Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 10 NOVEMBER 1955

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Mr. SPEAKER (Hon. J. H. Mann, Brisbane) took the chair at 11 a.m.

QUESTIONS.

SHORTAGE OF RAILWAY TARPAULINS.

Mr. AIKENS (Mundingburra) asked the Minister for Transport—

"With reference to his reply to a question by the hon. member for Cunningham on 29 September last in connection with the grievous shortage of railway tarpaulins, and his statement therein that the Commonwealth authorities had rejected an application by the Railway Department for permission to import 75,000 yards of canvas for tarpaulin manufacture from the United Kingdom, will he inform the House if it is a fact that the only canvas about which the Railway Department made representations to the Customs authorities is flax canvas, 120 inches wide, which is not manufactured in Australia, is used for the roofing of carriages, and is totally unsuitable for tarpaulins, and that the application for concession on this flax canvas was approved?"

Hon. J. E. DUGGAN (Toowoomba) replied—

"I resent very much the imputation made by the hon. member that I endeavoured to mislead the House when answering the question asked by the hon. member for Cunningham on 29 September, 1955. My answer to the hon. member for Cunningham related specifically to unsuccessful representations which had been made to the Commonwealth for permission to import 75,000 yards of 36-inches wide 20 oz. flax canvas expressly required for the manufacture of tarpaulins. These representations have no relation whatsoever to the importation of roofing canvas. If the hon. member was as mentally alert as he always claims to be he would know that if 120-inch canvas were urgently required by transportation authorities, and such canvas were not manufactured in this country, there would be no need to make any representations to the Federal authorities."

REPORTED USE OF DEPARTMENTAL CARS IN LABOUR PLEBISCITES.

Mr. SPARKES (Aubigny) asked the Premier—

"With reference to his reply on 8 November, 1955, regarding the alleged misuse of departmental vehicles in connection with the Labour Senate plebiscites on 22 October, 1955, will he advise—(*a*) The place recognised as the official headquarters of the industrial inspector concerned? (*b*) The suburb of Brisbane in which such industrial inspector resides? (*c*) For what period has such industrial inspector been the holder of such a position? (*d*) What official business required such industrial inspector to work on a Saturday, viz., 22 October, 1955? (*e*) Is an industrial inspector stationed in Brisbane and required to work after normal working hours and on Saturdays paid overtime in accordance with the Public Service Award and State Service Union principles? (*f*) What amount of overtime has been paid to the industrial inspector in question during the past 12 months? (*g*) Are explicit instructions issued to persons authorised to use departmental vehicles to the effect that such vehicles should not be used other than for official purposes? (*h*) Has disciplinary action been taken against any person employed in the State Public Service during the past five years for misuse of departmental vehicles and, if so, how many such actions have been taken and, generally, what has been the form of punishment in each such case? (*i*) What form of punishment (if any) has been inflicted on the industrial inspector in question other than a particularly mild form of censure?"

Hon. V. C. GAIR (South Brisbane) replied—

"In view of the comprehensive answer I gave to a question by the hon. the Leader of the Opposition on this subject on Tuesday last, I do not consider the matter is of sufficient importance to warrant further time being spent by departmental officers in collecting the information now sought by the hon. member."

PAPERS.

The following papers were laid on the table, and ordered to be printed:—

Report of the Department of Harbours and Marine for the year 1954-1955.

Report of the Commissioner of Main Roads for the year 1954-1955.

Report of the Bureau of Investigation under the Land and Water Resources Development Acts, 1943 to 1946 for the year 1954.

Report of the State Electricity Commission for the year 1954-1955.

INDUSTRIAL CONCILIATION AND ARBITRATION ACTS AMENDMENT BILL.

SECOND READING—RESUMPTION OF DEBATE.

Debate resumed from 9 November (see p. 1229) on Mr. Jones's motion—

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

Mr. DONALD (Bremer) (11.7 a.m.): The Leader of the Opposition in speaking to the Bill claimed that although Queensland had progressively improved its industrial legislation there was greater unrest and discontent in this State and that it was futile and so much waste of time for any further legislation to be introduced with the object of further improving the conditions of the workers. Industrial unrest is not peculiar to this State or to this nation. Industrial unrest is taking place throughout the world and in countries where there is no industrial legislation, the industrial unrest is ever so much greater than it is in this State. When representation is denied to workers in the councils of the nation, revolution has occurred.

The Leader of the Opposition should know that the industrial unrest in Queensland and elsewhere is caused by a feeling amongst the working class that they are not receiving their just share of the wealth that they produce. The fierce industrial struggles in the marine and pastoral industries in the early nineties of last century were responsible for the birth of the Australian Labour Party. In the course of that struggle the workers were advised to use political action to send their own representatives to Parliament. This advice was accepted and it brought about the defeat of what was known in Queensland's political history as the continuous Government. In fact the Labour Party has itself become the continuous Government of Queensland for with the exception of one brief period we have had a Labour Government in this State since 1915.

The Leader of the Opposition could not resist the opportunity again to refer to the working-class organisations as irresponsible bodies. He recapitulated all the arguments that he used during the introductory stage.

Working-class organisations are not irresponsible bodies, nor are they composed of irresponsible people. They are just as responsible as any other organisation, and just as keen that the affairs of the nation and the State should be conducted in a proper manner.

I gathered from the remarks of the Leader of the Opposition about unions being irresponsible bodies, that the only unions he would regard as not being irresponsible are those known as "tame cat" unions. Such unions would at all times bow to the demands of the employers, and so they would be of no use to the employees.

The Leader of the Opposition went on to say that irresponsible union leaders were the cause of industrial unrest. If unionists are responsible people—and I claim that they are, both individually and collectively—how can they throw up leadership that is irresponsible? As we all know, union leaders are elected by the rank and file of their members in secret ballots. Every person who joins a union has the right to vote in union ballots. I repeat, the leaders of industrial unions are elected by responsible people by means of a secret ballot in which every financial member participates. That is democracy at work, and democracy at work cannot be considered an irresponsible form of society.

Peace in industry has come from legislative action, and we shall continue to enjoy it as the result of legislation such as is now before the House. The action of the Government in 1925 restored industrial peace. I dispute the implication of the Leader of the Opposition that it caused additional industrial unrest. The Government have no reason to be ashamed of, or apologise for, legislation that has improved the conditions of the workers, legislation that has given them increased wages and annual leave, and the benefits of sick pay and long-service leave.

The employees of bowling clubs, golf clubs, and similar institutions, will be protected by the Bill. I think all hon. members will agree it is time we gave to them the same protection as is enjoyed by workers in industry generally. Nobody could justify the present position, where legal action cannot be taken against the officials of clubs such as I have mentioned to prevent them from exploiting and robbing their employees.

It was very pleasing to hear the Leader of the Opposition give his blessing and approval to the provision to enable industrial inspectors to apply to the court for a ruling just as the representatives of the employers and employees can. His view coincides with what I said on the introductory stage. He also agreed that the provision for the accumulation of sick leave for seven weeks instead of five was very desirable and a step in the right direction. There has been much loose criticism of the abuse of sick leave by employees. Statistics show that the average sick leave taken by males is three days a year and by females four days a year. I do not seek to justify abuse of sick leave. After all, it is for people who are sick and it is foolish for people to abuse such a valuable concession. Why do people abuse it? I have said to employees, "You are wrong in taking sick leave for any other purpose because you are only going to hurt yourself." And the reply has promptly come, "The employer is being compensated for the cost of the sick leave granted to employees in the price of the commodity and service he sells to the public and if I do not take my sick leave it means I am losing something and he is gaining something he is not entitled to." Whether we subscribe to that view or not, it cannot be denied that it is a primary cause of much abuse of a well-deserved privilege.

The Leader of the Opposition surprised me when he said that an employer would be a fool to re-engage after a three-months'

break an employee who had left him after 10 years' service. I do not think he would be foolish, particularly if the employee had been an honest and useful servant. He may have had to leave for three months because of a strike, sickness, or some other cause. If the employer re-engaged him, it would be a clear indication of the employee's worth and a very good reason why his long-service leave entitlement should be preserved.

The Leader of the Opposition claims that all workers are entitled to long-service leave irrespective of where they are employed or by whom. The hon. gentleman's service will be greatly appreciated if he can persuade the employers in the State not to challenge the validity of the Bill. I realise how much influence he has with the people he represents and I thank him very much for his sentiments.

There has been a misconception, by some hon. members opposite, about the application of the Bill. It is thought by some that it covers only seasonal workers in the meat and sugar industries. I do not know how the misunderstanding could have arisen because the Minister was very careful, both in introducing the Bill and in his Second Reading speech, to say that seasonal workers in other industires could be brought under the Act by Order in Council. The Minister explained that this was more desirable than waiting for Parliament to meet to amend the Bill again. Although Parliament is in session from August till December with a short session in the beginning of the following year, there are periods when employees in seasonal occupations, other than meat and sugar, may desire long-service leave. If they had to wait for an amending Bill considerable valuable time would be lost.

If appeals from industrial magistrates can be heard by the President and one other member of the Industrial Court, instead of all members having to constitute the Full Bench, the hearing of appeals will be speeded up. At present delay occurs because one member of the court is absent on account of sickness or some business connected with the court. The hearing of appeals is delayed until all members are available. The trade unions and the employers' organisation will welcome this new provision.

Because of his extensive industrial experience the hon. member for Kelvin Grove was able to point to the need for industrial inspectors and the need to protect them. He mentioned the nasty manner in which they were received in some establishments, quoting instances of where they had been victims of assault. In spite of all this they have carried out their duties courageously and with benefit to the workers, particularly those represented by what we might call "unions of no great strength". They have done invaluable work in policing the awards. We have seen the necessity for inspectors and the need for them to be of good character.

The hon. member for Barambah reiterated the accusation of his Leader that this legislation is introduced only as an election bait. How the Opposition could come to that conclusion is beyond my understanding. If it is an election bait why would the Government introduce it in the middle session of Parliament instead of the last session? The legislation is being amended now for a number of reasons.

Mr. Dewar: We meet again next year.

Mr. DONALD: We are meeting next year, and perhaps it would suit the hon. member for Chermside to delay these benefits for 12 months. We are not anxious to do that. There is no need to offer any bait because with our record we will be returned without it. For that reason it is not a bait, it is legislation that was promised. It has been approved and it is being amended now. We are extending these benefits to the workers under Federal awards and to those whose calling is not covered by any award of the court.

There was an appeal by the employers of Victoria against the Victorian Act. It was dismissed and the legislation introduced by the Victorian Labour Government was declared valid. The hon. member for Barambah said that we introduced this legislation because other States did so. Again that is not correct. Perhaps it was its successful introduction in Victoria that made it possible for this benefit to be introduced here. The hon. member went on to say that the unions were very fortunate in having direct representation in the Queensland Parliament by people who looked after their interests and attended to their claims. In electing their representatives to Parliament all they are doing is exercising their democratic rights in a democratic State. They are doing what their opponents told them to do over 60 years ago. They will continue to do it because while they do so they will get protection against the greedy and unscrupulous employer. The hon. member went on to say that further industrial legislation only increased discontent in industry. I am not one to preach contentment because discontent has been productive of much advancement. If the human race had been always contented we would not have advanced beyond the Stone Age. We would still be using caves and gunyahs as dwelling places and instead of advancing to the atomic age we would still be dependent for our energy on rubbing two sticks together. We cannot preach contentment. Discontentment is not wicked. It can be claimed that discontent is a desirable thing because it makes for progress. No-one can dispute the fact that if we had not been discontented we would still be savages. Perhaps I am doing the hon. member an injustice by drawing that picture. I assure him that the discontent in the industrial field at the moment—strikes, lockouts, protest meetings and overtime bans—is not peculiar to Brisbane or Queensland, and that it is infinitesimal compared to the discontent that would be created by legislation

to worsen the conditions of the working class or increase the working week from 40 to 44 hours. If such legislation was introduced by this or any other Government we would see more industrial discontent. From one end of Australia to the other there would be strike after strike until the workers with their industrial might forced Governments to reintroduce the 40-hour week. It is futile to say that improvement in industrial legislation only leads to further discontent. The hon. member said, with some degree of truth, that unions disagreed with people who worked while on long-service leave.

As the Minister said, long-service leave means what the words imply. It will give 13 weeks' leave on full pay to an employee who has worked for the one employer for 20 years. It is a reward for long and honourable service. During that period he may rest and fit himself for further work. The pro rata provision is 6½ weeks' long-service leave after 10 years with the one employer. It must not be thought that long-service leave is given after 20 years' work. The condition is 20 years continuous service with the one employer, and a study of our industrial and economic conditions makes one realise that that is beyond the bounds of possibility for many employees. In the last depression over 25 per cent. of the working people of Australia were out of work, not for a day, a week, or a month, but for years. That proves how difficult it is under our present system of society for an employee to qualify under this provision.

An employee who has worked 20 years for one employer or who has been in constant employment for 20 years should not have to supplement his income when on long-service leave. If it is necessary, it proves that he has not been paid enough, or not rewarded sufficiently for his work during those 20 years. He should not have to wait 20 years before he can purchase the amenities that are now recognised as essential, washing machines, electric appliances, refrigerators, hot-water systems, and other labour-saving devices. Those things have been invented because certain people were discontented and were determined to make things as comfortable as possible not only for themselves but for mankind generally. The critics cannot have it both ways. They cannot condemn discontent among the workers and give credit to others who, because they were not contented with their standard of living succeeded in improving conditions generally. I think all hon. members will agree that an employee on long-service leave should not be permitted to work while other men are not able to obtain full employment. In times of full employment the position is different, but an employee on long-service leave should not be allowed to take a job that could be filled by some unemployed person.

I commend the Minister on the introduction of this legislation and the thorough manner in which he has examined the possibility of extending the benefits to other sections of the community. The Leader of the Opposition has said that all employees should receive the benefit of these provisions. I agree, and I again ask him to assist in devising some formula that will enable the legislation to be extended to employees who will not be entitled to long-service leave even after the passage of this Bill. Under our present social system employees have to shift from industry to industry, job to job and employer to employer in order to earn sufficient to maintain themselves and families in decent comfort and in doing so fail to qualify for entitlement to long-service leave which is to be regretted.

Mr. DEWAR (Chermside) (11.32 a.m.): By way of interjection during the speech of the hon. member for Bremer I asked if there would be a session next year. He suggested in an unkind manner that I might be anxious not to implement this legislation until after the next election. I make the remark because I thought that the Labour Party had too many troubles on its mind to meet after this session and before the next election.

The first point I want to make is in relation to the amendment of the definition of "Employer", by the insertion of the words "and, in the case of an unincorporated association, the secretary and every member . . . " Under the Act any person employing at least one or more workers was said to be an employer. I should like to draw attention to the fact that if the proposed words are written into the definition of "employer" we will find that the secretaries of industrial unions, who undoubtedly would employ at least one typist, the secretaries of employers' organisations such as the Queensland Employers' Federation and the Metal Trades Employers' Association, the Chamber of Manufactures and the secretaries of political parties, such as the Liberal Party and the Labour Party, who employ at least one or more typists, will become employers, and as employers they will not be entitled to long-service leave. The Bill specifically refers to the fact that any employee is entitled to long-service leave and if the secretaries of these unincorporated associations become employers they will immediately be outside the ambit of the long-service leave provisions in the Bill. In New South Wales this question has been taken care of by using the word "club" in relation to secretaries. I suggest to the Minister that that point may be looked at. As the secretaries become employers they will therefore be outside the privileges of the legislation.

The next point I raise is in regard to Clause 6 wherein provision is being made for pro-rata entitlement to long-service leave after a period of 10 years. I think that by the amending Bill we are getting outside the original intention so piously expressed by the Minister.

Mr. Power: You might have a couple of employees due for pro-rata leave.

Mr. DEWAR: Our employees do not leave our employment; we are not the Government. I believe in long-service leave and agree with it. When it was first introduced it was intended to give a period of 13 weeks' rest to an employee who had faithfully served one employer for 20 years. The provision to break down the entitlement on a pro-rata basis is getting away from the original intention of long-service leave. Under the Bill, a man might leave his employer for a period up to three months and return, and if he is re-employed his service is deemed not to be broken.

One of the provisions in the Bill will, in my opinion, result in inequality of treatment as between two classes of employees. I refer to the fact that a worker who leaves his employer of his own accord and returns to him within three months will not only be deemed to have had continuous service, but the time for which he was away will be counted as service. According to the 1952 amendment, however, an employee who is stood down by his employer because of illness or injury is deemed to have had continuous service if he returns, but the period of his absence is not calculated as service. In short, the result will be that the man who is stood down as the result of illness or accident will not have his period of absence counted as service, unless it is on sick leave, yet the man who leaves of his own accord will have that period credited to him as service.

Mr. Power: You know that is not correct. You are misinterpreting the legislation.

Mr. DEWAR: I have not time to argue with the Attorney-General.

The 1952 amendment reads—

> "For the purpose of this section the continuity of the service of an employee with an employer shall be deemed to be not broken by any of the following—"

The relevant sub-paragraph reads—

> "The employee having been dismissed or stood down by the employer by reason of illness or injury . . . and provided further that the period during which that employee was absent by reason of such dismissal or standing down shall not by reason only of this sub-paragraph be taken into account in calculating the period of his service with that employer."

I repeat that the period of absence of a man who leaves his employer of his own accord will be regarded as service, but it will not be in the case of a man who is stood down by his employer because of injury and he is away more than 3 months. I admit that it is regarded as service if the employee is on sick leave, but not otherwise.

Mr. A. Jones: You are wrong. I will deal with that matter when I reply.

Mr. DEWAR: The provision in the Bill covering pro rata long-service leave conflicts with the legislation in Victoria and New South Wales. The Victorian legislation reads—

> ". . . whose employment is terminated by the employer for any cause other than serious and wilful misconduct or by the worker on account of illness, incapacity or domestic or any other pressing necessity."

The New South Wales legislation is more specific. It says—

> ". . . on the termination of the worker's services, in respect of the number of years' service with the employer completed since he last became entitled to an amount of long service leave, a proportionate amount on the basis of six and a half weeks for •10 years' service."

In other words, under the New South Wales Act the provision for 10 years' pro-rata service is only on the basis of the determination, obviously by the employer, of that employee's service.

Mr. A. Jones: No, not necessarily. You have put your own interpretation on that.

Mr. DEWAR: I have in this case, and I am entitled to. The Minister can put his later.

Mr. A. Jones: But that is not so at all.

Mr. DEWAR: How does the Minister know it is not so?

Mr. A. Jones: I say it is not so.

Mr. DEWAR: He does not know, any more than I do. My guess is as good as his. He is guessing, too.

Mr. A. Jones: No, I am not.

Mr. DEWAR: I have the right to say what I think.

Mr. A. Jones: I know that.

Mr. DEWAR: I ask the Minister not to try to deprive me of it.

Mr. A. Jones: I object to your misleading the House.

Mr. DEWAR: The Victorian Act specifically says that the employee may determine his service after 10 years for specific reasons. I contend that there is a vast difference between terminating service through ill-health or domestic problems over which the employee has no control and terminating it for other reasons. An employee after 10-years' service not only may give notice and be entitled to 6½ weeks' leave but also, by sub-clause (c), he may at any period during his service stay away from the job for three months and, if his employer re-employs him, what he did do in those three months does not matter. He may have gone up to the Darling Downs and taken what everyone knows to be the lucrative job of stacking wheat. Admittedly, it is hard work but I have been told by a man in my electorate

that you can earn from £50 to £100 a week stacking wheat. He could do that for two months, which is the normal duration. He could then return to his employer and the time that he was away employed on other than his normal work would be counted as time served with the employer whom he left and who re-appointed him.

Mr. A. Jones: I tell you again that that is not true. You are making some very wild statements this morning.

Mr. DEWAR: That is my interpretation of the legislation, and I should be very pleased if the Minister could convince me that it was wrong.

Mr. A. Jones: I say it is not true.

Mr. DEWAR: It is not sufficient to say it is not true. If the Minister proves to me that it is not true, I will be satisfied. I am raising these matters because I have doubts about them, and I am entitled to express them.

Mr. A. Jones: You should not mislead the House.

Mr. DEWAR: Right from the introduction of the legislation, back in 1952, I have contended that certain aspects have progressively crept in and to a certain extent affected the rights of the reliable, down-to-earth, worker. I propose to give three instances of that. In the amending Act of 1952, assented to on 23 October, 1952, the employee who is off work through sickness or injury cannot have his time off work counted as time worked, unless, of course, it happened to be sick leave. I remind hon. members that when the Bill is passed sick leave can be accumulated for seven weeks which period may be taken in one year. Under sub-section (2a) of the Act the employee could have the seven weeks counted because he was on sick leave.

Mr. A. Jones: He could not accumulate seven weeks in one year.

Mr. DEWAR: I said that, under the Bill, if he has accumulated seven weeks, he can have seven weeks' sick leave counted in the one year.

Mr. A. Jones: That is so. You said he could accumulate seven weeks in the one year.

Mr. DEWAR: We are getting very fussy now. The Premier pulled me up on the same thing the other day.

Mr. A. Jones: But it goes into "Hansard".

Mr. DEWAR: I will have the right to correct the "Hansard" proof to indicate what I intended to say. The Bill further provides that the employee must not be otherwise engaged during his time off. I want hon. members to note that. That is the man who, by virtue of an accident or illness, is off work for a time. The provision is the renumbered sub-section (2a) (b). Such time will not be counted as a break in the employee's service but the time that the employee is away will not be counted as time worked. The clause is further qualified and provides that he shall not have been engaged in any calling, whether on his own account or as an employee, so that the man who has been sick or injured cannot be engaged in any other calling while he is off work.

In sub-section (d) of the renumbered Section 2 (a) we find that in respect of a man who has been directly or indirectly engaged in an unauthorised strike—a strike not recognised by the court—his time off work is disregarded, but there is nothing to say that he shall not engage in any other employment while he is on strike. Every hon. member knows of cases where such employees have engaged in other work. The man who is unfortunately ill or injured cannot engage in other work while he is absent from his employment yet the man who is taking part in an unauthorised strike has no restriction while he is away from his job.

When the original amendment was made in 1952, when we brought in the provisions for long-service leave—

Mr. Power: You didn't bring it in.

Mr. DEWAR: This House.

Mr. Power: You said "we".

Mr. DEWAR: The Attorney-General would like to adopt the Fascist attitude and prevent us from having a say. All members of Parliament bring in legislation.

Mr. Power: My friend the Secretary for Labour and Industry introduced the Bill.

Mr. DEWAR: Clause 11 provided that the Court could approve of an arrangement whereby cash in lieu would be paid for the whole or any part of the 13 weeks. In the 1953 amendment this section was repealed and provision was made for the Court to deal with any collusion between employers and employees whereby an employee might go on leave for a week and then return to his employer. Industrial inspectors were required to report such breaches to the Court and a fine of £50 was provided. Under the 1955 amendment, after 10 years' service a worker is entitled to 6½ weeks' pay and he can terminate his employment and start with another employer the following week. There is a third attack on the rights of the honest-to-goodness worker who stays with the one employer for 20 years before he goes on leave.

Mr. A. Jones: He has given 10 years' service.

Mr. DEWAR: I do not cavil at this man's being entitled to 6½ weeks after 10 years' service if he is dismissed by his employer, but I take very strong objection to the Government's placing a man in a position where, if he likes, he can leave his employer, collect 6½ weeks' cash and start

with another employer the following week, while the man who stays on the job for 20 years is denied that.

Mr. Power: You want the boss to have the right to sack him but you do not want him to have the right to leave.

Mr. DEWAR: That is a ridiculous statement coming from a person occupying the position of Attorney-General. The case put up in 1953 was that we did not intend that the worker should be able to convert this leave into cash, but that we intended to see he took the holiday. What do we find in Victoria? The Victorian Act says that no worker shall, during any period when on long-service leave, engage in any employment or hire for reward. I challenge the Government to put that provision in this Bill. Unless they do so they cannot prove that they did not intend the worker to convert his leave period into cash. If they are not prepared to put such a provision in the Bill it shows that they are speaking with their tongues in their cheeks when they say they intend to reward the faithful worker with 13 weeks after 20 years' service. I challenge the Government to put that provision in the Bill. The employers approached the Industrial Commission of New South Wales for an interpretation of the New South Wales Act regarding workers taking leave and not being employed elsewhere, and the Commission ruled that the court could not interfere with the rights of the individual. That is different from the view expressed on the Victorian legislation. Although the Queensland Act contains no provision to force the worker to take long-service leave as a holiday rest period, the Government are interfering with the rights of the individual in that they say that he cannot go back to work for his employer during that period. A £50 fine is provided if it is proved that there has been collusion between an employer and an employee regarding long-service leave. The Government are, in effect, interfering with the rights of the individual if they do not allow him to convert that leave into cash should he so desire. In my view there is nothing in the Act to prevent any worker converting his holiday period into cash. Unfortunately in the case of the 20-year man, he has to do it in a fashion that is not conducive to good employer and employee relations. The 10-year man can go and get 6½ weeks and start with another employer the following week.

Mr. A. Jones: He is entitled to it.

Mr. DEWAR: If he was dismissed, yes. In the case of the 20-year man if he wishes to convert it into cash he must quit the services of the employer with whom he has been satisfied. Surely it is not proper that we should encourage a man who has been satisfied with his employer to quit his job.

He can do that and collect 13 weeks' pay, and, like the 10-year man, can start a week later with any other employer, or he can do what is done by a number of employees, and I do not blame them in the least for it, work for another employer during the 13 weeks' long-service leave and then recommence with his original employer. Those are two ways in which a man may convert his long-service leave entitlement into cash. In many cases the employer for whom he worked during the 13 weeks would be in opposition to his original employer. Surely if an employee wants to work during that 13 weeks the man who is most entitled to his service is the man who has employed him for 20 years and is likely to employ him throughout the rest of his life. There is no provision in the Bill to force an employee to take leave. Take the case of a boy starting at 15 years of age. Twenty years later, at the age of 35, he feels he is too young to take 13 weeks' leave, and he says to his employer, "I want to carry on and accumulate the leave." There is no provision in the Act or Bill to the effect that an employee must have a break after 20 years' service. On the contrary, Section 10B (2) states—

> "(*a*) In the case of an employee who shall have completed a period of twenty years' continuous service with one and the same employer, be thirteen weeks;
>
> "(*c*) In the case of an employee who, after completing the first or a subsequent period of twenty years' service with one and the same employer . . . a further thirteen weeks;"

There is nothing to say that between the two 20-year periods he must take long-service leave. It merely states that he is entitled to 13 weeks' leave. He may work for two 20-year periods and accumulate long-service leave. At 65 he will be entitled to 32½ weeks' long-service leave. The cash equivalent is given to him on his retirement at 65. Section 10B (2) provides that the accumulation of long-service leave must be paid to the estate if he dies before taking it. That is another way in which long-service leave can be converted into cash. It may be converted into cash after a 10-year period; it may be converted in two specific ways into cash after 20 years, and on retirement if the leave has been accumulated it is again converted into cash. There is no provision to allow the 20-year employee to convert his long-service leave into cash and he is the only one entitled to consideration. If an employee wants to carry on and his employer needs his services, the employer should be the only man entitled to his services. In my opinion that is the only ground that should entitle an employee to convert long-service leave into cash. There are many aspects of this legislation that have been the subject of pious blitherings by Government members in the past. The Government never intended that an employee should be compelled to take the leave. The Victorian Government had the guts to say that leave must be taken, but not the Queensland Government.

The Victorian legislation covers Federal awards. A union took a case before an industrial magistrate in Victoria involving a

Federal award. The magistrate disallowed the union application. The union appealed to the High Court and the High Court upheld the validity of the legislation. It was a unanimous decision although I understand half of the bench arrived at a decision on certain grounds, and those who held the divergent view held it not on the decision but on the way it was arrived at. The Victorian Chamber of Manufactures has taken the matter to the Privy Council and I understand although it may be ultra vires——

Mr. A. Jones: It cannot be absolutely ultra vires.

Mr. DEWAR: The States can legislate whilst the application for leave to appeal to the Privy Council is being decided. The Privy Council decision might upset the Victorian High Court decision and I honestly believe if the leave to appeal is granted that the Chamber of Manufactures will appeal. Whilst there is a certain amount of doubt in relation to the whole matter we might do well to consider after passing this legislation, withholding the implementation of it with regard to Federal Awards until the Privy Council decision is given. It was not so very long ago that this Parliament put through a Transport Bill and within a few months a Privy Council decision was given and we had the spectacle on the last day of last session of the Minister for Transport whipping through another Bill because of the decision of the Privy Council. Let us consider the suspension of the implementation of the Act until there is some clarification.

Mr. Aikens: The Privy Council will only deal with employees under the Federal award.

Mr. DEWAR: And that is the only matter on which I am suggesting that action be withheld. I have the A.C.T.U. Bulletin which is printed in Victoria, but it is too long to read. The A.C.T.U. asked Mr. R. M. Eggleston, Q.C., to give his opinion on the operation of the long-service leave provisions of the Victorian Labour and Industry Act. That learned gentleman gave his opinion and it is one of the reasons why I suggest that we should consider withholding part of this legislation until the Privy Council decision is given. Mr. Eggleston advised, after giving quite a lot of particulars as follows:—

> "I do not think the argument would succeed, but it is by no means hopeless."

He represented the union in the court and gave a definite opinion to the union. The interstate executive of the A.C.T.U. considered the opinion and decided that proceedings be initiated to conduct a test case for long-service leave under the provision of the Victorian Labour and Industry Act, 1953, where the Federal log contains no claim and the award contains no provision for long-service leave. Most Federal awards provide for employment on a weekly basis. Because there is a certain amount of doubt in relation to the matter in the mind of Mr. Eggleston, Q.C., and in the minds of the employing organisations of Victoria who have taken the step of asking permission to appeal to the Privy Council I think that we would do well to consider withholding immediate action in regard to the Federal award side of this legislation. It is obvious that chaos could ensue within six months of the passing of this legislation, particularly where 10-year men might have given notice. It is quite possible that this legislation will have to be repealed. The result will be that any employer who has paid out money on account of long-service leave during the intervening period will be penalised. I suggest, therefore, that the application of long-service leave to employees engaged under Federal awards be withheld pending the decision of the Privy Council.

Mr. KEYATTA (Townsville) (12.11 p.m.): I compliment the Minister and his staff on making it possible for long-service leave benefits to be extended to seasonal workers. The position is much more difficult in Queensland than in the other States, and because the other States have highly-developed secondary industries we have many more seasonal workers than they have. As time proceeds and the effect of the legislation can be gauged with some certainty, its scope will undoubtedly be widened to cover other classes of seasonal workers.

The worker is entitled to long-service leave as some reward for the undoubtedly large part he plays in the State's production. The seasonal worker is the victim of circumstances; he is a seasonal worker not necessarily because that is his wish, but because economic necessity has forced him to follow a seasonal occupation. The Minister, therefore, has wisely decided to extend the benefits of this legislation to as many of them as possible.

The strain of arduous work in the various forms of industry has resulted in a heavy mortality rate, particularly from heart disease, and from that point of view alone, if from no other, long-service leave is a necessity. The worker is an integral part of any country's economy, and we must do everything possible to enable him to enjoy a contented mind and a healthy body.

The efficient functioning of the machinery of State depends on seasonal and casual workers just as much as on permanent employees. Queensland is known as the gem State and it has a great potential, but its potential is of little value without its workers.

I know that the Minister is quite competent to deal with matters raised by hon. members. He has taken a note of them and perhaps not this session but in a later session, after he and his highly qualified officers have studied suggestions, he will present a wider scheme to cover other workers. History has shown that legislation

has always been broadened as time goes on. I commend the Minister and his staff on the Bill.

Mr. BROSNAN (Fortitude Valley) (12.17 p.m.): Yesterday the Leader of the Opposition, in a general derogatory statement, spoke of unions as being irresponsible and he implied, in fact stated, I believe, that the unionists themselves were also irresponsible. He gave as his reason the fact that they did not take sufficient interest in their organisation. He suggested they should take a greater interest and should adopt a more reasonable approach to the facilities available and amenities granted by legislation and by awards of the court. I think all who have been closely associated with industrial matters will agree that, the vast majority of union members are very jealous of their inherent rights and of those for which they have had to fight. They guard them well and will continue to do so.

By interjection yesterday, the hon. member for Mundingburra asked the Leader of the Opposition if he would call the Electrical Trades Union an irresponsible union. The Leader of the Opposition did not reply specifically to the interjection but again he generalised and spoke of members not being led around by their officials. Only a week ago today, throughout Queensland, members of the Electrical Trades Union, wherever they were employed, gathered in the towns and cities and in the country, at meetings ranging in size from small groups of about 11 members to the mass meeting at the Trades Hall estimated by the Press at 1,200 members and I should say that was a conservative estimate. By Friday midday 74 reports came in from those meetings and with one exception they were unanimous in their support of the action that had been recommended to secure what we, as officials of the Electrical Trades Union, believe is their right and is only wage justice. There is no irresponsibility about that. If that is not democracy functioning as it should, I have a lot to learn and so have a lot of others. Because members gather together and freely express their views—sometimes contrary to the wishes of other citizens, it does not necessarily make them irresponsible, nor does it make the union to which they belong irresponsible.

Mr. Nicklin: Why should they stop work? Can they not hold the meetings at night?

Mr. BROSNAN: They stop work to hold these meetings to emphasise their sincerity and point out the seething discontent that is rampant among them to-day. This is brought about to a large extent by employers and I do not include all employers but it applies to a minority. Some employers say to the members of the Electrical Trades Union, "Because of the educational qualifications you must have on entry to the trade, the study you must do during the course of your apprenticeship, and the skill and industry which you must apply upon completion, you are not only entitled to better conditions but also more money, and what is more, we are thinking of paying you a little more," and so there are many employers in the industry who are paying in excess of the award, and some well in excess. These reports come into head office from the various sub-branches, agencies and shop stewards, and as a result we make an approach to the court. Consternation reigns throughout the rank and file when the employers' representatives fight tooth and nail in the Industrial Court and hold the electrical tradesmen up as more or less just another cog in the wheel and say it does not matter whether that cog is there or not. There have been instances of employers who have opposed claims and within one month of the court's decision they have offered by agreement what they fought in the court. That is one of the reasons why men stop work and gather together to protest against an injustice. That is not irresponsibility but merely zeal and enthusiasm to obtain what they believe is justly theirs.

Mr. Aikens: The true function of a trades union.

Mr. BROSNAN: The true function of a trades union. There must be something wrong when the hon. member and I agree, but that is one of the most truthful statements he has ever made in this House.

The Leader of the Opposition said that the extension of sick leave accumulation to seven weeks would not help industry but rather would it be an incentive to absenteeism.

Mr. Nicklin: I did not say that at all. I said it was not being taken advantage of.

Mr. BROSNAN: If the hon. gentleman says that employees take advantage of it, he must assume it is an incentive to absenteeism.

Mr. Nicklin: I said that they were abusing the sick leave.

Mr. BROSNAN: The hon. gentleman said that they took advantage of the sick-leave provision to go off sick.

Mr. Nicklin: They did not accumulate it. That is what I said.

Mr. BROSNAN: The hon. gentleman said it was a definite disadvantage to the worker in industry.

Mr. Nicklin: I said that it was an advantage to the workers in industry if they used it properly.

Mr. BROSNAN: We would not introduce it if we did not think it would be of advantage to the workers. I do not know of any worker who would not let his sick leave accumulate so that he would have a greater degree of financial security in time of illness.

Mr. Morris: The hon. member for Bremer said that it was abused.

Mr. BROSNAN: It is only the minority who disregard or abrogate our laws. We do not legislate for one or two people who may abuse long-service leave or sick-leave. We legislate for the vast majority of honest workers who recognise the advantages of such legislation. The suggestion that provision for accumulated sick leave is not progress, has no foundation. Previously when an employee got only a week's leave a year and it was not cumulative, he was tempted to remain away for a couple of days on sick leave if he had a slight chill—and especially if this occurred in the last month of the year—but when sick leave is cumulative he will not remain at home unless he is really ill. Statistical records show that after cumulative sick leave was provided, absenteeism decreased. I know of men who were away sick for a day and rather than have it deducted from their sick leave they forfeited the day's pay.

The Leader of the Opposition said that Parliament was doing the work of the court. He was a member of a Party who when in Government ringbarked the Industrial Court in 1932. They said, "If the court does not function to the liking of the Government, we will ringbark the court." The Government took Crown employees away from the court and reduced their wages by 10 per cent.

Mr. Nicklin: You said that I was a member of the Government.

Mr. BROSNAN: The hon. gentleman was a member of the party that formed the Government at the time. They did not interfere with the court! Oh, no! They merely took Crown employees away from its jurisdiction and reduced their wages by 10 per cent.

Mr. A. Jones: And abolished the Pastoral Award.

Mr. BROSNAN: Yes, abolished everything that they could.

Mr. Dewar: The hon. member is a member of the Labour Party, but he does not believe in Dr. Evatt.

Mr. BROSNAN: I am a member of the Labour Party and loyal to it. I firmly believe and support its leader, State or Federal, whether it is Dr. Evatt or anyone else. I have never ratted and I never will rat on the principles of the Party to which I belong.

Mr. Chalk interjected.

Mr. BROSNAN: I am not like the hon. member for Lockyer—Liberal today, Country Party tomorrow and both if it suits at preselection time. I stand my ground and place my trust in the good sense and decency of trade unionists. I am confident that I shall survive.

Dr. Noble: What about Dr. Evatt?

Mr. BROSNAN: I do not know whether this is question time or whether it is relevant to the principles of the Bill, but I am prepared to answer the hon. members for Lockyer and Yeronga either under privilege in this Chamber or on the stump outside. There is not one hon. member of the Opposition with whom I would not debate on any public platform any question about the Labour Party's policy, principles, rules and constitution. I advise them not to hide behind privilege. If they really want to attack me, come outside on the public stump. I advise the hon. member for Lockyer to make sure that the ink is dry so that he will not have to apologise, as he did before the Casket Royal Commission.

That brings me to the hon. member for Mundingburra who made the assertion in this Chamber that the Minister for Transport had by regulation deprived railway men of their long-service leave entitlement.

Mr. Aikens: I did not say that. I said the Commissioner for Railways brought it down, with the connivance of the Minister.

Mr. BROSNAN: I am not going to alter my statement, because I am able to hear, listen, and write as well as the hon. member for Mundingburra. Yesterday when he made that statement he instanced two railway men who joined the service in 1935. He called them "A" and "B". "A" during his 20 years' service did not have any time off other than public holidays and annual holidays, but "B" had used a week of his long-service leave.

Mr. Aikens: A month of his long-service leave.

Mr. BROSNAN: That is correct. The hon. member for Mundingburra said that in the railway service employees receive three months' leave after 15 years' service, four and a-half months' leave after 20 years and six months' leave after 25 years. He said that "A" after 20 years would get four and a-half months' leave but that "B" under this regulation would get 13 weeks only, not four and a-half months less the month he had used.

Mr. Aikens: That is true.

Mr. BROSNAN: That is not true. I have checked with the railway interpreter. He is a man of standing in the industrial community, a man with a very comprehensive and detailed knowledge of the Railway Award and Railway by-laws. He told me that the entitlement today is no different from the entitlement prior to the introduction of this legislation.

Mr. Aikens: Read the "Railway Advocate" of 16 September and learn the trade union's view.

Mr. BROSNAN: I do not have to read that. As I was interested, I checked the position to see if the allegations were correct, and I could not check with more authoritative persons than the officer sitting

in the lobby, the Parliamentary draftsman, and the railway interpreter. In fact the railway interpreter who has had one month's long-service leave since he joined the Railway Department 40 years ago said to me, "Brother, if I don't get nine months' long-service leave less one month when I retire, then look out."

Mr. Aikens: I can show you letters from the Minister for Transport supporting everything I have said. Will you come down to my room and have a look at them.

Mr. BROSNAN: I shall be only too pleased. I wanted to place on record the opinion of the railway interpreter, despite the allegations of the hon. member for Mundingburra and all his correspondence. We know from experience how he loves to dramatise and lay things on the table of the House. Let him do it again.

The hon. member for Chermside was very concerned about secretaries in the trade union movement, the Liberal Party, the Country Party or the Labour Party who employed a typist. He said that those secretaries would become employers and therefore would not be entitled to long-service leave provisions. On the authority of the Parliamentary Draftsman, they are only nominated as employers for the purpose of proceedings under the Act because previously unincorporated bodies could not be effectively dealt with when they transgressed the law. I want to say that so far as the trade union movement and the Labour Party are concerned if it is found necessary after appeal by the employer organisations to exclude secretaries, that the Labour Party will pay and uphold and implement the intention of the Act. The Labour Party will not rely on technicalities. I only mentioned that because the hon. member for Chermside quoted the opinion of a Queen's Counsel who concluded his opinion by saying, "But nevertheless the case is not hopeless." I think the hon. member is hopeless. We know that the law is a funny thing and on technicalities a decision might go the other way.

Mr. Morris: That is not an argument why legislation should not be made as good as possible.

Mr. BROSNAN: I am not suggesting that the legislation should not be made as watertight as possible. One of the things the Labour Government try to do—and the volume of legislation enacted by them indicates that they do it—is to make legislation as watertight as possible.

I come to the next worry of the hon. member for Chermside. He admitted he was only guessing and when the Minister interjected, he said, "I am only guessing, the same as you." I do not think the Minister was guessing. I am sure he was not guessing, because he has legal advisers to give him the correct information. He would not come here to guess because that would be, I suggest, a breach of his office. To come here and make statements based on guesswork and so mislead the House would be a breach of his oath of office.

The entitlement to long-service leave is not affected in any way if an employee terminates his service with his employer.

He made much of the fact that, as he said, the employee who was stood down for three months was deprived of long-service leave. That is not so. The existing legislation provides that continuity of service shall not be deemed to be broken by absence from work on leave granted by the employer. That is now being amended to include an employee who terminates his service of his own accord. If an employee is absent from work on leave, his continuity of service is not broken. That is a basic industrial principle. No matter what the occasion may be, if an employee is absent with the employer's leave he does not break his continuity of service. However, if he is absent without the leave of the employer his continuity is broken. We have nothing to worry about if a man is absent on leave.

Mr. Coburn: It is a mutual arrangement.

Mr. BROSNAN: That is so.

The next provision covers an employee who has been dismissed or stood down because of illness or injury, or who has terminated his service. If such an employee returns to his employer within three months, everything is all right. But that provision covers also an employee who is away for more than three months. A man might be off for six months, a year, or even two years, without being on sick leave. In the absence of a mutual agreement between him and his employer, the period of entitlement must be referred to an arbiter. The provision is there for a portion of that time, as determined and not exceeding three months to be credited to him.

The hon. member seemed to be very concerned because there was no provision for cash entitlement. Members on this side of the House know that when the cash entitlement clause was first introduced to cushion the effect of long-service leave on industry, some members of the party did not like the idea. The principle of taking cash instead of leave was so abhorrent to them that they wanted it deleted. However, because long-service leave was being made retrospective, it was decided to agree to the principle of cash in lieu to avoid any dislocation of industry that would be caused by numerous employees taking their long-service leave immediately.

Mr. Aikens: You must admit that the payment of cash in lieu of leave is a bad principle.

Mr. BROSNAN: Once again I agree with the hon. member for Mundingburra. That is twice this morning. I agree that basically it is a bad industrial principle. It is contrary to the teachings and policies of trade

unions that any worker should take cash in lieu of leave. The leave is for recreation and it was never intended, nor will it be countenanced, that cash payment be substituted for it or that during the leave a man may take other employment. The hon. member for Barambah suggested that it should be allowed. The hon. member for Chermside gave an instance of a man in his electorate who leaves his employer, stacks wheat for two months, and then returns to his employment.

Mr. Dewar: You are wrong there. He is not an employee.

Mr. BROSNAN: The hon. member said he went back to the same employer.

Mr. Dewar: He is not an employee. I merely cited the case.

Mr. BROSNAN: Then what are we worried about? He has been leading us on a false trail all day.

Mr. Dewar: No, you have got the facts wrong.

Mr. BROSNAN: The hon. member for Chermside said he knew a man who left his employer, worked for two months with another, then returned to his original employer. He said he could do this repeatedly and finally qualify for three months' long-service leave.

Mr. Dewar: You are using the case in the wrong place; that is all.

Mr. BROSNAN: That is the way I understood it.

Mr. Dewar: I will explain it to you later.

Mr. BROSNAN: I shall be only too pleased if the hon. member can. He certainly did not explain it to the House. I have exposed the hon. member in his citation of a case that he cannot substantiate. We are talking about employees. He says now that the man is not an employee. He began his remarks by saying that an employer does not come within the provisions of the Act. When I mentioned the case that he had cited, he said by way of interjection that the man was not an employee but an employer. Which way does he want it?

Mr. Dewar: You are not using the case in the proper place; that is all.

Mr. BROSNAN: He also said that the leave must be taken. He wants it to be mandatory that a man take his leave. That would be regimentation, and I thought regimentation was shunned by members of the Opposition. I thought they regarded it as one would regard the plague. But the hon. member says it should be mandatory.

Mr. Dewar: In Victoria it is.

Mr. BROSNAN: The hon. member suggested it should be in the Bill. Does he deny that?

Mr. Dewar: If you are fair dinkum, put it in.

Mr. BROSNAN: I ask the hon. member now: did he say it should be mandatory that the employee take leave?

Mr. Dewar: But you say it should be mandatory that he cannot take cash.

Mr. BROSNAN: All right, just so long as the hon. member makes up his mind. I quoted him as saying that he wanted it made mandatory that a man take his leave. Is that not right?

Mr. Dewar: I said that if you do not do it you are not fair dinkum.

Mr. BROSNAN: All right, I will take the hon. member's answer as being in the affirmative, even though he did not say "Yes". I repeat that if the legislation provided that a man must take his leave, that would be regimentation. It would be tantamount to saying to an employer and an employee that there could not be any mutual arrangement.

Mr. Nicklin: What was the argument for introducing the principle?

Mr. BROSNAN: We introduced it to allow employees who had given long and faithful service for 20 years with the one employer to have the right to a break of 13 weeks or pro rata if their services were terminated after 15 years. But we said, and it is in the Act, that the time for taking the leave should be mutually agreed. If the employer and employee cannot mutually agree, the Court may determine it. Now hon. members opposite say we should make it mandatory. You cannot have it both ways I recommend all thinking trade-unionists—and they are in the majority—to recognise the advantages of this legislation. The Government are extending the benefits to a large body of workers who were previously excluded. With the effluxion of time I believe it will be possible to extend long-service leave to more seasonal workers. In the meantime many more solid trade unionists are being catered for by this beneficial legislation, the product of an ever-mindful Labour Government.

Mr. MORRIS (Mt. Coot-tha) (12.51 p.m.): The Leader of the Opposition and the hon. member for Chermside have traversed the principles of the Bill in detail and from their comments there is every indication that the debate in Committee will be very interesting. It is obvious that they have made a complete study of the measure.

I regard this Bill in the light of a principle in which I have believed all my life and even more so at the present time. The principle is that throughout the State there should be co-operation between all sections of the community so as to make the country as prosperous as possible. There has never been a time in our history when peace in industry was so necessary, especially in view of our export market. Nothing contributes

more to sound economy than harmony in industry, and for that reason I was very disappointed with the comments of hon. members opposite which seemed to underline the belief that there must always be suspicion between different sections of industry, that there must always be an effort by one section to get the better of the other, instead of both working in the closest harmony. Until such class consciousness of the one section trying to beat the other is eradicated we shall not reach the pinnacle of achievement that is open to us. Because I believe that industrial conciliation and arbitration is of considerable importance, I have gone to some trouble to discover what has been the industrial relationship over the years and its effect on industry. There is a very complete record of industrial disputes in the Queensland Year Book.

I repeat that the greatest gift that industry could make to the economic life of Queensland and Australia would be economic peace, particularly in view of the difficulties that face us with our overseas exports and balance of payments. Queensland has had more industrial legislation than most other States. However, it is not reflected in the industrial situation. I was amazed to hear the hon. member for Bremer say that industry was a great deal worse in other places than in Queensland. That is not borne out by the facts. I have obtained figures of industrial unrest in Australia for the 12 months ended December, 1954, and they show that Queensland was far worse than most other States. In that year Queensland had 278 industrial disputes, involving 83,681 people and the working days lost were 183,855. Let us compare that with South Australia, a State so often mentioned by hon. members opposite. They speak of it as the Tory State, but I disagree with their use of the word "Tory" because I think people who use it have not studied its historical meaning. Though the population of South Australia is only about 60 per cent. of Queensland's, its industrial production is approximately 90 per cent. In the year ended December, 1954, South Australia had only 23 industrial disputes, involving a mere 7,336 people, and only 31,207 working days were lost. I think those figures are very relevant. If we are to legislate for industrial conciliation and arbitration, it is the responsibility of all sections of the community to do what was done in war-time —co-operate for the good of industry and the country. I do not believe that is being done in Queensland today.

Mr. Evans: There is an overtime ban on now.

Mr. MORRIS: A very much greater effort for industrial peace could be made in Queensland. It will not be achieved as long as hon. members opposite and others outside the House try to set one class against another, for nothing could be more harmful to industrial unity.

Mr. Power: You are opposed to the 40-hour week.

Mr. MORRIS: That is a malicious statement and completely untrue.

Mr. Power: It is in "Hansard."

Mr. MORRIS: It is not. That is a canard that is being spread as widely as possible by certain Labour people. They are trying to put the fear into the people of Queensland that we would take legislative action to alter the working week. Nothing is further from the truth. My attitude has been stated clearly. We believe in arbitration, and if the Rip Van Winkle likes to come back into it he cannot dispute it.

I was speaking of industrial unrest. I had pointed out that Queensland has infinitely more industrial unrest than South Australia. Let us look at another State.

Mr. A. Jones: What you do not appreciate is that those figures include persons such as wharf labourers working under Federal awards.

Mr. MORRIS: It includes everybody in every trade in every State. Of course wharf labourers are included. No doubt the Minister will follow that up by saying that we have more ports in Queensland than in South Australia. That again is true.

Mr. A. Jones: We say we have no jurisdiction; they are under the Federal Government.

Mr. MORRIS: Let me take that argument further. There is much more shipping in the southern States than in Queensland so any argument along that line is not well founded. I am quoting the figures for all States and for all industries. A comparison has already been made between South Australia and Queensland, and I propose to make a comparison between Victoria and Queensland. In Victoria, where the population is much greater than here, there were 76 disputes against our 278.

Mr. SPEAKER: Has this anything to do with long-service leave?

Mr. MORRIS: Yes. Industrial peace is completely bound up with the Industrial Conciliation and Arbitration Act. An amendment of the Act cannot be adequately considered unless a comparison is made of industrial troubles in all the States.

Mr. A. Jones: Federal awards do not come under the jurisdiction of our court and it is not a fair argument.

Mr. MORRIS: It is a perfectly valid argument because the basis is the same in every State and that cannot be disproved. In Victoria 44,813 people were involved in disputes against 83,000 in Queensland, and the number of working days lost was only 135,611 against 183,855 here. That proves most conclusively that either our legislation is not as good as the legislation in Victoria or there has not been as much co-operation in Queensland as there has been in Victoria. The Minister may say what he believes to

be the problem. These figures, important as they are, are incomplete unless we pursue the matter still further. I have looked into the number of industrial disputes in the year prior to the war and since this legislation has been in operation.

Mr. A. Jones: This legislation has nothing to do with Federal awards. You are unfair there.

Mr. MORRIS: I am talking about the effect on industry and I am comparing our case with that in other States. Let us concentrate wholly and solely on Queensland. In 1939 there were five industrial disputes compared with 278 in 1954. Irrespective of our political views we must all deplore the growing menace of industrial trouble in this State. The number of working days lost in 1939 was 1,870 against 183,855 last year. That is the most cogent evidence one could produce in support of the opinion that this legislation is probably as important as any legislation that Parliament could be called upon to consider. I could quote many more figures but it is suggested that they are not relevant. However, I shall quote figures from and including 1951, which are entirely relevant. I remind hon. members that it was in 1952 that the Act was amended. In 1951 there were 191 industrial disputes, in 1952, 195, in 1953, 265, and in 1954, 278. The number of working days lost in 1951 was 96,307, in 1952, 76,286, in 1953, 153,448, and in 1954, 193,855.

Mr. Nicklin: That is a lot of lost work.

Mr. MORRIS: It represents a serious loss of work. If that great number of working days had not been lost in 1954 the economic problems facing this State would be infinitely less than they are. I do make a most sincere appeal to all sections of industry to make every effort to ensure that we have industrial peace and thus reduce the loss of working days at least to the figure of 1939. If we do that I do not think any section of the community will not be pleased that Parliament took this action. It is no use discussing industrial legislation unless all sections of the community are prepared to do their best to make it work. If they do that everybody will feel that it has been worthwhile.

Mr. EASTMENT (Ithaca) (2.49 p.m.): On behalf of the people I represent, the majority of whom are workers in industry, many of whom have not enjoyed the benefits of long-service leave, I heartily support the legislation. These people knew that the first long-service leave legislation was not the be-all and end-all of such legislation. Certain employees were not covered by the Act. The Government in pursuance of their policy of equality have introduced this Bill to give long-service leave to every section of employee, including those not covered by awards. The period for pro-rata long-service leave has been shortened, and the Government are to be commended for that.

I have had extensive industrial experience. I can remember some of the first awards in which sick leave of one week a year was given. If it was not taken, it was forfeited, and the employee had to wait a further period of time before more sick leave accrued. The Government have gradually improved the sick-leave provision of the Act and they have been of real benefit to the workers. In years gone by many young employees did not suffer any illness and therefore forfeited the sick leave due to them. Later an employee might be stricken with a serious illness. Under awards at that time great hardship was suffered because there was no provision for the accumulation of such leave to meet such a contingency. Employers suffered inconvenience because of the absence of their employees.

Workers generally will appreciate this improvement. As time goes on it may be found necessary to extend it. I enter an emphatic protest against the statements of Opposition members that workers are malingering. Generally speaking, workers are conscientious. They make a genuine effort in their own interests and the interests of their employers. There are the odd exceptions of course. Opposition members have sought to make the point that, despite all improvements in regard to long-service leave, industrial unrest still continues. I have studied this matter closely and it is only logical that there will be industrial unrest particularly when workers read in their Press of the huge profits being made by business concerns. While they enjoy prosperity and increased profits, they oppose tooth and nail the applications made to the Court for improvements in the conditions of the workers. Cerfain employers who have opposed applications in the Industrial Court for increased wages and better conditions, have actually offered more than award rates to their employees and have even gone so far as to take employees from other employers. In the early days many workers were not sufficiently educated to read and understand the financial pages in the daily press. I can remember my early days when workers were not able to understand what was going on, but now they can read and understand the ramifications of business and they are amazed at the excess profits. Hon. members opposite who are associated with these companies who make excessive profits have always opposed any attempts to improve industrial conditions in this House. I am sure that the seasonal workers will appreciate the benefits of this legislation. Those people not covered by the Bill will, I am sure, state a case to the Minister and if possible their position will be met by Order in Council.

Speaking on behalf of the workers who constitute 99 per cent. of the people I represent, I am appreciative of the Government's action in this respect and of their continued efforts to improve industrial legislation so as to bring about social justice. It may be necessary next year to improve further the

industrial conditions of the workers and if so, I have confidence that the Minister will see that the improvements are made.

Hon. A. JONES (Charters Towers—Secretary for Labour and Industry) (2.54 p.m.), in reply: It was interesting to listen to the different speakers in this debate. There has been very little criticism of the Bill itself, although the Leader of the Opposition engaged in a tirade of abuse of unions and industrial unrest. It is to be expected with this type of legislation, because back in 1892, in the days of the shearers' strikes we heard the same tune every time industrial legislation was introduced.

Hon. members opposite always say that they agree with the legislation, but there is always a "but" attached to it. I noticed that yesterday. The Leader of the Opposition made a bitter attack on unionists and unionism generally. He said nothing about the employer. According to him, the employer is always right. That has been the attitude also of almost every member of the Opposition who has spoken on the Bill. Of course, the Leader of the Opposition is a tactician and he was shrewd enough not to attack the legislation itself. He knows what it means to people outside. But the more inexperienced members of the Opposition—and I refer particularly to the hon. members for Barambah and Chermside—made no bones of the fact that they are opposed to the legislation.

Mr. DEWAR: I rise to a point of order. I made it perfectly plain on the introductory stage that I am not opposed to the principle of long-service leave. I object to the Minister's continued efforts to nail me down as being opposed to the principle of long-service leave.

Mr. SPEAKER: Order! I ask the Minister to accept the denial of the hon. member for Chermside.

Mr. A. JONES: I accept the hon. member's denial. He criticised almost every principle in the Bill—there was always a "but".

Mr. Morris: He examined every principle. He did not criticise it.

Mr. A. JONES: I have enough intelligence to know the attitude of every member who speaks on legislation. I leave it to hon. members to judge for themselves the attitudes of the two hon. members to whom I have referred.

Every time industrial legislation is brought down, hon. members opposite adopt a timid attitude towards it. They are not game to oppose it openly; they say it is not too bad and then they come in with their propaganda.

Reference has been made to what happened when the Tories were in power in this State in 1929-1932. I know what happened then, because I was a member of the Opposition. The Moore Government had no compunction about denying workers access to the Industrial Court. I represented the Burke electorate—a pastoral electorate—at the time, and it was common knowledge that station hands were only too glad to get a job for 10s. a week. The position became so bad that on 22 July, 1931, I addressed the following question to the Premier of the day, Hon. A. E. Moore:—

> "1. Is he aware that the following are the minimum rates of pay, together with keep, laid down for aboriginal workers on stations in Queensland:—
>
> Male cooks—£1 10s. to £2 per week;
> Head stockmen—£2 per week;
> Drover in charge—£2 per week;
> Other drovers—£1 10s. per week;
> Horse drivers—1 10s. per week.
>
> "2. Is he aware that the minimum rate which may be paid to aboriginal drovers in the Northern Territory is £3 per week and keep?
>
> "3. In view of the fact that many white station hands in Queensland are working for £1 and £1 5s. per week, will he take steps to see that white station hands are given at least the same protection as that afforded to aboriginals?"

Those conditions applied to thousands of workers in Queensland, who had been denied access to the Industrial Court by the Moore Government. Although hon. members opposite say that they fully support the principle of arbitration, everyone knows what they did when they had the opportunity. A party can be judged only on its record.

It is very easy for hon. members opposite to make appeals in this Chamber. The hon. member for Mt. Coot-tha said that if we all worked together, everything in the garden would be lovely. Every hon. member has a copy of the report of the Chief Inspector of Factories and Shops and he will see on the last page the total of wages collected in the 12 months ended June this year. It was £62,503 10s. 5d., which is the amount the employers would have withheld from employees had there not been industrial inspectors to protect the men. In addition to that, hundreds of union officials throughout the State have collected thousands of pounds for various employees.

It is all very well for hon. members opposite to speak of the unionist and the employee. Take the wool industry, which, over the last few years, has been very buoyant. Fabulous prices were received for wool yet my department repeatedly had to prosecute graziers for failing to comply with the ordinary, decent regulations governing accommodation for employees. We have had to do that quite often over the years, and it shows the need for inspection. It is too easy for hon. members opposite to blame the employee all the time. I know that employees are to blame sometimes.

The hon. member for Mt. Coot-tha tried to make it appear that Queensland had the worst record of industrial unrest in Australia. His comparison was very unfair because the figures he quoted included wharf labourers and others not under our jurisdiction. We are discussing industrial conciliation and arbitration legislation in Queensland and the figures should have applied only to workers under the awards of our court. I challenge the hon. member to quote figures of industrial disputes involving workers under State awards. I guarantee that we have a good record compared with other States. It is no use quoting figures of workers under Federal awards because they come under Commonwealth jurisdiction. He can blame Menzies and Fadden for that.

The Leader of the Opposition spent some time on one subject yesterday which made headlines in this morning's Press but his statement was misleading and incorrect. I am not suggesting it was deliberately so because I do not for a moment think it was. He said that there was no need for the Government to legislate for long-service leave because the court already had the power under the Act. That is not correct.

Mr. Gair: "The Courier-Mail" is not correct, either.

Mr. A. JONES: An application was made to the court for an extra holiday at Christmas time and the court decided it did not have power to grant it. If it has no power to grant an extra holiday, how can it have the power to grant long-service leave? The hon. member for Marodian used the same argument about seasonal workers.

Mr. Nicklin: They could grant long-service leave under the provisions of the awards before 1952.

Mr. A. JONES: Not State awards.

Mr. Nicklin: Yes.

Mr. A. JONES: Not as a general principle.

Mr. Nicklin: No, but the power was there.

Mr. A. JONES: The court would not have the power to grant long-service leave such as is now being granted, unless it was given it by legislation. Statements are made and they are given publicity in the Press and in many instances they are not in accordance with fact.

The Leader of the Opposition was right when he said there were long-service leave provisions in some awards prior to 1952. For instance, the Brisbane City Council entered into an agreement with the A.W.U. and it was registered in the Court. In any instance where long-service leave was granted prior to the legislation it was by agreement of the parties. I wanted to correct the impression created by the head-lines in this morning's Press. I was asked on the telephone this morning whether there was any need for this amendment and I thought it necessary to correct any false ideas.

There has been a lot of discussion about employees working under Federal awards and others not working under awards at all. The Leader of the Opposition mentioned the possibility of an appeal to the Privy Council. I do not know what the result of the appeal will be but it has been suggested that if the Privy Council rules that the Victorian legislation is ultra vires many workers already covered will be disadvantaged. I said by way of interjection at the time that many thousands of employees in Queensland are not covered by any award at all, consequently, irrespective of any finding by the Privy Council, such employees would still be eligible for long-service leave.

I referred to continuity of employment in both my speeches, and I pointed out that continuity was not broken by illness, injury, industrial disputes, or slackness of trade. Time off, however, is not necessarily counted but if there is any doubt about it there is provision for the employee to approach the court for a determination. If there is any dispute there are quite a number of matters in connection with this legislation which the court can decide. If an employee through injury or illness were off work for two years, nobody would expect that period to be counted as time worked, but it is in cases like this where the decision lies with the court. The hon. member for Chermside referred to the termination of employment as laid down in the New South Wales legislation. I discussed the position with the New South Wales Minister and my information is that the words "termination of employment" are used in that Act. It does not say "employment terminated by employer". Our amendment is the same as the New South Wales one.

The Leader of the Opposition referred to the clause to give the Governor in Council power to declare other seasonal industries from time to time. That is a practical and reasonable approach to the matter. I do not think that seasonal industries will extend to any great extent. I do not know of any seasonal industry in Queensland outside the two enumerated in the legislation; there may be an odd one. I am not referring to casual employees. It would take them a long time to accumulate sufficient service even if they were classed as seasonal employees. As the Leader of the Opposition intends to move an amendment in connection with the matter I shall not refer to it any further at this juncture.

The hon. member for Mundingburra spoke in general terms yesterday of how it would affect seasonal workers, particularly the aggregation of the period of employment. I said by way of interjection, that this was requested by the A.M.I.E.U. You cannot do

any more than agree to a submission. I thought it was a reasonable approach to this question. I met a number of deputations and I discussed the matter from all angles. I have had different propositions put to me; but this was the only one that appealed to me as being practical. I discussed the legislation with one or two employers in industry and they considered it fair and equitable that men should receive some measure of compensation after having given service over a period of years. The hon. member also said it would take about 48 years for them to qualify. That is a far-fetched statement. It is all very well for the newspapers to say that this legislation will cover 200,000 State employees and 80,000 Federal employees. Although that may be the total number working under relevant awards nevertheless it is not true to suggest that that number would become eligible. The percentage that would become eligible would be comparatively small.

Mr. Kerr: What would the percentage be?

Mr. A. JONES: I could not tell the hon. member offhand. An employee may leave his employment for all sorts of reasons. He may not leave because he is dissatisfied, but having left he does not become eligible under the long-service leave provision. There will be a big percentage who will never qualify because of that fact. The hon. member for Fortitude Valley summed up the position very well when he said that long-service leave is what the words indicate—recompense for long and faithful service with the one employer.

Motion (Mr. A. Jones) agreed to.

COMMITTEE.

(Mr. Graham, Mackay, in the chair.)

Clauses 1 to 5, both inclusive, as read, agreed to.

Clause 6—Amendments of s. 10B; Long service leave—

Mr. DEWAR (Chermside) (3.17 p.m.): I move the following amendment:—

"On page 3, line 24, after the word 'employer' insert the words—

'and by inserting after the word "employer" where such word last appears in the said paragraph (*c*) the words "and provided further that in any such case where the employee has himself terminated his service with the employer the period during which that employee was absent by reason of such termination of his service shall not be taken into account in calculating the period of his service with that employer" '."

It is hardly necessary to elaborate on my remarks during the second reading stage. It is interesting to study the Victorian and New South Wales Acts.

The New South Wales Act lists three circumstances when service is deemed not to be broken and when time lost is not counted—

"(*a*) If an employer terminates employment to avoid his obligations under the Act;

"(*b*) Industrial dispute; and

"(*c*) Termination of employment by the employer because of slackness."

The Victorian Act is more specific. We find that service is not deemed to be broken by—

"(*a*) Period of leave;

"(*b*) Sick leave up to 14 days in one year; and

"(*c*) If the employer terminates employment to avoid his obligation under the Act."

In each of those three circumstances the time lost is counted as time worked. The time lost is not counted as time worked when it arises through—

"(*a*) Industrial dispute;

"(*b*) Dismissal of employee if he is re-employed within two months;

"(*c*) Slackness of trade; and

"(*d*) Absence through injury."

The period for re-employment is two months in Victoria as against three months in Queensland, and applies when the employee is dismissed, not when he terminates his own employment.

The Victorian Act does not provide for pro-rata long-service leave of 6½ weeks after 10 years' service if the employee terminates his employment. He is, however, entitled to pro-rata leave if he is dismissed, provided he is re-employed within two months, as against three months in Queensland. What is more important, the time he is away from his employer up to two months because he is dismissed is not counted as time worked. I do not think that the Minister adequately dealt with this question in his second reading speech. A vastly different picture is presented depending on how much sympathy the employer felt towards the man in recognition of his service.

It would be an extreme case if a man was away for two years. There are plenty of people who undergo appendicitis operations or some major operation who might be away from work for four months. Under Clause 2A (*b*) of the 1952 Act, because a man has been away for more than three months through illness or injury he shall not have the time away from work counted.

Mr. A. Jones: I said that the Court would determine the matter in the event of a dispute.

Mr. DEWAR: The Minister says in the Bill that the service will not be taken into account if it is more than three months.

Mr. Walsh: There could be a dispute between the parties.

Mr. DEWAR: I do not see how the Court could do anything but uphold what is laid down in the Act. If a man is away for four months because of a major illness or injury he need not necessarily have his time counted. I give the Minister credit for that much of his argument. The Court would have little jurisdiction or discretion in the matter, but it would have to decide the matter in accordance with the law. We are now writing into the law that an employee might terminate his services, take two or three months off, go into seasonal employment and earn fabulous wages every week and then come back to his employer within the three months. As the Bill reads the time he has been away will count as time worked. There is no justice for the unfortunate man who is away, or has met with an injury that might keep him away from work for four months. We are writing into the Act that that man will not have the time counted yet we are prepared cold-bloodedly to say to a man who has of his own volition terminated his services with an employer and taken other work—perhaps of a seasonal nature—and comes back to his employer in three months, that he can have the time counted as unbroken service. That is a farce and it is for that reason that I moved my amendment. There is nothing particularly controversial about it. I think it is wrong for man to terminate his services and be in a position to qualify for pro-rata leave after 10 years. It is obvious that he could start work the following week with another employer. As the Bill stands, if a man terminates his employment voluntarily and takes other employment and returns to his former employer within the period of three months, the period for which he is absent is regarded as service. The amendment will place him in a better position as the unfortunate man who is ill for four months and has been stood down by his employer for that reason. In the latter case, the period of absence is not regarded as service.

Hon. A. JONES (Charters Towers—Secretary for Labour and Industry) (3.27 p.m.): I cannot see any logic in the hon. member's argument. The very fact that an employer is prepared to re-engage an employee who has terminated his services voluntarily is sufficient argument in favour of the Bill. If the employer does not want him back, he will tell him so. No employer would unnecessarily penalise himself by re-employing a man with the knowledge that the period of his absence would have to be regarded as service for long-service leave purposes. After all, all that it means is that the period of absence will be taken into consideration in calculating the 20 years' service, not that the employer will have to pay the man three months' wages. In actual fact, the cost to the employer will probably amount to only shillings.

Mr. Dewar: If the employer was desperately in need of the employee's services, the employee could take three months off every year.

Mr. A. JONES: I cannot see any logic in the amendment. For that reason, I cannot accept it.

Hon. W. POWER (Baroona—Attorney-General) (3.29 p.m.): The Minister's reason for not accepting the amendment is sound. The amendment seeks to take something from the workers.

The hon. member for Mt. Coot-tha said today that he voted for the introduction of the 40-hour week, and denied that subsequently he opposed it.

The TEMPORARY CHAIRMAN: Order!

Mr. POWER: In order to make a comparison, I want to quote from "Hansard" what the hon. member said. I quote him from page 1843 of Vol. 203 of "Hansard"—

> "The Minister and some of the Government back-benchers seem to have drawn a great deal of pleasure from the fact that a few years ago certain hon. members of the Liberal Party in this Assembly voted in favour of the 40-hour week.
>
> "Far be it from me to try to contradict the records of 'Hansard' but I want to say now that when I voted then in favour of a direction to the Industrial Court I was a very young and unfledged member of this Assembly. (Government laughter). I ask hon. members to be patient. Today I have learnt that a direction to the Industrial Court by this Parliament is bad because it cuts the very ground from under the feet of a court, which will provide better conditions than any that a Labour Government could give. I am also quite satisfied that the decision that was made then was one of the most unwise decisions ever made by a Parliament. Surely a man, no matter who he may be, can express an opinion and change it some years after as a result of experience? That is what I have done, and I am not ashamed of it."

The TEMPORARY CHAIRMAN: Order!

Mr. POWER: I do not want to conflict with the Chair, but I just wanted to point out that the hon. member supported the 40-hour week and then at a later stage, which he denied here today, repudiated what he had done earlier.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (3.32 p.m.): The Attorney-General has been christened Rip Van Winkle because he belongs to a past age; but he must have awakened because for the last threequarters of an hour he has been busily thumbing through "Hansard".

Mr. Power: You're telling me! Now I have read the statement and shown the Committee just what the hon. member did.

Mr. NICKLIN: In refusing to accept the amendment, the Minister is overlooking its real purpose and that is to introduce some responsibility into the taking of long-service leave. As the Minister knows, there is definitely some irresponsibility amongst the workers on sick-leave accumulation, which is not to their advantage, for they sacrifice the substance for the shadow. The hon. member for Chermside cited one instance. Let us not forget that, now that the time for eligibility for pro-rata long-service leave has been reduced to 10 years, many employees will become eligible at 25 or 26 years of age. A man might want £90 or £100 in a hurry and all he has to do is terminate his employment whereupon the employer is required to pay him his long-service-leave entitlement. Later he may apply to be re-engaged by the same employer and, in taking him back, the employer accepts the liability for long-service-leave entitlement for the period that the man has not been in his employ.

Mr. Walsh: If he is prepared to do that, why stop him?

Mr. NICKLIN: Undoubtedly it is largely in the employer's hands, but if such a condition is allowed to exist it encourages irresponsibility.

Mr. Power: The employer can sack him but the employee cannot leave! That is your attitude.

Mr. NICKLIN: That is not my argument at all. If the employer sacks him, the employee has his rights.

Mr. Power: The employer can fire him and pay him pro rata, but the worker cannot leave and get the pro-rata payment. You do not want him to get it.

Mr. NICKLIN: Nothing of the sort! It is not a case of the entitlement of the employee at all because he gets it whether he is sacked or leaves of his own free will. If he leaves of his own free will and comes back three months later to the same employer he gets credit for the time that he has not been working with that employer. Admittedly the employer accepts that responsibility when he takes him back, but why should he?

Mr. Power: He need not take him back.

Mr. NICKLIN: The Attorney-General wants to see these men unemployed.

Mr. Walsh: You could have the position where the employer would have to put that employee off under the present credit restrictions but would like to re-employ him after the Labour Government are returned.

Mr. NICKLIN: If we had these hypothetical conditions the Treasurer talks about and also similar provisions to those in other States, that man would come back without any penalty. We cover illness but we do not cover the circumstances where a man leaves deliberately of his own accord, possibly at great inconvenience to the employer. The kernel of this is that by allowing it to stay in the Act we encourage irresponsibility in employees which is not to their benefit. It would be far better to take it out because if a man leaves of his own accord he should not get the benefit of any time away from that employer should he be re-employed by him.

Mr. Power: You are always trying to take something from the worker.

Mr. NICKLIN: Does the Attorney-General suggest that the worker earned that right?

Mr. Power: Of course I do.

Mr. NICKLIN: He would. The Attorney-General is as irresponsible as some of the workers I am talking about.

Mr. Power: I will remember that statement about their irresponsibility next election. That one won't come out of "Hansard" I bet.

Mr. NICKLIN: The Minister has not seen fit to accept the amendment which would be an improvement to the legislation.

Amendment (Mr. Dewar) negatived.

Clause 6, as read, agreed to.

Clause 7—New s. 10C inserted; Long-service leave for employees not governed by awards or industrial agreements—as read, agreed to.

Clause 8—New ss. 10D and 10E inserted; Long-service leave for seasonal workers in meat-works and sugar-mills—

Mr. NICKLIN (Landsborough—Leader of the Opposition) (3.39 p.m.): I have circulated an amendment on this clause. I thought the Minister would have given us more information about this in his reply on the second reading. Before I move my amendment I should like to hear what the Minister has to say on the matter. I think there is an undesirable principle in taking from Parliament a right which, I think, Parliament should retain, and vesting in the Minister power by Order in Council to extend the provisions to various sections of casual workers. It is admitted by the Minister that it is hard to visualise how any other body of seasonal workers may possibly be brought under the provision for long-service leave for seasonal workers, but there may be some in the future. I think it would be advisable to leave the power in the hands of Parliament to extend the provisions of the Bill rather than extend it by Order in Council. This is something that will not crop up suddenly, therefore nobody will be placed at a disadvantage. I should like to hear the Minister's reason for the provision to do it by Order in Council rather than by an amendment of the Act. I favour the retention of the power in the hands of Parliament.

Hon. A. JONES (Charters Towers—Secretary for Labour and Industry) (3.42 p.m.): The Leader of the Opposition will agree that if there are other seasonal workers who are entitled to this concession there should be no hesitation in bringing them in immediately. He said that we might do it by legislation, but the position may be that within a month or a couple of months we may find that there is some industry—I cannot pinpoint one at the moment—the workers may be entitled to seasonal workers' long-service leave, and if we had to amend the Act to cover them we would have to wait until August, September or October next. In such a case it should not be necessary to amend the Act. If Parliament laid down the principle that no worker was entitled to it it would be a different matter and there would be every reason why it should be brought before the House. In this case there has been no objection to the clause regarding seasonal workers. If there are a few other people who may eventually be included, it is only fair that we should deal with the matter simply and quickly. If any principle was at stake I should say it would be wrong not to deal with it by legislation, but there are very few casual workers outside the two groups already mentioned.

Mr. Hiley: If they do not exist now it would take a seasonal worker 30 years to establish his rights.

Mr. A. JONES: The hon. member might remember my saying that I thought there may be people employed perhaps at wool-scours. I have not been approached in connection with the matter, but I had them in mind.

Mr. Hiley: That case is not recognised at the moment.

Mr. A. JONES: That is true. I cannot think of many industries other than the meat and sugar industries.

Mr. Hiley: What about fruit canning?

Mr. A. JONES: I do not know that that could be called a seasonal occupation. It is classed under the award as casual work. The aggregation of service, however, is the important thing. I did not give any thought to any particular industry in considering this provision. Personally I cannot see any great objection to it. It is simple and I do not think any great difficulties will arise.

Mr. TURNER (Kelvin Grove) (3.16 p.m.): At an earlier stage I complimented the Minister on the inclusion of this provision. The Leader of the Opposition knows the position at the Northgate cannery. During the pineapple season canning starts at the end of January and goes right through to July. Quite a number of people are employed during that period, and that happens at other canneries elsewhere. The same position exists in other industries.

Mr. Hiley: The employees at the cannery are female employees.

Mr. TURNER: The Act does not discriminate against female employees. A female employee is entitled to long-service leave as much as a male employee. In the wool industry at the present time 63 members of the Storemen and Packers' Union are employed at weekly rates under seasonal conditions. These men can prove their period of employment by their group certificates. Each employee is given two copies of his group certificate, the third copy being retained by the employer. Those certificates show the amount earned during the period. The employee retains one copy and pins the other to his income-tax return. The Minister has mentioned the wool scouring industry and the fell-mongering industry. During the wool season more wool is scoured than between seasons and extra employees are engaged. That applies also to fell-mongering. After the passage of this Bill I am sure that employees in wool scours, wool stores, and the canning industry will be able to prove conclusively that they are entitled to long-service leave.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (3.48 p.m.): After listening to the Minister's statement I do not propose to move the amendment. I believe it will be many years before industries other than the sugar and meat industries come within this provision. The hon. member for Kelvin Grove mentioned the canning industry. The majority of employees at the cannery are casual rather than seasonal employees. At the Northgate cannery there are between 400 and 500 employees who are virtually permanent and would be entitled to long-service leave.

Mr. A. Jones: Yes.

Mr. NICKLIN: The other 800 employees are definitely casual employees. They work for a few weeks, then leave, and come back again. Even if they were covered, it would take almost a century before they could claim long-service leave.

I am not enamoured of the principle of giving power of extension by Order in Council, but I doubt very much whether any harm will be done by this provision.

Clause 8, as read, agreed to.

Clauses 9 to 12, both inclusive, as read, agreed to.

Bill reported, without amendment.

THIRD READING.

Bill, on motion of Mr. A. Jones, read a third time.

SUCCESSION AND PROBATE DUTIES ACTS AMENDMENT BILL.

RESUMPTION OF COMMITTEE.

(Mr. Turner, Kelvin Grove, in the chair.)

Debate resumed from 8 November (see p. 1166) on Clause 2—Amendment of s. 12 of 56 V. No. 13; Duties on successions, on which Mr. Munro had moved the following amendment:—

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

'6. Provided further that, notwithstanding the foregoing provisions of this section, where the predecessor is domiciled in the Commonwealth and the successor is the wife, or husband or lineal issue of the predecessor, and the successor is domiciled in the Commonwealth, and the successor dies within three years after the date of the death of the predecessor then the amount, if any, of the duty payable under this Act in respect of a succession derived consequent on the death of the successor by his wife, her husband or his or her lineal issue domiciled in the Commonwealth shall be reduced by the amount, if any, of such duty charged and paid in respect of the succession first mentioned in this provision.'"

Mr. MORRIS (Mt. Coot-tha) (3.54 p.m.): I support the amendment. I have in mind a comment by the hon. member for Nundah on this amendment. He said that the purpose of succession and probate duty was to provide revenue for the Crown. I suppose that is the basic purpose of it, but I cannot believe that it should be to provide revenue for the Crown to the grave detriment of certain people or, to put it another way, that it should be a discriminating tax against certain unfortunate persons. In cases of quick succession some people are particularly unfortunate because of the circumstances that give rise to the quick succession. It is a grave injustice that they should be discriminated against because of the occurrence of an accident, or something of that sort.

I am disappointed at the Treasurer's refusal to accept the amendment, although I derive some satisfaction from his assurance that he has taken notice of the suggestions advanced during the debate and his statement that he has already taken steps to modernise the legislation. If and when he does that, I hope he will give sympathetic consideration to cases of quick succession.

In my opinion, no tax is more unfair than probate and succession duty. Although that view may not be shared by many of my colleagues, or by Government members, it discriminates against the estate that is just large enough to be outside the exemption provided in the Bill. In these days, an estate of £10,000 is considered moderately small.

The amendment would lighten considerably the burden that is imposed in cases of quick succession, and I look forward keenly to next year when the present Opposition will have an opportunity of introducing a measure that will be really helpful to people who are the victims of unfortunate circumstances. If the Crown must have revenue to carry on, it should be our duty as legislators to ensure that the burden of probate and succession duties does not go to the extent of almost wiping out an estate before a successor can gain any benefit from his inheritance. It frequently takes a year or two for probate to be granted, and if there is a second death before it is granted an estate can be called upon to carry far too great a load. If the Minister will not accept the amendment, the present Opposition will have an opportunity of doing the right thing next year.

Question—That the proviso proposed to be inserted in Clause 2 (Mr. Munro's amendment) be so inserted—put; and the Committee divided—

AYES, 21.

Mr. Bjelke-Petersen	Mr. Munro
,, Chalk	,, Nicklin
,, Coburn	Dr. Noble
,, Dewar	Mr. Plunkett
,, Evans	,, Roberts, L. H. S.
,, Fletcher	,, Sparkes
,, Heading	,, Taylor, H. B.
,, Hiley	
,, Kerr	*Tellers*:
,, Low	
,, Madsen	,, Nicholson
,, Morris	,, Pizzey

NOES, 40.

Mr. Adair	Mr. Hilton
,, Baxter	,, Jesson
,, Brosnan	,, Jones, A.
,, Brown	,, Kehoe
,, Byrne	,, Kevatta
,, Clark	,, Larcombe
,, Collins	,, Lloyd
,, Cooper	,, Marsden
,, Crowley	,, McCathie
,, Davies	,, Moore
,, Davis	,, Moores
,, Diplock	,, Power
Dr. Dittmer	,, Rasey
Mr. Donald	,, Robinson
,, Duffey	,, Taylor, J. R.
,, Duggan	,, Walsh
,, Foley	,, Whyte
,, Forde	
,, Gair	*Tellers*:
,, Gardner	,, Eastment
,, Graham	,, Skinner

PAIRS.

AYES.	NOES.
Mr. Gaven	Mr. Wood
,, Jones, V. E.	,, English
,, Müller	,, Devries

Resolved in the negative.

Hon. E. J. WALSH (Bundaberg—Treasurer) (4.8 p.m.): I move the following amendment:—

"On page 3, lines 6 to 8, omit the words—

'provided that any such employee is not related to the said testator or testatrix by blood or marriage'

and insert in lieu thereof the words—

'and is expressed by him or her in his or her will to be such a gift and save that gift the donee derives no succession from the estate of the testator or testatrix.' ''

My amendment is slightly different from the amendment that has been circulated. I have moved it in that form to provide against the possibility of testamentary gifts to employees being subject to Commonwealth income tax. The hon. member for Coorparoo discussed this matter with the Parliamentary Draftsman and the amendment has been so worded as to remove any doubts that could arise. The amendment relates to exemption from succession duty of gifts to employees not exceeding £100. The Bill excludes relatives by blood or marriage from this concession. The amendment grants the concession to all relatives provided that the gift is expressly declared by the donor to be made to an employee or ex-employee and the donee does not benefit otherwise under the will. I think that will meet the wishes of those who raised the matter. I thought there were some grounds for making the amendment and it has been moved. Possibly some difficulties will arise in administration and maybe a lot of the questions that are usually asked by the Commissioner of Stamps to satisfy himself that everything is in order may be irritating, but as time goes on we will see whether it works out as we intended it to.

Mr. HILEY (Coorparoo) (4.11 p.m.): The amendment substantially meets the argument we advanced at the earlier stage, but it does not contain some of the safeguards that we suggest are necessary. It does completely meet the fundamental point, which was the exclusion of the employee related by blood or marriage. In order to make it possible for such employees to come within the scope of the exemption we felt that there should be certain safeguards. The first dealt with people whose employment was of short duration. We think it should only be open to any employee who had completed a full 12 months' service. The Treasurer has not seen fit to include that safeguard. We think that that would help to obviate some of the awkward cases that might arise. The other point that might later receive consideration is the one raised by the Treasurer in reply on the second reading debate when he said that after all employment could be a fairly vague term; it may be somebody who came to dig the garden on Sunday morning. I feel that it should be restricted to people who serve for a qualifying term in full employment, to the extent that it is exclusive employment. A relative or a non-relative who does a bit of casual work when somebody is on holidays or who gives a hand selling tickets at a picture theatre could not be classed as being employed. When the full review is taking place those two principles might be considered —a qualifying period to apply so as not to give such a benefit to somebody who might only work a day or a week.

Mr. Walsh: You would almost have to give the Commissioner a discretionary power.

Mr. HILEY: You could lay it down in the statute.

Mr. Walsh: You might be able to lay down the period but not define the class of employment.

Mr. HILEY: I think you could. If you defined it as someone employed exclusively and in full weekly employment simultaneously you would cut out this casual type of quasi-employment that was worrying me. However the Treasurer is prepared to run the hazard of the casual type of employment and see how it works. We are not unwilling to accept that. The way in which it was formerly worded made it a stone-cold certainty that every one of those bequests would be subject to taxation by the Commissioner of Taxes, but the way in which it is now worded there may be only some slight danger of that happening. In its present form I think the danger that tax will be levied on these gifts is extremely remote. It is more desirable than the previous provision. The Treasurer has moved it and hon. members on this side of the House are happy to accept and support it.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (4.16 p.m.): As the hon. member for Coorparoo has pointed out, the amendment is certainly a big improvement on the previous provision, notwithstanding the difficulties foreseen by the Treasurer. It will remove from the Bill the provision that an emyployee benefiting under a will must not be related to the testator or testatrix by blood or marriage to qualify for the exemption from duty of bequests not exceeding £100 to employees. This paragraph will now exempt from duty any succession that does not exceed in value £100 and is given by any testator to any past or present employee, being expressed in the will to be such a gift, if, apart from that gift, the employee derives no other benefit from the estate.

It will be noted that it must be expressly stated in the will that the gift is a gift to a past or present employee. On the one hand, this could prevent innumerable claims from beneficiaries, when there is no express mention of the relation of employer and employee in the will, that such a relationship existed at one time, even for the shortest of periods. On the other hand, there may well be some administrative difficulties, and it would be interesting to hear the Minister's comments on cases I now mention. If a will read, ''I give and bequeath to my faithful servant (or employee) John Brown the sum of £100,'' this would be an express provision within the amendment and exempt from duty. If, however, the will merely read, ''I give and bequeath to John Brown the

sum of £100,'' there would be no express reference to the relationship of employer and employee, and in those circumstances the bequest would not come within the terms of this provision.

As a point of interest, take a will reading, ''In appreciation of his having saved the life of my son I give and bequeath to 'A' the sum of £50 and in appreciation of the faithful service he has given me while in my employment I give and bequeath to the said 'A' a further sum of £50.'' Here we have a gift of £50 relating expressly to employment, and a further gift of £50 having no remote bearing on employment. Both amounts total £100 and if given expressly in relation to employment would have been exempt from duty. Those are merely points to be considered by the Treasurer.

Mr. Walsh: I think they can be left until we are examining the Act.

Mr. NICKLIN: The amendment is certainly a big improvement, although it may have some weaknesses.

Amendment (Mr. Walsh) agreed to.

Hon. E. J. WALSH (Bundaberg—Treasurer) (4.21 p.m.): I move the following amendment:—

''On page 3, after line 12, insert the following word and paragraph:—

'and

'(iv.) By repealing in the last paragraph the words and quotation marks ''the term ''lineal issue'' includes'' and inserting in lieu thereof the words and quotation marks ''the terms ''lineal issue'' and ''child'' respectively include'.''

Concessions granted under the existing Act to children as regards duties upon successions derived from their parents are expressly given to illegitimate and adopted children. The Bill does not set out expressly that the new concessions granted by it to children extend to illegitimate and adopted children. This amendment does that. I might say that if hon. members of the Opposition look back over their amendments they will find that they overlooked that phase too.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (4.23 p.m.): I am glad the Treasurer moved the amendment because the question that was raised has now been cleared up. We find that the words ''lineal issue'' appear in the Act but not in the clause where the word ''child'' is used. ''Lineal issue'' is defined in the Bill but ''child'' is not. As the Treasurer has moved the amendment there is no doubt that the term ''child'' as used in the Bill includes both a natural child and a lawfully-adopted child of the predecessor.

Mr. HILEY (Coorparoo) (4.24 p.m.): It is not inappropriate in amending a Bill to protect the interests of illegitimates to point out that the amendment has been presented in a manner which fairly shrieks of illegitimacy.

Amendment (Mr. Walsh) agreed to.

Clause 2, as amended, agreed to.

Clause 3—New s. 12B inserted—

Mr. MORRIS (Mt. Coot-tha) (4.25 p.m.): I move the following amendment:—

''On page 3, lines 22 and 23, omit the words—

'a child under the age of twenty-one years' and insert in lieu thereof the words—

'husband or lineal issue'.''

The Committee will recall that when this matter was debated earlier I moved a similar amendment, so that it is not necessary to traverse the same ground again. However, I reiterate that nowadays it is frequently the practice for a husband to pass over a proportion of his estate by deed of gift to his wife. He does it because he recognises that his wife is a full partner with him in the building up of his estate.

Mr. Power: He is no longer her husband when he is dead.

Mr. MORRIS: That interjection is quite unworthy of consideration.

It is then a matter of who passes away first. If the wife predeceases the husband, in addition to paying gift duty on that part of the estate that he has made over to his wife, the husband is called upon to pay probate and succession duties on the same property. I admit that this is a tax to build up the revenue of the State, but surely it should not do so to the extent of imposing an unfair and undue hardship on the man who gives his wife more consideration than perhaps another man would.

Arguments have already been advanced on amendments to delete the words ''a child under the age of 21 years'' and to insert in lieu thereof the words ''lineal issue'', but my amendment seeks to include also the word ''husband''. It would make the clause clearer and much fairer than it is at present.

Hon. E. J. WALSH (Bundaberg—Treasurer) (4.28 p.m.): It is sufficient for me to say that I do not propose to accept the amendment.

Amendment (Mr. Morris) negatived.

Clause 3, as read, agreed to.

New clause to be inserted—Amendment of Schedule—

Hon. E. J. WALSH (Bundaberg—Treasurer) (4.29 p.m.): I move the following amendment:—

''On page 3, insert the following new clause to follow Clause 3:—

'4. The Schedule to ''The Succession and Probate Duties Act, 1892,'' is

amended by inserting before the note thereto the following paragraph:—

"This Schedule applies so that no probate or administration duty shall be payable where the total value of the estate does not exceed five hundred pounds.'' ''

The Bill grants total exemption from succession duty for estates not exceeding £500 in value. The amendment extends the exemption to probate or administration duty. It will be noted that, as probate duty is payable only on personalty, a large estate might be exempt from duty because it did not include personalty valued at more than £500. I think the amendment will meet the requirements of the Leader of the Opposition.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (4.31 p.m.): We accept the amendment. It was something that I suggested on the second reading of the Bill. The schedule has not been altered for some considerable time and, if the amendment had not been moved, there would have been an anomaly.

Mr. Walsh: There could have been.

Mr. NICKLIN: Yes, there could have been. The amendment tidies up the Bill.

New clause, as read, agreed to.

Clause 4.—Amendment of s. 8 of 4 E. 7, No. 17; Duty to bear interest—as read, agreed to.

Bill reported, with amendments.

THIRD READING.

Bill, on motion of Mr. Walsh, read a third time.

RAILWAYS ACTS AMENDMENT BILL (No. 2).

INITIATION IN COMMITTEE.

(Mr. Turner, Kelvin Grove, in the chair.)

Hon. J. E. DUGGAN (Toowoomba—Minister for Transport) (4.35 p.m.): I move—

"That it is desirable that a Bill be introduced to amend the Railways Acts, 1914 to 1955, in certain particulars and for other purposes.''

This is very largely a Bill involving machinery amendments one of which is to clarify a position which has arisen because of the conflict of opinion between the Parliamentary Draftsman, the Solicitor-General, officers of the department and the Chairman of the Railway Appeal Board. One of the first proposals in the Bill is in regard to the definition of heads of branches. When the Railways Act was framed the State was virtually divided into three divisions, South-Eastern, Rockhampton area and the Northern area based at Townsville. Although the powers of the heads of branches have never been challenged the terminology has remained in the Act. This is purely a machinery provision in case someone might challenge the powers they have been exercising for many years.

Mr. Hiley: It would be a much wider term than General Manager?

Mr. DUGGAN: Yes, Chief Mechanical Engineer, Chief Engineer, and so on.

Mr. Hiley: There would be 20 or 30 officers through the service?

Mr. DUGGAN: There would be. There would not be that many heads of branches.

Another amendment to the Act is really to satisfy the Chairman of the Railway Appeal Board. When the Act was amended recently provision was made for the appointment of the senior suitable applicant if he were competent, but some confusion has arisen because of the action taken by the Chairman of the Railway Appeal Board in indicating his opinion that if the person who was senior did not apply the Commissioner had no power to make an appointment. That decision was challenged by myself, the Parliamentary Drafteman, the Solicitor-General and the department. Despite efforts to convince the Chairman of the Railway Appeal Board that the Act meant what was intended by the department and the legislation, he still refused to accept that contention and action is now being taken to amend the provision to ensure that he will rule accordingly. When the senior competent person applies for a job he should get it but the necessity for this amendment has arisen because the chairman has envisaged a situation where the senior officer may not apply for the job and therefore the Commissioner has no power to make an appointment.

Mr. Hiley: That is unworkable.

Mr. DUGGAN: It seems to us to be unworkable but he has views that way and consequently we have to take action to clarify the position so that there will be no injustice. I do not want to develop the point any further unless it is challenged or I am invited to do so. We say that the amendment has the same legal meaning as the Act that we are amending. The chairman of the appeal board disagrees with that.

Another provision of the Bill is to give the Commisioner for Railways authority to exercise his powers in regard to the employment of electric traction. When the Act was passed it was not envisaged that ultimately our suburban lines would be electrified. Whilst the Commissioner has adequate powers to enter upon property where steam traction is involved the powers are not adequately defined in regard to electric traction. Specific authority is given to the Governor in Council to authorise the Commissioner to close a railway or part of a railway. Closure of a railway involves a review of the position regarding what are called in the Act accommodation works for the benefit of landowners

whose lands abut upon the railway. These works include bridges and crossings for owners whose lands are severed by the railway.

The Bill empowers the Commissioner to obtain release from his obligations respecting accommodation works by agreement with the landowner. If the landowner will not accept a fair compromise the Governor in Council may determine the matter on such terms as he deems just.

Another matter involved in railway closures concerns railway overbridges and level crossings for roads. The Bill provides for the taking over of these by the local authority concerned. This position arose largely as the result of the position on certain branch lines. The people in the areas concerned felt that it would be desirable that bridges be used for vehicular traffic rather than have them demolished. Because it went over a railway line there would be no power to control them and we propose to vest that power in the local authority concerned.

Another matter which is of a machinery character defines the powers of the Commissioner with regard to private branch lines and sidings. There were two cases recently in which the Commissioner was required to take action. We found that there was provision to construct private lines over roads provided they were not over water. Action has been taken in the Bill to deal with such a situation should it arise, and the Commissioner is given power to provide for the construction across water as well as roads.

The Bill also validates the decision to sell to the Isis Central Sugar Mill Co. Ltd. a length of 30 miles 57 chains of the Isis Branch railway between Cordalba and Dallarnil. This portion was closed as a railway as from 1 July last. The purchase price is £65,000, payable on a deposit of £25,000 and yearly instalments of £10,000 plus interest payable half-yearly at the rate of £4 12s. 6d. per cent. calculated on yearly rests. The company is to convert the line as far as Booyal into a 2-ft. gauge sugar-cane tramway. It is to take up the line beyond Booyal and to use the rails and materials for additional sugar-cane tramways.

Mr. Aikens: Is it a 3ft. 6 ins. gauge line?

Mr. DUGGAN: Yes. After a conference between the officials of the Treasury, Railway Department and the mill, terms were finally decided upon and there is complete agreement between the Railway Department and the mill concerned. It was thought that some aspects of the transaction might be challenged, and by this Bill our right to dispose of the land is clearly established.

Mr. Hiley: Apart from the line, will the department sell the land on which the line stood?

Mr. DUGGAN: We have the power to do so. If it was thought that the district was likely to develop at some future date, it would be desirable to retain the land, but as it is part of an estate where possibilities of closer settlement are restricted and development by road transport is more desirable, it seemed to be preferable to sell it to adjoining landholders. In that way the department would not be involved in maintenance and the destruction of noxious weeds. It would seem to be rather a dog-in-the-manger attitude to retain it if it could be used effectively by adjoining landholders. If it had been considered that at some future date a railway would be required in the area, naturally we would have been reluctant to dispose of it.

The next is a machinery provision. It would not have been introduced but for the necessity to clear up appeals. A lot of appeal cases are pending. It is necessary that a stalemate be checked, and this provision will meet the situation and prevent certain injustices. While I am on that point, I think I omitted to inform the Committee that in regard to permanent employees a provision is inserted that in the event of an appeal being determined the determination shall be confined to parties to the appeal. It seems to be rather unjust that a person appointed after winning an appeal can be appealed against by some officer who did not successfully appeal against the original appointment.

Mr. CHALK (Lockyer) (4.49 p.m.): I think the Minister has given us a fairly comprehensive outline of the Bill. I do not think at this stage of the session any Opposition member desires to enter into a full-dress debate on the operations of the Railway Department. The provisions of the Bill as outlined by the Minister are in most instances highly desirable.

The clarification of the various divisions was necessary. The department is growing in size every year and if there is any doubt as to the interpretation of a provision of the Act, the position must be clarified. I agree with the Minister when he said that it was necessary to set down clearly in the Act what was originally intended.

I have had the opportunity of reading some of the opinions of the chairman of the Railway Appeal Board, and I think the Government are doing the right thing in clarifying the position. On the other hand, I wonder whether we are right in taking the action that has been taken? From the opinions I have read, the chairman of the board has given his interpretation of the Act. Parliament has the right and so has the Minister for Transport to alter the Act if it is so desired.

Mr. Aikens: To tell the chairman what the Act means.

Mr. CHALK: That is the point. Parliament is now telling the chairman what the Act means, but I do not think we should condemn that gentleman for his interpretation of the Act.

Mr. Duggan: I think it was an honest interpretation.

Mr. CHALK: I am pleased that the Minister has said that. I think the chairman of the board gave what he considered to be an honest interpretation of the Act. It is only right from a Parliamentary point of view and from the Government's point of view to have the desire of the Government clearly set out so that the chairman of the board will interpret it that way. The Opposition are quite in agreement with what the Minister has said. This brings up a subject debated in this Chamber in April of this year when we talked about seniority and suitability and about the competency of a person for a particular class of work. We on this side of the Chamber have always advocated that competency should carry considerable weight in the appointment of a person to a particular job. I do not think that the Minister and his Government are happy about having to introduce this matter into railway administration.

Mr. Aikens: In April he said so.

Mr. CHALK: He was directed to bring the clause forward and now it is being written into the railway regulations. I think it is a very dangerous one. Under the Bill seniority will be paramount; there is something about suitability. If a person in his job in the department shows that he is competent and has the ability to carry out the new job which perhaps he filled in a temporary capacity better than any other person in the department, he will not be entitled to promotion because he is not the senior man.

Mr. Aikens: Provided the senior man is equally competent, why should he not get the job?

Mr. CHALK: The hon. member for Mundingburra brings in the old red herring with "Provided". That was one of the points that the Chairman of the Railway Appeal Board took into consideration when the first test appeals came before him. However, the provision has been written into the regulations and all we are doing is tidying it up so that the Chairman of the Railway Appeal Board will place on the regulations the interpretation that the Government desire him to.

Another point raised was in relation to electric traction, as the Minister put it. In days gone by we had no thought of electrification. I do not know whether we will ever have electrification in this State, but at least we are tidying up the legislation to give the Commissioner the necessary power if we do. Only a few weeks ago I received correspondence on railway electrification from some of the other States, and it appears that both South Australia and Western Australia may scrap the idea of electrification. They are both going in for dieselisation rather than electrification, much along the same lines as is the Minister in his introduction of large diesel rail-motors. However, we are tidying up the legislation so that if our suburban railways are electrified the Commissioner will have the necessary authority.

I agree with the sale of the railway line to the Isis Central Mill. It is far better to allow it to be used by the suppliers to the mill than to rip it up merely because it has been closed by the Government. One of the lines in my electorate was closed recently and most of it has been taken away, which was then the logical thing to do. There was no demand for it to be used for any other purpose. If the Isis Central Mill desires to purchase the line and the price is mutually satisfactory, it is quite in order to legislate accordingly.

Mr. Pizzey: They will show the Government how to run it at a profit.

Mr. CHALK: The hon. member for Isis says they will show the Government how to run the line at a profit. However, the Minister and the Government are doing the right thing in arranging for its disposal. If the mill can convert it to a 2 ft. 6 in. gauge and operate it successfully, it will be a benefit not only to the mill and its suppliers, but also to the State as a whole.

All the provisions of the Bill so far outlined to us are desirable. They are entirely machinery and will remove any misunderstanding that may exist among railway-men.

Mr. AIKENS (Mundingburra) (4.59 p.m.): I shall deal only with those principles of the Bill that touch on the activities of the Railway Appeal Board as they apply to promotions within the railway service.

In the first place, I congratulate the Minister on inserting in the Bill a provision that will prevent the interminable spate of appeals that occurs from time to time as the result of some railway-men having what we call a "double-barrelled shot". A job may be declared vacant and applications may be called in the weekly notices and many senior men may not apply for it. A junior man may be appointed and one of the senior men, or, if I may use the term, paradoxical though it may seem, one of the senior junior men, may appeal against the appointee and win his appeal. Then a man who is senior to him may launch an appeal and so it may go on in an endless circle. I am amazed that the provision has remained in the Act for so long. Much to my satisfaction and to the satisfaction of most railway-men, the position will now be remedied and only those who originally applied for the job will have the right of appeal.

As to what I may call the clarification clause, which tells the Chairman of the Railway Appeal Court what the provisions of the Bill that we passed in April this year really mean, I think I can agree with the Minister that perhaps the difference of opinion between

him and the Chairman of the Railway Appeal Court was an honest one. It was provided that the job should go to the senior competent man, if he was an applicant, and the Chairman of the Railway Appeal Court took the view that if the senior competent man in the service did not apply for the job, then the provision did not apply to the second senior competent man or the third senior competent man or any other man senior to the appointee. Personally I should not have taken that view, even had I not been a member of Parliament and had I not taken part in the debate. The intention of Parliament was that the senior competent applicant for the job should get it on appeal if he was not appointed by the Commissioner. I know that hon. members think from time to time that I am rather harsh or caustic in my remarks about the way the Commissioner for Railways manipulates appointments in the administrative sections of the department. I know that when the amending Bill was before this Assembly in April, the hon. member for Mt. Coot-tha and the Minister for Transport together agreed that I had made some shocking allegations against the Commissioner. I was able to show the hon. member for Mt. Coot-tha one day a letter I had received from the secretaries of three very big trade unions in Townsville about an appointment that had been made by the Commissioner for Railways and I think it gave him cause to reconsider whether my allegations were shocking. I wrote the Minister for Transport what I think he termed one of my typically facetious and caustic letters on it, and I believe he relegated it to the wastepaper basket because I have not received a reply. Let me indicate to hon. members how the Commissioner for Railways will drive a horse and cart through the Bill just as he did in April.

Mr. Power: They don't use horses now.

Mr. AIKENS: He could drive a diesel bus. Let us use the modern term and say that he could drive a diesel bus through it. I will tell hon. members plainly how it is worked. This amending Bill now provides that the senior competent applicant shall be given the job for which applications have been invited. If the Commissioner does not give him the job then it is incumbent upon the appeal board to give it to him if he appeals. Now the Commissioner has a very easy way out of this and he uses it frequently. He used it the other day in the northern division and this is the way it is done. Let us assume, for instance, that the job, Rags, Bags, Bones and Bottles Collections Clerk, Second Class, becomes vacant in the southern division and that there are a number of third class clerks and fourth class clerks who would like to have that job. The Commissioner for Railways might have a particular liking for the hon. member for Clayfield and I believe that he has a particularly high regard for him. We must assume, of course, that the hon. member for Clayfield is a junior fourth class clerk in the Railway service and not a very capable member of Parliament. There we have a vacancy for a second class clerk in the railway service and the Railway Commissioner, Mr. Moriarty, wants to shanghai Mr. H. B. Taylor, a junior fourth class clerk, into the job of a second class clerk over the heads of all the fourth class clerks senior to Mr. Taylor and over the heads of all the third class clerks in the service. How does he do it? The railway employees pick up a weekly notice and read that applications are invited for the position of Rags, Bags, Bones and Bottles Collections Clerk, Second Class, southern division, home station Brisbane. They read that the successful applicant must have a full knowledge of the duties involved in carrying out the position. He must also be a cultured gentleman in the habit of wearing a gardenia in his buttonhole and he must have served in the first world war, have attained the rank of not less than major and have been awarded the D.S.O. I know you think that is a bit far-fetched, and it is slightly far-fetched, but not so far-fetched as you would find out if you studied the railway weekly notice. A few weeks later railway men would pick up the weekly notice and to their astonishment read that H. B. Taylor, junior fourth class clerk, had been appointed second class clerk, Rags, Bags, Bones and Bottles Collections, in the southern division, home station Brisbane. Of course, then all the fourth class clerks, or most of them, senior to Mr. Taylor and many of the third class clerks also senior to Mr. Taylor, who had applied for the position, would lodge appeals. When the case came before the appeal board, on the bench, of course, there would be Mr. Hickey as chairman, naturally Mr. Boyle as Commissioner's representative, and the representative of the clerical section in the southern division. The departmental officers would go into the box and swear on oath, and quite rightly, that Mr. H. B. Taylor, fourth class clerk, was the only applicant to possess the qualifications as set out in the weekly notice. He was the only applicant who had a competent and full knowledge of the duties involved and he was the only applicant who was in the habit of wearing a gardenia in his buttonhole; he is a cultured gentleman who served in the first World War and attained a rank of not lower than major and was awarded the D.S.O. The legal representative or the union representative and the appellant would protest to the Appeal Court that all those qualifications possessed by Mr. H. B. Taylor were extraneous and unnecessary and had nothing to do with the successful carrying out of the job and Mr. Hickey, would assume his usual pontifical pose and say, "It is not for the Appeal Board to tell the Commissioner what qualifications he requires for a particular job, it is the Commissioner's sole function —and it cannot be questioned by us or by anybody else—to determine the qualifications a man should hold to carry out this job, and as Mr. H. B. Taylor, although he is a junior fourth class clerk is the only applicant with all the qualifications set out in the weekly

notice, all appeals are dismissed.'' That is the attitude that he adopted the other day in North Queensland. Applications were called for a position and those who applied were required to hold qualifications that were absolutely unnecessary for the job. The Railway Department knew that one man had these qualifications, consequently they appointed him. I have no doubt that when the cases comes before the Appeal Board Mr. Hickey as usual will say, ''It is not for us to question the Commissioner's conception of what qualifications are required for the job. If the Railway Commissioner considers that the man should be a yogi expert who is able to stand on his head for 30 minutes in order to train to be an engine-driver, it is not for the Railway Appeal Board to question his decision on the matter.'' I have used the name of the hon. member for Clayfield. I know that the hon. member does not mind. I am proud of that hon. member's accomplishments in the direction mentioned, and I am honoured to be associated with him. But I have not drawn the bow as long as some members who have no knowledge of the Railway Commissioner's activities in this regard would have use believe. It does not matter what provisions we write into the Act; it does not matter if we say that the man must be the most suitable or if we say that he must be the most competent senior, or that he must be the best-looking man, or that he must be the most masculine man, or vociferous or garrulous man, the Commissioner will say that these qualifications that he knows only a certain man possesses are necessary. I have not dealt specifically with the case in the North because it is coming before the Appeal Board and the matter is sub judice. That is how the Commissioner gets over, round, or through the legislation. It is useless passing any legislation in order to say that the senior competent man gets the position in the administrative section while the Commissioner continues to do the determining. He is doing what his predecessors did and I have no doubt his successors will do. It is no use writing in something; the Commissioner will only laugh at it and give the job to men from what is known as the golden circle, in the administrative section of the service.

Mr. PIZZEY (Isis) (5.15 p.m.): I welcome the clause which gives the Isis Central Sugar Mill Company the right to purchase the railway running from Cordalba to Dallarnil that was closed on 30 June.

I think it would be of interest to trace the history of the Cordalba-Dallarnil line. Approximately 70 years ago the Government, envisaging development in the area, approved the building of the branch line from Isis Junction to Childers. It may be assumed without fear of contradiction that the reason for the building of the line was the evident future of the Isis area, an expanse of rich red volcanic soil that had been found eminently suitable for cane-growing. The Government realised that this would open the way for closer settlement and extensive development, and possibly increased revenue from additional raw sugar that could be exported. The decision to build this line was very wise. Since the opening of the Isis Junction-Childers line on 31 October, 1887, the Isis district has flourished and the most modern and picturesque town of Childers has become well established.

Early in 1894 a band of cane-growers in the vicinity of Cordalba, approximately 7 miles from Childers, successfully negotiated the formation of the Isis Central Sugar Mill Company Ltd., and with financial assistance from the Government set about building a sugar mill to crush cane produced in the Isis area. That was a so-called Tory Government. The Government saw the further possibilities of the district and did not hesitate to extend the line from Childers to Cordalba. In 1896 the extension was officially opened. The Isis Central Sugar Mill Company used this rail link to transport all materials and machinery for the construction and equipment of the mill, and on 7 September, 1897, the first cane was crushed. In the first season which ended on 20 November, 1897, 7,763 tons of cane were crushed, for 811 tons of raw sugar. Over the years cane production increased, and by 1911 the mill was treating 56,457 tons of cane for 5,009 tons of raw sugar. The Government were impressed with the outstanding cane land in and around the Isis area and as a result of the confidence of settlers in opening fresh areas between Cordalba and Dallarnil there was no alternative to a further extension of the line beyond Cordalba. On 6 May, 1913, this extension was officially opened and there was an immediate increase in cane supply. In the 1913 crushing season the Isis mill treated 64,185 tons of cane for 6,069 tons of raw sugar. The additional revenue from sugar exports compensated the Government for this expenditure.

The whole of the area covered by the branch line from Isis Junction to Dallarnil flourished as a cane and dairying area. The economic position was satisfactory until the commencement of World War II. From 1941 to 1945 the strain on the Queensland railways was most severe, as the transport of troops and war materials called for the constant use of every available type of locomotive and rollingstock. This national call deprived the cane suppliers between Cordalba and Dallarnil of sufficient rail wagons for the transport of cane. At the request of the Government they hauled their cane by road. This was done so that the rollingstock could be released for urgent purposes. It was then found more convenient and more economical to shift cane by road. The Isis Central Sugar Mill assisted in the cost of road transport over a distance of some 12 miles, more in some cases, to the mill. The line has been very little used since the war and it was only used for the carting of cream which fluctuates in quantity according to season. Cream is

mainly complementary to sugar-cane growing. It was not surprising when early this year the announcement was made that the Government would close the line as far as Dallarnil as from 30 June. It had been proved that road transport was more convenient and could do the job of hauling the cane.

Mr. Sparkes: Are there any bullocks out there?

Mr. PIZZEY: A few. The Isis Central Sugar Mill Co. Ltd., made representations to the Minister for Transport, to the Commissioner for Railways and the Secretary for Railways for the purchase of the complete railway line, the whole permanent way. After a considerable time the negotiations proved successful. The idea in mind was to transform the existing line into a 2-ft. gauge for the haulage of cane from Dallarnil and adjoining areas. It was found that the Dallarnil area was steadily declining from a cane production point of view because of the excessive cost of transport. The negotiations between the Government and the Isis Mill were successful for the purchase of the line from Cordalba to Dallarnil. The railway lines from Booyal to Dallarnil will be lifted and will be used in the urgent extension of the soldier-settlement areas of North Isis and the farmers themselves will be anxious to get these rails to enable them to extend the tramline. I have been asked by the management of the Isis Central Sugar Mill Co. Ltd. to place on record its appreciation of the sympathetic consideration it has received from the Minister and his department in the negotiations and it feels that the price of £65,000 is a fair one. That would be for about 30 miles of line. It is considered to be a fair price to both the department and the mill. We are only waiting for the passage of this Bill to enable the purchase to be completed.

I think that the Minister should first of all ensure that a bitumen-sealed road is provided before he closes any railway line, particularly when it is proved, and it will be proved ultimately, that good road transport will replace many of the smaller branch lines. The obligation is on the Government to see that a good bitumen-sealed road is made long before they think of taking up a line or closing a line. That is an important point. It is not fair to close a line and leave the people of the district with a rough corrugated road. Any money received from the purchase of a line—£65,000 in this instance—should be regarded as an allocation to the particular section to give those people deprived of the railway line the opportunity of getting a bitumen-sealed road at the earliest possible date. I ask the Minister to give the matter his close attention and to treat it as urgent. The Railway Department is really saving money because it is avoiding the losses that would have been incurred if the line had been kept open. The mill has seen fit to purchase the line at a reasonable price, and there is an obligation on the Minister to see that the Department of Main Roads expedites the construction of a sealed road.

Mr. Sparkes: A sealed road should have been built before the line was closed.

Mr. PIZZEY: That should have been the policy, but it has been closed now. The Minister knew two or three years ago that eventually the line would have to be closed, and he should have done something about it at that time. In the case of other branch lines in the State that will eventually have to be closed, the Minister should say to the Commissioner of Main Roads, "Those lines will never be economic. Build good roads now, and then we can pull up the lines." Most people would prefer to have a sealed road than an unsatisfactory rail service.

Mr. NICHOLSON (Murrumba) (5.27 p.m.): The Bill has a very great bearing on a portion of my electorate. I refer particularly to the provision dealing with the handing back of certain lands that were previously resumed for railway purposes. The problem will be very difficult in the case of the Ferny Grove-Dayboro branch line, which the Government have closed. It was built in 1926—incidentally, by a Labour Government—and most of the land through which it ran was given to the Government by the people who owned it in the hope that they would be served by a railway line more speedily in that way than if there was lengthy resumption litigation. Unfortunately, those people are now the victims of the closure of the line. They welcomed it with gladness in their hearts when it was built, but today they look with sad eyes at rails and fishplates that are going rusty. I believe that recently a start was made to remove the fishplates, but for some unknown reason they were replaced.

The branch line was closed this year, again by a Labour Government. It was truly a retrograde step, the excuse being that it was not paying. I know that other branch lines were closed at the same time, but as many of them were not being used to any extent there was very little protest. The fact that there was a vigorous protest from the Dayboro people shows that they were really vexed at the closure of their line. Over the years, of course, patronage of the line gradually declined, mainly because of the introduction of road transport. Unfortunately, when the revenue from the branch line began to decline, the Government made no attempt to discover where the fault lay, or to introduce a more satisfactory service to attract the custom back to the railways. Like others interested in private enterprise, I believe that, if a business is not paying, the cause must be discovered and an attempt made to rectify the position. No such attempt was made and the service slipped terribly. To add to the loss of revenue, for no particular reason and without any prior urging by the people

of the district, the Department of Transport issued a licence for a goods transport in the area and licensed the Woodford transport to pick up passengers at Dayboro. That was done before the line was closed and while the Railway Department was still complaining that the line was not paying. Obviously, the first thing to do in such circumstances was to introduce a service that the people would patronise. With the exception of one in North Queensland that I had the misfortune to ride in, the Dayboro area had the worst rail motor in the State.

Mr. Sparkes: You ought to ride in some of ours.

Mr. NICHOLSON: I have not seen those in the hon. member's electorate. However, the people of the Dayboro district fondly called theirs Galloping Gertie or the Old Tin Hare. The rail motor service was intended more or less for country shoppers but many suburban passengers used it and half the time passengers for Dayboro or intermediate stations could not board the motor. The service was supposed to be express to Ferny Grove, but like the Kilcoy rail motor on the Caboolture line, the people realised that it had to stop to pick up, and so could set down passengers. Often it was packed with suburban passengers and long-distance passengers had to stand while passing through the suburbs. I think the closing of the Dayboro line was a retrograde step. I do not know what prompted it. The district is one of the richest primary-producing areas in the State. To mention milk alone, the Dayboro-Samford area supplies 10,562 gallons of fresh milk daily for Brisbane consumption, or 20 per cent. of the daily requirements of the city. A district so important to Brisbane consumers surely warrants a railway line! I will not try to mislead the Committee into thinking that the milk was transported by railway. It was not. Because of the slowness of service the milk would have been sour by the time it arrived. However, the farmers require a service for the transport of fertilisers, fodder and so on. The Minister will probably quote many figures, as I could if I had the time, to show the falling off in the service over the years. The public, and country people in particular, are very responsive to good service. The deputation I introduced to the Minister gave him facts and figures on the production and potentialities of the area and what the closing of the line would mean. If the department had given a decent railway service, even a bi-weekly train service, they would have done something for the district which I am sure would have been appreciated by the people. The deputation asked that the line be left open for 12 months, with the introduction of a better service as a trial, and if the public did not patronise it and the line did not pay, the people were quite prepared to say, "Close it by all means; the public do not want it." They were not given a decent service and I fail to see why they should be criticised for not patronising it. If the Minister and officers of the Railway Department had been required to use it, they would not have patronised it a second time. The first indication that the line was to be closed was in January and the deputation waited on the Minister on 24 March. The final reply to the deputation was not sent until 9 June, allowing only 21 days in which to make arrangements for alternative transport. It was not till 30 June that licensed transport was in operation to serve the Dayboro district.

Mr. Duggan: It did operate at the time it was arranged for.

Mr. NICHOLSON: I will give credit where it is due; it did commence then but whether it was satisfactory is another matter. The fact remains that the service went into operation on 30 June, but unfortunately it operated to Dayboro but for the intervening 20 miles, between Ferny Grove and Dayboro, there were many areas without a service. That area was thrown open to free transport but we have to consider the farmer who has not the time to carry his own produce and therefore has to rely on other means of transport. Since then free transport has operated in this area and it is giving a service, but many people have been inconvenienced.

An extract from "The Courier-Mail" dated 15 January reads—

"Six non-paying railway lines to shut,
State decides.
"Dayboro drop.

"Mr. Duggan gave these details about the lines to be closed—Ferny Grove to Dayboro (20 miles, population 690); revenue from the line in 1952-1953 was £963, and 588 tons were carried. These were the lowest figures for 10 years. The area was served by good roads."

I want to correct two of the statements. The first is about revenue for 1952-1953. I do not say for one moment that the Minister made the wrong statement deliberately, but apparently was given wrong figures by his department.

Mr. Evans: He might have done it unconsciously.

Mr. NICHOLSON: Yes. I was rather astounded when I saw the figures and I made a few inquiries. I found that in 1954, £5,084 was banked at Dayboro alone. On 2 March I received a reply from the Secretary in reply to my question regarding these figures. It reads as follows:—

"I have your letter of the 28 February, 1955, addressed to the Commissioner, asking for information as to the revenue from the section of line beyond Ferny Grove to Dayboro each month for the period 30 June, 1954, to 28 February, 1955, but

regret that I am only able to give you the six months' period ending December, 1954; the information for which is as follows:—

Month—1954.	Revenue from traffic originating at stations.	Revenue from traffic to stations.
	£	£
July	267	454
August..	280	607
September	331	518
October	357	412
November	337	478
December	304	400
	£1,876	£2,869"

The grand total is roughly £4,700. That is much different from the figure of £963 given by the Minister. It may be a misprint; I do not blame the Minister. The other erroneous statement by the Minister was that the district was serviced by good roads. The hon. member for Isis has just told us that the roads in his area where the line was closed are in very bad condition. The roads in my area are subject to flooding and the people are cut off from communication for days at a time. In many instances bridges are washed away and crossings damaged. When the statement was made one bridge had been washed away and a photograph of it appeared in "The Telegraph". I think one of the Minister's officers no doubt told him very emphatically that the roads were not in such good order after all, because in carrying out a survey of transport potentialities the inspector's car was bogged in one of the creeks. The people's feelings were so aroused that they said if it had been the Minister he could have remained there. However, I am sure that they would not be so hard-hearted. There is no bitumen road in the area and unfortunately no main road. The upkeep of the roads falls very heavily on the Pine Shire Council and it will be extremely difficult for that body to carry on and give the people an all-weather road to their properties. The cost of all-weather crossings would be many thousand of pounds. The authorities are also perturbed about what will happen to the various overhead bridges across the railway line. I am pleased that provision will be made to hand these bridges over to the shire council for road transport purposes. I sincerely hope that the bridges will be handed over to the shire councils in first-class order. They should not be called on to bear the heavy expense of putting them in order. Many of the bridges are probably in a run-down condition and need new piles and stringers, although I know that some three months before the line was closed a gang went along the line and some new concrete culverts were built. The residents of the district are at a loss to know why approximately £3,000 was spent on the line just before it was closed, although it is appreciated that the safety of passengers had to be ensured even to the last day of running. I think the closing of the line wsa a retrograde step. It served a primary-producing area supplying the City of Brisbane.

The Minister mentioned the sale of land to adjoining property-holders. The Government received this land by way of gifts from people who wanted a railway line in that area. I hope the Government are not going to attempt to sell the land back to the farmers at present-day value. It should be handed back to them, as the Government have had the use of it for many years. The residents in the area want to know where they stand, and I trust that during the debate the position will be made clear.

Hon. J. E. DUGGAN (Toowoomba—Minister for Transport) (5.48 p.m.): I think the hon. members for Murrumba and Mundingburra received considerable latitude. The hon. member for Murrumba referred to the ramifications of the Railway Department. I did not rise to a point of order because the debate has not been lengthy, but he went right beyond the scope of the Bill. His speech and that of the hon. member for Mundingburra indicate very clearly the difficulties that confront us in determining the value of representations that are submitted. I shall deal first of all with the speech of the hon. member for Mundingburra. Hon. members heard his exaggerated account. He said that the Commissioner lays down all sorts of impossible and unnecessary qualifications when calling applications for a position.

Mr. H. B. Taylor: I am sorry that I was the innocent example.

Mr. DUGGAN: I rarely fail to acknowledge a letter. I always like to extend the courtesy of an acknowledgment. I admit quite readily that I did not acknowledge the complaint of the hon. member for Mundingburra; it went into the wastepaper basket. I appreciate his sense of humour and real wit on occasions; he has the capacity to turn a serious situation into an amusing one. I did not feel that his request warranted a reply. We often get cases where hon. members exaggerate unduly and we therefore frequently discount the value of their representations. To be quite frank the hon. member for Mundingburra has certain gifts which I admire, but I often discount him entirely because I think he grossly exaggerates and his remarks are entirely untrue. Because he cries "Wolf" so often I did not take any notice of him although there might have been substance in his remarks. He has gifts which he does not use properly. If he used those gifts wisely and temperately he would have more notice taken of his requests.

I regret that the hon. member for Murrumba adopted a parochial attitude this afternoon. I have not the details and figures at my disposal as I did not anticipate that the matter would be raised here. On the one hand he mentioned a figure of 588 tons of goods being conveyed between two points. I

put it to the Committee is there justification for the retention and operation of a railway line that conveys 588 tons of goods a year, the equivalent of one good trainload or at the outside two trainloads a year?

Mr. Nicholson: They are your figures.

Mr. DUGGAN: I will check the figures. If they are issued over my name they will be correct, but if they are not correct I shall hold somebody responsible. The tonnage was very small. On the one hand the hon. member argued that the railway system was bad because of poor service. He said that we should build good roads before we suspend a service. He then spoke about the bad conditions of the roads, but if the roads were in such a poor condition as he said, why was it that the roads were able to take business away from the department? There was a contradiction in his argument because if the roads were so bad the consignors of goods would be pleased to patronise the railway service. The roads could not be in such a bad condition if they took business away from the department.

If I might be permitted a little latitude, I might say that I am not entirely satisfied with one aspect of railway operation in regard to rail motors. I should very much like to be able to introduce not one or two but 20 or 30 or 50 improved rail motors for service on branch lines throughout the State. I have laid it down in the programme for the modernisation of rolling stock that this is the next major expenditure the department will incur. We are introducing two prototype rail-motors which will be put on trial early next year and if they prove successful I hope they will be the guiding factor in branch-line operation. I will not say that the rail-motor accommodation has been as good as I would have liked it to be. It is of a lower standard than I wish. I notice that the hon. member for Cunningham is in the Chamber and I want to say that I am ashamed when I look at the rail motors operating at Millmerran and on other branch lines. In the Cairns district, too, I am ashamed to say that we have to keep the rail motors in operation. I shall deal in detail with the remarks of the hon. member later, although I feel he adopted a parochial attitude and has not given a fair presentation of the position.

In contrast with my criticism of the hon. member for Murrumba and the hon. member for Mundingburra, I congratulate the hon. member for Lockyer and the hon. member for Isis on their attitude towards the Bill. They kept to the relevant points of discussion and did not go beyond the confines of the Bill. It was very refreshing for me to hear the hon. member for Isis say that if we were to develop the State along the proper lines, we should see to it that before unprofitable branch lines are closed down, good roads are built to replace them.

Mr. Sparkes: You should build sealed roads before you close the lines.

Mr. DUGGAN: I should like to know if that is the attitude of the Country Party as a whole. I have always asked hon. members not to view the closure of branch lines in a party-political way. Whenever we have decided to close a branch line, we have always been met with the criticism from those people who are opposed to us that we are taking a retrograde step. In many cases there is ample justification for the closure of a branch line if the needs of the people served by it can be better catered for by road transport. If an examination of the economics of the matter show that the use of road transport would be justified, why should we not allow it to be used?

Mr. Sparkes: You could not apply that argument in areas where there is a good deal of stock transported.

Mr. DUGGAN: The hon. member cannot have it both ways as the hon. member for Murrumba wanted to. He spoke about all the milk that was produced in the Dayboro area and admitted quite frankly that it was transported by road. He went on to say that railway transport was not used because the milk would go bad en route. That is sheer nonsense. It is only 30 or 40 miles, yet we are transporting milk from Toowoomba to Charleville and Cunnamulla. We have even been asked to provide rail transport for milk from Townsville to Mt. Isa. The rail transport of milk from Toowoomba to Charleville was so successful that we were asked to extend the service to Cunnamulla.

The hon. member for Isis and the hon. member for Lockyer were very fair in their examination of the Bill.

Mr. Sparkes: They always are.

Mr. DUGGAN: Not always, but in this instance they were. I appreciate their attitude.

I shall reply to the other points raised on the second reading of the Bill.

Motion (Mr. Duggan) agreed to.

Resolution reported.

FIRST READING.

Bill presented and, on motion of Mr. Duggan, read a first time.

COAL AND OIL SHALE MINE WORKERS (PENSIONS) ACTS AMENDMENT BILL.

SECOND READING.

Hon. C. G. McCATHIE (Haughton—Secretary for Mines and Immigration) (7.17 p.m.): I move—

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

Hon. members have had an opportunity to study the Bill. I outlined its provisions in detail on the introductory stage and there is no need to elaborate on them now.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (7.18 p.m.): The Bill is similar to others that have come before us quite often in recent years. Its main purpose is to adjust pensions paid under the Coal and Oil Shale Mine Workers (Pensions) Acts. Adjustments have become necessary for various reasons and it is only right that the pensions should be kept in line with those paid in other States and with Commonwealth Social Service payments.

A new clause extends the definition of mine worker to include any person who, not being a contributor to the fund, satisfies the Tribunal that he is wholly or mainly employed in the coal or oil shale mining industry, for example, a general manager or superintendent or a secretary of, or a clerical worker in, the office organisation, wheresoever established, of any mine owner or any mining contractor. Persons who are already contributors to the Public Service Superannuation Fund are specifically excluded from the definition. The effect of including a class of persons is to make that class eligible to apply for a pension under the Act. The Bill also fixes the retiring age of such persons at 65 years with the promise that, with the approval of the Tribunal, they may retire, or be retired, after reaching the age of 60 years and before reaching the age of 65 years. There are certain modifications in the application of the provisions of the Act to the persons I have mentioned. Section 5 of the Act prohibits, with certain exceptions, the employment as a mine worker of any person of or over the age of 60 years and is to apply in respect of the persons named so that the age of 65 years is substituted for the age of 60 years in section 5 or, where such a person retires or is retired after attaining the age of 60 years but before the age of 65 years, the age at which such person retires or is retired is substituted for the age of 60 years in section 5. This provision does not apply to many people. In introducing the Bill the Minister said that this extension of the definition of "mine worker" requested by the coal owners will benefit fewer than 30 people in the State. Nevertheless I think it is a desirable principle to extend to these people who have been frequently excluded from the provisions of the Bill.

Frequent amendments to the Bill have been necessary to keep payments under the scheme in line with those in other States and general social service payments. Amendments were made in 1948, 1952, and 1954. The pension rate payable to a retired mine worker in 1948 was £2 12s. 6d., 1952 £4 10s., 1954 £4 12s. 6d., and under this amendment it will be £5 2s. 6d. The same movement has occurred in pensions for incapacitated mine workers and for wives or adult female dependants. In 1948 the wife or adult female dependant received £1 17s. 6d., in 1952 £3 15s., in 1954 £3 17s. 6d., and under this amendment £4 7s. 6d. There have been increases over the years in pensions for all beneficiaries under this legislation. There have been new categories of pension recipients introduced, and in 1954 a pension of £3 10s. was provided for a female looking after a widow or female dependant and that is increased to £4 at the discretion of the tribunal if warranted by circumstances. The rates applying in the present Bill are similar to those in New South Wales with the exception that the rate for a retired mine worker in New South Wales is £5 8s. 6d. weekly, whereas in Queensland it is £5 2s. 6d. However, that is offset to a large extent by the fact that in New South Wales payment of 15s. weekly is made for the first dependent child only, whereas in Queensland it is 15s. for each dependent child. Taking this into consideration, our payments would be equal to those of New South Wales. There is no alteration of the contribution as between mine owners and mine workers. It is the same in both States, nine-elevenths from mine owners and two-elevenths from mine workers and the State contributes £15,000. The fund is in a particularly healthy state and it can therefore stand the extra payments that will have to be made from it. The contributions to the fund during the past three years by the Treasury, the mine-owners and the mine-workers were as follows:—

	£
1952-1953	306,985
1953-1954	324,851
1954-1955	326,707

The pensions paid for the same three years amounted to £200,039, £222,794 and £206,631. Although the pensions increased, the credit balance of the fund has been progressively increasing over the past three years, ranging from £617,414 in 1952-1953 to £738,839 in 1953-1954, and £883,515 in 1954-1955. The legislation will become effective from 27 October this year, which is the date on which the recent Social Services increases are expected to become operative. I am sure that those engaged in the mining industry will be particularly pleased with the action of the Government in introducing this legislation to bring the rates of pension here up to the rates payable in New South Wales and also in keeping with the increases payable by the Commonwealth Government in social services.

There is one other matter dealing with the permissible income of a pensioner. It is now calculable on an annual basis and not a weekly basis as was the case previously. It will assist those who now earn a little extra money for themselves. They will be able to earn the maximum amount without affecting the pension payable under the scheme. Prior to this legislation the permissible income was limited to £2 10s. a week. The proposed method is by far the fairer means and is in line with Commonwealth Social Services procedure. Under the existing system, if a pensioner worked for, say, three weeks of the year at £10 a week he would suffer a loss of three weeks' pension. On the other hand, if another

pensioner had an income of £2 10s. for each week of the year he would suffer no loss although his total yearly income would exceed the other pensioner's by £100. Under this Bill, provided the total permissible income does not exceed £286 a year, no loss of pension will be occasioned. The new method of calculating the principle in the Bill will be a big advantage to pensioners. It is desirable and necessary and we give it our support.

Hon. C. G. McCATHIE (Haughton—Secretary for Labour and Industry) (7.30 p.m.), in reply: The Leader of the Opposition referred to the stability of the fund. The tribunal is to be complimented on the healthy condition of it, but I point out that any increase in pensions is subject to actuarial examination, and on this occasion as on all others the actuary has reported on the fund and has indicated that it can carry the increase for this financial year. I am very pleased that we have been able to meet coal-owners and mine-workers in this matter.

Motion (Mr. McCathie) agreed to.

COMMITTEE.

(Mr. Graham, Mackay, in the chair.)

Clauses 1 to 4, both inclusive, as read, agreed to.

Bill reported, without amendment.

THIRD READING.

Bill, on motion of Mr. McCathie, read a third time.

SUPREME COURT ACTS AND ANOTHER ACT AMENDMENT BILL.

SECOND READING.

Hon. W. POWER (Baroona—Attorney-General) (7.33 p.m.): I move—

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

I dealt fully with all the clauses of the Bill at the introductory stage and I have nothing further to add.

Mr. MUNRO (Toowong) (7.34 p.m.): This is a comparatively short and simple Bill. I do not think it necessitates lengthy discussion, but at the same time I must mention that it is a type of Bill about which hon. members on this side of the Chamber are not very enthusiastic. It is a Bill on which we might perhaps register something in the nature of a mild protest. The provisions are not far-reaching, and are not very important one way or the other. The orthodox requirements to qualify as a solicitor, that is, the passing of certain qualifying examinations and service in the office of a practising solicitor, have already been modified by legislation passed, I think, about 1938. Provision was made at that time for a certain period of service in the Public Service to be accepted in lieu of service in the office of a solicitor. The substantial provision in this Bill is to shorten the term of the qualifying period for those in the Public Service. I am not going to make much of a point of it because it is possible that the shortening of the term——

Mr. Power: What clause are you referring to?

Mr. MUNRO: I am referring to the shortening of the period from 15 to 10 years. I make the point that whilst this Bill provides for some lessening of the requirement, the practice of law is becoming more and more complex and more and more involved as the years go by. If we put those two factors together we must come to the conclusion that to some extent the provision in this Bill represents a retrograde step. The Attorney-General pointed out that the Bill arises from the fact that there is difficulty in getting——

Mr. Power: That is not the main reason.

Mr. MUNRO: What is the main reason?

Mr. Power: To give the person employed in the Public Service a lesser period than 15 years. It is not fair that the man in the Public Service should wait 15 years whereas the man outside can go through in five years.

Mr. MUNRO: The first reason is that the Attorney-General finds difficulty in obtaining the services or retaining the services of qualified legal men, and the second reason is that he feels it is only fair to some persons concerned that their qualifying period in the Public Service should be shortened. I do not raise any strong objection to that. There might be some force in the second reason put forward by the Attorney-General, but it is a retrograde step from this point of view: It is to be recognised that the provisions of this Bill have not only the effect of regarding these men as being qualified to go to a higher position in the Public Service, but it establishes them as being qualified, after they pass the examination, to practice as a solicitor. Without attempting to say that the practice of law in commercial circles is of a higher or lower status than corresponding activities within the Public Service I say, with considerable emphasis, that they are different. The type of training a young man might receive in the Public Service might be very different from the type of training which is necessary to enable him to carry on practice as a solicitor. I mention those points by way of record rather than being in the nature of opposition to the Bill.

I want to make another point on the basis of the Attorney-General's introductory speech as to the meeting of his requirements. I feel that this is not the complete solution nor the best solution. This applies to all types of professional men, not only those with legal training. If the Attorney-General finds he has difficulty in retaining fully-qualified men the thing to be looked to is what is being

offered to them in the way of remuneration and conditions of service. The hard facts of business experience are that if you want highly-qualified men for any job you must pay them remuneration and give them conditions of service that are commensurate with the qualifications that they hold as the result of years of study and practical experience.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (7.41 p.m.): The Bill deals with one or two rather important principles. The first is that dealt with by the hon. member for Toowong, covering the qualifications of men who aspire to become solicitors in the Public Service compared with those of men who serve in outside offices. There is also the principle that is designed to overcome the shortage of legal men that the Public Service is undoubtedly experiencing at the present time.

Let me compare the qualifications that are required at the present time with those that will be necessary under the Bill to see whether the Attorney-General is acting to the detriment of those qualifications or whether they can be regarded as sufficient to ensure that men who become qualified as solicitors will have the necessary qualifications to fit them for practice either within the Public Service or outside it.

Mr. Walsh: Don't you think that the improved educational system in itself should justify some change?

Mr. NICKLIN: Possibly it may, but experience is very necessary for solicitors. Even though our educational facilities may have improved over the years, a man does not become a good solicitor merely by passing examinations. He must have practical experience to help him in his profession.

The first principle in the Bill deals with the admission as solicitors of barristers who are serving in the Public Service. It amends Section 10A of the Act, which permits the admission as a solicitor of any barrister of good repute who was admitted as a barrister on or prior to 30 June, 1939, or who was admitted after 30 June, 1939, and has had three years in actual practice in Queensland, or who has served under a Queensland solicitor as an articled clerk for three years, or who, subsequent to enrolment as a barrister, has for a period of three years served with a Queensland solicitor as a law clerk, or as an associate to a High Court or Supreme Court judge, or in the office of the Solicitor-General, or the Crown Solicitor, or a Registrar of the Supreme Court at Brisbane, Townsville, or Rockhampton, or the Public Curator, including any branch office. I do not think we can offer any objection to the provision. In effect, it places barristers serving in a Commonwealth office in Queensland on the same footing as those serving in State offices.

Now I pass to the section mentioned by the hon. member for Toowong, that dealing with solicitors at present serving as clerks or in grades higher than clerk in any of the offices set out, either wholly in one or partly in one and partly another. Those offices are set out in the Act and comprise the office of the Solicitor-General, Crown Solicitor, Registrar of the Supreme Court in Brisbane, Townsville or Rockhampton, Public Curator, or any Clerk of Petty Sessions in the State. In addition to serving in those offices, which would naturally deal with many legal matters and would give a man an opportunity to gain legal experience and training, various requirements had to be met to qualify for admission. They were—

(1) He must have passed the qualifying examination for admission to the Public Service; and

(2) He must have had 15 years' service in those offices; and

(3) Where the whole or any part of the service of 15 years had been in a Public Curator or C.P.S. office, he must have passed the qualifying examination for Clerks of Petty Sessions;

(4) He must have qualified by examination for admission as a solicitor.

There are other provisions relating to entitlement to sit for the Solicitors' Board examination.

Mr. Power: You certainly are well informed on the subject. I think your private secretary was one of those candidates.

Mr. NICKLIN: He is.

Mr. Power: You grabbed him just as I was about to get him for another job.

Mr. NICKLIN: That is the Minister's bad luck.

Mr. Power: Might be, too, as a matter of fact.

Mr. NICKLIN: The provisions relating to entitlement to sit for the Solicitors' Board examinations were as follows:—

(5) After completing five years of service in the department, having passed the Public Service entrance examination (and, in the case of the Public Curator or C.P.S. Office service, having passed the C.P.S. examination) any such person was entitled to sit for the intermediate examination for solicitors.

(6) After completion of ten years of service as I have outlined, and after passing the intermediate examination, he was entitled to sit for the first section of the final examination for solicitors, and, after a further year of service, that is, after 11 years, to sit for the second section of the final examination for solicitors, having, of course, passed the various sectional examinations along the line.

(7) Finally, irrespective of whether any such person qualified by examination after 11 years of service, he could not be admitted as a solicitor until he had completed the full 15 years of service.

Those were the conditions that applied before the introduction of the Bill.

Under the Bill the total period of service has been reduced from 15 years to 10 years, the period of service necessary before the intermediate examination from five years to three years, the period of service necessary before the first section of the final examination from 10 years to seven years, with the further period of service necessary before the second section of the final examination remaining unaltered at one year. Hence, a person fulfilling the above requirements may qualify for admission as a solicitor after eight years' service, but cannot be admitted until after 10 years. Those are stringent conditions and anybody who qualifies under them certainly will be well equipped for admission as a solicitor. It must be remembered that the work carried out in the offices mentioned, although not as varied as that in an outside solicitor's office, covers a wide field, especially in the Public Curator's Office. The experience such a candidate for admission as a solicitor would gain would be fairly wide and, if used wisely, should give him an extensive knowledge. The Attorney-General is concerned with the lack of legal men in the Public Service and also with retaining the services of those he now employs. I am afraid that making adjustments to the period in which to qualify as a solicitor will not be sufficient inducement to keep them. While this Bill will go a long way towards overcoming the shortage of legal men in the Public Service, qualified men will still be attracted to higher-paid positions outside. Certainly few solicitors outside would consider entering the Public Service at the present rates of salary. The Public Service has been losing qualified men who prefer to go into private practice because of the unattractive salaries in the Service.

Mr. Jesson: Many solicitors are having an easy time at the moment, and barristers too.

Mr. NICKLIN: That may be, but unfortunately at the present time the salaries for qualified legal men in the Public Service are not sufficiently attractive to entice outsiders into the Service and they are hardly attractive enough to hold legal men now in the Service when they see opportunities offered outside.

In his introductory remarks the Minister said that in recent years it had been necessary to pass out legal work to private firms because of staff shortages. During the year 1953-1954 £3,733 was spent in this way. He stated that when he can get legally-qualified men to do the important work that must be done in the Crown Law Office it will not be necessary to go outside and have the work done. Could not the money spent on outside legal work be used to increase the classifications of legally-qualified men in the Public Service, thereby inducing others to strive for legal qualification and remain in the Public Service and so augment the legal staff of the Crown Law Office and other offices so that all work could be done within the Service?

I hope the Bill will not lead to any lessening of the qualifications of the persons concerned. Personally I do not think there is any danger of that, but the hon. member for Toowong has pointed out that possibility if the period of qualification is reduced from 15 to 10 years. I ask the Attorney-General to look at the matter of improving the salaries of legal men in the service so that all the legal work can be done in the service instead of outside.

Hon. W. POWER (Baroona—Attorney-General) (7.56 p.m.), in reply: The Bill appears to meet with the general approval of the House. The hon. member for Toowong entered a mild protest against the provision to reduce the qualifying period from 15 years to 10 years. Irrespective of the period nobody can be admitted to practise as a solicitor until he has passed the qualifying examinations. For that reason I cannot see any grounds for complaint by the hon. member. There are people in the Public Service who had passed the examination but could not practise outside the Service for some years. I believe that any person who passes the examination should be permitted to practice as a solicitor. I draw the hon. member's attention to his own profession, which is a very honourable one. When people qualify as accountants they are allowed to practise accountancy right away. Is there any reason why their position should be any different from that of a solicitor? It may be argued that the position of a legal man is much more important and that more study is required to qualify; nevertheless much study is necessary to qualify in accountancy. All we are doing is to reduce the period from 15 years to 10. They can only be admitted after they have passed the qualifying examinations. When these people are qualified they are not bound to remain in the Public Service. They cannot leave until they are qualified under the period set down. Having qualified, they can leave the Public Service and go into private practice if they so desire. I wish to point out that there are not sufficient solicitors being admitted to make up the loss caused by deaths and resignations. It is important that some action should be taken to rectify the position. I do not see any valid reason why a public servant should be in a different position from anyone outside.

Mr. Munro: It is a different kind of experience.

Mr. Walsh: As a matter of fact the public servant would probably get greater experience.

Mr. POWER: I think hon. members recognise that I have some knowledge of the work of my department. In order to give youths in the Service and those who had passed their Senior examinations an opportunity to become solicitors, I introduced a Bill on a previous occasion to amend the Act to provide that a person could be articled to a legal man within the Public Service and,

after passing the examinations could be admitted to practise after a period of five years. Outside the Service a young man is articled to a solicitor and after passing the preliminary examination, intermediate examination, and final examination is admitted as a solicitor of the Supreme Court of Queensland. In the Public Service the person who had passed his examinations had to wait 15 years. Why should the position of a Crown employee be different from that of an outside person? I do not know who drew up that provision, but it was unfair. There a number of other men who at a late stage of life decided to qualify as solicitors. After passing the examinations within 10 years they had to wait a further five years before they were admitted. I cannot see any sense in that. I said previously that this is an important subject and that nothing should be done to lower the standard or the prestige of the profession, or the standard of the qualifying examinations. I discussed this matter with Mr. Boyd of the Law Society. He agrees with the provisions of the Bill. That being so, I do not see any reason why hon. members opposite should have any misgivings.

The statement was made that men outside would get greater experience and a greater variety of work than public servants. That is a misconception. The public servant in the Crown Law Office and the Public Curator's Office receives greater experience and a greater variety of work than the outside solicitor. I speak with some experience because I was employed for a number of years by a solicitor, and I know the position. The experience of officers of the Crown Law Office and the Public Curator's Office is much greater than the experience of outside solicitors. Take the matters dealt with by the Crown Law Office. Officers in that office get great experience in criminal law. A man would get the experience of Crown prosecuting which he would not get in an outside legal office. Within the Public Service a man would get experience in the duties of Public Defender. The Public Defender has a number of young solicitors with him. Hon. members know that the Crown Law Office prosecutes for various breaches of the law and such prosecutions are only launched by the Crown. Our legal men obtain experience in the preparation and issue of writs and in this regard I should say that they would get more experience because of the volume of work than a similar man would get in an outside office. I am not detracting from the good work done by the legal profession because I have the highest regard for it. I have found members of the profession most co-operative and I have had happy relations with them and I publicly thank them for their services. I say that men in the Public Service get experience in the Crown Law Office that they do not get outside. Within the Crown Law Office and the Public Curator's Office much conveyancing work is done and much is done in the preparation of contracts, experience that a man does not get in all outside solicitors' offices. You would not get this experience in many offices and you would not get it in public trustee companies of which hon. members opposite know something. Then there is the preparation of mortgages and wills and a lot of other matters which are a necessary part of a legal department. I want to give a little information about the men that the Crown Law Office has turned out from time to time. Our present Chief Justice was for some time employed in the Crown Law Office, so also were Mr. Justice Philp, Mr. Justice Sheehy, Mr. Justice O'Hagan, and Mr. Justice Matthews. Some of those gentlemen qualified as barristers during the time that they were employed in the Crown Law Office. Let us look at some of the brilliant legal men who were trained in the Service. I name the Solicitor-General, Mr. Ryan, Mr. Seymour, the Parliamentary Draftsman, Mr. O'Driscoll, Mr. Carter, the Crown Prosecutor, Mr. Skinner, the Assistant to Mr. Seymour, the Public Defender, Mr. McAlpine, and Mr. Finn. A number of them trained and were employed within the Public Service. Can anybody suggest that they are not able and capable men? Those men are qualified to take any case presented to them. I cannot agree with the suggestion that men would not get the experience in the Crown Law Office that they would get in private practice.

The Leader of the Opposition said that one of the reasons that we are not getting sufficient legal men is because of the small salaries. I agree that they were not as high as I should have liked them to be, but as a result of recent increases in public servants' salaries there has been a substantial increase in the salaries of these officers. I pointed out on the introduction of the Bill that I transferred to the legal section one of our officers who had qualified as a barrister. He was appointed to act in Grade III. and was paid the minimum salary attached to that grade, but within a couple of months he was appointed to Grade II. and is now receiving well over £1,000 a year. Many young barristers in private practice would have to wait a long time to get enough briefs to earn the salary that our Grade II. men are now getting. The man to whom I am referring was admitted to the bar less than six months ago, yet he is earning well over £1,000 a year. It cannot be said, therefore, that Public Service salaries today are not reasonable today.

I have more than once discussed with the Public Service Commissioner the necessity for an increase in the classifications attached to these positions, and as the result of his recommendations increases were granted. As I say, these men are now earning much more than they would outside the Public Service.

It is not true to say that we have lost a number of our legal men. We lost Mr. Dodds, who was a very good man, solely because the Commonwealth Government offered him a much greater salary to go to Darwin than he was receiving in the State Public

Service. One of our great difficulties today is the fact that the Commonwealth Government are paying professional men very high salaries. Particularly is that noticed in the Department of Agriculture and Stock because they have lost officers to the Commonwealth Government. I do not blame anybody for leaving the State Public Service to better himself, but it is very easy for the Commonwealth Government, who have just enjoyed a surplus of £70,000,000, to pay high salaries whilst at the same time they starve the States of money, particularly in their tax-reimbursement grants. If some of the revenue that they are spending on capital works was made available to the States, we would be able to do much more than we are doing.

Some of the men who have left the Public Service have returned to it. Not long ago I approved of the re-appointment of a young man who had previously left the Public Service. I did that because I was short of legal men. He was not the first to leave us and return.

I expect as the result of both this Bill and the previous legislation, which gave Crown employees the same rights as men employed in outside offices, that within a period of years many more qualified legal men will be available to us.

I did not hear any protest, mild or otherwise, from the hon. member for Toowong about barristers appearing in the Supreme Court, and perhaps the High Court, after only five years of study before admission. I heard no complaint that it would result in a reduction in status. Barristers discharge a much more important duty than solicitors. Solicitors do not appear in the Supreme Court to conduct cases whereas at times barristers have the liberty of the subject, even for life, in their hands.

Dr. Noble: They are supposed to be the specialists.

Mr. POWER: Yes, and they become specialists in five years whereas the solicitor has had to wait 15 years. These things are all haywire. I do not want to have any misunderstanding on this matter. I do not want it to be thought that I suggest that the barristers who were admitted were not capable. I have had no evidence that they were not, and I have not received any complaints about them. I merely use them to show that the protests of the hon. member for Toowong can be dismissed, to use the legal term, for want of prosecution. There is no evidence whatever to suggest that the Bill will be to the detriment of any section of the community.

Let me return to the first section of the Bill, dealing with barristers who have served three years as a clerk in a solicitor's office. As the law stands, those people who are employed in the Crown Law Office or any legal section of the Crown service or in the registry of the Supreme Court in Brisbane, Rockhampton or Townsville, can apply for admission as a solicitor at the end of three years; but men employed in the Commonwealth Crown Solicitor's Office or the office of his deputy have not the same privilege. We are extending it to them. To show the attitude of members of the Opposition, the hon. member for Toowong, or the Leader of the Opposition, said that he could not see anything wrong with giving that right to men employed in the Commonwealth Crown Law Office. The Opposition approved of it. But those men could serve five years and qualify as barristers and, after another three years, be admitted as solicitors, having served in all only eight years, whereas, until the law is amended, men employed in the State offices have to serve 15 years before becoming solicitors. They cannot have it both ways. The protest of hon. members opposite was mild because they could not have analysed the position as carefully as I have.

Motion (Mr. Power) agreed to.

COMMITTEE.

(Mr. Graham, Mackay, in the chair.)

Clauses 1 to 5, both inclusive, as read, agreed to.

Clause 6—Amendments of s. 9 of 2 Geo. VI. No. 20; Further provisions relating to admission as a solicitor—

Mr. MUNRO (Toowong) (8.21 p.m.): Although I have previously indicated that I am not in any way opposed to the substance of this clause, there are a few remarks I should like to make. In his off-hand introduction of the Second Reading of the Bill the Attorney-General spoke only for about two minutes but after I had spoken for about five minutes it took him about 25 minutes to reply. If he had taken more time when he introduced the Bill and moved its second reading it would not have been necessary for him to spend so long on the very few remarks I made on the second reading. In the course of his lengthy address he perhaps confused the position somewhat. I merely drew attention to the fact that there should be a mild protest when there is any lessening of qualifications of this kind. I was very careful to explain that I did not suggest in any way that the training outside the Public Service was of a lower or higher standard than that in the Public Service. I mentioned it because it is important to recognise that there are some essential points of difference. A legal officer trained in a particular department of the Public Service may, to a considerable extent, be a specialist, whereas a man who is trained in the office of a practising solicitor outside may be regarded as a general practitioner.

Mr. Walsh: Surely a person in the Crown Law Office would have just as wide experience as a practising solicitor outside.

Mr. MUNRO: He may or may not. The qualifications for any profession are important and it is only when a Bill of this kind is introduced that we have an opportunity to discuss these things. I quite agree that there may be considerable hardship on certain officers of the Public Service, and for that reason this particular provision has a considerable measure of support from me although I do see a certain element of weakness in it.

Mr. Power: Tell me the weakness.

Mr. MUNRO: I have already mentioned it. Apart from academic training, experience is an important element in the qualifications for any profession. If a person is to practise as a solicitor outside it is fairly obvious that experience in the type of work that is done in the office of a practising solicitor outside would be the right type of experience. I do not say that experience is not obtained in the Crown Law Office. It may be that it is superior and more specialised. Let us, by way of analogy, take the profession that the Attorney-General mentioned. I say without equivocation that there are many highly-trained accountants in the Public Service and in the Treasurer's department who would be absolutely lost if they had to go out and carry on practice as chartered accountants. They would meet with all sorts of things of which they had no experience. On the other hand the average chartered accountant with many years' experience who went into the Treasury Department and was asked to wrestle with some of the problems there would find it just as difficult as the public servant who went outside.

Mr. Walsh: The hon. member has said what I was going to say.

Mr. MUNRO: I am fair and impartial. If you took the average man from outside and put him into the Crown Law Office he would find some inadequacy in his training, and the same would apply to the public servant who went to an office outside. It is just as well to realise those difficulties. I am glad that we had this discussion. I was interested in the spirited defence of his officers put up by the Attorney-General. I conclude on this point, which is the most important of all: that if the Attorney-General has this difficulty in obtaining or retaining the services of qualified legal men the remedy does not lie in the modification of qualifications but he must look to the remuneration that he is offering, and the general conditions. I think the hon. gentleman will ultimately find that that will be the positive and more complete solution to his problem.

Hon. W. POWER (Baroona—Attorney-General) (8.28 p.m.): The hon. member complained because I formally moved the second reading of the Bill. My practice is to explain the contents of a Bill fully on the introductory stage. Having done so I did not wish to engage in tedious repetition.

Mr. Nicklin: The hon. gentleman gave a pretty good Second Reading Speech.

Mr. POWER: I am now going to give you another one. The hon. member for Toowong put up a very weak case when he said that he was concerned about the weakness that might arise because the training of the men in the Crown Law Office might not be as varied as that outside. There is not one tittle of evidence to support that contention. I have pointed out the variety of work done and experience obtained in the Crown Law and Public Curator's Offices, which is not obtained in outside legal offices. In many large legal firms they employ a common-law clerk, an ecclesiastical clerk, and a real property clerk. Usually these men are studying to qualify as solicitors and while doing so they specialise in these various sections.

The argument advanced by Opposition members seems to be that salaries paid to legal men in the Public Service are not sufficient. That is not so, and it is not the reason for the shortage of legal men. I am in close touch with members of the Law Society and they assure me that great difficulty is experienced in obtaining legal men to assist in their offices. Large firms employ quite a number of young solicitors, and many of those firms are now complaining that they are unable to obtain common law clerks. A common law clerk in the early days was a most important person in the solicitor's office. He was a jack of all trades, doing ecclesiastical work, probates, resealing of probates, the preparation of deeds of partnership, the preparation of contracts, the preparation of wills, and the preparation of transfers and mortgages. Today it is difficult to obtain a common law clerk. To prove the standard of training in my department in early years I mentioned that a number of the legal men who worked in the department are today holding high and important positions in the State of Queensland. I referred to the Chief Justice and four other judges. Then we have at least seven other highly-qualified legal men in Messrs. Ryan, Seymour, O'Driscoll, Skinner, Carter, McAlpine, and Finn. Mr. N. J. Moynihan was employed for a number of years in the Crown Law Office. It cannot be suggested that there was a lack of training in those days. Mr. Spanner who is coming back to the department is a very capable officer. If the training was inadequate, how did those men rise to the important positions they hold today? At the present time wider training is available.

I would advise any young man to take up law as a profession, because I can see a bright future in it. There is plenty of room in the Public Service for men who have passed the qualifying examination. I should be only too pleased to employ them in my

department, articled to one of the solicitors in the Titles Office or in the Public Curator's Office.

Clause 6, as read, agreed to.

Bill reported, without amendment.

THIRD READING.

Bill, on motion of Mr. Power, read a third time.

FISH AND OYSTER ACTS AMENDMENT BILL.

INITIATION IN COMMITTEE.

(Mr. Graham, Mackay, in the chair.)

Hon. E. J. WALSH (Bundaberg—Treasurer) (8.36 p.m.): I move—

"That it is desirable that a Bill be introduced to amend the Fish and Oyster Acts, 1914 to 1945, in certain particulars."

I think the Leader of the Opposition and myself might go on a fishing trip on this particular measure knowing his interest in it. I am sure that he and other hon. members of the Committee who have raised points in connection with the Act in recent years will appreciate some of the amendments being brought down. To assist hon. members I will outline under various headings what the Bill contains. It is proposed to amend the Fish and Oyster Acts 1914 to 1945 in the following particulars:—

"1. To provide for several new definitions and to clarify others.

"2. To provide for the protection of coral.

"3. To provide better machinery for the protection, management and control of oyster, fishing, coral and other reserves.

"4. To extend the present provision regarding special exemptions from the application of the Acts.

"5. To extend the present provisions concerning the taking of fish.

"6. To remove the limits as to the period and size of area in respect of exclusive licenses and to provide better machinery for the granting, management and control of such licenses.

"7. To prohibit people from interfering with or damaging oysters, oyster banks, works and trees thereon.

"8. To provide that a lease or license may be cancelled following a conviction for an offence against the Fish Supply Management Act or the Criminal Code.

"9. To protect a lessee or licensee under the Fish and Oyster Acts against action or indictment on account of damage caused by work carried out by him in good faith and without negligence on the area under lease or license.

"10. To preserve to a lessee or licensee the right of civil action against a person who has been convicted of an offence under the Fish and Oyster Acts.

"11. To provide for the fixing and varying of fees by regulation.

"12 To provide that Proclamations and Orders in Council, in addition to Regulations, are to be gazetted and laid before Parliament."

I shall elaborate on those provisions as I go along so that hon. members will have some understanding of what is intended, but I should like to give a little history of the background of this legislation. We find that legislation governing Queensland fisheries dates back to the last century when the Oyster Fisheries Act of 1863 and the Queensland Fisheries Act of 1877 were placed on the Statute Book. The Oyster Act of 1874 repealed the 1863 Act and the former was in turn repealed by the Oyster Act of 1886. The Queensland Fisheries Act of 1887 repealed the 1877 Act. The principal Act upon which the present Acts are based is the Fish and Oyster Act of 1914. This was passed as a result of a recommendation on the fish and oyster industry in Queensland as contained in a report presented to Parliament in 1913 by a Treasury departmental committee appointed for that purpose. The Oyster Fisheries Act of 1863 was an enactment having only four sections. That does not mean a thing. I recently brought down a Bill of only four clauses, and it was debated for days.

The Act to which I have just referred applied specifically to Moreton Bay, although its area of control could have been extended by Order in Council. The two matters dealt with under it were the provision for the licensing of oyster banks and the prohibition of the burning of oyster shells for the making of lime.

The Queensland Fisheries Act of 1877 was also a comparatively brief one of 13 sections. It covered the whole of the State and provided in the main for the size of fishing nets, the minimum weights at which fish may legally be taken, the seizure of illegal nets, the prohibition of the use of explosives, and the licensing of boats and fishermen. It provided also for the priority of hauling when two or more fishermen desired to haul on the same ground at the same time. All those provisions, with the exception of the weights of fish, are today retained either in the principal Act or the regulations thereunder. The method of determining by weight the minimum requirements of fish to be taken was discontinued in 1915, when the present-day method of a minimum length was adopted.

The Fish and Oyster Act of 1914, which came into operation on 1 January, 1915, repealed the Oyster Act of 1886 and the Queensland Fisheries Act of 1887. Subsequent amendments to the principal Act were made in 1918, 1932, 1935 and 1945.

At this stage I remind hon. members that this is another very old Act that has been

amended on several occasions. The original Acts were repealed and a consolidated measure was brought down in 1914—41 years ago. There have been four amendments since 1914, and it is 10 years since the Act was last amended.

In my desire to have many of the Acts under my jurisdiction consolidated, I entrusted the task of consolidating this Act to the Parliamentary Draftsman some time ago. However, the further he went into the matter the more difficult he found it to have the legislation ready for this session. Bearing in mind that it might be some time before he could go into the matter thoroughly—it required a considerable amount of research—I decided that it would be of advantage to bring down at least some amendments during this session covering the principles I have outlined, and to proceed with the consolidated measure in due course. I told hon. members yesterday that I had in mind bringing down a consolidating Bill in respect of other legislation, and this is another matter in respect of which consolidating legislation will be introduced at a later stage.

Mr. Pizzey: We will do it for you next year.

Mr. WALSH: The hon. member for Isis is rather optimistic.

The fact that we intend to bring down a consolidating measure is evidence that we are paying some attention to the necessity for bringing our legislation up to date. It is not an easy task. The Parliamentary Draftsmen have very heavy obligations imposed upon them, particularly when departments do not give them information early in the year on legislation that is to be brought down during the forthcoming session. My experience as a Minister has convinced me that the Parliamentary Draftsmen often do not get a fair spin from Government departments. Frequently important measures are thrown into the background because of the necessity to work on a Bill that could have been brought forward much earlier. As for the Opposition's getting a fair spin, I think if any Opposition in Australia has had a fair spin from a Government, it is the Opposition in Queensland. The hon. member for Sherwood is not going to stop me from going on this fishing expedition tonight.

The Bill includes new definitions and amendments to existing definitions. It also amends the sections of the principal Act dealing with the creation of oyster, coral, and other reserves, special exemptions from the Fish and Oyster Acts, prohibitions and restrictions on the taking of fish, exclusive licences to take marine products, disturbance of oyster grounds, cancellation of a lease or licence following conviction for certain offences, and regulating powers.

The Bill also introduces new sections for the purpose of providing some measure of protection to holders of leases and licences, setting out the manner in which areas under lease or licence may be described, and providing for the publication of all proclamations, Orders in Council and Regulations and the laying thereof before Parliament. The Act provides only for the gazettal of certain reserves and it is thought that the better procedure, in keeping with similar activities in such departments as the Department of Public Lands, would be by Order in Council by the Governor in Council instead of merely by a departmental decision published in the "Gazette".

The definitions include—

"Apparatus". A new definition which covers fishing and oystering gear of any kind whatsoever.

"Foreshore". That is all land between high and low-water mark.

"Land". The definition makes it clear that the term includes land covered by water, as well as reefs, shoals, etc.

"Premises". The definition is inserted mainly for the purpose of including fishing vessels, which are not ordinarily classed as premises. On occasion, fish have been illegally caught, and have been found in the possession of the owner of a vessel, but the department has been unable to take proceedings. So it is intended to extend the definition to include vessels.

"Queensland waters". The definition is more comprehensive than the one in the Act, which does not really explain what such waters are.

"Take". This definition deals with the taking of fish. It is much more comprehensive than the present definition and includes the word "destroy". It is designed to cover cases of wilful destruction of protected fish unintentionally taken. It has been brought to my notice that sometimes female crabs are caught, say, in a net and, instead of the fishermen seeing to it that they are returned to the water, they are destroyed. It is provided that female crabs may not be taken and that provision is being tightened up.

"Vessel". The words to be deleted are superfluous as punts used in oystering operations are already covered in Part III. of the Act.

Mr. Hiley: Is the new definition of "foreshore" an attempt to meet the South Coast case where fish were taken on the foreshores?

Mr. WALSH: The new definition will bring it more into line with the modern interpretation of high-water marks and low-water marks.

Mr. Hiley: Do you think that is a precise definition on a surfing beach?

Mr. WALSH: I think the hon. member will be satisfied with the definition when he sees it. In Clause 3 there is power in relation to the creation of reserves. It empowers the Governor in Council to create reserves, by Order in Council. At present

these may be created by the Governor in Council by notification published in the Gazette. It is considered that the proper method is by Order in Council.

Mr. Kerr: What do you call "Queensland waters"? Is that within the three-mile limit?

Mr. WALSH: As far as I know that is all we can determine constitutionally. We cannot go outside the three-mile limit. Under a very old Act in pre-Federation days there were certain rights about northern waters. These were conceded to the Commonwealth Government prior to their discussions and negotiations on the Japanese treaty. The rights we had under this old Act were passed over to the Commonwealth Government to enable them to odeal with these waters outside the three-mile limit.

Mr. Kerr: It may have to be settled by an international court.

Mr. WALSH: We will not come into that. We want to keep out of those courts even if we cannot keep out of other courts. There is provision that the Governor in Council by Order in Council may create reserves for the protection of coral or any other marine products as may be specified. The words to be inserted will remove all doubt as to whether there is legislative authority to set aside areas for the protection of coral. A further provision empowers the Governor in Council to create public oyster reserves. The principal Act provides for the creation of such reserves by notification in the Gazette but does not specifically stress that they are to be for the use of the public. I think the Leader of the Opposition will be aware that it does not mean that anybody can go down there, pick the oysters and take them away and submit them for sale.

Mr. Nicklin: You eat them on the spot.

Mr. WALSH: That is right. They must be consumed on the spot and I issue that warning in case somebody misunderstands me tonight. There is a further provision that no reserve whatever set aside under the Fish and Oyster Acts shall be leased or licensed. At present this applies only to oyster reserves. The Governor in Council is empowered to revoke any reserve under the Fish and Oyster Acts. At the moment he may only revoke public oyster reserves. There is further provision for regulating powers in relation to reserves created under the Fish and Oyster Acts. There is no such provision in the principal Act. A further provision states that nothing in this legislation shall affect the provisions of the Acts quoted in the Bill. Mention is made of the Criminal Code Act because that Act refers to offences against oyster beds and fisheries. The Fish Supply Management Acts relate to the marketing of fish and the other two refer to whale fishery and pearl-shell and beche-de-mer fishery respectively.

That means that whatever powers we may be providing under this Act, they are not in any way taking away the provisions of the Criminal Code Act or the Fish Supply Management Acts dealing with offences under these measures.

There are provisions relating to special exemptions. A new one, similar to provisions included in the Fauna Conservation Act, is designed to ensure that no prohibition under the Fish and Oyster Acts will deprive native wards of the State of any food to which they are accustomed. It will be noted that the taking of fish by illegal methods is prohibited. I think hon. members are acquainted with the fact that in the Fauna Protection Act there is provision for the native people to operate as far as animal life is concerned. This will apply to dugong. It is not intended to deprive the native wards of their right to catch dugong and use it.

A further provision, paragraph (*b*) is in substitution for a similar provision in the principal Act. It establishes a new principle that, although the provisions of the principal Act do not, in general, apply to fishing in private waters, the owner of such waters will, under the Bill, be required to comply with requirements of the Fish and Oyster Acts relating to use of lawful apparatus, closed seasons, and to species, size, and fitness for consumption of fish or oysters taken. Here again all the illegalities set down such as dynamiting and that sort of thing will prevail as far as private waters are concerned as well as in open waters.

Mr. Hiley: Does that apply to the impoundage of fresh water?

Mr. WALSH: Inland streams.

Paragraph (*c*) is based on a provision in the principal Act to cover, in addition to restocking operations, the taking of fish or oysters for research and such other purposes as may be approved by the Minister or his delegate.

Provision is also made for the charging of fees as, for example, when oysters on Crown land are sold for restocking private oyster banks.

Periodically I have requests from the University to allow certain fish under size to be caught for research purposes. Generally speaking, they are granted. It is now proposed to write it into the Act so that there will be no doubt about it.

Paragraph (*d*) amends the provisions of the principal Act dealing with the unintentional taking of fish contrary to law. At present these provisions do not apply to a person who so takes fish but returns them to the water unharmed. The proposed amendment makes it clear that such a person must be lawfully fishing.

Many of the provisions are purely of a machinery nature.

Paragraph (*e*) amends the relevant portion of the principal Act dealing with the use of a landing net for fish taken with a rod and line, to make it clear the provisions of the Acts do not apply to such a net if the user thereof is lawfully fishing.

Paragraph (*f*) is a new provision and provides for the use of a hoop net. Such a net is of very limited dimensions, not unlike a landing net used by anglers. It will be noted that the user must comply with requirements relating to species and size of fish, to close seasons and to prohibited waters. I understand it is used to a very limited extent. In order to give them whatever protection is necessary it is better to write it into the legislation.

Clause 5 repeals Section 7 of the principal Act, one of most important of all sections. On it are based all Orders in Council relating to closed waters, closed seasons and generally, to all prohibitions and restrictions imposed upon the taking of fish.

Section 7 of the principal Act which is stated in very general terms in the principal Act, has been completely re-written and greatly expanded in this Bill. It provides improved machinery required for the proper administration of the Fish and Oyster Acts.

The new clause provides for the prohibition, or regulation and control in the manner prescribed, of fishing in such Queensland waters as may be specified, prohibits fishing except with approved apparatus and provides for the regulation and control of such apparatus. Provision is inserted for the making of Orders in Council or regulations dealing with closed or regulated waters, illegal apparatus, fish traps, close seasons and exemptions.

Sub-clause 2 of this clause provides for a maximum penalty of £20 for breaches and the seizure of fish and any illegal apparatus. Reference to illegal apparatus are new.

A further provision effects substantial amendments to Section 18 of the principal Act which deals with the granting of exclusive licences to take fish and marine products. It provides for the granting of exclusive licences to take fish, coral, shell-grit or any other marine product whatsoever. In the principal Act only "fish or marine products" are stated and there is some doubt whether the words "marine products" cover coral and shell-grit. Oysters, pearl oyster shell, trochus shell, beche-de-mer and sponges are excluded, because oysters are covered in Part III of principal Act and the other products are dealt with in the Pearl-shell and Beche-de-mer Fishery Acts. It will be noted that at present a limit of 14 years is imposed in respect of any licence and a maximum length of coastline—75 miles—is fixed. Under the proposed amendments there will be no limitation as to period and a licence may be granted for an area of any size or shape. The limit of 14 years has some effect on the development and expansion of our cement industry. The Government have been told that certain interests are anxious to expand and invest capital to the extent of £1,500,000 or £2,000,000. It is felt that in order to give them greater security longer leases should be given on such terms and conditions as may be laid down by the Minister.

Mr. Hiley: Moreton Bay coral?

Mr. WALSH: Yes. The limit of 14 years does not encourage expansion.

Mr. Kerr: They must be given security.

Mr. WALSH: Yes. The conditions will be fairly rigid, I should say. There is nothing wrong in providing for that discretionary power.

This provision empowers the Governor in Council to cancel a licence in certain circumstances. At present there is no provision in this regard in the principal Act but certain rights of cancellation are embodied in the form of licence. However, it is considered that such power should be expressly stated in the Acts as, with the removal of the term limit of 14 years exclusive licence will, no doubt, be issued for extended periods.

A further provision amends Subsection 3 of Section 18 of the principal Act to bring it into conformity with the amendment of Subsection 1 regarding marine products. The proviso to Subsection 3 is also amended to exclude the words "or marine products" as it is considered that, while any licence for marine products other than fish should be completely exclusive, any such licence for fish should not exclude from the licensed area those wishing to take fish for personal use and not for sale.

A further provision substitutes a new paragraph for sub-paragraph (i) of Section 35. The new sub-paragraph is wider in application and gives greater protection to licensees of oyster banks. While the present Act mentions disturbance or injury only to oyster grounds, the amendment includes, in addition, oysters and any work carried out on such grounds. The new subparagraph also prohibits the cutting of mangroves and other timber from oyster banks, the removal of any material suitable for the catchment of oyster spat, the dredging for, or depositing of, any material on such banks and the dragging across or the placing on of any apparatus hurtful to the oyster banks or the oysters thereon.

I recollect that the Leader of the Opposition has had something to say about this in recent years and other hon. members have spoken on this subject. The question of greater protection of oyster banks and the work carried out on those banks has been mentioned. I think when hon. members see the Bill they will be satisfied there is sufficient protection in it to cover points raised in previous debates.

Another provision amends Section 47 of the principal Act by providing that an offence against the Fish Supply Management

Acts or an offence relating to the taking of fish or oysters under the Criminal Code or for failure to comply with all the terms and conditions of a lease or licence shall render a lease or licence liable to cancellation. At present this action can only be taken in respect of an offence under the Fish and Oyster Acts.

The section specifies the manner in which such cancellation shall be effected and provides that no compensation shall be payable in respect of any cancellation.

Provision is also made that a lease or licence may be surrendered with the prior permission of the grantor. This specific power is new.

There are three new sections to be inserted. Amongst other things there is provision to protect a lessee or licensee under the Fish and Oyster Acts from any legal action which might be taken against him on account of damage caused by any work done in good faith and without negligence on the area leased or licensed by him.

Mr. Nicklin: Very important too.

Mr. WALSH: I think the Leader of the Opposition raised that point.

Mr. Nicholson: You can look at me too. too.

Mr. WALSH: I think the hon. member raised the point but at this stage I might state that it emphasises the point that the Government took cognisance of constructive suggestions made by the Opposition. I am happy to examine any constructive suggestions made and I am sure that when the Leader of the Opposition sees the Bill he will find that much of the discussion that has taken place in the Chamber in previous times has been embodied in the amendments.

A further provision is designed to preserve to a lessee or a licensee the right to take civil action against a person already convicted of an offence under the Fish and Oyster Acts. Another provision makes it clear that the granting of a licence under the Fish and Oyster Acts does not necessarily entitle the holder thereof to enter upon another person's property.

Another new section covers cases where it is not possible to give an accurate description of areas to be described for any purpose under the Acts as, for example, in dealing with land under water. It shall be sufficient if the boundaries are set out in such a manner that they can be reasonably ascertained.

There are the usual regulatory powers in a further amendment. The effect of the amendment is to authorise the fixing and varying of fees by regulation. At the present time fees are fixed by the principal Acts. I suppose hon. members will concede that this is a phase the Treasurer would not overlook.

There is a proposed provision for the publication in the "Gazette" and the laying before Parliament of every Proclamation, Order in Council and Regulation made under the Acts. At present only Regulations are gazetted and tabled.

There is a provision that if the meaning of any Proclamation, Order in Council, etc., is clear, no formal defect therein shall make it invalid.

There is the normal savings provision also contained in the measure.

I think I have given hon. members a fairly extensive outline which will be helpful to them in discussing the Bill. I know that some members of the Opposition are interested in this Bill. For the benefit of the Leader of the Opposition I might say that later on we are hopeful of being able to bring down a consolidated Act, without the necessity of further amendments. I have gathered from my discussions with the Parliamentary Draftsman that the task is not an easy one. As a matter of fact I suggested to the Parliamentary Draftsman that he might put off bringing down any major amendments during this session, because I appreciated the magnitude of the task imposed upon him.

Mr. NICKLIN (Landsborough—Leader of the Opposition) (9.10 p.m.): I am sure that all hon. members appreciate the very full explanation of the provisions of the Bill that the Treasurer has given us. I thank him for the consideration he has given to suggestions that have been advanced from time to time by hon. members on this side of the Chamber. As the Treasurer knows, I have tackled him on a number of occasions in an endeavour to have this legislation amended, particularly as it affects oyster leases, the protection of oysters, and the encouraging of oyster cultivation.

I am very pleased to know that the Treasurer intends at a future date to consolidate this legislation, although from what he has told us it would appear that he has gone a long way towards consolidating it in the Bill.

Mr. Walsh: There is much to do yet.

Mr. NICKLIN: There are one or two matters, especially those connected with the oyster industry, that could with advantage have been included in the Bill.

I do not intend at this stage to go very fully into the provisions of the Bill, as we shall have ample scope for discussion during the second-reading stage. However, the provisions dealing with the oyster industry will be very helpful to those men who are endeavouring to rebuild it. I emphasise the word "rebuild", because the oyster industry in this State has slipped badly in recent years. It has declined to such an extent that last year only a couple of thousand bags were marketed. When we realise that in Moreton Bay, and particularly in Bribie Passage, we have the best oysters and oyster grounds in Australia,

the only conclusion we can arrive at is that over the years the industry has been neglected because of our failure to give adequate legislative protection to men who are prepared to adopt modern methods of oyster culture.

Mr. Jesson: Some of the finest oysters in the world are found in Queensland waters.

Mr. NICKLIN: There are no finer oysters anywhere than those grown in Bribie Passage.

We cannot build an oyster industry in this State on the hit-and-miss methods that have been adopted in the past. The production of oysters can be increased only by modern culture methods, and unless we encourage people who are prepared to invest large sums of money to engage in the modern culture of oysters, we will get nowhere. Anybody who goes in for the culture of oysters is fair game for people who go onto his banks, break his stakes, and otherwise interfere with his methods of catching spat and cultivating oysters. Nobody is prepared to invest money in the oyster industry with the inadequate protection offered by the present legislation. Judging from what the Treasurer has told us, particularly about the new section to protect the owners of oyster banks from damage by trespassers, I think the Bill will give the protection necessary for the future expansion of oyster cultivation in waters eminently suitable for the purpose. In the southern States, on the Hawkesbury and Georges Rivers and others around Sydney, are many areas where oysters are cultivated and they are not nearly as suitable as our waters. We have not gone in for modern methods of oyster culture, largely because the men in the industry have not had enough legislative protection.

Mr. Jesson: They have not had the experience.

Mr. NICKLIN: Some men in Queensland have spent a great deal of money on experiments in modern oyster culture and they have not received a very big return. One rowboat negligently handled may do £200 worth of damage in a very short time.

Mr. Jesson: Many people have oyster leases tied up and do nothing with them.

Mr. NICKLIN: Owners of leases not being used can be dealt with under the Act. They can be compelled to use the lease or lose it.

Mr. Walsh: There is a definite power of cancellation.

Mr. NICKLIN: Yes. When good oyster leases are tied up and not used, there should be power to deal with the owners.

Oyster cultivation is not easy. In a cyclone last year 5 or 6 acres of beautiful oyster cultures on a bank in the Bribie Passage were destroyed. The movement of the water disturbed the sand at the bottom and it covered the oysters, causing a loss of thousands of pounds and destroying the results of years of work. Many risks are involved in cultivating anything in the sea just as on land and, when heavy capital expenditure is involved, adequate protection should be given.

Mr. Keyatta: It is a most remunerative industry.

Mr. NICKLIN: Yes. Oysters bring good prices but it takes years to produce an oyster that may be swallowed in half a second.

Mr. Jesson: That is the trouble with the oyster people; they swallow them instead of chewing them.

Mr. NICKLIN: I do not think the Fish and Oyster Acts deal with the way to eat oysters. All that it deals with is the way we shall cultivate and protect them. We welcome the introduction of this very necessary amendment to the Fish and Oyster Acts. On the second reading I will take the opportunity to examine the provisions more closely and to say something more about what is essential to build up a prosperous oyster industry. Undoubtedly we can grow oysters, particularly in the waters of Moreton Bay, equal to if not better than oysters grown in any other part of the world.

Motion (Mr. Walsh) agreed to.

Resolution reported.

FIRST READING.

Bill presented and, on motion of Mr. Walsh, read a first time.

The House adjourned at 9.24 p.m.