there with him for some time." "I leave it to your imagination, ladies and gentlemen. What happened behind those closed doors?" Is not that a nasty, dirty insinuation?

Mr. Hanlon: As a matter of fact the brewery's representative called complaining about the savagery of this clause.

Mr. COPLEY: I wish to place on record here that at this time the Bill was before the House and nothing that could be said by a director of that company could have influenced this House or influenced the Government. Then what was the use of the director's visiting the Acting Premier? Can you not realise, Mr. Mann, that this clause is being used for political capital? I take it that the Queensland People's Party claims to stand for the worker. We are trying to do something for him; we are trying to give him an additional supply of the liquor he wants, but does the Queensland People's Party want this? No! Statements like that made on the radio are bringing public life down. I deprecate this and am

very sorry to think that they should emanate from a leader of a party that hopes to be, but will never be, the Government of this State.

Mr. DECKER (Sandgate) (12.47 p.m.): I voice my opinion in support of the amendment moved by the Leader of the Opposition. We lay members of this Committee are very fortunate in having with us three barristers-at-law and the opinion of these legal men on this clause confirms the view that it is giving a monopoly to breweries in respect of the control over licensed premises owned by breweries. There is no doubt that if we are to effect an improvement, every man opposing the brewery interests will support the amendment moved by the Leader of the Opposition. I would point out one fact, not with the view of delaying the debate but merely to give my opinion, that is, that at the present time free houses in this State stock beer, wines, and spirits in demand by their customers.

Mr. Devries: That is, if they can get it.

Mr. DECKER: There is no doubt that free houses can get it.

Mr. Devries: You come to the West and see if they can get it.

Mr. DECKER: Every hotel stocks a brand of beer. It is free houses I am referring to. Under this clause, if it is not amended, these free houses, instead of stocking the particular brand of beer they stock now, will be forced to stock as many brands as there are breweries in this State.

Mr. Hilton: No, they will not.

Mr. DECKER: That fact has been emphasised by several barristers in this Chamber, and there is no question about it. If we have any reason to alter our laws in regard to free houses, should we not give them consideration when the Liquor Act is before us for amendment? This amending Bill, however, only makes proposals primarily in the interests of the brewery-owned houses. If this Bill is being brought down to give particular legislation to the brewery-owned houses in the interests of brewers, then it is up to every hon. member to support the amendment, which seeks to bring about the alteration that apparently we all desire.

Question—That the words proposed to be omitted from clause 15 (Mr. Nicklin's amendment) stand part of the clause—put; and the Committee divided—

AYES, 26.

Mr. Bruce	Mr. Healy
,, Clark	,, Jones
,, Copley	,, Larcombe
,, Davis	,, Moore
,, Duggan	,, Power
,, Farrell	,, Smith
,, Foley	,, Taylor
,, Gair	,, Turner
,, Gledson	,, Walsh
,, Graham	,, Williams
,, Gunn	
,, Hanlon	*Tellers:*
,, Hanson	,, Devries
,, Hayes	,, Hilton

NOES, 17.

Mr. Brand	Mr. Nicklin
,, Decker	,, Paterson
,, Edwards	,, Plunkett
,, Hiley	,, Wanstall
,, Luckins	,, Yeates
,, Macdonald	
,, Marriott	*Tellers:*
,, McIntyre	,, Aikens
,, Morris	,, Kerr
,, Müller	

PAIRS.

AYES.	NOES.
Mr. Cooper	Mr. Clayton
,, Dunstan	,, Walker
,, Ingram	,, Sparkes
,, Keyatta	,, Chandler
,, O'Shea	,, Pie

Resolved in the affirmative.

Mr. Aikens: I do not know whether my proposed amendment should be moved here or whether the hon. member for Toowong intends to proceed with his original amendment. If he does intend to do so, mine should follow his.

Mr. Wanstall: In view of the vote that has just been taken, I regard my amendment as being out of order.

The CHAIRMAN: It is not competent for the hon. member for Toowong to move his proposed amendment because the Committee has already decided that the words shall remain part of the clause.

Mr. AIKENS (Mundingburra) (12.54 p.m.): I move the following amendment:—

"On page 9, after line 24, add the following paragraph:—

'For the purposes of this paragraph (v.) the word 'description' shall be deemed and construed to mean 'brand.' ''

I think at last we have some hon. members of the Government where we want them. I think at last that quite fortuitously we have got them where they will have to declare themselves. When the hon. member for Sandgate was speaking a moment ago he read into the Bill what incidentally the hon. member for Bowen read into it in conversation with me. When the hon. member for Sandgate said that, "all classes, kinds and descriptions" would mean brands, hon. members of the Government were calling out, "No, no, it does not mean that at all." If "all classes, kinds and descriptions" does not mean brands, then this clause in the Bill is worse than useless because it deliberately misleads the people. We were told continually by hon. members of the Government Party who rose in this Chamber that this clause is designed to give the drinker a free choice of wines, beer and spirits that he does not enjoy today under the tied-house system that controls hotels in this State. And now they say that if the Bill is passed as the Government have brought it down no licensee will be at liberty to go to any merchant or to any source of supply and order the various classes, kinds and descriptions of liquor that are required by the people in that locality who frequent his hotel. If that is not what the Bill means then the

English language means nothing. What then is the use of carrying this clause if the words ''classes, kinds and descriptions'' do not mean brands?

As I said on the introductory stage of the Bill, all that a publican will be required to do is to stock any classes, description or kinds of rum, that is, any kind of rum, any class, description or kind of whisky, any class, description or kind of gin, any class, description or kind of wine, and any class, description or kind of beer, and he will be well within the ambit of the clause. We know that most merchants who own hotels hold also agencies for particular classes of wines, particular classes of whisky, particular classes of rum, particular classes of gin, and particular kinds of beer. If the interjections by hon. members of the Government are to be taken as an indication of the Government's attitude, this Bill will be useless because if the hotel merely stocks the classes, descriptions or kinds of wines or spirits that are supplied to him under agreement by the merchant who owns the hotel or his head lease or the brewer who owns the hotel or his head lease he is well within the ambit of the law. If the Bill is going to mean anything it is going to give to the drinker the right to a variety of liquors in the hotel that he patronises and thus the words, ''classes, descriptions or kinds'' must mean brands or they will mean nothing.

We know, for instance, that if Samuel Allen & Sons are agents for Ballater whisky and there is a demand in a hotel for Dewar's whisky and Samuel Allen & Sons are not agents for Dewar's whisky, the unfortunate licensee will have to buy that Dewar's whisky from Samuel Allen & Sons and Samuel Allen & Sons will get their rake off before they supply it to the licensee. We know that my amendment will not in any way interfere with tied houses, but we know too that my amendment will give the drinker or the hotel a choice of various brands of liquor. My amendment is not brought down to deal with the tied-house position. I have foreshadowed a further amendment that will put the Government right on the spot if they are ''dinkum'' in dealing with the tied-house position. If the Government are honest, as they have repeatedly said here they are, ad infinitum and ad nauseam, that they are desirous of removing the tied-house restrictions, then the amendment that I have foreshadowed to clause 16 will put them right on the spot and give them the chance to demonstrate to hon. members and the people of Queensland whether they are really sincerely desirous of freeing the tied houses.

I am going to adopt a rather peculiar procedure in my peroration, inasmuch as I am going to anticipate the defence the Attorney-General will adopt in order to suggest that hon. members should not support my amendment. I feel sure that the Attorney-General will say that if my amendment is carried every hotel licensee will be compelled to carry upon his shelves every brand of liquor whether there is a call for it or not. I want to forestall the Attorney-General by pointing out that my amendment merely amends a clause that includes these words already—

> ''all classes, kinds, and descriptions of liquor usually consumed or demanded by the general public in the locality in which the licensed premises are situated;''

That is, supplies of liquor that are usually demanded by drinkers and obtainable by licensed victuallers. Therefore, my amendment would inflict no hardship on the licensee. It simply means that any reputable body of citizens, such as a shire council or city council or trades and labour council or any other aggregation of persons of repute or standing in the community, can write to the Licensing Commission and say, ''This or that particular hotel in our locality does not supply a certain brand of liquor which is usually consumed and demanded by the public in this locality, and we know that he can obtain sufficient supplies of this kind of liquor in Queensland.'' My amendment does not mean that every licensee would be compelled to stock every brand of liquor known to man in the liquor trade, but it will compel the licensee to stock any brand that is reasonably required by the consumers who frequent his hotel. Personally, I can see no reason why my amendment should not be carried.

Hon. D. A. GLEDSON (Ipswich—Attorney-General) (2.19 p.m.): I have no intention of accepting this amendment. I thank the hon. member who has just resumed his seat for making my speech and telling the Chamber what I was going to say. In addition to what he is, he is now a clairvoyant for he pretends to know what is in the mind of hon. members following him in debate. This clause provides for all classes, kinds, and descriptions of liquor usually required, and embraces the interpretation set out by the hon. member. In fact, it covers all classes of liquor whether branded or unbranded and its terms are sufficient to enable the Licensing Commission to administer it. I have no intention of accepting the amendment, which seeks or attempts to seek to define the classes of liquor.

Amendment (Mr. Aikens) negatived.

Mr. WANSTALL (Toowong) (2.20 p.m.): I move the following amendment—

> ''On page 9, line 24, after line 24, add the following new paragraph—
>
> 'For the purposes of this paragraph (v.), the term ''registered brewer'' shall mean and include only a brewer whose brewery is situated in Queensland.' ''

The reason why I move this amendment must be obvious to hon. members in view of my previous remarks about extending the scope of the term ''brewer,'' which under clause 3 means not only a brewer registered under the laws of Queensland but any brewer carrying on business anywhere in Australia holding a licence under the Commonwealth Beer Excise Act. He is by virtue of the Attorney-General's amendment on clause 3 a

registered brewer within the meaning of clause 15. The effect would be that not only Queensland breweries but southern breweries would have a monopoly given to them to compel tied houses to sell their own beer. I have no objection to allowing southern brewers to compete for the market in liquor in Queensland—no objection whatever—but I say that if the Government intend, as they have done in this Bill, to give the breweries a monopoly over hotels the freehold of which they own—and the Government have given it in this clause—then those breweries should carry on business in Queensland. If they are carrying on business in Queensland, employing Queenslanders and producing their product here, there may be something to be said in their favour, but if they are to carry on their business in the Southern States, employing no Queenslanders and sharing with our own Queensland breweries a monopoly of tied licenses under clause 15, I say emphatically that it is wrong. The effect would be that southern breweries would be able to buy up the freehold of hotels anywhere in Queensland and sell to those hotels their own beer and compel the licensee and the consuming public—in both cases with the sanction of the Government—to sell and to consume respectively southern brands of beer, whether the consuming public like it or not and irrespective of the cost to the licensee. Why should a publican in some outlying western or northern town where there is only one hotel be compelled to import his beer from the South and retail it to the public, who have no option at all? The public may have a very well-founded objection to certain brands of southern beer, and if this definition is not cut down in the way I suggest the public will have no option as to the beer they drink. That might be a very unfair position from the point of view of the consuming public.

The amendment would only operate as far as this clause is concerned. It would not affect any of the other desirable clauses in this Bill or in the Act, which make it advisable to have the southern breweries amenable to the jurisdiction of the Commission in regard to the provisions of the Act, but it would narrow down the monopoly to the southern breweries and ensure that the public in outlying districts will at least have a choice of beer and not be compelled to drink imported beer, in many cases against their wish.

Hon. D. A. GLEDSON (Ipswich—Attorney-General) (2.25 p.m.): I have no intention of doing what the Opposition have been talking about all the morning, that is, to give a monopoly to brewers here in Queensland. If the hon. member would read the clause from the start he would find that his amendment provides for a big difference from clause 5. It means he would give to southern breweries an absolute right to come in and tie the licensee not only to the beer they produce but the wine and spirits and other things they are agents for. That is what this proposes to do. It gives to the breweries from other States the right to come here and be absolutely clear of clause 15. We have no intention of giving to persons coming from the South the right to get away from the conditions we impose on breweries in Queensland. That is what the amendment would mean, and I have no intention of accepting it.

Mr. WANSTALL (Toowong) (2.27 p.m.): The remark of the Attorney-General concerning the effect of the amendment as it stands is correct, but unlike the Attorney-General, if I am incorrect when I speak, I am willing to concede it. The previous amendment introduced by me, in conjunction with the amendment I have proposed would have removed that difficulty by cutting out altogether this monopolistic clause. At the same time, let us make it perfectly clear that this clause is intended to permit healthy competitive trading from two breweries if they are domiciled in Queensland. There is absolutely no point whatever in the Attorney-General's suggestion that it is designed to give a better monopoly to Queensland breweries than the Labour Government have already given. As a matter of fact, that would be quite impossible.

Amendment (Mr. Wanstall) negatived.

Mr. PATERSON (Bowen) (2.28 p.m.): I move the following amendment:—

> "On page 9, after line 34, insert the following new subclause:—
>
> '(3) Any covenant contained in any lease or agreement made or entered into either before or after the passing of the Liquor Acts Amendment Act of 1945 which purports to annul, or vary or exclude any of the provisions of this section or to terminate the lease concerned on account of any such legislative provisions shall be void and of none effect.' "

Frequently before legislation is passed in Parliament, interested persons, having a suspicion that legislation is to be passed that might affect their financial interests, set about endeavouring to avoid its provisions. I happen to have in my possession a copy of a covenant in an agreement between a wholesale wine and spirit merchant and a licensee in which this attempt is exceptionally manifest. For the benefit of hon. members I will read it—

> "If at any time hereafter any law be passed by the Legislature of Queensland or of the Commonwealth of Australia whereby the covenants provided conditions and agreements herein contained relating to the exclusive right of the lessor to supply goods to the said hotel as aforesaid shall be materially varied to the detriment of the lessor, it shall be lawful for the lessor at any time thereafter to determine and avoid this lease, and to proceed therein in a manner hereinbefore provided in the case of the total destruction of the said hotel and premises for the purposes of having this lease surrendered and cancelled."

The effect of that covenant is that once clause 15 becomes law—and, as I said this morning, it does at least have the merit of limiting or destroying the right of wholesale wine and spirit merchants to tie a hotel—this covenant will take immediate effect. In other words, Parliament has been debating for hours a clause which deprives wholesale wine and spirit merchants of this right to tie hotels which hold leases from them and, after we have done our work, we find that it is of no effect whatever, because immediately we pass the law the wholesale wine and spirit merchant, who has this covenant inserted in the agreement, can say to the licensee who has leased the premises from him, "Very well, I am going to take advantage of this covenant and cancel the lease because the amendment that has been passed in the Queensland Parliament operates to my detriment inasmuch as it takes away my right to have the exclusive right to sell you our spirits and our wines." What then is the position? The unfortunate licensee, instead of getting the benefit of a piece of legislation this Parliament has passed, loses the benefit immediately and is thrown back into the position in which he was before he ever became lessee of the hotel premises and began to make use of the licence. Are we willing to allow our work to be immediately rendered null and void because of the greed of some of these wholesale wine and spirit merchants?

I realise that nothing I now say or do can affect the exclusive right of the brewer, but at least we can still ensure that the wholesale wine and spirit merchant or all other persons or companies that are not brewers will not be able to defeat the provisions of the Bill. I therefore urge hon. members to support this amendment, and I respectfully urge the Attorney-General to give deep consideration to it. I trust that he will do so from the same point of view as myself, not that I think I am always right, but in this particular case I suggest he will agree with me that my interpretation of the law is correct.

On all occasions in this Assembly I am willing to support anything that I believe is in the interests of the useful people, whether it comes first of all from hon. members of the Country Party, hon. members of the Queensland People's Party or hon. members of the Labour Party. I do not worry about the source of legislation provided it is good. Equally, I do not worry about the source of a proposed amendment provided it is good. I therefore urge the Attorney-General to adopt exactly the same attitude. He may not like accepting an amendment that comes from me as a member of the Communist Party, and if that is his attitude—I do not say it is—I urge him in this particular instance to cast that attitude aside and adopt the attitude every reasonable citizen would adopt and say, "The amendment is good, I will accept it," or, "The amendment is bad, I will reject it."

Hon. D. A. GLEDSON (Ipswich—Attorney-General) (2.34 p.m.): I have no intention of accepting the amendment proposed by the hon. member for Bowen. When amendments are moved in this Assembly it does not concern me whether the mover is a member of the Communist Party or of the Opposition; if there is any merit in the amendment it is always considered. If it would improve the Bill and help in carrying out its intention I have always accepted the amendment and I shall always continue to do so, no matter which hon. member moves it. Every hon. member of this Assembly has a right to move amendments. The hon. member for Bowen has no reason to think that he has not got that right. He has it just as every other hon. member has.

The reason why I am not accepting the amendment is that it is redundant; there is no necessity for it. To accept it would include unnecessary terms. We already provide in the Bill and in our Act for all it seeks to do. Any lease that does not give the right to the licensee after the passing of this Bill to stock all classes of liquor required and demanded by the public is null and void.

Mr. Hiley: What clause is that?

Mr. GLEDSON: We have provided for that in our Act and in the Bill. There is no need to include this amendment which puts in new words and new terms which might be misinterpreted. The hon. member for Bowen might interpret certain words in a certain way but if he went across the Chamber to the hon. member for Toowong he might find that the hon. member for Toowong would interpret the words in another way, and if he came to this side and asked our barrister for an interpretation he would probably find that our barrister interpreted the words in still another way, which would prove that both he and the hon. member for Toowong were wrong.

Mr. Aikens: Why introduce confused legislation? Why not clear it up now?

Mr. GLEDSON: I am not going to accept an amendment that would confuse the issue. The matter is already provided for.

Mr. WANSTALL (Toowong) (2.36 p.m.): I did not intend to speak on this amendment but when I heard the Attorney-General say that his Act or his Bill, or both of them, provided for the making of any such covenant in a lease null and void I want him to tell me and all hon. members of this Committee what provision makes such a covenant illegal or void. I think it is his duty to tell us.

Mr. PATERSON (Bowen) (2.37 p.m.): First of all I think we have reached an astounding state of affairs in this Parliament when we have a Minister in charge of a Bill who makes the statement that already the Bill or the Act contains ample provision to deal with the evil which my proposed amendment seeks to eliminate——

Mr. Aikens: And then sits down without telling us where it is.

Mr. PATERSON: And then sits down without telling us what that section is. The position becomes even worse when, after being

explicitly asked by an hon. member of this Committee, namely, the hon. member for Toowong, the Attorney-General still remains silent. Is this how the public of Queensland should be treated through its elected representatives?

First of all, I say that the Attorney-General cannot tell us where the section is. I challenged him to tell us of any clause in the Bill or any part of a clause that does what my amendment seeks to do. Even if there were any such provision in the Act or the Bill which the Attorney-General says prevents a person from defeating the provisions of the section, nevertheless it does not prevent the lessor from telling the licensee, "Now that this Bill has been passed I will cancel your lease." I now challenge the Attorney-General to show me such a provision anywhere in the Act or the Bill.

Mr. Hanlon: What is he going to do with the lease after he cancels it?

Mr. PATERSON: Candidly I am surprised that the Acting Premier should ask that question. Why do the lessors ever have such definite terms in a lease if it is useless to cancel the lease? Why grant a lease for a fixed term of say six or eight years or whatever it may be? Why not grant one in perpetuity if the argument of the Acting Premier is correct?

Mr. Hanlon: He will have to give a fresh lease to someone else.

Mr. PATERSON: Yes, but he would then be in the position to make the terms and conditions more burdensome. It would enable the lessor to increase the rent. He could take advantage of this legislation to terminate the lease before its due time and increase the rent. I am pleased that that interjection was made by the Acting Premier because it shows that even he in his own mind does not accept the statement of the Attorney-General and that even he is looking for a way out. He realises that my amendment is sound and the only argument that he can advance against it is, "What will he do with the lease after he cancels it?" Why would a lessor have such covenants in a lease if he did not think they were valuable to him? Does the Acting Premier think that Burns, Philp & Co. Ltd. and Samuel Allen & Sons Ltd. are such fools or such children in financial affairs that they would go to the trouble to have a covenant inserted in a lease that was useless to them?

Mr. Hanlon: Probably it would be if the hon. member for Toowong drew up the lease.

Mr. PATERSON: The making of cheap gibes will not get us anywhere. Burns, Philp and Co. Ltd., Samuel Allen & Sons Ltd., and similar companies have the best lawyers at their disposal. Not only do they have such covenants in leases in respect of liquor interests but very frequently there are similar provisions in other leases to protect the interests of the lessors in the event of legislation similar to this. In all seriousness I ask the Attorney-General whether he can point to the provision in the Act or the Bill which deals with the evil that I have dealt with in the amendment. If he can do so I will immediately withdraw my amendment.

Hon. D. A. GLEDSON (Ipswich—Attorney-General) (2.42 p.m.): After all this heat in connection with the matter, might I say that this is a Bill to deal with liquor licences and not matters referred to by the hon. member for Bowen. The Licensing Commission has control of all these licences and this is one of the matters that it takes into consideration. If a lease contains any tied clauses contrary to the Bill the Licensing Commission can deal with them, as it can deal with all covenants or agreements. If the lease contains matters that are outside the law after the Bill is passed the Licensing Commission has power to deal with it. It can refuse a licence if the lease contains covenants or provisions that are in opposition to the Bill. That is what we are dealing with. We are not dealing with real property.

Mr. Aikens: Where is that power in this Bill?

Mr. GLEDSON: If the hon. member for Mundingburra would ask his colleague, the hon. member for Bowen, he would tell him where that power is.

Mr. Aikens: He certainly knows more about the Bill than you do.

Mr. GLEDSON: That is only the hon. member's opinion. His opinion, as expressed here from the back benches, was that he would get the Attorney-General running, that the hon. member for Bowen would get the Government running. "We will get the Government running on this Bill," he said. Who is running now? Then there was the remark concerning the Attorney-General, "An old dog for a hard road," and "the Attorney-General will be on the footpath." The puppy has got between the legs of the hon. member for Mundingburra for he certainly has been upset a number of times in this debate because he has come along and said, "Now we have got them where we want them," "now we have got them on toast," "now we are going to deal with these particular people." (Laughter.) When this Bill is passed the Government will still be going along the sober road and will not be found lying in the gutter and be picked up from the gutter. Ample provision is contained in this Bill to enable the Licensing Commission to deal not only with any breach in respect of tied houses but with anyone who does things contrary to this Bill.

Mr. HILEY (Logan) (2.46 p.m.): One would expect this Chamber to receive from the learned Attorney-General a serious reply to the very definite challenge that was made to him. Instead of that, apart from the exhibition of buffoonery, all we got from him was something that was a complete evasion of that challenge. Let me bring him back to the point of that challenge. He suggested that the matter is in the control of the Licensing Commission. Let us examine

the point and see whether it is so. Remember, a licence has been granted. Does the Attorney-General suggest that either this Bill or the Liquor Act contains power enabling the Licensing Commission to forfeit a licence?

Mr. Hanlon: Of course it does.

Mr. HILEY: On this ground?

Mr. Hanlon: At its own discretion and without appeal.

Mr. HILEY: As I read the law, it seems to me that the Licensing Commission can take that point into consideration when a new application is before it, but the conditions under which the Commission can forfeit licences are limited to four sections of the Act. I can see no authority in the Act or this Bill to entitle the Commission to forfeit a licence because there is a tied-clause contract already in existence. That is the point that I now challenge the Attorney-General to meet—to show this Chamber where the Licensing Commission has authority to forfeit a licence on the ground that the hon. member for Bowen has raised. I challenge him to do that.

Mr. COPLEY (Kurilpa) (2.48 p.m.): While there may be no specific provision on the question—I want hon. members to listen very carefully to this—a certain amount of common-sense is required in the construction of any Act. If the Licensing Commission has power to grant a licence then it has power to cancel a licence.

An Opposition Member: On certain grounds.

Mr. COPLEY: The Commission has very wide discretionary powers and there is no appeal against its decisions. If it feels that certain covenants in the lease are restrictive to an inequitable extent it has the right to say, as it has said on previous occasions, "We will not agree to this person's becoming a licensee under these conditions. The terms are inequitable and harsh."

Mr. Hiley: Under the existing licence?

Mr. COPLEY: Yes. I do not want to disagree with the hon. member for Bowen but I want to point this out: he gave an example here of a very harsh clause imposed by some northern concern, I think it was Messrs. Burns, Philp and Co. Ltd. He quoted clauses in agreements made in anticipation of legislation to be passed in the future. Hon. members will remember that in 1935 when we brought in the moratorium legislation, people like the Western Electric Coy. dealing with sound equipment in certain picture shows, rushed round Queensland and got fresh contracts entered into by every one of their hirers and actually defeated the purposes of the Act which was retrospective to a certain date. So far as the right exists to put any provisions in now, I want the hon. member for Toowong to remember that it must be subject to clause 15, which enacts that the licensee shall sell only beer approved by a certain brewery, under either of three conditions—where it is the hotel is a Crown leasehold or a freehold, or the brewery is a mortgagee in possession.

Without any other conditions, and if this clause is passed, the Commission will have the right to say that the covenant is restrictive. You cannot alter the law as it stands; you can only restrict the licensee to the extent of selling the beer brewed in accordance with this provision. I think the amendment would be superfluous and it would stultify the provision we are passing now.

Mr. AIKENS (Mundingburra) (2.52 p.m.): I was amused by the histrionic vaudeville act of the Attorney-General. We are not all barristers, not all members of the legal profession, but I remember the member for Bowen replying to an interjection to the Acting Premier a few days ago in which he said barristers and members of the legal profession make their money and earned big fees because the legislation brought down in Parliament is not sufficiently clear, and allows for a wide diversity of opinion among the legal profession. I am as much opposed to the black-marketing fees of the legal profession as I am to the black-marketing practised by liquor or trading interests. As an ordinary humble layman, I think it is my duty to try to place on the statute book legislation so clear and so precise that it can be understood by men of ordinary or average intelligence. The Attorney-General—the George Wallace of the Chamber—told us just now there is no specific provision in the Bill to guard against the danger that was clearly outlined by the member for Bowen. Then after considerable, shall we say, loose-lipped loquacity, he told us it is a matter for the Licensing Commission, that if the Licensing Commission thinks this covenant that has been entered into is injurious to the lessee, or to the State in general, or to the useful people, then the Licensing Commission may step in and cancel that lease. The member for Kurilpa, who is a member of the legal profession, further confused my mind by saying that the Licensing Commission has tremendously wide power to do anything it desires in regard to the cancellation of a lease, and there is no appeal against its decision. He told us, much to my astonishment, if my interpretation is correct, that the Licensing Commission could do illegal things and there is no appeal against its decision.

Mr. Copley: You are entirely wrong.

Mr. AIKENS: I have lacked the opportunity of taking a legal course; perhaps that is to my benefit; perhaps I am a better man without legal training than I should be with it. I am only applying my lay mind to the various suggestions that have been hurled from one side of the Chamber to the other. I think—and I say this quite honestly—that what I think of the suggestions that have been made and what I think of the statements made in this Chamber may be reasonably assumed to be what the average intelligent man would think of those suggestions.

I think it is our duty to accept the amendment of the member for Bowen in order to give clarity and precision where clarity and precision do not exist.

Hon. E. M. HANLON (Ithaca—Acting Premier) (2.55 p.m.): I want to say that I am not going to shed any tears or lose any sleep over the publican who signed such a lease. I should not be concerned about him if there were no protection. If he enters into an agreement of that kind with the owner he does so with his eyes open. As I said on a previous stage of the Bill, this Bill is not designed as a kind of paternal protection for publicans; it is designed in the interests of the people, to give service to them.

Let us go to the law that has been quoted to us by the hon. member for Bowen and the hon. member for Toowong. I believe there is a good deal of truth in the saying of the hon. member for Mundingburra that the legal profession fatten on the mistakes made in Parliament. My experience has been, listening to the hon. member for Toowong, that a good deal of the mistakes made in Parliament are made by legal men who happen to be in Parliament. Both the hon. member for Bowen and the hon. member for Toowong, posing with their authority as legal men, get up and move an amendment and tell us there is no power for a Licensing Commission to deal with such a situation. Now, they are either very careless in their legal work—which is not good for their clients—or they are concealing something from the Committee, which is hardly in keeping with the ethics of a Chamber such as this.

The Licensing Commission has the power to issue licences. If a man takes a lease of a hotel from a brewery or a wine and spirit merchant the licence is placed in the name of that person. Suppose the wine and spirit merchant referred to by the member for Bowen proposed to operate the clause. How is he going to do it? Suppose he cancels the lease. What is the position then? The person who owns the licence still has the licence. It is only the licence that permits him to sell liquor.

Mr. Walsh: The legal men will not admit that.

Mr. HANLON: They are very careless or——

Mr. Hiley: What then?

Mr. HANLON: What is the value of the premises without a licence to sell liquor? If there is one thing more than another that the wine and spirit merchants or breweries cannot afford to do it is to close hotels, and that would be their only option unless the person holding the licence signed an application for the transfer of the licence. If he does so the Licensing Commission has the right of refusal and if application is made for a licence, even on the expiry of a lease, even if a person intends to sacrifice his licence, anybody has the right to object to the Licensing Commission to the issue of a licence, and an aggrieved licence-holder could make representation just the same as anybody else. Holders of licensed victuallers' licences are just as capable of making representation in their own interests as anybody else and will not miss any opportunity of making such representation. The merchant or brewer who tried to exercise his rights under that clause would be in the position of saying "I am cancelling your lease of the premises but the premises are no good to me unless somebody with a licence to sell liquor takes it," and as nobody can hold a liquor licence other than the person to whom the licence has been issued what good would it be?

Mr. Luckins: He may hold a transfer in blank.

Mr. HANLON: The hon. member need not think it is as easy as that to evade the law. We have heard stories of political parties demanding that their candidates sign a resignation form in blank so that that power can be held over them, but it will not wash here. There is no way of getting rid of that licensee except by application to the Commission and the application has to be made by a person who holds the licence. The whole bally-hoo built up by the hon. members for Bowen and Toowong fades away in the knowledge of the actual position.

Mr. NICKLIN (Murrumba—Leader of the Opposition) (3 p.m.): The amendment moved by the hon. member for Bowen has served the particularly useful purpose that it has brought under the notice of the members of this Committee, if they did not realise it before, the dictatorial nature of the legislation being dealt with today. Hon. members must not forget that in the 1935 amendment of the Act this Parliament agreed to place in the hands of the Licensing Commission absolutely dictatorial powers. That fact is emphasised by the Attorney-General and the Acting Premier when they readily say that in the hands of the Licensing Commission rest entirely the granting and the cancelling of a licence. Therefore if the amendment moved by the hon. member for Bowen does nothing else it emphasises that point, that this legislation is absolutely dictatorial in that it places in the hands of the Licensing Commission the power to say "Yea" or "Nay" to everything in connection with the operations of the Liquor Act.

Let me quote one or two provisions contained in section 6 of the 1935 Act, which gives to the Licensing Commission the power to grant or refuse applications for licences, registration, or transfers, with no right of appeal against its decision. Further, it gives the Commission power to cancel any licensed victualler's or wine-seller's licence. That is the position. It can cancel a licence if it wishes without giving any reasons to anybody and without any right of appeal by the licensee concerned. When you come to consider this matter we can come to only one conclusion and that is that this is the most totalitarian piece of legislation ever placed on the statute-books of any English-speaking country.

Mr. WANSTALL (Toowong) (3.2 p.m.): I am not personally concerned about the policy of the Acting Premier of making cheap personal jibes at my expense, because the 6,000-odd people who returned me to this Parliament and my friends and acquaintances, think so little of the Acting Premier that what he says does not interest them in the least. But, what is more, I am not going to allow him to get away with this masterly hedging that he has just exhibited. This question opened with a statement by the Attorney-General that there was contained in the legislation of Queensland or in this Bill a specific provision that served the same purpose as the amendment moved by the hon. member for Bowen.

One thing the Acting Premier's speech did indicate was that that was not the position. The Government are relying entirely upon some undefined alleged powers that the Licensing Commission would have to take disciplinary action in appropriate circumstances. It does at least emerge that there is no such provision in the Bill or in existing legislation.

The point is that although in some cases the Licensing Commission might be able to refuse a transfer of license in these circumstances to an intending transferee, the process cannot be carried on indefinitely throughout Brisbane or throughout Queensland. It is a physical impossibility because the result could be that you would close up the majority of the hotels in the State. The hotels must carry on. Whatever this administrative authority is—and it depends entirely on that, according to the Acting Premier's admission—it is absolutely futile as compared with the amendment moved by the hon. member for Bowen, in which at least there is specific provision that will operate against the evil referred to.

It has to be remembered that we are not dealing with the granting of new licenses; we are dealing with existing licences. The Licensing Commission can forfeit them only on proper grounds. It might be questionable whether the Licensing Commission was acting properly in those circumstances. Take the case of the owner of a hotel or a head lessor who had such a clause in his lease. He cancels the lease, but the licensee holds the licence. If another person, having got the lease, applied for the licence, on what grounds would the Commission refuse the application by the new licensee? There is nothing new in the lease. The clauses may be more onerous or the rent may be doubled, but what reasonable grounds would the Licensing Commission have for refusing the licence?

Mr. Hanlon: There would be no application unless the owner of the licence made it.

Mr. WANSTALL: The lease might have years to run and the holder of the lease is interested in it. He has obtained it under the existing legislation and by reason of this new legislation his lessor is going to be permitted to cut off his lease suddenly. After all, he has some interest in it. Why not protect him? The reasons suggested against this amendment are too futile to be worth discussing.

Question—That the words proposed to be added to clause 15 (Mr. Paterson's amendment) be so added—put; and the Committee divided—

AYES, 19.

Mr. Aikens	Mr. Müller
,, Brand	,, Nicklin
,, Edwards	,, Paterson
,, Hiley	,, Pie
,, Kerr	,, Plunkett
,, Luckins	,, Wanstall
,, Macdonald	
,, Maher	*Tellers:*
,, Marriott	,, Decker
,, McIntyre	,, Yeates
,, Morris	

NOES, 25.

Mr. Bruce	Mr. Jones
,, Copley	,, Larcombe
,, Davis	,, Moore
,, Devries	,, Power
,, Duggan	,, Smith
,, Farrell	,, Taylor
,, Gair	,, Turner
,, Gledson	,, Walsh
,, Gunn	,, Williams
,, Hanlon	
,, Hanson	*Tellers:*
,, Hayes	,, Clark
,, Healy	,, Graham
,, Hilton	

PAIRS.

AYES.	NOES.
Mr. Clayton	Mr. Cooper
,, Walker	,, Dunstan
,, Sparkes	,, Ingram
,, Chandler	,, Keyatta

Resolved in the negative.

Mr. NICKLIN (Murrumba—Leader of the Opposition) (3.10 p.m.): I move the following amendment:—

"On page 9, after line 34, add the following paragraph:—

'Subject as aforesaid, any agreement or undertaking whether written or verbal, by which a licensee is bound to exclusive dealings in respect of supplies of liquor is hereby declared with regard to such binding to be null and void and of no effect in any way whatsoever.' "

I have no desire to repeat the arguments already advanced in connection with the evils of tied houses. That matter has been discussed very fully already. Suffice it to say that hon. members on this side of the Chamber are very strongly of the opinion that the tied house is not an advantage in the liquor trade. As the Committee has already agreed to the clause up to line 34, I am of the opinion that it would be an improvement to insert the amendment and so give the Licensing Commission clear power to deal with any agreement or undertaking written or verbal that may refer to any exclusive dealings in respect of supplies of liquor.

Mr. Hanlon: Do you object to its having that power?

Mr. NICKLIN: No, but I object to the half-hearted principle in the clause, which

is allegedly designed to deal with the subject of tied houses when in fact it does not deal with it at all. It gives the breweries an advantage over other sections in the trade and does not in any way deal with the evil of tied houses under the control of breweries. The amendment will certainly strengthen the hands of the Licensing Commission in dealing with this evil. At present the clause is so loosely framed and has so many loopholes that it is not as effective as this Chamber would like it to be. Again I say that the amendment will very considerably strengthen the hands of the Licensing Commission in its administration of matters relating to tied houses and I submit it to the Committee for its consideration.

Hon. D. A. GLEDSON (Ipswich—Attorney-General) (3.15 p.m.): There is practically no difference, except in the wording, between this amendment and the one moved by the hon. member for Bowen. If the Committee accepted the amendment it would be determining all these matters instead of leaving them to the Licensing Commission. That Commission has full power to deal with all these matters detailed in the clause. Therefore, there is no necessity to go over the ground and explain it again.

Question—That the words proposed to be added to clause 15 (Mr. Nicklin's amendment) be so added—put; and the Committee divided—

AYES, 19.

Mr. Aikens	Mr. Müller
,, Brand	,, Nicklin
,, Decker	,, Paterson
,, Edwards	,, Plunkett
,, Hiley	,, Wanstall
,, Kerr	,, Yeates
,, Luckins	
,, Macdonald	*Tellers:*
,, Maher	,, Morris
,, Marriott	,, Pie
,, McIntyre	

NOES, 25.

Mr. Bruce	Mr. Hilton
,, Clark	,, Jones
,, Copley	,, Larcombe
,, Davis	,, Power
,, Devries	,, Smith
,, Farrell	,, Taylor
,, Gair	,, Turner
,, Gledson	,, Walsh
,, Graham	,, Williams
,, Gunn	
,, Hanlon	*Tellers:*
,, Hanson	,, Duggan
,, Hayes	,, Moore
,, Healy	

PAIRS.

AYES.	NOES.
Mr. Clayton	Mr. Cooper
,, Walker	,, Dunstan
,, Sparkes	,, Ingram
,, Chandler	,, Keyatta

Resolved in the negative.

Mr. MULLER (Fassifern) (3.21 p.m.): I move the following amendment:—

"On page 9, after line 34, add the following paragraph:—

'Provided that the licensee or spirit merchant or the owner of the premises concerned may appeal against any decision of the Licensing Commission under the provisions of this section to the Supreme Court.' "

If any amendment should be carried, it is this one. This clause refers chiefly to the cancellation of the licence. I draw the attention of the Committee to paragraphs (ii.), (iii.) and (iv.) of sub-clause (2). The position as I see it is that the police officer in a district is usually the licensing inspector, and his reports made from time to time have an influence on the Licensing Commission. We know it frequently happens that there is a difference between a licensee and a police officer in a particular district, and if the police officer wishes to "square off" on the licensee by charging him with a breach of any of these paragraphs, it would be very difficult in some cases for the licensee to prove that such a charge was not legitimately made against him.

Dealing with the matter of prostitutes on the premises, for instance, if the amendment moved by the hon. member for Mundingburra had been accepted we might have had clarification on this point, but as the clause remains it now becomes the responsibility of the licensee to prove that certain women who may be on his premises are not prostitutes. Who is going to determine the question whether these people are undesirable women? The publican runs the risk of losing his licence and he has not the right of appeal.

Paragraph (iii.) deals with drunkenness on the premises. I do not think the Attorney-General can point to a hotel where at some time or other you may not see drunken people. The licensee takes the risk of losing his licence because there may be drunken people on the premises. We have even to get down to what really constitutes drunkenness. When is a man drunk and when is he slightly affected? Those are points that anyone is entitled to raise. I am not an authority on hotel life and I am not an authority on drunkenness, or other vices that have been referred to, but I am an authority on stock and matters of that kind. Under the Diseases in Stock Act a man may be charged with illegally branding a beast.

The CHAIRMAN: Order!

Mr. MULLER: There is an analogy between the two sets of circumstances. If Bill Jones brands a beast that he finds and somebody claims that beast, it may be difficult for him to defend his action successfully. An unbranded beast might be anybody's beast. Take a Hereford or a Friesian. The first person who got hands on it might brand it and be charged with a breach of the law. The case would be decided by a magistrate and the person might be convicted, but under the common law he has the right of appeal; whereas under this Bill the aggrieved person has no right of appeal. It is only British justice that a man should have the right of appeal to a higher tribunal. The Licensing Commission cannot live in every locality; it is guided by the evidence submitted to it, chiefly by the licensing inspector.

It becomes a court, but who is it to decide these questions? These persons have greater power than perhaps any authority in the land. Their decision becomes final. All I ask by

this amendment is that the Attorney-General exercise some consideration in a case like this. I am not here making an appeal for licensed victuallers who offend against the law. Nothing is further from my mind, but these people are not all offenders against the law and are not all criminals, therefore there is no reason in the wide world why the Licensing Commission should have the power to put these people out of business without their having any right of appeal to a higher tribunal. What we ask in this amendment is that the licensee shall have the right to appeal to the Supreme Court for a review made of the charge against him.

Hon. D. A. GLEDSON (Ipswich—Attorney-General) (3.29 p.m.): This amendment seeks to create a new principle and something that is not contained in the Bill—an appeal to the Supreme Court. The Act deliberately made the decision of the Commission final.

Mr. Muller: Why should it?

Mr. GLEDSON: That was all discussed in this Chamber when that Act was passed and the House carried that principle, that there would be no appeal from the decision of the Commission. From the speech of the hon. member for Fassifern one would think the Commission simply cancelled the licence without any consideration. Before a licence can be cancelled, suspended or forfeited, the licensee is heard and the owner of the premises is heard, so also is the mortgagee of the premises. The Licensing Commission constitutes the court that deals with the licensing of premises in Queensland and the decision of that court is final. If that was not so, licensing matters could not be as expeditiously dealt with as they should be. That provision was deliberately put into the Act years ago for the purpose of gaining some finality in connection with licences, and this power has been in operation for many years. There has never been any complaint as to the dealings of the Commission from those with whom it deals. The members are looked on with the highest respect throughout Queensland by people and by the licensees under their control. In fact, they are consulted by them from day to day and week to week in connection with the working of their business. The Licensing Commission not only has done its duty in dealing with these matters but during the last few years has given considerable assistance to the licensees in Queensland. Many encomiums have been passed on the members of the Commission for the work done throughout the State and I and the Government are quite willing to leave the matter of dealing with these matters fairly and squarely in the hands of the Licensing Commission and to make their decision final without providing for appeal to any other court.

Mr. YEATES (East Toowoomba) (3.33 p.m.): I strongly support the amendment. It is high time there was some tribunal to which an appeal could be made. I was absolutely astounded, from the very inception of the Licensing Commission, that there was no right of appeal from that body. From all British courts there is the right of appeal. Notwithstanding what the Attorney-General has said today I disagree with him strongly. The gentlemen comprising the Commission today may be three first-rate gentlemen, but that may not always be so. It may be that some political influence or something else might bring some other person onto the Commission and there there is a wonderful opportunity for their becoming millionaires.

To my mind the present Commission is righteous and upright. I have had really no dealings with its members other than to ask questions over the telephone but I have every respect for them. Who is going to say, however, that there will always be an honest, upright Commission?

There is an appeal against a decision of the ordinary summons court. There is the right of appeal to the Full Court of Queensland, then to the High Court of Australia and to the Privy Council if necessary. I do not want all these small matters to go as far as the Privy Council but I submit that an appeal to a Supreme Court judge should be allowed. Up to the present I have every confidence in the Supreme Court of Queensland and that is more than I can say about a good many other institutions in this State.

I have much pleasure in supporting the amendment. It is long overdue despite the fact that the Attorney-General said the matter was debated fully when the Licensing Commission was set up some years ago. We often notice legislation coming back for revision year after year, which would indicate that the measures were not complete in the first place. I do not expect the Government to make Acts absolutely watertight at the beginning because many things have to be tried out in practice.

Mr. AIKENS (Mundingburra) (3.35 p.m.): I support the amendment not because I am particularly fussy about the rights of a publican to appeal to anyone but on general principles, based on my conception of British justice. I was astonished to hear a representative of an alleged Labour Party say in this Chamber that he believes in giving control to the Commission and that that control should be absolute, final and without appeal. There is an old saying that the true battle cry of a patriot is, "My country, right or wrong." It appears now that the Attorney-General has altered that a little and is crying, "My Commission, right or wrong."

Let me quote some terrible examples of what could have happened if other councils and commissions in this State had been given exactly the same power as is given to the Licensing Commission, power to suspend a licence, power to forfeit or cancel a licence without any appeal by the licensee. We have in this State, set up by this same Queensland Government, a Medical Board headed by Sir Raphael Cilento. Not long ago he took action against an unfortunate doctor named Dr. Max Michel. Cilento laid the charge; Cilento sat as chairman of the board.

The CHAIRMAN: Order! I ask the hon. member to confine his remarks to the matter before the Committee. I remind him that the Licensing Commission is the matter before the Committee and it has nothing to do with the Medical Board.

Mr. AIKENS: But am I not at liberty to draw a comparison to show what did happen and what would happen if there is no appeal against the decision of a commission such as this? Cilento found this man guilty, Cilento removed him from the medical register but, thanks to a provision in the Medical Act—which will be covered by the amendment moved by the hon. member for Fassifern—Michel had the right of appeal to the Supreme Court. He appealed, the Supreme Court upheld him and found in effect that Cilento, apart from knowing nothing about medicine, knew nothing about law, and Michel today is cleared of the charge that was laid against him. If this amendment is not carried the licensee will not be in the same position, because he will be charged by the Commission, the Commission will sit in judgment upon his case, the Commission will give its finding, and the Commission's finding will be final and no right of appeal will lie against that finding.

We have some terrible examples of the operation of a similar clause in the Railway Department. When the Railway Department cannot find any rules or regulations under which it can sack an employee, it goes to the Commissioner and the Commissioner sacks him under section 17 of the Railways Act which provides for no right of appeal except to the Governor in Council, which in effect is an appeal from Caesar unto Caesar. Let me point out to the Attorney-General that the first step in the Fascist set-up in any country, the first step in a totalitarian regime, is to establish a bureaucracy with the power of life and death over the citizens so that the people have no right of appeal against the decisions of those bureaucrats.

Mr. Hanlon interjected.

Mr. AIKENS: And here I am going to do with the Acting Premier what he did to me the other day—I am going to talk him down. I can talk him down and give him 10 yards in 100 start. The right of appeal is inherent in all laws laid down by any decent section of the British Empire, and all that the hon. member for Fassifern intends to do is to give the licensee the right of appeal against a Commission, which I think is corrupt now, or if it is not corrupt now, will be corrupt at any time in the near future.

Mr. GLEDSON: I rise to a point of order. My point of order is that my ear-drums are open and I think all hon. members should restrain themselves and not injure any other hon. member in the Chamber.

Mr. COPLEY (Kurilpa) (3.41 p.m.): There is no difference between the powers of the Licensing Commission and some other tribunals. We have a parallel in the Industrial Court, a bench of three, from which there is no right of appeal to the Supreme Court. Is it the purpose of the amendment that there should be the right of appeal to a single judge, or to the Full Court? That is not made clear. I, like the hon. member for East Toowoomba, have every confidence in the Supreme Court, but the moment you bring a matter before the Supreme Court, why stop at a single judge or the Full Court? Why not let the litigation go right through to the Privy Council?

Mr. Nicklin: Will you move an amendment to that effect?

Mr. COPLEY: I am not moving any amendment. I am merely pointing out the stupidity of the amendment before the Committee. The gentlemen who constitute the Licensing Commission have studied these matters over a considerable time, just as the judges on the Industrial Court bench have studied industrial matters. I know that it is difficult to deal with some cases submitted for the consideration of the Licensing Commission, such as those mentioned by the hon. member for Fassifern. There are cases in which women of ill-repute frequent hotels or people misbehave themselves, but in the final analysis it is a police officer who has to make the report on them. He has to report on the conduct of hotels. I know that there are some hon. members who have not the same opinion of the police force as I have, but until we can prove that the police officers are inefficient we have to accept their reports. If you want to make costly litigation on the question of hotels, do it, but I submit that the moment you go to the Supreme Court you have to go further and that is right through to the Privy Council.

Mr. NICKLIN (Murrumba) (3.43 p.m.): The Attorney-General said that the amendment sought to introduce a new principle into the Bill. It certainly does. The Bill and the Act it seeks to amend are certainly designed to give absolute power to the Licensing Commission with no right of appeal; in other words, they create totalitarian legislation. I am surprised that the Attorney-General should get up in this Chamber and advocate such a principle as that, and that he should argue against the long-established principle of British law that accused persons should have the right of appeal.

That is all this amendment asks for. It asks for the same principle to be established in this legislation as is recognised in the whole structure of British law.

Let us look at this clause. The hon. member for Fassifern enumerated the various grounds on which a licence may be forfeited, one of which may be a report to the Licensing Commission by some person who may have some reason for disliking the licensee concerned. If we deny the licensee the right of appeal it may open the way to enabling some unscrupulous person to frame a licensee and deprive him of his livelihood.

The Attorney-General said that the Licensing Commission was held in respect throughout the length and breadth of the land. I believe its members are. But, after all, the members

of the Licensing Commission are only human. They may make a mistake. If they make a mistake and as a result cancel the licence of a licensee, that means there is no means of rectifying that mistake. The licensee may lose his licence because of some mistake made by the Licensing Commission.

I would draw the attention of the Committee to another provision in this clause under which the licensee may have his licence suspended, that is, if he "does not keep in stock and/or supply, in reasonable quantities, all classes, kinds, and descriptions of liquor which are usually consumed or demanded by the general public in the locality. . . ." Who is to be the judge of what brand of liquor is in general demand in the locality?

Mr. Power: Can an aggrieved person not make a complaint to the Licensing Commission?

Mr. NICKLIN: If a complaint is made to the Licensing Commission and if that complaint is subsequently found to have been made on the wrong basis, and the licensee is dealt with, he has no right of appeal whatsoever. He has to take it and have his livelihood taken away from him. Such are the wide powers contained in this legislation! Powers are given to the Commission to take away from a person his very livelihood, which perhaps means the forfeiture of all the assets he possesses. Is it not right therefore that this Committee should put some saving provision in this clause to give such a person the right of appeal? It is a right given to all under our British law and it is certainly a right that should be inserted in this Bill. As I mentioned when speaking previously, the Liquor Act of 1935 gave the Licensing Commission very wide powers indeed. If the Committee agrees to this amending legislation we shall complete the full circle by giving the Licensing Commission absolute power over the livelihood and the very existence of all the licensees of this State without any right of appeal whatsoever against its decision. Is that fair? Are hon. members going to stand for that principle? I say very definitely that they should not, particularly if they stand for the principles of British justice. I have very much pleasure in supporting the amendment moved by the hon. member for Fassifern, which gives that right of appeal which after all is the inalienable right of every British subject.

Mr. MULLER (Fassifern) (3.50 p.m.): The Attorney-General gave as a reason for rejecting this amendment that the members of the Licensing Commission were men beyond reproach. We do not contend that they are not honourable men. We have not questioned their honour or integrity in the slightest. What we do complain about is the principle.

Mr. Walsh: In other words you dissociate yourself from the hon. member for Mundingburra?

Mr. MULLER: I dissociate myself from the hon. gentleman in this particular case. The hon. member for Mundingburra is quite capable of looking after himself and no-one knows that better than the hon. gentleman. (Laughter.)

The CHAIRMAN: Order!

Mr. MULLER: It is a question of the danger of allowing a body of people to queer a man's business. If a person who had a grudge was successful in convincing the Licensing Commission that he was right, the licensee would be in a difficult position, because it comes down to a question of fact whether the alleged breach was actually committed? No-one knows better than you, Mr. Mann, what those cliques can do. If you want to get square with a man all you have to do is to say he is responsible for one of these breaches against the law. The breaches are so vague that it would be difficult to determine the question. How can it be said a man was drunk about a hotel when there is a doubt about when a man is drunk and when he is not. It may be said that gambling was permitted on the premises, and that too could be exaggerated. The evidence is submitted to the Licensing Commission, which is composed of men who after all are just human beings, and they are liable to be convinced sometimes by untruths. All we are saying is that where a mistake takes place—and it is not going to be an everyday occurrence; if the licensee is satisfied that the charges are legitimate he is not going to spend money on an appeal—there should be the opportunity to remedy it.

The hon. member for Kurilpa made the silly suggestion, "Why not take it right to the Privy Council?" How many cases are taken from our law courts to the Privy Council? Not many survive the police court. If people are satisfied that they are guilty they are not going to spend any more money. What we do ask is that if the licensee feels he has received a raw deal he should have the right of appeal to the Supreme Court. The hon. member for Kurilpa would have one law for the Medes and one for the Persians. Why should there be the right of appeal in other cases and none in this case? I am not pleading for the licensed victuallers, but do not forget that they are human beings. It is their living, and people who are in a business for many years have no desire to go into any other business, and if you wipe them off without the right of appeal it will be a very serious matter for them. I am surprised that a man like the Attorney-General, who says his legislation is clean and aboveboard, should insist on a clause that denies to one section of the people the right of appeal.

Mr. WANSTALL (Toowong) (3.55 p.m.): In this question I find myself on the side of the amendment. The issue is purely and simply one of principle; it is between the Rule of Law on the one hand and the discretion of an official on the other. We have had all too much experience of allowing questions of status of the person to be decided by officials without the right of appeal.

The Attorney-General made only one point, and that was the members of the Commission are, like Caesar's wife, beyond reproach.

I readily concede they are; I make no charge against them individually or collectively. But would the Attorney-General suggest that the judges of the Supreme Court are held in any lower regard by the public or that the members of the Commission are regarded more highly by the public than the members of the Supreme Court bench? Yet there is the right of appeal from the judges of the Supreme Court. The argument is entirely irrelevant.

A Government Member: On the law or on the facts?

Mr. WANSTALL: On both in some cases. There is also an appeal from the magistrate, and in many cases we have an appeal by way of rehearing. No-one would suggest any member of the Commission is entitled to higher respect than magistrates. The argument is entirely irrelevant and does not advance the matter one iota.

The parallel of the hon. member for Kurilpa, I suggest with respect, is not a true one. I would remind the hon. member that the Industrial Court is a superior court of record; it is a court of virtually unfettered jurisdiction.

Mr. Aikens: It is an appeal court too.

Mr. WANSTALL: Yes, there is an appeal from the industrial magistrate to that court, so there is no true parallel at all.

I want to draw this distinction between the Licensing Commission and any judicial body. It is primarily an administrative body. Its functions are almost purely administrative. It is there to administer the Act. It may be the motivating force in a prosecution; it may be in the position of the Crown Prosecutor; it also sits in the chair of the judge.

It sits in the dual capacity of judge and prosecutor. That is another reason why there should be the right of appeal from its decision.

Look at one of the grounds for taking away a licence to be found in clause 2 (1), that the licensee is a person of drunken or dissolute habits or immoral character or is "otherwise unfit to hold a licence." The last words are a dragnet and are the legislative equivalent to Rule 62 of the Queensland Turf Club. They give to the Commission a very wide discretion as to the unfitness of a licensee. What is the meaning, scope, and extent of these words? Is it to be merely the interpretation placed upon them by the Licensing Commission? That is another reason for the need for the right of appeal. The simple principle involved is whether we shall at this stage attempt to abolish the growing tendency of legislators to put into the hands of commissions, boards, and bodies of that kind the power to grant a living to a citizen and the power to take away that living by the stroke of a pen. That is the issue: whether that right is to remain in the hands of the commission without appeal or whether a citizen is to have the right to appeal from a decision of that commission.

After all, as other speakers have pointed out, there is no need to exaggerate the position by alleging or imputing improper motives to the Commission. It could make a simple mistake against which there would be no right of appeal. I see absolutely no reason why the Attorney-General should not accept this amendment which I support with the greatest of pleasure.

Question—That the words proposed to be added to clause 15 (Mr. Muller's amendment) be so added—put; and the Committee divided—

AYES, 18.

Mr. Aikens	Mr. Nicklin
,, Brand	,, Pie
,, Edwards	,, Plunkett
,, Kerr	,, Walker
,, Luckins	,, Wanstall
,, Macdonald	,, **Yeates**
,, Maher	
,, Marriott	*Tellers:*
,, McIntyre	,, Decker
,, Müller	,, **Hiley**

NOES, 24.

Mr. Bruce	Mr. Hayes
,, Clark	,, Healy
,, Copley	,, **Hilton**
,, Davis	,, **Jones**
,, Devries	,, Larcombe
,, Duggan	,, Moore
,, Farrell	,, Smith
,, Gair	,, Walsh
,, Gledson	,, **Williams**
,, Graham	
,, Gunn	*Tellers:*
,, Hanlon	,, Power
,, Hanson	,, Turner

PAIRS.

AYES.	NOES.
Mr. Sparkes	Mr. Cooper
,, Morris	,, Dunstan
,, Chandler	,, Jesson

Resolved in the negative.

Clause 15, as read, agreed to.

Clause 16—New section 47B inserted; Procedure upon forfeiture of a licence—

Mr. NICKLIN (Murrumba—Leader of the Opposition) (4.5 p.m.): I move the following amendment—

"On page 9, line 38, after the word—'not' **insert the words**—

'forfeit or cancel any licence or certificate of registration.'"

If that is carried, I will move to omit the words on lines 39 to 45—

"(*a*) Forfeit any licence under section nineteen of this Act; or

"(*b*) Forfeit any licence or certificate of registration as a spirit merchant under section 47A of this Act; or

"(*c*) Forfeit any licence under section fifty-one of this Act."

This clause deals with procedure upon forfeiture of the licence. At the present time the clause provides only for licences forfeited under section 19 of the Act, or any licence or certificate of registration of a spirit merchant under section 47A of the Act, or forfeiture of licences under section 51 of the Act. Section 19 and 51 of the Act deal with accommodation while section 47A deals with the registration of spirit merchants.

The effect of my amendment will be to remove these specific cases and include all forfeitures of licences or certificates of registration under this Bill. This will mean that any licensee who has his licence forfeited by the Commission will have the right to appear before the Commission and show cause why he should not be dealt with.

Yesterday, when we were debating an amendment moved by the hon. member for Bowen in connection with the finding on licensed premises of prostitutes and persons under the surveillance of the police, the Attorney-General said that in the next clause, the clause with which we are now dealing, the licensee would have the right to come before the Commission and show cause. If the hon. gentleman reads the clause again he will find that the only persons dealt with under section 47A, to which we have just agreed, are spirit merchants. Licensees are not dealt with in any way at all. We should give any licensee or any person dealt with under the Act the same right as is proposed under this clause for certain licensees if they are brought before the Commission. All should be given the right to show cause. My amendment is a simple one. It provides for a procedure with which I think the Attorney-General must agree, because he said yesterday that any person dealt with under subclause (2) of clause 15 of the Bill would have the right to show cause before the Commission why his licence should not be forfeited.

Apparently the Attorney-General agreed yesterday with the principle and evidently thought that it was in the Bill but if he will read it he will find it is not there and that there is no protection whatever for the licensee who may have his licence cancelled. I think the amendment is a very reasonable one and I hope the Attorney-General will accept it.

Hon. D. A. GLEDSON (Ipswich—Attorney-General) (4.10 p.m.): I do not intend to accept the amendment. The position is that if the amendment was carried it would nullify the effect of the clauses already adopted by the Committee wherein it is provided that licences shall be automatically cancelled upon conviction for black-marketing and other offences. We are not leaving it to the Licensing Commission to determine those matters. According to the Bill the licence will be automatically cancelled in such circumstances. If the Leader of the Opposition would read the Bill he would see that clause 15 provides for the enactment of a new section 47A, and upon reading it further he would see that clause 16 provides for the forfeiture of any licence or certificate of registration under section 47A.

Mr. Nicklin: That deals only with spirit merchants, not licensees.

Mr. GLEDSON: It deals with licensees. Section 16 deals with forfeiture of licences under section 19 and section 47A, which is really clause 15 of the Bill. The Bill provides for the automatic forfeiture of licences in certain circumstances and the amendment would have the effect of nullifying those provisions.

Mr. HILEY (Logan) (4.12 p.m.): For the first time today I find myself in agreement with the Attorney-General. There is one class of forfeiture that is not specifically excepted by clause 16 and that is forfeiture following conviction for black-marketing. If I understand the attitude of the majority of hon. members we are quite in agreement that upon conviction for black-marketing the licence or certificate of registration as a spirit merchant shall be ipso facto forfeited without any right of appeal and without any further proceedings whatever. That is the solitary exception from the forfeitures—those in terms of section 22A. The clause as already drafted clearly covers licences of hotels or certificates of registration of wine-sellers. As I see it, the only possible exception is as to forfeiture for black-marketing and with my eyes fully open to that possibility I willingly accept the clause as drafted by the Attorney-General.

Amendment (Mr. Nicklin) negatived.

Mr. AIKENS (Mundingburra) (4.13 p.m.): I move the following amendment—

"On page 11, after line 36, add the following new subclause—

'(5.) Notwithstanding anything to the contrary in this Act contained, any person resident in Queensland may apply to a stipendiary magistrate for the forfeiture, cancellation, or suspension of any licence granted under the provisions of this Act.

'Such stipendiary magistrate shall have power, authority, and jurisdiction to hear and determine any such application and to order such forfeiture, cancellation, and/or forfeiture of the licence concerned upon such terms, conditions, and stipulations as he shall think fit and proper, or he may refuse any such application.

'On the hearing of any such application any party interested in the matter and the Licensing Commission shall have the right to appear and be heard therein.

'For all purposes of this Act it shall be an offence against this Act for any person whether owner or lessor by means of threats or intimidation to compel the licensee concerned to do any acts, matters or things or to refrain from doing any acts, matters or things whether by agreement or otherwise which may be construed as being contrary to or not in accordance with the provisions of this Act.

'It shall be sufficient grounds for such person resident in Queensland to apply to the stipendiary magistrate for the forfeiture of any license or certificate held by any person guilty of the above offence.

'Moreover it shall be within the power of the stipendiary magistrate to forfeit

any license or certificate of whatever nature held by the offender under this Act.' ''

I suppose that my contribution on this amendment will go down in the history of the discussion of this Liquor Act Amending Bill as Cassius's last stand. I can assure the Attorney-General that if the Acting Premier does not interrupt me I shall conduct this part of my contribution to the debate without jarring the hypersensitiveness of his auditory nerves.

I drafted the first part of my amendment yesterday. I intended to go on with the first part alone but after I heard the Acting Premier speak yesterday against the amendment moved by the Leader of the Opposition I gave some considerable thought to the matter and with the very kind assistance rendered me by the Parliamentary Draftsman I decided to include the latter part because it deals with the agent, the brewer, or the wine and spirit merchant who ties up a house by the very means that were described here yesterday afternoon by the Acting Premier.

The Acting Premier said that we cannot bring down any legislation that will stop an agent or a brewer or a wine and spirit merchant from saying to the licensee, ''Now, when your lease is finished, when your term is ended, because you have not given us a fair go and you have not played ball with us, and have not bought all your wines, spirits, and beer from us, you will not get an extension of your lease.'' What the Acting Premier said the Government had failed to do I am attempting to do under this amendment. I know it will be useless if my amendment or the implementation of it is left wholly and solely with the Licensing Commission. That is why I drafted to provide that if any person thinks he has a claim under this subclause he shall have the right to go to the stipendary magistrate and ask that stipendiary magistrate to cancel or suspend any licence granted under the provisions of the Act.

By my amendment I am guarding against the fears expressed in this Chamber not by me, but by the Acting Premier himself. If we are to accept the Attorney-General's assurance that when this Bill becomes law the Licensing Commission itself will make provision against written or verbal agreements that the licensee shall buy his wines, spirits, beer, and goods only from the merchant or brewer who owns the hotel or the head lease. My amendment provides that that licensee will be able to go along to the stipendiary magistrate when the brewer or agent refuses to grant him an extension of lease, or refuses to grant him a fresh lease because the agent or merchant or brewer might say, ''You did not play ball with me while you had your licence, and consequently I am not going to renew it or give you a further one.'' The licensee will then be able to bring evidence before the stipendiary magistrate that this person, whether the owner or lessor, by means of threats or intimidation, attempted to compel him to do any acts, matters or things, or to refrain, whether by agreement or otherwise, from doing any acts, matters, or things which may be construed as being contrary or not in accord with the provisions of this Act.

The Attorney-General and the Acting Premier have indulged in a lot of blather and blarney in the Press that this Act is being brought down to deal with tied houses. So far this Bill has gone through Committee without any amendment whatever, and it has failed to deal with tied houses.

The Acting Premier stated that it was impossible to deal with the tied house. I am offering this suggestion as a very reasonable and sensible way of dealing with tied houses. The Acting Premier told us that irrespective of the law, under the Act as it is at present the merchant or brewer will be able to say to the licensee, ''Deal with me or else. . . .'' The ''else'' is that when the licence expires the brewery or merchant will refuse to grant an extension of the licence or a fresh lease. Under my amendment the man could go along to the stipendiary magistrate and prove to the satisfaction of the stipendiary magistrate that by acts and threats or intimidation the lessor tried to compel him to do things that the Government have said are not in accordance with the Act. I do not know whether that is perhaps the final solution of the problem, but it does give the licensee who honestly tries to carry out the Act some protection.

This Act says, not only in effect but in actual words, that every licensee shall stock all classes, kinds and descriptions of spirits. Take the case of the hypothetical Bill Jones, who has been quoted a dozen times. If Bill Jones holds a licence for a hotel and holds a lease from Samuel Allen and Sons or Burns, Philp and Coy., and if he says to his lessor, ''Look, I have the law of the land to protect me; you don't stock certain classes of whisky and wine and spirits; I am going to go along to Thomas Brown and Sons or Cummins and Campbell Ltd. and buy those classes, kinds and descriptions of liquor from them and put them on my shelves, so that I shall conform with the law passed by the Labour Government.'' The merchant will say, as the Acting Premier said yesterday that he would say, ''All right, Mr. Bill Jones, you have the dead wood on me now, but wait till your lease expires and then I will refuse to renew your lease, and I will grant the lease to Bill Brown or Bill Smith.'' What redress has Bill Jones for obeying the law of this country? Is this Parliament going to protect the honest Bill Jones who wants to observe the law of this country, or is this Parliament going to cast Bill Jones to the wolves of the merchants and breweries? My amendment means that the aggrieved Bill Jones will have power to go to the stipendiary magistrate and say to him, ''I hold a lease for this hotel from Burns Philp'' (or Samuel Allen and Sons, as the case may be); ''I am a fit and proper person to hold a lease and I am prepared to enter into another lease with Burns, Philp Ltd.''(or Samuel Allen and Sons) ''but they won't give me an extension of the lease or a fresh lease because I obeyed the law passed by Parliament.'' The stipendiary magistrate will then

be in a position to say to Samuel Allen and Sons, "I believe this man has lost his licence and his means of livelihood by maintaining the law and by threats of intimidation you tried to compel him to break the law; therefore I am going to cancel or suspend the licence until justice is done to Bill Jones."

I do not know that any fairer, cleaner, clearer or better amendment has been moved today—and some very fine amendments have been moved. If the Government are honest and sincere in their desire to protect the decent licensee and the decent publican against the greedy, grasping, avaricious merchants and brewers, this is the way to do it. What is the use of the Government's throwing up their hands in despair as the Acting Premier metaphorically threw his hands up in despair yesterday and saying, "We can do nothing to the merchants and brewers who say to the licensee, 'Buy from us or else . . . ?'" Are the Attorney-General and members of the Government going to allow the position to remain there? Are they going to forever remain impotent before the threat held over their heads—suspended like the sword of Damocles—by the big brewery interests and wine and spirit merchants? This amendment shows them a way out of the difficulty because it gives the licensee who obeys the law the right to go to the stipendiary magistrate and say, "I am being prosecuted because I obeyed the law; now I am going to ask you to rectify my genuine grievance."

Hon. D. A. GLEDSON (Ipswich—Attorney-General) (4.27 p.m.): I have no intention of reverting to a stipendiary magistrate dealing with the forfeiture, cancellation, or suspension of a licence. We have in the Licensing Commission a body that has been set up for that purpose, and if I talked for a week I should not be able to tell you any more than that.

The hon. member's statement of a mythical Bill Jones transferring his licence to a mythical Bill Brown or Bill Smith is itself mythical. The owner of premises has no right to transfer any licence. He has no control of any licence. That is controlled by the Licensing Commission and if the owner put a licensee out of his premises, the owner has no power to transfer the licence to anyone else. That can be done only by the Licensing Commission. The hon. member for Mundingburra is barking up the wrong tree, because the owner has no power whatever to transfer, suspend, or forfeit a licence.

Mr. WANSTALL (Toowong) (4.29 p.m.): I regret that the hon. member for Mundingburra has seen fit to move his amendment in such a lengthy form, because I find that a certain part is completely unacceptable to me, whereas another part is desirable. As the Attorney-General pointed out, the first part of his amendment really involves a vote of no confidence in the administration of the Licensing Commission. In spite of the very forcefully expressed views of the hon. member, I cannot put myself in the position of being on his side in a vote of no confidence against the Licensing Commission. He is entitled to his views and I am entitled to mine, and no person would be more ready to concede that principle than he. But when he moves this amendment in its present form, the intention to take away from the Licensing Commission, or rather, to give to some other person, a common informer or a person aggrieved, the right to take action he wishes to supersede the discretion of the Licensing Commission in these matters: in other words, when a person thinks the Licensing Commission has not done his job, that person is to have the right to go to a magistrate and ask for the cancellation of the licence, I see very good reasons against it. The Attorney-General has referred to some of them.

The hon. member for Mundingburra has, however, put forward in the first paragraph of the additional part of his amendment a suggestion that is full of merit. That is the part of his amendment that starts off with the words—

> "For all purposes of this Act it shall be an offence against this Act for any person by means of a threat or intimidation to compel a licensee to do something against the objects of this Act."

As he pointed out, this was based on the candid admission of the Acting Premier yesterday afternoon that that is the method used by the brewers to circumvent the attempts of the legislators to prevent their abuse of licensees. That part of the amendment appears to be a very good attempt to deal with the evil, but unfortunately the hon. member wrapped it up with unacceptable provisions, and I find I cannot accept his whole amendment for that reason. If circumstances were different, may be I would move an amendment embracing only that paragraph of his amendment, but I want to point out also that his amendment would not be much of a deterrent to a very wealthy brewery because the penalty for a breach of that clause would be not more than £20 under the general penalty clauses of the Liquor Act.

What big wine and spirit merchant or brewery would bother about a £20 fine? If his amendment were to be any good at all it would have to carry with it a minimum fine of £100 and a maximum fine of £1,000 for the first offence, and for the second and subsequent offences a minimum fine of £1,000. Something along those lines would considerably strengthen the amendment.

Mr. AIKENS: I rise to a point of order. I am seeking information. Is it possible for me to move the first part of my amendment as an addition to clause 5 and the second part later on as clause 6, thus making two separate clauses?

The CHAIRMAN: The hon. member would have to apply to the Committee for permission to withdraw the amendment and to resubmit it or restate it.

Mr. AIKENS: How do I go about that? I see the point in the argument of the hon. member for Toowong. I am more eager to get the last part carried than I am to have the first part carried.

The CHAIRMAN: Is the hon. member asking permission?

Mr. AIKENS: I ask permission of the Committee to withdraw my amendment and to resubmit it as two separate amendments.

The CHAIRMAN: Is it the pleasure of the Committee that the amendment be withdrawn?

Question put; and the Committee divided—

AYES, 18.

Mr.	Aikens	Mr.	Müller
,,	Decker	,,	Nicklin
,,	Edwards	,,	Pie
,,	Hiley	,,	Walker
,,	Kerr	,,	Wanstall
,,	Luckins	,,	Yeates
,,	Macdonald		
,,	Maher		*Tellers:*
,,	Marriott	,,	Clayton
,,	McIntyre	,,	Plunkett

NOES, 26.

Mr.	Bruce	Mr.	Healy
,,	Clark	,,	Hilton
,,	Copley	,,	Jones
,,	Davis	,,	Larcombe
,,	Devries	,,	Moore
,,	Duggan	,,	Power
,,	Farrell	,,	Taylor
,,	Foley	,,	Turner
,,	Gair	,,	Walsh
,,	Gledson	,,	Williams
,,	Graham		
,,	Gunn		*Tellers:*
,,	Hanlon	,,	Hayes
,,	Hanson	,,	Smith

PAIRS.

AYES.		NOES.	
Mr.	Sparkes	Mr.	Cooper
,,	Morris	,,	Collins
,,	Brand	,,	Jesson
,,	Chandler	,,	Keyatta

Resolved in the negative.

Amendment (Mr. Aikens) negatived.

Mr. WANSTALL (Toowong) (4.40 p.m.): In view of the happenings that have just taken place I have decided to move as an amendment that part of the amendment just defeated, which was acceptable to me.

The CHAIRMAN: Order! I want to draw the attention of the hon. member to the fact that that amendment has been defeated.

Mr. WANSTALL: This is a separate amendment.

The CHAIRMAN: Order! I understand that the hon. member proposes to move the second half of the amendment that was just defeated.

Mr. WANSTALL: No. It has been altered in various ways that are very material. I move the following amendment:—

"On page 11, after line 36, add the following new subclause:—

'For all purposes of this Act it shall be an offence against this Act for any person whether owner mortgagee or lessor by means of threats intimidation or inducement to compel the licensee concerned to do any acts matters or things or to refrain from doing any acts matters or things whether by agreement or otherwise which may be construed as being contrary to or not in accordance with the provisions of this Act.

'The penalty for such offence shall be a minimum of £100 and shall not exceed £1,000 for the first offence and for any subsequent offence a minimum of £1,000.' "

You will see that it differs in several respects from the amendments previously moved. I regret that, because of the circumstances that have caused me to move the amendment, I did not have a copy of it to hand to the Attorney-General and to you, Mr. Chairman. I would point out that I have included not only owners and lessors but also mortgagees, as the evil can arise in connection with mortgages also. I have, moreover, included not only intimidation but inducement. The pressure could operate the opposite way. The ultimatum to the licensee, instead of being delivered in this form, "You must sell my products or else . . ." could be put in this way, "If you sell my products, you will get some benefit that you would not otherwise get." It is necessary to include all facets of the subject.

There is no need for me to give any further explanation of the amendment because the Acting Premier has already supported the spirit of it in his speech yesterday, when he said that this was a real evil of the tied-house system and that it was a very difficult thing to overcome. Any threat held over a licensee lessor or owner, he said, was quite wrong. Any threat like this, "If you do not sell my products exclusively you will not get a renewal of the lease when it expires" is wrong. The amendment will at least make an attempt to deal with that question, it will make it unlawful for any person in that position of power or authority to endeavour to get a licensee to commit an offence against the spirit of the Bill.

I want to point out too that this is not a new principle in Queensland legislation, that it is included in many other statutes. It is provided elsewhere that any person who by threats or intimidation induces another person to commit an offence against the statute shall be punished. I commend the amendment to the Attorney-General as an attempt to meet the evil spoken about yesterday afternoon by the Acting Premier.

The CHAIRMAN: I rule the amendment out of order on the ground that another amendment similar in principle has already been negatived.

Mr. AIKENS (Mundingburra) (4.46 p.m.): Mr. Chairman, I move "That your ruling be disagreed to."

The CHAIRMAN: The hon. member will have to give notice in writing.

Mr. AIKENS: Will it be determined now?

The CHAIRMAN: Yes, within half an hour.

Mr. AIKENS: Mr. Mann, in moving that your ruling be disagreed to I am going to

rely on fairly solid premises. I crave your indulgence to quote the other part of my original amendment which I think you have entirely overlooked. My amendment provided that the penalty for any person who

> "contravened the provisions of this Act by means of threats, intimidation . . . . to compel a licensee . . . . shall be the forfeiture of any licence or certificate of whatever nature held by the offender under the Act."

In other words, it provided that the offending brewer should have his brewer's licence withdrawn. It also provided that if the offender was a wine and spirit merchant, his wine and spirit licence should be forfeited. That was a much better punishment, and a punishment that would be more of a deterrent to those people who tied up hotels than the penalty prescribed in the hon. member for Toowong's amendment. I think my original amendment, which was negatived by the Gestapo tactics of the Attorney-General——

The CHAIRMAN: Order!

Mr. AIKENS: I am a new member in this House——

The CHAIRMAN: Order! I am not going to allow the hon. member to make offensive remarks about the Attorney-General. I ask him to confine his remarks to his motion before the Committee.

Mr. AIKENS: I will bow to your ruling, Mr. Mann. I did not refer to the Attorney-General personally; I merely referred to his tactics.

The CHAIRMAN: I understood the hon. member to say the Gestapo tactics of the Attorney-General. I now ask him to confine his remarks to the matter before the Committee.

Mr. AIKENS: That is what I did say. I will bow to your ruling because no man in this Chamber is more conversant with the fair and impartial nature in which you carry out your very onerous duties than I am. I sincerely hope you will be long spared to be either in the Chair as Chairman of Committees or as Speaker of this House. I only want to say that as a new member I really expected to be granted if not a little latitude at least a little ordinary justice. I moved my amendment believing it to be the best way of dealing with the problem of tied houses. I relied entirely on my own mental processes and on whatever intelligence I possess. Consequently I considered it would be best to tie up the latter part of my amendment with the former part. I am one of the very few hon. members who come into this Chamber with an open mind. When I listened to the hon. member for Toowong I thought it would be better for me to clarify the position by dividing my amendment into two parts, keeping the first separate and distinct from the latter. I really thought the Attorney-General would extend me ordinary courtesy, if not as a new member then at least as an independent member. When he did not do so my whole amendment went by the board, probably in prosecution of an endeavour to rush this Bill through. Then the hon. member for Toowong moved an amendment entirely different from mine. It contained the solid core of it but it was entirely different so far as meting out punishment to the guilty persons was concerned. The hon. member for Toowong's amendment provides that the punishment for the first offence shall be a minimum of £100 and a maximum of £1,000. That is not sufficient. I do not think that Burns, Philp and Coy. Ltd. or Samuel Allen and Sons Ltd. or the Castlemaine Brewery or the Bulimba Brewery would cavil at a mere £1,000. That is chicken feed for them.

The CHAIRMAN: Order! The hon. member is now discussing the amendment; the motion before the Chair is that my ruling be disagreed to.

Mr. AIKENS: That is so. I find it particularly hard to carry on in view of your ruling. I only say this: I believe the amendment as moved by the hon. member for Toowong is different in substance from mine and is consequent on mine, and it is an honest endeavour to meet the situation the Acting Premier admitted exists.

Hon. D. A. GLEDSON (Ipswich—Attorney-General) (4.52 p.m.): I cannot see how any hon. member can disagree with the ruling you have given. You have given the only possible ruling. The hon. member for Toowong, when speaking on the amendment proposed by the hon. member for Mundingburra, distinctly stated that a certain part of this amendment he could accept, and if he had the opportunity he would move it afterwards. He has moved this amendment in the exact form he read it from the motion of the hon. member for Mundingburra, and added penalties to it. The amendment itself was in the same words as the amendment of the hon. member for Mundingburra, and this Committee decided that those words should not be inserted.

Mr. Aikens: Half your party did not know what they were voting for.

Mr. GLEDSON: The party knows that if they take the lead of the Attorney-General they will be voting for what is correct and right in every vote they give. There is no doubt that if the hon. member for Mundingburra was a member of a party equal to the Labour Party he would know the leaders it appoints are honourable and upright and when its members vote and decide certain things those things are in the interests of the general public and the State, and not that of any particular brewery.

The matter does not call for any further discussion. Your ruling, Mr. Mann, is absolutely correct. No other ruling could be given, even though a member of the Opposition were occupying the chair.

Mr. WANSTALL (Toowong) (4.55 p.m.): I might clarify the position. I too do not think that your ruling could be dissented from

on the motion before the Committee at present. As the Attorney-General pointed out, substantially my amendment is similar to that of the hon. member for Mundingburra. The changes in my amendment were the addition of the words "mortgagee" and "inducement," and the addition of the penalty clause. Allowing for those additions, I do not think I made my amendment sufficiently distinct from the one previously over-ruled to justify any other ruling by the Chair.

Mr. Walsh: You have looked up May since.

Mr. WANSTALL: Naturally I looked up May; I cannot carry the text book in my head, nor can anyone else. The Chairman's ruling was given, I take it, on the point that my motion was substantially the same as that which had been decided previously. I should not be prepared to argue that it is not substantially the same, although it does contain some difference; consequently, I am not prepared to vote in favour of a motion that your ruling be disagreed from.

Motion (Mr. Aikens) negatived.

Clause 16, as read, agreed to.

Clauses 17 and 18, as read, agreed to.

Clause 19—Amendment of section 59; Persons actually supplying liquor liable in certain cases——

Mr. YEATES (East Toowoomba) (4.56 p.m.): This clause refers to "any female in any bar in any licensed premises." I want to know whether this applies to women employed as barmaids. If so, I am quite in agreement with it, because I do not think it is a proper place for any woman to be—behind a bar serving liquor. I should like an explanation from the Attorney-General.

Hon. D. A. GLEDSON (Ipswich—Attorney-General) (4.57 p.m.): It does not apply to employees in the hotels. They are exempt from the provisions of this clause.

Mr. YEATES: It does not say that. It says, "any female in any bar in any licensed victualler's premises."

Clause 19, as read, agreed to.

Clause 20—Amendment of section 60: Person under twenty-one not allowed in bar—

Mr. HILEY (Logan) (4.58 p.m.): I move the following amendment:—

"On page 13, lines 4 to 20, omit the words—

'and the said section is further amended by adding thereto the following paragraph, namely:—

'Any person (excepting a member of the family or employee of the licensee) apparently under the age of twenty-one years who is found in the bar of any licensed premises or in the refreshment-room of a wine-seller shall be liable to a penalty not exceeding ten pounds' "

and insert in lieu thereof the words—

'and the said section is further amended by repealing the third paragraph thereof; and the said section is further amended by adding thereto the following paragraph, namely:—

'Any person apparently under the age of twenty-one years who is found in the bar of any licensed premises or in the refreshment-room of a wine-seller shall be liable to a penalty not exceeding ten pounds.' "

In moving this amendment I invite the Committee to consider the present section 60 of the Act. The purpose of that section is limited to a power or duty of the licensee to remove persons apparently under the age of 21 years and the penalty imposed by it attaches purely to the licensee. The amendment in the clause introduced by the Attorney-General introduces another aspect of the same principle. Not only does the same duty remain on the landlord to remove any person apparently under the age of 21 years, but it is now to be made an offence for any person apparently under 21 years of age to be on those premises, and penalties are imposed for a breach. My amendment proposes to add one further detail to this section of the Act and the amendment envisaged by the Attorney-General. The clause makes it clear that no person under the age of 21 years shall be served with liquor in a bar. If we accept that principle, that it is undesirable to allow minors to be on the premises in a bar for the purpose of consuming liquor, surely to goodness on the same principle it must be wrong to permit a junior or a minor who is either an employee of the landlord or a member of the family of the landlord to dispense the liquor in that bar? I take it the purpose of the section cannot be confined to that of shielding minors from consumption of liquor. It must surely be wider than that to protect minors from being in any way associated with the consumption of liquor, either the actual consumption of it or the dispensing of it.

Let us examine the question of whose interests might be harmed if the amendment I now commend to the Attorney-General is carried. In the first place it would result in licensed victuallers being forbidden to employ juniors in their bars. To that extent they may lose some cheap labour, which they are at present able to command. Mr. Mann, I weep no tears for them in that circumstance. If that is the best argument that can be advanced for retaining the present right to employ juniors in bars, it is a pretty poor argument and surely should not commend itself to the Committee.

There is a second consideration. What is the standard of parenthood we are envisaging in our legislation? Are we to say that the liquor trade cannot defile somebody else's child under the age of 21 but openly permit the landlord of the hotel or the licensee to defile his own child by permitting that child to enter the bar for the purpose of dispensing liquor? Surely we have some

higher conception of the position of parenthood in the community and the responsibilities of a parent to his child?

I would submit to the Attorney-General that both from the aspect of cheap labour as bar workers and the duty of the parents something higher than that provided under the present law is necessary and that he accept the amendment. The hour is getting late and I do not want to delay the Committee by any lengthy exposition of these two arguments but I hope the Attorney-General, even at this late stage in the consideration of this Bill, will depart from his rule throughout and make history by accepting at least one amendment.

Hon. D. A. GLEDSON (Ipswich—Attorney-General) (5.3 p.m.): The hon. member for Logan said that this amendment, if accepted, would be the first amendment of this Bill accepted. It would not be so, because several amendments have been accepted.

The matter of the ages of employees is covered by an award of the Industrial Court; clause 19 of the award, which was published in the "Government Gazette" of Saturday, 13 September, 1941, rectified the position. Until that date, the award allowed persons of 18 years of age and over to be employed in hotel bars. The award of 13 September, 1941, deleted "18" and inserted in lieu thereof "21." The Industrial Court issued that award to apply to persons employed in hotel bars but employees actually employed at that particular time were exempt. Five years have passed since then, so that now no-one can be employed in a bar unless he is 21 years of age or over.

Amendment (Mr. Hiley) negatived.

Mr. PIE (Windsor) (5.5 p.m.): The Attorney-General has referred to the Industrial Court award, and rightly so. If that is the position, why does he include in this clause the words—

> "excepting a member of the family or employee of the licensee?"

Which is to be taken as the law, an award of the Industrial Court or this Liquor Acts Amendment Bill? Now that the hon. member for Logan has raised the point, surely his amendment must be carried. The Attorney-General goes to the Industrial Court award. That being so, I take it that he is suggesting to this Committee that that award overrides the Liquor Act. Surely that again indicates that due consideration has not been given to this Bill! If it had been properly considered this clause would not have been included.

Mr. WANSTALL (Toowong) (5.6 p.m.): Even if the Industrial Court award does make it illegal to employ persons under the age of 21 years, that has no effect whatever upon a member of the licensee's family not employed. The point taken by the hon. member for Logan with regard to the member of the family still stands, and it has not been answered by the Attorney-General, who lost sight of that in his reply. The Committee should be aware of the fact that if it passes this clause as it stands it is declaring itself to be in favour of allowing members of the family of the licensee to serve liquor in hotel bars even though the Industrial Court has declared as a matter of policy that they should not be employed on wages to serve liquor in bars, if they are females and under the age of 21 years. I for one will vote against this clause as it stands because of the exemption in it in favour of a member of the family.

Mr. NICKLIN (Murrumba—Leader of the Opposition) (5.7 p.m.): I should like an explanation from the Attorney-General as to the position of a member of the licensee's family who is under 21 years serving in a bar. Would he be permitted to do so and if he would, does the hon. gentleman stand for such a thing?

Clause 20, as read, agreed to.

Clauses 21 to 34, both inclusive, as read, agreed to.

Bill reported, with amendments.

The House adjourned at 5.11 p.m.