

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 2 MARCH 1961

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Government entered into an agreement with the Queensland Oil Refineries Pty. Ltd., Clause 25 of which agreement reads as follows:—'With regard to the products of the said Oil Refinery, other than bitumen, the Purchaser covenants that it will in making governmental purchases extend to the Vendor such preference to local production over interstate and overseas production as is given from time to time to any other industry and manufacturer operating in the State of Queensland.' Consequently, it will be seen that the Honourable Member himself has participated in establishing the policy which the Government is now following."

PRICES OF PRODUCTS SUPPLIED TO GOVERNMENT BY AMOCO AUSTRALIA PTY. LIMITED

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) asked the Minister for Justice—

"(1) As he has made repeated declarations that the continuance of price controls is the policy of the Government and in view of the fact that petrol and major petroleum products are still subject to control, is it not apparent that under the provisions of Clause 5 (d) of the agreement between Amoco Australia Pty. Limited, and the Government Amoco is being given authority to fix its own prices within certain prescribed limits for petroleum products supplied to the Government and will thus be authorised to completely by-pass the Prices Branch?"

"(2) If the matter is not as it appears, what explanation can he give the House in respect of the authority of his own Prices Branch in this matter and the over-riding authority about to be conferred on Amoco by legislation now before the Parliament?"

Hon. A. W. MUNRO (Toowong) replied—

"(1 and 2) To view this question in its proper perspective it is necessary to keep in mind that Clause 2 of the Agreement proposed to be ratified contains a requirement that 'Amoco shall commence commercial operation of the refinery not later than December 31, 1966'. Clause 5 of the Agreement is expressed generally as to apply 'From the date of commencement of commercial operation of the refinery'. It will thus be seen that the issue raised in the question is not likely to arise in actual fact at any time within the next five years. However, the point raised may be regarded as being important—although somewhat remote in point of time. For the information of the Honourable Member I may say that the general trend of world economic thought at the present time appears to be away from the out-moded ideas of Governmental fixation of prices and towards encouragement of healthy business competition with special laws where necessary to regulate any monopolies or trade combinations which may be found to be inimical to the public

THURSDAY, 2 MARCH, 1961

Mr. SPEAKER (Hon. D. E. Nicholson, Murrumba) took the chair at 11 a.m.

QUESTIONS

GOVERNMENT BUSINESS FOR AMOCO AUSTRALIA PTY. LIMITED

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) asked the Premier—

"As all oil companies operating in Queensland are required by law to transport their products by rail and thus contribute to Government revenue, is it in accord with the Government's policy of free competition that under agreement with the Government Amoco Australia Pty. Limited is to be given the exclusive option of supplying the Government with all their requirements in petrol and petroleum products, while other companies will be excluded from even bidding for a share in the available Government business?"

Hon. G. F. R. NICKLIN (Landsborough) replied—

"It is not correct to state that all oil companies operating in Queensland are required by law to transport their products by rail. Under the new State Transport Act, permits for road transport of oil companies' products are being issued within approved limits. These limits are on a more liberal scale than existed under the previous Act. In any case, the Honourable Member should be perfectly aware that this is not the first time that preference has been given to the products of a particular commercial undertaking. During the time that he was Minister for Transport, his

interest. Whilst I do not usually indulge in the pastime of making predictions I would suggest that by the time we come to the expected commercial operation of this refinery in 1966 the Honourable Member's question and my answer to it will be merely of academic and historical interest."

SHORTAGE OF MEDICAL STAFF, TOOWOOMBA
GENERAL HOSPITAL

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) asked the Minister for Health and Home Affairs—

"In view of published reports that the difficulty in maintaining medical staff strength at the Toowoomba General Hospital is attributable to inadequate and unsuitable residential accommodation together with staff conditions which militate against staff recruitment, is he aware of these complaints and, if so, what steps does he propose taking to remove the reasons for them?"

Hon. H. W. NOBLE (Yeronga) replied—

"In the final medical examinations in 1960, 62 students graduated as medical officers, and of this number all except seven applied for positions in the metropolitan hospitals. The reason for this is that doctors tend to specialise and obtain higher qualifications before they finish their hospital experience and they feel that as the professorial units are attached to the teaching hospitals, the experience they gain at the metropolitan hospitals would be better for this purpose. It is for this reason that there tends to be a shortage of doctors in country hospitals like Toowoomba, but with the increase in the numbers of students studying medicine at the University, it is hoped the shortage will be relieved by the end of next year. For information of the Honourable Member, the numbers of students in each of the years of the medical course are as follows:—First year, 197; second year, 181; third year, 139; fourth year, 91; fifth year, 134; sixth year, 72."

ERECTION AND MOVING OF SCAFFOLDING,
UNIVERSITY BUILDINGS, TOWNSVILLE

Mr. AIKENS (Townsville South) asked the Minister for Public Works and Local Government—

"Did the Public Works Department erect and later move to required sites the scaffolding used by contractors working on the University buildings at Townsville and, if so, (a) is it not the usual practice for contractors to erect and move their own scaffolding, (b) was the erection and moving by the Public Works Department provided for in the contract and, if so, why, (c) how many man-hours were occupied by Public Works Department's employees in erecting and moving the scaffolding, (d)

what was the estimated cost of this work, and (e) to what extent did this employment of Public Works Department's men affect the non-completion of the University?"

Hon. L. H. S. ROBERTS (Whitsunday) replied—

"Yes. (a) No. When contractors are employed in the capacity of subcontractors on Day Labour projects on which day labour employees are concurrently working it is the practice of the Department of Public Works to make its scaffolding available for use by the contractors as a condition of the contracts. (b) The erection and moving of the scaffolding by the Department of Public Works was a condition of the contracts (more than one contractor being involved), because scaffolding was required for use by employees of the Department and by employees of the contractors. (c) Man-hour records for the erection and moving of scaffolding were not maintained and information is not available. (d) Information is not available. Allowance for scaffolding was made in the estimate of cost for job preliminaries. (e) The employment of Departmental employees had the effect of expediting work."

NUMBERS OF NORTHERN WORKERS EMPLOYED
ON MOUNT ISA RAIL PROJECT

Mr. AIKENS (Townsville South) asked the Minister for Transport—

"In view of the many and glowing press statements made by him, other Ministers and Government Members that thousands of men would be employed on the reconstruction of the Mount Isa line and in particular the statement that there would be a camp of 1,200 men at Hughenden and that the Townsville Regional Electricity Board would expedite the provision of extra power and light for the camp and workshops, &c., (a) how many Northern men will be employed on the project when it is in full swing and (b) will the proposed camp of 1,200 men at Hughenden eventuate and, if so, when?"

Hon. G. W. W. CHALK (Lockyer) replied—

"On present indications the number of men who will be employed at the peak of operations will be 1,350. Earlier it had been estimated that with the normal wet season delays a greater number of men would be required to do certain work more quickly, but so far wet periods have been of short duration, thereby providing greater continuity of operations and reducing the number of employees required to complete a given programme by a stipulated time. I have no knowledge of any Government statement to the effect that a camp of 1,200 men would be set up at Hughenden, but I have ascertained that this impression

might have been conveyed in an erroneous press statement originating from a source unconnected with the Government or the Railway Department."

CRIMINAL APPEALS BY KAESER, WATSON AND EBERLE

Mr. AIKENS (Townsville South) asked the Minister for Justice—

"(1) Did the Court of Criminal Appeal consisting of Justices Mansfield, Philp and Hanger rule on December 2 last in unanimously upholding a conviction against Kenneth Marshall Kaeser in the Northern Supreme Court that voluntary drunkenness was not a defence in cases of unlawful use of motor vehicles?"

"(2) If so, will he again review the action of the Court of Criminal Appeal consisting of Justices Wanstall, Stable and Mack who ruled in the Watson and Eberle cases that voluntary drunkenness was a defence and a sound reason for the imposition of a piffling penalty in cases of manslaughter where the instrument of death is a motor vehicle?"

Hon. A. W. MUNRO (Toowong) replied—

"(1) Yes, where the charge is laid under the first part of Section 408A of the Criminal Code."

"(2) This question is based on false premises. The Court of Criminal Appeal which dealt with the cases of Watson and Eberle did not rule in the manner suggested by the question."

DISMISSAL OF WORKERS, UNIVERSITY BUILDING, TOWNSVILLE

Mr. TUCKER (Townsville North) asked the Minister for Public Works and Local Government—

"(1) How many building workers were dismissed from the Townsville University project this week?"

"(2) Are there more dismissals to follow?"

"(3) Has any provision been made to re-engage these workers on other public works?"

"(4) If not, would he urge his Government to take immediate action in this regard?"

Hon. L. H. S. ROBERTS (Whitsunday) replied—

"(1) Thirty-five."

"(2) Yes. Further employees will be paid off progressively as the work nears completion."

"(3) No. Funds are not available for re-employing these men on Department of Public Works projects this financial year. The Townsville Zone covers Burketown, Charters Towers, Cloncurry, Hughenden,

Mt. Isa, Richmond and Ingham, and due to the heavy building programme being carried out in the Townsville area, the employment figure had remained consistently high over a long period, evidence of this being that from the end of August, the date when I commenced to keep personal records of the various areas, up until February 15, the total number of construction employees was never lower than 200 nor higher than 210."

"(4) The Government has already considered this matter in relation to funds available. It was unable to allocate further funds for the purpose of retaining the men concerned in the Department's employment."

LOANS FOR PINEAPPLE GROWERS, MAGNETIC ISLAND

Mr. TUCKER (Townsville North) asked the Minister for Agriculture and Forestry—

"With a view to rehabilitating the pineapple industry on Magnetic Island would he be prepared to make available to struggling growers in this area interest-free loans for a specified period?"

Hon. O. O. MADSEN (Warwick) replied—

"There are no funds coming within the administration of the Department of Agriculture and Stock which could be used to provide loans of any description for the type of purpose covered in the question."

NEW PSYCHIATRIC WARD, TOWNSVILLE GENERAL HOSPITAL

Mr. TUCKER (Townsville North) asked the Minister for Health and Home Affairs—

"(1) Has my report and photographs of Ward 15 of the Townsville General Hospital, which I tabled in Parliament while he was away in New Zealand, yet been brought to his notice for his perusal?"

"(2) If so, in addition to over-crowded conditions in the Ward has he also noted that (a) the general appearance of the grounds is depressing with the City Morgue some twenty yards away. (b) there are no lawns or gardens, just swept earth or dust, and (c) there is no decent community lounge and patients either sit on the steps or out in a tin shelter shed?"

"(3) Would he be prepared to instruct that the building of a new ward be a No. 1 priority?"

Hon. H. W. NOBLE (Yeronga) replied—

"(1 to 3) The report and photographs mentioned by the Honourable Member have not been brought to my notice. I would inform the Honourable Member that the proposed new Psychiatric Annexe at the Townsville Hospital is not to be built on the location of the present Ward 15."

EVICTIONS FROM STATE RENTAL HOMES

Mr. LLOYD (Kedron) asked the Treasurer and Minister for Housing—

“(1) How many families occupying State rental houses in Brisbane have been evicted by Court Order granted to the Queensland Housing Commission due to arrears of rental during the twelve months ended December 31, 1960?”

“(2) What was the minimum and maximum amount of rental arrears?”

“(3) In how many of these cases was the Commission's application for an Eviction Order defended by the tenant?”

Hon. T. A. HILEY (Chatsworth) replied—

“(1) Thirty families.”

“(2) £30 4s. and £106 6s. 6d.”

“(3) The occupiers in the greater percentage of the thirty cases appeared at the hearing but they did not make any defence, all consenting to the Order being made.”

SOUTHPORT GENERAL HOSPITAL

Mr. GAVEN (South Coast) asked the Minister for Health and Home Affairs—

“In reference to the Southport General Hospital—

“(1) Regarding his promise to me that when the Southport Hospital was completed it would be controlled by its own hospitals board, as the hospital has now been completed for some months and is still under the control of the North Brisbane Hospitals Board, will he honour his promise? If so, when?”

“(2) How many members will constitute the Southport Hospitals Board?”

“(3) As over two thousand patients were treated in the out-patients and theatre sections for the month of January will he give immediate consideration to increasing the staff in these sections to enable them to cope with the work?”

“(4) As the maternity section of the hospital has now reached full capacity, have plans been prepared for the construction of a new maternity wing? If not, will he have the necessary plans prepared and the extra accommodation provided without delay?”

“(5) When does he intend to establish the long awaited dental clinic to serve the needs of forty thousand local residents?”

Hon. H. W. NOBLE (Yeronga) replied—

“(1) The construction of the Southport Hospital was undertaken by the North Brisbane Hospitals Board and the defects liability period under the contract between the Hospitals Board and the builder does not expire until April 30, 1961. It has been for this reason that a separate Board

has not yet been created for Southport. The Honourable Member will readily realise the complications that could arise if a separate Board were created before the expiry of that period. Further under the Hospitals Acts all Hospitals Boards have to be re-constituted before May 31 next. It would not be reasonable to appoint members of a new Board for such a short period.”

“(2) The normal number of members for a Hospital Board controlling a hospital of a similar size to Southport is five to seven, including the Chairman and Local Authority Representative.”

“(3) The present staff establishment of the general section of the Southport Hospital is on a par with the staffing of similar sized hospitals throughout the State. However, as there has been a rather steep increase in the number of patients attending out-patients and casualty at Southport, an increase in nursing staff to cope with this would be warranted providing the larger numbers continued after the holiday rush. For the Honourable Member's information, I might point out that figures received in my Department do not support the statement that 2,000 patients were treated in the out-patients and theatre sections in the month of January.”

“(4) A communication was received from the North Brisbane Hospitals Board last week setting out the need for extensions for the present maternity section. This project will be submitted to the Works Department for inclusion in their Loan Works Programme.”

“(5) For some years there has been a shortage of dentists with the result that at the best only restricted services could be given to some districts where there are no dentists in practice. There are dentists practising in Southport and the need of that centre must be weighed against the needs of other centres in the State where there are no dental services of any kind available. I might mention that where it is shown that a person in Southport is unable to afford private dentist's fees, my Department issues requisitions for free rail travel to and from Brisbane so that they can be attended to at the Dental Hospitals here.”

TREATMENT OF YOUTHS AT WESTBROOK REFORMATORY

Mr. NEWTON (Belmont) asked the Minister for Health and Home Affairs—

“(1) Is he aware of the number of adverse reports that have appeared in both Brisbane newspapers in January in relation to the treatment handed out by warders to youths in the Westbrook reformatory?”

“(2) Would such treatment be the reason for eighteen youths running away from the reformatory over the past few years?”

“(3) Will he take the necessary action to see that the matter is fully investigated, so that these youths are helped to overcome the problems of their convictions and return to the community as useful citizens, instead of being turned into hardened youths who feel there is no road of return?”

Hon. H. W. NOBLE (Yeronga) replied—

“(1 to 3) In any institution such as Westbrook it is usual that claims are made regarding their treatment by inmates who have never previously been subject to any discipline. In the case of Westbrook such complaints, however, are comparatively rare. Over the years Westbrook has averaged fewer abscondings per year than any similar institution in the Commonwealth. When it is remembered that this home has as inmates some of the most difficult youths to be found anywhere, including about 12 per cent. who have come to Queensland from other parts of the Commonwealth with long criminal histories and that it is not surrounded by any high walls or fences and does not contain any cells, the number of abscondments is not large. I personally have seen in other parts of the Commonwealth the gaol like institutions with very strict security catering for the same types that are in Westbrook. These institutions also have their abscondments. The primary aim of committal to Westbrook is rehabilitation and not punishment. The ‘open’ system operating at Westbrook is in accordance with the most enlightened and advanced thought. Westbrook has helped thousands of youths to overcome the problems of their convictions and return to the community as useful citizens, including many who were hardened youths when convicted. For obvious reasons names of successful cases from Westbrook cannot be publicised—the failures are given full publicity. I can assure the Honourable Member that not only are complaints inquired into, but also expert advice is sought from psychiatrists regarding the nature of the discipline imposed.”

PROTECTION OF GOVERNMENT PROPERTY ON CLOSED RAILWAY LINES

Mr. NEWTON (Belmont) asked the Minister for Transport—

“Of the number of railway lines that have been closed down by him, what action has he taken to safeguard all railway property, including housing, station buildings, locomotive and goods sheds, platform facilities, &c.?”

Hon. G. W. W. CHALK (Lockyer) replied—

“Every possible action has been taken to safeguard all Railway property. Buildings have been secured against entry and periodical patrol inspections take place.

Where possible, dwellings have been tenanted pending finalisation of arrangements for their disposal so as to safeguard against vandalism and, in an area where vandalism has occurred, police assistance has been sought.”

LAND-SUBDIVISIONS BY DEPARTMENT OF PUBLIC LANDS

Mr. COBURN (Burdekin) asked the Minister for Public Lands and Irrigation—

“(1) Has he read the editorial published in ‘The Townsville Daily Bulletin’ of 7 February, 1961, which stated, *inter alia*, ‘One of the most miserable attitudes adopted by the Government at times has been its flagrant breaches of by-laws of Councils relating to subdivisions. Local Authorities have the right, and often exercise it, to insist that where a subdivision takes place, the subdivider must build roads to the satisfaction of the Local Authority. The greatest culprit in breaking this ordinance has been the Department of Public Lands. The City of Townsville has been treated, and so have other Local Authorities most cavalierly by the Lands Department on the question of subdivision. On the other hand the Queensland Housing Commission has been most reasonable and co-operative with Local Authorities. In a nutshell the Government should not be allowed to breach laws which it has sanctioned?’”

“(2) If so, will he give a categorical denial of the serious accusation made in the editorial and, if he is not prepared to do this, will he give the House reasons to justify his Department’s alleged flagrant breaches of by-laws of Councils relating to subdivisions?”

Hon. A. R. FLETCHER (Cunningham) replied—

“(1 and 2) I have no knowledge of any flagrant breach of the By-laws of the City of Townsville nor for that matter of any other local authority and I would view seriously any such breach. I have no idea which other local authority or particular subdivision is referred to in the editorial but if the Honourable Member can provide me with further particulars of a more specific nature, giving evidence of cavalier treatment, I shall be pleased to further investigate the matter. I am not aware of any recent subdivisions by the Department, in the City of Townsville. One or two are pending. However, my Department has not yet been advised of the requirements of the local authority regarding them. Applications were invited on January 18 last, for the development of Castle Hill lands and it is a condition of application, that subdivisional works are to be completed to the satisfaction of the local authority. The conditions further state, and I quote—‘Applicants should consult with the Townsville City Council

regarding the Council's requirements in respect to the provision of roads, drainage, water, sewerage and electricity.' A copy of the requirements of application was forwarded to the Townsville City Council on January 19, and the Council was requested to make available to applicants for the land and to the Department its requirements in the matter of road standards, drainage, water sewerage and electricity, but to date the Council has not replied to that request. Likewise when the Rose Bay area of Townsville is developed for subdivision it will be a condition of development that the standards of the local authority are met. This clearly does not support the allegation that this Department is most cavalier in its treatment of the Townsville City Council."

GOVERNMENT CONTRACTS FOR PUBLIC BUILDINGS

Mr. HOUSTON (Bulimba) asked the Minister for Public Works and Local Government—

"(1) What contracts are at present let for work on public buildings, grounds, fences, &c. including schools in the Brisbane area?"

"(2) Are any such new contracts contemplated being let in the near future? If so, what are they?"

Hon. L. H. S. ROBERTS (Whitsunday) replied—

"(1) The main contracts at present let for work on public buildings, grounds, fences, &c., in the Brisbane area are—Treasury Building, erection of annexe, K. D. Morris & Sons Pty. Ltd, £77,444; George Street Properties, supply and erection of steel framed annexe, K. J. Sullivan, £40,987; New Police Headquarters Building, supply and installation of air conditioning equipment, Frigrite (Qld.) Pty. Ltd., £36,427; New Police Headquarters Building, supply and installation of two passenger lifts, Spiers Lifts Pty. Ltd., £20,690; Government Printing Office, supply and installation of fire sprinkler system, Automatic Fire Sprinklers Pty. Ltd., £19,186; Kangaroo Point, erection of new store for Local Government Department, Thiess Bros. (Qld) Pty. Ltd., £13,432; District Courts, supply and installation of air conditioning equipment, Carrier Air Conditioning Pty. Ltd., £4,683; Newmarket Police Station, erection of new office Building, C. G. Tubman, £2,186; Executive Building, supply and installation of service lift, Spiers Lifts Pty. Ltd., £1,523. In addition thirty other contracts are at present let for an average price of £700 per contract. Twenty-three of these contracts are for fencing, six for painting and one for cleaning."

"(2) No new building contracts in the Brisbane area, other than those already called, are contemplated in the immediate future."

NUMBER OF WORKERS, DEPARTMENT OF PUBLIC WORKS

Mr. HOUSTON (Bulimba) asked the Minister for Public Works and Local Government—

"How many (a) tradesmen, (b) builders' labourers with under six months' service are still employed by the Public Works Department?"

Hon. L. H. S. ROBERTS (Whitsunday) replied—

"In order to inform the Honourable Member for Bulimba as to how many (a) tradesmen and (b) builders' labourers with under six months' service are still employed by the Department of Public Works, it would be necessary for the information to be extracted from the employment records of the Department's Head Office and at all of the District Offices throughout the State. It could naturally be expected that the phone calls to the various areas plus the extreme likelihood of considerable overtime having to be worked to collate the information, would involve the Department in what could be referred to as heavy unwarranted expenditure, and, in times of financial difficulty such as are being experienced throughout the country at the present time, it is felt that this expenditure could be used to better advantage in retaining work for some of the employees for a longer period. It may serve the Honourable Member's purpose to know that 289 more men were employed by the Department of Public Works on Friday, February 24, 1961, than were employed six months' earlier."

INSTALLATION OF WEIGHBRIDGES AT GAILES

Mr. DONALD (Ipswich East) asked the Minister for Transport—

"(1) When will the weighbridges being installed at Gailes come into operation?"

"(2) What will be the total cost of their installation?"

"(3) Are similar bridges being installed in other localities? If so, where are they located?"

Hon. G. W. W. CHALK (Lockyer) replied—

"(1) The date the weighbridges at Gailes will come into operation is still not fixed and is contingent upon the arrival of intricate machinery on the site from England. Delays in its departure have been experienced, despite the efforts of the Australian agents to secure early delivery. Only yesterday morning, following a special enquiry by myself, I received an airmail letter dated February 22, from the manufacturers at Dewsbury, England, in which they stated that the delay has occurred through circumstances beyond their control—due principally to industrial trouble in the works of the manufacturer

of intricate spindles and pinions. However, if the works programme as outlined in the letter has been adhered to, those parts which have to be procured from overseas should now be on ship. The buildings and other installations will be ready prior to the arrival of the machinery."

"(2) The total cost of installation of the weighbridges is estimated to be £62,500, but I anticipate that such cost will be recouped in less than the first twelve months operation."

"(3) Yes. A site has been selected on the Pacific Highway near Coomera. Work is well in hand. However, on this occasion tenders are being called for the erection of buildings. Orders have been placed for the weighing machinery. It is proposed to establish a similar bridge on the Bruce Highway, but until certain negotiations are completed the site cannot be finally announced."

USE OF RAILWAY COACH BY MINISTER FOR LABOUR AND INDUSTRY

Mr. INCH (Burke) asked the Minister for Transport—

"(1) Did his department make railway coach AAS 1238 available to a Minister of the State Cabinet and his family over the Christmas holiday period? If so, who was the Minister?"

"(2) Was this coach side-tracked at Cairns railway station, four cabins having been converted to a dining room for the use of the occupants, leaving six berths for sleeping accommodation?"

"(3) If so, on what grounds was the coach made available and for what period was it occupied?"

Hon. G. W. W. CHALK (Lockyer) replied—

"(1 to 3) Car No. 1236—not 1238—was made available under normal procedure to the Minister for Labour and Industry for travel from Brisbane to Cairns on December 16, 1960, and was vacated by him on the morning of the 20th. Not being otherwise required, the car remained at Cairns until the evening of January 12, 1961, when it was again made available to the same Minister and used for his return journey to Brisbane, where it arrived on January 15. It is not an AAS car but is one which has been utilized over many years by many Ministers both of the present Government and the previous Labour Government when travelling over long distances."

NOMINATION OF PRIMARY SCHOOL STUDENTS FOR SCHOLARSHIP EXAMINATION

Mr. MELLOY (Nudgee) asked the Minister for Education and Migration—

"(1) Will he inquire into the circumstances whereby children at State primary schools are not nominated for the State Scholarship Examination?"

"(2) Does he not consider it desirable that all children who wish to sit for the examination should be nominated by the school as there is a tendency for teachers in order to secure a high percentage of passes to disregard children with only a small chance of passing, whereas these children should be given extra assistance in their effort to sit for and pass the Scholarship Examination?"

"(3) Will he ensure that parents are advised when children are not to be nominated together with the reason for this action?"

Hon. J. C. A. PIZZEY (Isis) replied—

"(1) The Department is not aware that schools refuse to nominate for the State Scholarship Examination pupils who have completed the work of the Eighth Grade. The Honourable Member is invited to furnish the names of schools where it is alleged that this exclusion from nomination is practised."

"(2) The Department considers that all pupils who have completed the work of Grade VIII should be nominated for the State Scholarship Examination if they so desire."

"(3) See answers to questions 1 and 2."

BUILDING OF OIL REFINERY BY AMPOL AT PORT ALMA

Mr. THACKERAY (Rockhampton North) asked the Premier—

"Has his attention been drawn to statements in 'The Rockhampton Morning Bulletin' of February 24 by Mr. Leonard, General Manager of Ampol, that his company planned to take up its option to build an oil refinery at Port Alma?"

"(2) Have certain conditions between Ampol and the Government been reached?"

"(3) Is he now in a position to make a statement or will a statement be made before the option terminates at the end of this month?"

"(4) Will the option be extended?"

"(5) Is the statement of Mr. Leonard that the State Treasurer, Mr. Hiley, was 'talking through his hat' true or false?"

"(6) Are the statements made by Mr. Leonard about the Deputy Premier, Mr. Morris, true or false?"

"(7) As Mr. Leonard is reported as having said in 'The Rockhampton Morning Bulletin' on February 25 that there is no room for two refineries in Queensland, does that mean that Amoco will not proceed with the construction of an oil refinery at Bulwer Island?"

"(8) If there is any significance in the fact that Ampol negotiations were between himself and the company instead of between the Department of Labour and

Industry and the oil company as it appears to have been in the case of Amoco?"

"(9) Did the Deputy Premier refuse to offer any concessions to Ampol?"

Hon. G. F. R. NICKLIN (Landsborough) replied—

"(1) No."

"(2 to 4) I have received a letter dated February 24 last, from Mr. Leonard, general manager of Ampol Petroleum Limited stating that his company will exercise the option held by his company in respect of 400 acres of land at Port Alma on certain conditions. Negotiations are at present in progress and I am not in a position to make a statement."

"(5 to 7) I cannot accept any responsibility for statements made by Mr. Leonard."

"(8) No."

"(9) The Deputy Premier was particularly helpful to the Ampol Company and it was he who persuaded the company to investigate the possibilities of Port Alma. He also warned them on three occasions late in 1960 that time was running out in view of other approaches that had been made to him. Mr. Hack, of the Ampol Company, advised Mr. Morris that the Company would give him a decision as to whether or not they would build a refinery by mid-December, 1960. In addition, the company was advised in a broad way of all aspects of the matter to which the Government would be prepared to give favourable consideration, including preference and harbour dues."

SUPPLY OF STEEL FOR MACROSSAN BRIDGE

Mr. BROMLEY (Norman) asked the Premier—

"(1) Is he aware that the sub-contract for the supplying of steel for the Macrossan Bridge has been let by Thiess Bros. to a southern firm?"

"(2) What is the Government doing in relation to this?"

"(3) As the Government's stated policy on numerous occasions is that preference be given to local firms in order to keep Queensland contractors and their employees fully engaged in this State, will he take steps and endeavour to ensure that in future contract work a clause be inserted that the successful contractor must give preference to local firms in the supplying of materials?"

Hon. G. F. R. NICKLIN (Landsborough) replied—

"(1 to 3) I have been informed by the Minister for Transport that no official notification as required in terms of the contract for approval to sub-let work has as yet been received by the consultants from the successful tenderers. Messrs. Thiess Bros. (Qld.) Pty. Ltd. However,

the managing director of Thiess Bros. has stated that whilst the necessary steel will be cut into appropriate lengths by a southern firm with machinery specially suited for such purpose and which is not available in North Queensland, fabrication will be carried out at Townsville by the firm of Messrs. Morrison and Bearby, thereby providing additional employment for North Queensland, which is in keeping with the policy of this Government and the preference clauses to protect Queensland industry, which the Government insisted must be part of the conditions of tendering for all work associated with the Mount Isa rail project."

FINANCIAL ASSISTANCE TO PENSIONERS IN NEED OF HEARING AIDS

Mr. DAVIES (Maryborough) asked the Minister for Health and Home Affairs—

"(1) Will he give consideration to granting financial assistance to pensioners who have to purchase hearing aids?"

"(2) If he considers this problem one for the Commonwealth Government, will he appeal to that Government to grant financial assistance in such cases?"

Hon. H. W. NOBLE (Yeronga) replied—

"(1 and 2) Under the National Health Act, the Commonwealth Government has accepted the responsibility for the provision of medical services to pensioners. It has also established a Pensioners' Rehabilitation Service and an Acoustics Laboratory. The latter supplies hearing aids for children only and any extension of this service to pensioners is a matter for the Commonwealth Government. I feel sure that the Commonwealth Authorities have already received numerous requests to provide this additional service."

FOUNDATIONS FOR OIL REFINERY AT BULWER ISLAND

Mr. DAVIES (Maryborough) asked the Minister for Labour and Industry—

"(1) Who has been recognised as the arbiter to finally decide whether the foundations at Bulwer Island will be suitable for the erection of a refinery on that site?"

"(2) If either he and his advisers or the Amoco Company is to be the arbiter, does that not mean that the agreement signed by the company and the Government is practically of no value?"

"(3) Why is he and the Government anxious to have this agreement ratified before a decision is made in regard to the foundations?"

Hon. K. J. MORRIS (Mount Coot-tha) replied—

"(1 and 2) Bulwer Island is the site chosen by Amoco. Much drilling to discover suitability of foundation has already

been done, and so far indications of unsuitability do not exist. Cost of this work is heavy, and no company would undertake this liability without the knowledge that, if the site is proved suitable, they may proceed. The clause providing for alternative sites is merely a protection in case some quite unsuspected character of further areas to be examined is discovered."

"(3) If the suggested site proves unsuitable, others are available and, consequently, there is no reason for delaying the completion of the Agreement, which assures Queensland of an Oil Refinery."

IMPORTATION OF CANNED CHICKEN

Mr. DAVIES (Maryborough) asked the Minister for Agriculture and Forestry—

"(1) In view of the fact that the Southern market for chickens produced in the broiler industry in Maryborough and other districts in South Eastern Queensland has become saturated as a result of the importation of approximately one million pounds of canned chicken during the last three months, namely, 510,000 pounds in December, 1960, 360,000 pounds in January, 1961, and an increased amount in February, will he state whether on behalf of the industry the Premier or he protested to Mr. Holt, the Country-Liberal Treasurer, during his recent visit to this State?"

"(2) If not, will he arrange for such a protest in the immediate future as the industry's property is being seriously affected?"

Hon. O. O. MADSEN (Warwick) replied—

"(1 and 2) The effects of the lifting of import restrictions and the imposition of credit restrictions on various industries were discussed whilst I was in Canberra recently. The Government is watching the position closely and will co-operate with industry organisations in having their representations placed before the appropriate Commonwealth Authorities. I am informed that the Egg Boards and the Council of Agriculture have been giving consideration to the matter of importation of canned chicken, and consequently my future action will be largely conditioned by the outcome of the deliberations of these representatives of the industries concerned."

LIVING QUARTERS FOR TEACHERS, THURSDAY ISLAND

Mr. ADAIR (Cook) asked the Minister for Education and Migration—

"(1) Is he aware that teachers at State Schools on Thursday Island pay £9 10s. board weekly at hotels as no other suitable accommodation is available?"

"(2) Will he have this matter investigated with the view to the Government making available suitable living quarters for male and female teachers?"

Hon. J. C. A. PIZZEY (Isis) replied—

"(1 and 2) Yes. The Honourable Member is referred to my letter to him on April 26, 1960, in reply to his representations regarding the cost of teachers' accommodation at Thursday Island. After careful consideration the Public Service Commissioner advised me that he did not propose to recommend any variation in the rate of the existing concessional allowances—£199 and £167 per annum respectively—paid to male and female teachers stationed at Thursday Island. In addition to these allowances, the teachers are allowed free transport from Thursday Island to Cairns and return once a year on the occasion of their annual midsummer vacation."

STATE SCHOOL AT WHITEROCK

Mr. ADAIR (Cook) asked the Minister for Education and Migration—

"Is it the intention of the Government to build a School at Whiterock? If so, when will work be commenced on the building?"

Hon. J. C. A. PIZZEY (Isis) replied—

"It has been approved that a school be established at Whiterock. When the site selected for this school is secure, a recommendation for the erection of a building will be made to the Department of Public Works."

CITY OF BRISBANE MARKET ACT AMENDMENT BILL

INITIATION

Hon. O. O. MADSEN (Warwick—Minister for Agriculture and Forestry): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the City of Brisbane Market Act of 1960, in certain particulars."

Motion agreed to.

MILK SUPPLY ACT AMENDMENT BILL

INITIATION

Hon. O. O. MADSEN (Warwick—Minister for Agriculture and Forestry): I move—

"That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to amend the Milk Supply Act of 1952, in certain particulars."

Motion agreed to.

INDUSTRIAL CONCILIATION AND ARBITRATION BILL

INITIATION

Hon. K. J. MORRIS (Mount Coot-tha—
Minister for Labour and Industry): I move—

“That the House will, at its present sitting, resolve itself into a Committee of the Whole to consider of the desirableness of introducing a Bill to re-enact with amendments the Industrial Conciliation and Arbitration Acts, 1932 to 1959.”

Motion agreed to.

INITIATION IN COMMITTEE

(The Chairman of Committees, Mr. Taylor,
Clayfield, in the chair.)

Hon. K. J. MORRIS (Mt. Coot-tha—
Minister for Labour and Industry) (11.51
a.m.): I move—

“That it is desirable that a Bill be introduced to re-enact with amendments the Industrial Conciliation and Arbitration Acts, 1932 to 1959.”

I should like to say at the outset that this is a very big Bill. It comprises 140 pages and 140 clauses. As the time at my disposal is limited, I do not propose to reply to questions asked by way of interjection during my introductory speech. I will answer them when I reply.

Let me first point out that in the copies of the Bill for distribution to hon. members there are two errors in terminology on page 12. The word “industrial” is used instead of the word “trade.” The corrections have been made on the copy I shall give to you, Mr. Taylor, but I want hon. members to know it so that they can make the corrections on their own copies.

This is a complete measure, not an amending Bill. During the election campaign in 1960, the Government parties undertook to review the provisions of the Industrial Conciliation and Arbitration Act with a view to giving the industrial tribunal the flexibility and machinery to enable it to act promptly and speedily not only when an industrial dispute occurs but also whenever there is good reason to believe that an industrial dispute is likely to occur or that circumstances operating could give rise to such a position.

In making this announcement, the Government did not in any way intend to cast any reflection on the capabilities, efficiency, or honesty of purpose of the present members of the Court. Indeed, the Government acknowledge the great work that has been done by the present members of the Court, not only in the realm of arbitration but also in the field of conciliation.

However, it has become evident, during the last twelve months particularly, that certain provisions in the present Act, whilst they were perhaps adequate to meet the position for many years, are now inadequate or they restrict any desire the Court might have in certain cases of taking prompt, appropriate and effective action for the purpose of settling or dealing with industrial disputes.

Just as other thinking and procedures are now being found wanting in certain aspects in these days of a fast-changing world, the Government came to the conclusion that the time was overdue for the provisions of the present Industrial Conciliation and Arbitration Act to be carefully examined with a view to amending them to enable the industrial tribunal of this State to take prompt and appropriate action on the industrial matters coming within its jurisdiction, whether by way of arbitration or in the exercise of the mediatory and/or conciliatory powers with which it is clothed.

It is our firm belief that the Industrial Court is an instrument of great and equal value to employees and employers alike.

The Government also appreciate that, taken by and large, the present industrial machinery in Queensland is probably the equal of, if not superior to, any other similar conciliatory and arbitration machinery in existence. When one recognises that, it is very disturbing to recall that, during the last 12 months particularly, certain leaders of industrial unions have urged that the authority of this tribunal should be flouted and ignored and have directed employees, or urged them, to endeavour to achieve their demands by threats or otherwise to employers and employers' organisations direct, whether those demands are just or not and irrespective of whether the economic capacity of the country or the industry concerned is such that it can afford the granting of such concessions, whether they are increases in wages or otherwise.

It was indeed very refreshing to me to read the observation contained in the report by Mr. Edgar Williams, Branch Secretary of the Australian Workers' Union, to the 48th Annual Delegate meeting, as published in “The Worker” of 30 January, 1961, concerning the Industrial Court.

Mr. Williams said in his report—

“Full credit must be given to the Industrial Court for the forbearance they displayed in the hearing of claims; for the number of claims they set down for hearing in the year; and for the number of judgments that were given within the year.

“There are those knockers of the arbitration system—and when I say ‘knockers’ I use it in its full sense, that their heads may be aptly described as doorknockers and only used for making a noise, drawing attention and not serving any useful purpose.

"Those knockers who decry arbitration decry the whole system of arbitration and conciliation; and then when they advocate the implementation of collective bargaining, it indicates that they are very much behind the times, not up with the world scene, or they are deliberately trying to undermine the Arbitration Court, destroy the system, and bring anarchy to the industrial scene in Australia. In this respect they serve their real masters, the Communists; and I say this advisedly.

"It is true that we have missed on applications during the year; wholly in some cases, and partially in others; and on many occasions we have not received all we have asked for; and we have been disappointed that we have not received all that we asked for.

"Nevertheless we feel that overall the achievements have been good; and our success at arbitration must be a tribute to that system; and so we must pay that tribute, not only to the system, but to all those members of the Court who are responsible for the safe conduct of that system.

"Some of the 'nong nongs' at the Trades Hall are presaging dire industrial troubles in 1961, greater than in 1960, and greater than ever before. A careful analysis of those 'nong nongs' will show they are the ones that do not know how to prepare a case, and certainly do not know how to present a case without abuse and standover tactics.

"It remains to be seen whether the majority of the members of those unions are going to permit themselves to be subjected in many instances to undesirable tactics, and certainly unnecessary tactics; were the union leaders able to properly advance their conditions and wages under ordinary normal circumstances, such tactics would be unnecessary. Of course, there is always the exceptional circumstances, but not in the general run of things; and in the general run of things, resort to extreme action is usually the hallmark of the inefficient union official."

Mr. Williams goes on to say—

"Before finishing my remarks on the Industrial Court, it is informative to display where hearings have taken place before the Full Bench and before respective members of the Court.

"Cases have been heard in Brisbane; and the location was changed from the old Court in the Taxation Building at the corner of Elizabeth and George Streets; and the Court is now located in the State Government Building (on the fourth floor) adjoining Anzac Square.

The sittings have been conducted in Cairns, Townsville and Mackay, and then this 1960 year, for the first time in about eight years, in Rockhampton.

"In many instances Court members have gone on inspections.

"So in 1960 the Court has displayed that it will not only go outside Brisbane, but will also go onto the jobs, to inform itself as to the industries on which it decides, and as to the reliability of information that is placed before it from time to time by the many advocates that appear before it."

There is a clear statement by the leader of Queensland's largest union, a man who, I should hope, is respected by hon. members who sit in Opposition in this Chamber. Mr. Williams also paid a tribute to one Industrial Court member who continued working after the end of the court year in order to finalise a number of claims that, under ordinary circumstances, would have been left dragging into the next year, and which resulted in increases to many thousands of workers prior to Christmas.

Such comments from the branch secretary of such a great union as the Australian Workers' Union, as I said, are indeed very refreshing. I am sure that they reflect the views of the very great majority of unionists who are honest and decent people, and fully appreciate the value to the State and to themselves of an efficient, capable and independent industrial arbitration and conciliation machine.

We, on this side of the Chamber, firmly believe that any person who has given the matter any consideration at all must admit that the only alternative to industrial arbitration and conciliation is direct action, which is a form of revolution or the application of the law of the jungle. This was recognised way back in the early '90's. I think that with the irresponsible statements made during the last 12 months by certain union leaders, and the attempt to ignore and flout the authority of the industrial conciliation and arbitration machinery in Queensland, it is most appropriate to recall how the present industrial conciliation and arbitration machinery came into being. It was the result of the Government and the people of that day becoming so fed up and alarmed at the series of serious strikes and lockouts occurring in the Colony, as it was then known—and, indeed, throughout Australia—in the 20 years before federation in 1901. This focused the attention of some of the greatest figures of that time, not only in the realm of employers but also employees, and in the political field, upon endeavouring to devise some means to regulate in some degree by law the relations between employers and employees, and thus obviate or at least reduce the number of industrial disputes culminating in strikes or lockouts.

The community generally, then as now, was vitally interested in industrial disputes, and was affected by them to a greater and lesser degree. Consequently Governments could not stand idly by and not attempt to evolve some method that might assist in relieving the position. A section, and a section only, of union leaders, by some of their actions are now endeavouring to substitute the threat of

violence and industrial anarchy for the great industrial arbitration and conciliation machinery that has proved so effective, generally speaking, at least since 1916, and in respect of which no better system or method of solving or dealing with industrial matters concerning both the employers and employees has been evolved. Since those days legislation concerning industrial conciliation and arbitration has been enacted from time to time throughout the years, with a view to improving its effectiveness and streamlining the operation of the machinery thereunder. As already stated, the Bill aims at further improvements.

Upon return to power in 1960, the present Government gave immediate consideration to ways and means by which the Industrial Conciliation and Arbitration Acts might be amended to adapt them to present conditions, and to provide that flexibility of operation of the industrial tribunal that it might not be hamstrung in any way by outmoded or unrealistic legislative provisions in its desires and duties in the regulation of the conditions of industries by means of conciliation and arbitration. The Government decided, therefore to appoint a committee to go into this matter.

Honourable Members interjected.

Mr. MORRIS: I repeat that I will not answer any questions or pay any regard to interjections because I have not the time.

Honourable Members interjected.

The CHAIRMAN: Order! I would point out that the Minister has unlimited time in which to make his speech on the introduction of the Bill and in reply. Other hon. members have 25 minutes each to speak. I would ask hon. members on my left, and some hon. members on my right, to respect the request of the Minister not to ask questions. As they are provided with pads and pencils I suggest that they make a note of their queries so that when they make their speeches they can ask their questions.

Mr. AIKENS: I rise to a point of order. While I admit it is quite within the prerogative of the Minister, speaking at any time in the Chamber, to refrain from stopping and replying to interjections, it is also within the rights of hon. members under the Standing Orders to make such interjections as are relevant, pertinent and respectful. I concede to the Minister the right to make his speech and ramble on and on as Peter Connolly has written it for him—

The CHAIRMAN: Order! The hon. member rose to a point of order. I suggest to him that he get a copy of the Standing Orders and read Standing Order No. 114 which does not allow hon. members to interject. It is the practice of hon. members to ask questions, but the Minister, or any other hon. member who is speaking is not required to take any notice of them. The Minister has already said that he has no intention of

taking any notice of them and it would therefore be improper of hon. members to interject.

Mr. Aikens: I will do that next time I stand up to speak.

Mr. MORRIS: It is always my desire to give as full a description of a Bill as possible and that I propose to do now. Interruptions will prevent me from doing it. The Government decided then, as a result of what I said a moment ago, to appoint a committee to go into this matter. The committee consisted of Mr. P. D. Connolly, barrister at law, Mr. R. H. Tait, of the Public Service Commissioner's Department, and Mr. P. J. Davies, the Registrar of the Industrial Court. I might add here that both Mr. Tait and Mr. Davies are members of an industrial union and, in addition, have had much experience in industrial affairs.

The terms of reference of the committee were as follows:—

(a) To examine and report to the Minister for Labour and Industry on the machinery aspects of such proposals for amendment of the Industrial Conciliation and Arbitration Acts as the Minister may refer to them.

(b) To report to the Minister any defects that, in practice, have become manifest in the machinery of the Acts, and to suggest amendments to remedy any such defects.

(c) To draft amendments to the Acts as directed—

(i) By the Minister in regard to machinery amendments;

(ii) By Cabinet, through the Minister, in accordance with the policies on these various matters as laid down by Cabinet in consideration of them.

Upon the decision of the Government to appoint this committee, I immediately personally invited, by letter, the principal employer and employee organisations to submit any suggestions they might care to make and that they considered would assist in the more efficient functioning of the industrial arbitration and conciliation machinery of this State, and also any amendments that they considered should be made to the provisions of the present Act.

The parties invited to make such suggestions included the Trades and Labour Council, with which is affiliated some 36 unions, and some 23 unions which are not affiliated with the Trades and Labour Council, the largest of which was the Australian Workers' Union, and including the Federated Clerks' Union and the Transport Workers' Union. The invitations to the employers' organisations included the Queensland Employers' Federation, with some 27 affiliated organisations, the Queensland Chamber of Manufactures, and some 23 other employers' organisations that are not affiliated with the Queensland Employers' Federation.

Suggestions were received from the great majority of those approached, including the Australian Workers' Union, the Trades and Labour Council, the Transport Workers' Union, the Federated Clerks' Union, the Queensland Employers' Federation and the Queensland Chamber of Manufactures. In addition, submissions were received from the Queensland Labour Party, four private individuals, three other organisations, and some submissions from certain Government departments.

I have here a list of the people and organisations who were invited to submit suggestions. I lay it on the table of the House so that hon. members may peruse it and decide whether anyone who, they think, should have been included was excluded.

(Whereupon the hon. gentleman laid the list on the table.)

All suggestions were referred to the Committee for examination and comment, and the Committee, after due consideration, submitted its reports. I want to make it very clear that many matters involved policy decisions, and those, in accordance with the terms of reference, were submitted to Cabinet for determination. Cabinet fully and carefully considered these matters and instructed the Committee in each case. The provisions now contained in this Bill are the result of that consideration.

I now come to the Bill itself. It is considered that the time has arrived when it is necessary to divorce the judicial functions under the industrial conciliation and arbitration legislation of this State from the arbitral functions.

It is considered that such a reorganisation will serve to streamline the State conciliation, mediation and arbitration machinery and minimise technicalities in the arbitral work whilst maintaining a minimum of legal guidance to the system, and at the same time the steps proposed will keep the cost of the system to the State at the minimum.

It is therefore proposed that there shall be an Industrial Court and an Industrial Conciliation and Arbitration Commission with the present system of industrial magistrates being retained.

The Court shall consist of the President sitting alone, and he shall be a judge of the Supreme Court as at present. The present three lay members of the Court shall become commissioners and provision will be made for the appointment of a maximum of five commissioners should that number be required.

The appointment of the present President of the Industrial Court is being preserved and continued and it is provided that the present lay members as commissioners will continue to receive their present salary.

The Full Court, whenever required, will be comprised of the President and two Commissioners.

It is considered that there should be some control over the organisation and allocation

of the work of the Commission and it is proposed that the President shall organise this work. Furthermore, he may assign a commissioner or commissioners to a specific dispute or situation should he so desire.

As mentioned, the jurisdiction of the Court shall be judicial in character and its jurisdiction and functions are contained in the measure. Briefly, it is provided that the Court shall hear appeals from the Commission on points of law or in excess of the Commission's jurisdiction, cases stated by the Commission or a commissioner upon any question of law, appeals from industrial magistrates regarding offences or for damages or recovery of moneys, proceedings for offences carrying penalties exceeding £100, and for the cancellation or suspension of the registration of an industrial union. It shall also hear and determine proceedings for offences hindering the work of commissioners and appeals from and reference by the Registrar on matters of law and procedure. It shall also deal with matters concerning contempt of court and shall exercise all of the powers and jurisdiction of the Supreme Court regarding the extent of the jurisdiction of the Commission and industrial magistrates.

It is the considered view of the Government, as mentioned earlier, that the Industrial Court should be an independent and impartial tribunal, and provision is consequently made for it to be specifically provided that the jurisdiction of the Court shall be wholly exclusive of the jurisdiction of the Supreme Court, with the exception that there will be a right of appeal from the Industrial Court in regard to any penalties inflicted by it. It is considered that there should always be a right of appeal to at least one other tribunal regarding penalties inflicted by any tribunal.

A Full Bench of the Industrial Conciliation and Arbitration Commission may comprise not less than three commissioners and a majority decision of the Full Bench shall prevail.

The jurisdiction of the Commission shall generally be to hear and determine all questions arising under these Acts whether of law or fact and regarding questions raised concerning industrial matters and any industrial dispute.

Under the present Act decisions in appeals from the Industrial Court have stated that the Court at present has no power of delegation to the Chief Inspector of Factories and Shops. The present Industrial Court has on occasions, in the belief that it had this power, made such delegations. It is proposed to specifically provide that the Commission shall have powers of delegation to either an industrial magistrate, or the Chief Industrial Inspector. The appointment of a Chief Industrial Inspector is provided for in this Bill and also that he shall be the officer who is the Chief Inspector of Factories and Shops.

The present provisions regarding the making of awards are included as powers of the Commission. However, it is considered that present-day conditions call for a reorientation of thinking concerning the present provision, that in fixing the rates of wages in any calling the Commission shall be entitled to consider the prosperity of the calling and the value of an employee's labour to his employer in addition to the standard of living.

The definition of "calling" includes any section of any calling. We have the Court in its wisdom at the present time awarding bonus payments to certain sections of an industry and, following the awarding of such payments, the unions concerned, I suppose quite naturally, endeavour to use such decisions as a means of similarly increasing the wages of these classifications of employees in other sections or callings in a similar manner to that in which the wages payable to the same classification of employee have been increased under the particular award of that particular section of that industry.

I want to make it very clear that the Government are not opposed to the payment of bonuses to employees. However, it is considered to be undesirable that such a provision in its present form should be inserted in legislation. There is no doubt that it has a most disturbing and hesitating effect upon prospective industries who desire to come to this State.

The bonus provisions in our Act are unique, but Western Australia has a pale shadow of it.

As I stated before, the Government believes in the payment of bonuses, but they are definitely of the opinion that the payment of such bonuses should not be the subject of a determination by the Commission. It is indeed a matter for negotiation between employers and employees. It is therefore proposed to amend the present provision to say that the payment of any bonuses shall be a matter of negotiation between employers and employees. However, this will not interfere with the continuation of payment of bonuses already provided for in an award or industrial agreement unless and until it is abrogated by the Commission.

A definition of "bonus payment" has been inserted and it is defined as a payment by way of the division of the profits of an industry or undertaking, being a payment in excess of a just wage, including all proper allowances, such as are ordinarily and usually prescribed by an award or industrial agreement.

Many employers will not give bonus payments under the present Act because they feel that if they do, then very quickly there will be an appeal to the Court for its wide extension.

With the provision removed, the fear is removed also. Consequently, with the compulsion removed, I expect that there will be considerable extension of the principle of voluntary profit sharing, and this, I want to say, will be very strongly encouraged.

The Government acknowledges the justice of the Commission in taking into consideration the prosperity of the economy, and the value of the labour of any classification of employee in the fixation of wages. And a provision to this effect is also included.

Now I come to the question of the fixation of trading hours in shops. The Government have decided that the question of the fixation of trading hours in shops either generally or in respect of a specific locality or area, whether employees are employed therein or not, is to be solely a matter for determination by the Industrial Commission, and provision is made accordingly.

Mr. Aikens: But not for the banks.

Mr. MORRIS: It is to be solely a matter for determination by the Industrial Commission.

The present provisions concerning the making of declarations in regard to the cost of living, the standard of living, the basic wage for males and females, and standard hours, have been generally retained.

However, there are two variations to the present provisions. Provision is now made that awards or industrial agreements shall be varied by the Registrar subject to appeal to the Commission upon a general ruling being declared. The new provision will prevent a repetition of the recent position when the Court varied the rate payable for meal allowance. I have no doubt hon. members will remember that. However, as no general power was given for the Registrar to vary all awards, a general ruling could not be made on this matter and it necessitated individual applications being made in respect of each award or industrial agreement affected. That gave a great deal of unnecessary work to the court. It involved hundreds of separate applications. The new provision will obviate this most undesirable and unnecessary work and will, I believe, save the unions a great deal of time and money. It will lead to quick action too.

It is provided also that, with regard to the making of general rulings, such general rulings shall not be made until such time as all parties concerned have been given an opportunity to state their views concerning the matter to the Commission. It is considered to be only fair and reasonable that all parties concerned should be given an opportunity of stating their case before the Commission before general rulings are made.

The directions to be observed by the Court concerning provisions in awards about the maximum number of working days and about

hours in any week have been varied to provide that the Commission may in its discretion determine the maximum number of working days and hours in any week for the following additional classes:—

Railway Station Mistresses, Gatekeepers in the employ of the Department of Main Roads or local authority.

It is considered that these two classes fall into the categories of the others mentioned in the present provision.

The present reference to "musterers and drovers of stock, employees on farms engaged in feeding or attending to stock" has been deleted and in lieu thereof there is a new reference to "employees in rural industries."

It is considered that the Court, which, for very many years and until very recently, exercised a discretionary power regarding employees in rural industries and departed from its custom in this regard because it recently held that legally it had no discretionary powers, should not be debarred from having such discretionary powers due to the strict legal interpretation of a legislative provision that is obviously not compatible with present-day conditions. Therefore, action is being taken to give to the Commission by legislation those discretionary powers concerning rural industries which for years it had assumed it had and in fact had acted as if it did have.

The Court recently decided that an employee on leave without pay continues to be in employment so as to qualify for annual leave. The case in question, which I have in mind, was one where the employee was absent on leave without pay for 12 months and the Court ruled he was eligible for annual leave even thereafter.

The situation usually arises in the Public Service. It is considered that an extended period of leave without pay should not attract annual leave. On the other hand, should an employee who is about to resume work after illness need a short period of leave without pay to fit him for work, his continuity of employment, which is very important, should not be broken. It is therefore proposed that absences on leave without pay in excess of three months shall not be taken into account in calculating the year of employment.

There are also certain other new provisions concerning annual leave, and these are that, upon mutual agreement, annual leave may be taken wholly or partially in advance before the worker is entitled thereto. However, where this is done, the right to a further holiday shall not commence to accrue until after the expiration of the year of employment in respect of which the annual holiday or part has been taken. It has been decided by the Industrial Court that, if parties agree that the annual holiday be taken before it is strictly due, the employee may demand another when it is legally due to him. Furthermore, an employee must be given at least 14 days' notice of the date

from which his annual holidays shall be taken. This is similar to a provision contained in the New South Wales legislation.

With regard to sick leave, the present provisions are retained with the variation that, in order to receive full payment of sick-leave absences, it is necessary for the employee to notify his employer promptly of his illness and of the approximate period that he will be absent. That is only reasonable.

I come now to an enlarging of the conditions concerning long-service-leave entitlements.

The Government recognise the right of good and faithful employees to receive long service leave as a reward for such service and also as a means of enabling such workers to become refreshed in order that they may continue to give such service. It is proposed, therefore, to extend the present long-service-leave provisions in the following manner.

Service with one and the same employer has been enlarged to include service with an employer who becomes a member of a partnership, together with service with such partnership, and service with a partnership together with service with one or more of the former partners upon the dissolution of such partnership. If the partnership shall be reconstituted, then service with the partnership as reconstituted.

This variation has been made following upon Court decisions that, on dissolution of a partnership, even though one or more of the partners may continue to employ the worker, he is not serving with one and the same employer. The same argument has been applied on the death of a partner in respect of the employee's continued service with the surviving partner. It would apply equally if an employer took in a partner or a partnership were reconstituted. I believe that is a very humane extension of this provision.

Provision is then made whereby the continuity of service with an employer shall not be deemed to be broken if the employee is dismissed or stood down or has terminated his service on the date on which a calling was transmitted, or during one month immediately preceding such date, provided that employee is re-employed by the person to whom the calling is transmitted within three months from such dismissal.

This amendment follows the Court decision on long-service-leave eligibility in what has become known as the Sorenson case, which was discussed in this Chamber. Immediately that Court decision was given, my departmental officers drew my attention to the desirability of this amendment and it will also be recalled that this case was mentioned subsequently by the Leader of the Opposition in this Chamber.

The question as to whether service with the same employer partly in Queensland and

outside Queensland is included in the continuity of service has been the subject of opinions from many counsel. It is proposed to make the position quite clear that such service is included in the continuity of service for long-service-leave purposes.

It is also provided that the jurisdiction of the Commission to determine long-service-leave matters under these provisions shall extend to the declaration of general rulings concerning such matters. It will be appreciated that this will facilitate the work of the industrial tribunal and also should be, and will be, of benefit to industrial unions.

The Government have been aware that Queerah Meat Works at Cairns and certain departments in other meatworks are now covered by the provisions of Federal awards and that, in consequence thereof, the seasonal workers concerned now have no long-service-leave entitlements under the provisions of the present Queensland Act. This is by reason of the fact that the present provisions cannot be complied with, that is, that the State Court is unable to insert provisions for long service leave in an award if the workers concerned are under a Federal award. Since coming under a Federal award, those workers who have not accumulated long-service leave rights under the State award prior to coming under the Federal award, as the position stands at the moment, have lost that service.

The Government feel that those seasonal workers in meatworks who were previously under a State award but who are now covered by Federal awards should not be penalised by this change-over, over which they had no control. Provision is therefore made covering the long-service-leave rights of seasonal workers in meatworks whose employment is seasonal, but not governed by awards or agreements. The operation of this provision is being made retrospective so that those seasonal employees in meatworks who did not accumulate any long-service-leave entitlements whilst under State awards, will not have their continuity of service broken by the change-over from State to Federal awards.

It is also proposed that certain proceedings must be commenced before, and determined by, industrial magistrates, and not otherwise. This will facilitate the work of the industrial tribunals. This, in effect, is more or less as presently provided by the Rules of Court. It is proposed that matters such as offences carrying a maximum penalty up to £100, claims for wages and moneys due under awards etc., claims for damages for breaches of agreements under awards, proceedings for the recovery of moneys due by a member to a union under its rules, should come under the jurisdiction of industrial magistrates. At the present time the Court may by general rule or special order remit proceedings to industrial magistrates, and the Court has by general Rule of Court done so. However, this provision, it is considered, will

simplify the position by specifically stating just what is the jurisdiction of industrial magistrates under the Act.

Decisions of industrial magistrates, of course, shall be subject to appeal, that is, to the Court in respect of the matters I have referred to—which are judicial in character—and to the Full Bench of the Commission in regard to any other matters which will in effect be arbitral matters.

At present a member of the Court may, if he thinks fit, and shall, on the application of any party, state a case in writing for the opinion of the Full Bench of the Court. This has been varied to provide that the Commissioner only in his discretion may refer a case to the Full Bench of the Commission. It is considered that the question as to whether or not the matter should be referred to the Full Bench of the Commission is a matter for decision by the Commissioner before whom both parties will be at liberty to present arguments why such a case should be stated. The proposed amendment will prevent any delaying tactics by any party in regard to any matter before the Commission and will facilitate and speed up determinations in respect of such matters.

As I intimated earlier, the present Government, in the light of incidents in the industrial sphere during the last 12 months, have come to the conclusion that steps should be taken to make the conciliation machinery more flexible and effective. This is not in any way reflecting on the manner in which the present members of the Court have performed their functions. It refers to the machinery that has not been available up to the present but which will now become available to them.

The provisions for setting machinery in motion to prevent the occurrence or settlement of industrial disputes are therefore varied.

At present parties are required to notify the Registrar, if the dispute or this disagreement is in Brisbane, or an industrial magistrate if outside Brisbane. The machinery of the present Industrial Court can only commence upon the filing of the notice, when it is required forthwith to take action either by itself or through an industrial magistrate or other means to resolve the matter. These provisions do not limit any award provision regarding the powers or duties of an industrial magistrate.

The new provisions reorientate the thinking on the machinery provisions desirable in such circumstances.

It is considered that the conciliation and arbitration industrial machinery should be such as will enable it to operate promptly when it is considered desirable and expedient to do so. It should not have to wait, as at present, for official notification of an industrial dispute or disagreement.

Provision is therefore made that if it appears to a Commissioner that a dispute or situation has occurred he shall, whether he has been notified or not, immediately ascertain the relevant parties and the subject matter of the trouble, and take such steps as he thinks fit for the prompt prevention or settlement of the dispute or situation by conciliation or, if conciliation in his opinion is unlikely to succeed, or has failed, then by arbitration. This is based on a similar provision in the Commonwealth Act. However, at the same time, it is considered that there should still be a responsibility on the parties concerned to notify the Registrar or a Commissioner of an industrial dispute, as is presently provided.

Another important provision that is also based on a similar provision in the Commonwealth Act is, if the Minister is aware of the existence of any dispute or of any situation which might give rise to a dispute, he may notify a Commissioner or the Registrar accordingly, and such Commissioner or Registrar will then take action to have the matter dealt with expeditiously. If a Commissioner is of the opinion that conciliation is unlikely to succeed or has failed, he may in his complete discretion make all such orders and give all such directions of an interlocutory character as he considers necessary or expedient with a view to the settlement by arbitration of the matter of the dispute or situation, and may fix a date for the hearing thereof.

Provision is also now made to enable industrial magistrates to act more speedily in cases of disputes should they consider such action is desirable. When an industrial magistrate receives notice of a dispute, in addition to forthwith notifying the Registrar he may, if he thinks fit, convene a compulsory conference. If the matter has been remitted to him by the Commission or if the parties agree, he may forthwith hear and determine it. A magistrate may and shall, if directed so to do, refer the matter to the Commissioner.

It will be seen therefore that the Government are endeavouring to make legislative machinery available to enable prompt and swift action to be taken to prevent or settle disputes by enabling the Commission and industrial magistrates to act speedily without the formality of receiving prior official notification, and at the same time it will enable the Minister, in the light of the information in his possession, to cause appropriate steps to be taken.

It is considered that, with a view to simplification of legislative requirement, which must be to the benefit of unions and avoiding duplication of work in the department and in the Industrial Court, the time is overdue for the inclusion in one Act, of legislation relating specifically to the creation and functioning of industrial and trade unions. Therefore, action is being taken to include

in the Bill the provisions presently contained in the Trade Union Act and to repeal that Act. There have, however, been one or two amendments to the provisions of the present Trade Union Act. I shall refer briefly to them as I come to them.

The present provisions regarding the keeping by an employer of a register of employees are retained, except that it is proposed that the employer shall keep, in respect of each place at which business is carried on, a separate register of employees. At present the employer is required to keep such registers at and in respect of each such place. It is considered it is sufficient if an employer keeps a register in respect of each place.

The present provision of the Trade Union Act concerning the accounting by union officers of funds are varied considerably. It is the opinion of the Government that provisions should be inserted which will ensure that the ordinary rank-and-file unionist receives an account of the financial position of his union, to which information there is no doubt, such members are justly entitled.

Mr. Newton: They receive it now.

Mr. MORRIS: They do not.

The CHAIRMAN: Order!

Mr. MORRIS: I am sorry I broke my rule.

The present Trade Union Act provides that every secretary or other officers of a union shall at such times as are prescribed by its rules and at such other times as may be required by a resolution of its members, render to such members at a meeting of the union a just and true account of moneys received and paid since the last account, and of the balance in hand and of all bonds or securities of the union.

It is proposed to amend this section to provide that officers of the union shall render to each member of the union, annually, a just and true account of its financial position at the close of each financial year. Each member shall be entitled to an account free of charge.

The present provision concerning the auditing of union accounts has also been varied. The present requirements are that the trustees of the union shall cause such accounts to be audited by auditors as the union may in accordance with its rules appoint, or, if no appointment is made, or the Registrar is dissatisfied with the audit or the statement, he may appoint the auditor at cost to the union.

The present Commonwealth law on this matter briefly provides that unions with an income of £1,000 or more must have their accounts audited by a registered public accountant, and in respect of those with an income of less than £1,000, the Commonwealth law provides that any person who

has had experience in the keeping or auditing of accounts may be the auditor, provided he is not a member of the organisation or branch. Furthermore, the Commonwealth Registrar may issue a certificate stating that the person has had the experience and that shall be proof thereof.

The Government is of the opinion that in the interests of the rank-and-file member of the union the present provisions are wholly inadequate and the Commonwealth provisions do not completely and adequately cover the position.

It is therefore proposed that union officers shall have accounts audited by a registered public accountant in respect of those trade unions having an income in excess of £1,000 per annum. For those trade unions with annual incomes up to £1,000, the auditor is to be a person in possession of a Certificate of Accountancy issued by the University or a recognised accountancy institute or who has passed the examination prescribed by the Public Accountants' Registration Board or the final examination of any accountancy institute recognised by the Board or the University.

In making this distinction between unions with incomes over and up to £1,000, it is appreciated that unions with an income up to £1,000 per annum are not in such a favourable position financially as those with incomes in excess of £1,000 to meet the payment of fees required by a registered public accountant.

At present trade unions under the Trade Union Act are required to lodge with the Registrar before 1 February in each year a true copy of the financial accounts, together with a copy of all alterations to rules and new rules and a return of officers of the union as required by the Registrar.

It is appreciated that it is only on rare occasions that unions are able to furnish returns for the year ended 31 December before 1 February next succeeding and it then becomes necessary for the union concerned to make application for an extension of time. Again, it is known that approximately half of the unions registered under the Trade Union Act have financial years ending other than on 31 December.

Provision is made therefore that such returns shall be lodged within two months of the close of the financial year of the union. This will assist unions in the preparation and submission of the desired information within the prescribed time.

At present lists of members and officers and the rules of an industrial union may be inspected by any person authorised by an industrial union in that behalf. It is considered that such should be open for inspection by any person who desires to do so. After all, the Industrial Court Registry is a public office. It is therefore proposed to provide that the lists of members and officers

and the rules of an industrial union shall be open to inspection by any person on payment of the prescribed fee.

Mr. Aikens: Is there a similar provision for employers' organisations?

Mr. MORRIS: Unions do not refer only to employees; they refer to employers also, and the hon. member should have enough knowledge to realise that.

It is also proposed that the Full Court, on the application of an Industrial union, person interested, or registrar, may order the registration of a union to be suspended either wholly or as to one or more callings, upon such conditions as the Court specifies, and for such period, or cancelled wholly, or as to one or more callings or establishments.

At present, I should explain, there is no mention of "one or more callings or establishments." The suspension or cancellation refers to the whole union. It is considered that the present power could work with distinct injustice to a union such as, for example, the Australian Workers' Union which is registered for a large variety of callings. The court has no power at present to deregister in respect of a specific calling or callings, nor has it power to suspend registration subject to conditions being fulfilled by the union.

Provision is also made empowering the court to compel an industrial union to comply with its own rules. Both the Commonwealth and New South Wales have provisions empowering the court to enforce compliance with union rules and it is considered that a similar provision should be included in the Bill based on the Commonwealth provision. That has been done.

It is also proposed to adapt the Commonwealth provision concerning the granting of financial assistance to members who find it necessary to go to this length to assert their rights against the financial power of their union. The granting of such financial assistance will be at the discretion of the Minister who, of course, will have to be convinced that there are reasonable grounds for taking the proceedings and that the proceedings are proposed to be taken in good faith.

Provision is also made to protect the fundamental right of any workman to join an appropriate union if he desires to do so. However, a union will not be compelled to accept as a member, a person who has not the required trade qualification or is of general bad character.

Mr. Aikens: Who is going to judge that?

Mr. MORRIS: The reason for this provision is that if a workman is unable to join an appropriate union he may lose his livelihood. It is observed that New South Wales has had a provision entitling a person of good character to join an appropriate union since 1918.

In addition, it is proposed that a bona-fide tradesman may appeal to a court should the

union reject his application for membership. This also is only a fair and reasonable provision.

Any question or dispute as to the character of any applicant or the reasonableness of any admission fee and so forth, or other requirements of the union rules, shall be determined by the court which shall have the power to direct that the rules be altered or annulled in any particular manner to bring them into conformity with what it declares to be reasonable in the circumstances.

The Bill also provides for the right of a person to resign from the membership of a union.

The payment of union dues is enforceable by proceedings under the present Act and it is considered a fundamental right that any member may resign, if he thinks fit, on proper terms. The provisions of the relevant Commonwealth section have again been adapted in this case.

At present the Registrar is required on receipt of rules or amendments to scrutinise the rules of unions and he may, amongst other things, require evidence, oral or otherwise, that the rules do not impose unreasonable conditions upon membership and are not tyrannical or oppressive. It is proposed to provide that the court may, upon its own motion, or by application, disallow any rule that is contrary to law or an order or award, is tyrannical and oppressive, prevents or hinders members from observing the provisions of the law or an order or award, or imposes unreasonable conditions upon members or applicants for membership. This is similar to the relevant Commonwealth provision and the view has been expressed that it has proved most beneficial in Commonwealth fields. I believe that in the State field it will be beneficial to the rank and file of our unions.

I come now to the provisions dealing with disputed elections in industrial unions. At present a request may be made by a number, being not less than 10 per cent. of the members of an industrial union or of the branch as the case may be, for the Registrar to conduct the union election. It is proposed to vary this to provide that not less than 10 per cent. of the members of a union, or 500 such members, whichever is the lesser, may request the Registrar to conduct an election for an office in a union, or, in the case of an election for an office in a branch of a union, not less than 20 per cent. of members of that branch, or 250 members, whichever is the lesser, may make such request.

At present, whenever it is necessary for the Public Service Commissioner to appear before the Industrial Court on behalf of the Government, he must obtain authorisation in writing from the permanent heads on every occasion on which he desires to appear. As the Public Service Commissioner is the Government's industrial representative on industrial matters, it is proposed to simplify the

present provisions and to provide that, unless the Minister appoints an officer, the Public Service Commissioner, or such other officer as he may depute, may, without further authority, represent the employer in proceedings before the Court or Commission. This will save a great deal of time and facilitate the course of justice.

For many years it has been customary for it to be stated that officers of the Public Service in receipt of a salary in excess of a certain amount are not entitled to be paid for overtime. The Court has held that, once it inserts overtime provisions in an award, those provisions must apply to all employees subject to the award. The senior officers of the Public Service, even including Under Secretaries, are covered by the Public Service Award and are therefore entitled to the payment for overtime on the same basis as any other Crown employee. There is a well-established practice, as I mentioned, which has been in operation in Queensland for many years, whereby such overtime is only paid if authorised, within certain salary limits, by the permanent head and, above those limits, by the appropriate Minister.

It is therefore proposed that, in regard to the working of overtime and the payment for it, a person employed by the Government at a salary in excess of £1,800 per annum, or such greater sum as the Governor in Council shall from time to time determine, and the remuneration in respect of such overtime shall be at the discretion of the employer.

I want to repeat what I said a moment ago. This provision has operated in the Public Service for years. How many, I do not know. We are merely regulating something that has been practised for so long.

The present provision that any question as to whether any strike or lockout is authorised shall be heard and determined by the Court, has been deleted. There could never be any serious dispute of fact on this question because, under the Act, no strike or lockout is authorised unless a secret ballot has been taken in the calling and the result thereof communicated to the Registrar. Any tribunal will, of course, be at liberty to discover for itself whether a strike or lockout was authorised or not, on production of a certificate from the Registrar that no communication has been made to him of the result of any ballot.

Provisions presently exist prohibiting strikes or lockouts and the non-authorisation of a strike or lockout until the results of a secret ballot have been communicated to the Registrar. These are retained, with an additional provision to the effect that if members of an industrial union, or a substantial number of them, fail to comply with any order, the union, or every officer thereof, shall be liable to be dealt with as for a contravention of such order unless it shall be proved that in regard to such order it took all reasonable steps to ensure that the members complied with it.

This has been inserted with a view to restraining hot-headed and irresponsible union officials from taking unwarranted precipitous action in defiance of the provisions of this Act or of any order or direction of the Commission.

Provision is made for a maximum penalty not exceeding £250 in the case of an employer or a union, and in any other case not exceeding £20.

The present provisions that unions shall not be liable for disobedience of orders by any agent when he acts contrary to instructions bona fide given, or without the knowledge of the governing body of the union, has been varied. It is proposed that it has to be proved that such agent acted contrary to instructions bona fide given or without the knowledge of the governing body of the union. The Act at present seems to place the burden of proof on the prosecutor. It is considered this is one of the cases in which the facts are peculiarly in the knowledge of the defendant, and that in such circumstances it is impossible to exclude beyond reasonable doubt the contingency that the agent may have acted contrary to instructions.

Present provisions state that an employer shall not refuse to employ any person or dismiss him or injure him in his employment or alter his position to his prejudice because he is a union official or union member or has claimed some benefit under an award.

It is proposed to further protect such an employee by including the provisions of the Commonwealth Act concerning this matter. In addition to the matters presently provided under the present Act, it is now also provided that an employer shall not victimise an employee because he has appeared as a witness or given evidence concerning matters in this measure, or he is dissatisfied with his conditions and his union is seeking better conditions, or he has absented himself from work without leave if his absence was for the purpose of carrying out his duties or exercising his rights as an officer or delegate of the union and he applied for leave before he absented himself and leave was unreasonably refused or withheld. Furthermore, an employer shall not threaten to dismiss an employee or otherwise victimise him by reason of the fact that he is, or proposes to become, a union official or delegate or that he proposes to give evidence under this Act, or with intent to dissuade or prevent the employee from becoming such a union official or from giving such evidence.

The present provisions concerning the power of the industrial tribunal to make orders for the observance of awards and agreements or to restrain breaches of the Act are retained with the addition to the power to make an order in the nature of a mandatory or restrictive injunction or otherwise to compel compliance with an award or restrain a breach or continuance thereof, that the Commission may direct such order

to such officers or members of the union as it thinks fit or to such officers or members of the union generally or to a particular employer or employers. Furthermore, as in the case of unauthorised strikes or lockouts, if the members of an industrial union or a substantial number of such members fail to comply with any such order, the union or every officer thereof shall be liable to be dealt with as for a contravention of such order unless it shall be proved that in regard to such order he took all reasonable steps to ensure that the members aforesaid complied with the order. The penalties for a breach under this provision are increased from a maximum penalty of £100 concerning any person who contravenes the present provisions to, in the case of an industrial union or body corporate, £500, and in any other case to £50. This accords generally with the level of penalties under the Commonwealth Act concerning similar matters.

The Government firmly believe that many of the irresponsible decisions and directions given within the last twelve months were not approved or concurred in by the great majority of the rank-and-file members of the unions affected. Therefore, it is only fit and proper that those persons in power in a union who deliberately, by virtue of their position and power, cause decent rank-and-file trade unionists to treat the industrial tribunal with contempt by flouting or ignoring its directions or orders, should have to answer for their actions.

The provisions of the first paragraph of the Schedule of the present Act concerning contempt of court are now written into the Bill. This, briefly, provides that the Industrial Court shall have all the protection, powers, etc., which are possessed by the Supreme Court in respect of contempts of court.

The present provisions dealing with the counselling or procuring of offences is replaced by the relevant provisions contained in the Commonwealth Act prohibiting incitement to boycott an award.

At present the Court may on motion or ex parte and in addition to any other order, grant an injunction to restrain a person, union, employer or member from continuing to commit breaches of an order to pay a penalty, or from committing further or other breaches of the award or industrial agreement. The penalty in this case is a penalty not exceeding £1,000. It will therefore be seen that such breaches are viewed very seriously.

The Government therefore believe that the person or organisation concerned is entitled to be afforded an opportunity of being present when such a motion or order is being dealt with, and consequently it is proposed to delete the words "ex parte." That is a very important factor and I am surprised that it was not in the Act many years ago.

It is also provided that the books, papers, and documents relating to the trade secrets of any person, or the profits or financial position of a party, shall not without his consent be inspected by any person except the President or a Commissioner, or an expert appointed by the Commission to examine and report thereon, unless the party contends that the profits of an industry are not sufficient to permit of the payment of the wages or the granting of the conditions claimed.

Furthermore, the Court or Commission may direct that information relating to a trade secret or to the profits or financial position of any party or witness shall, if the party so requests, be taken in private and such evidence, or the contents of any such document produced for inspection, shall not be published.

The present provisions concerning representation at hearings have been varied. Briefly, at present they are that a party may be represented by a member or officer or agent but, unless all parties consent thereto, no party shall be represented by counsel or solicitor in any proceedings before the court or before the industrial magistrate. This has been varied to provide that in regard to proceedings for the recovery of moneys or in respect of an offence, and on any appeal in relation thereto, all parties shall have the right to be represented by counsel or solicitor.

It is also provided that a party may be represented by counsel or solicitor in proceedings before the court with the consent of all parties or by leave of the court. This is somewhat similar to the present arrangement and the principle has not been varied.

At present the provisions concerning records of time and wages to be kept by an employer are open to the construction that where an award requires certain particulars to be kept, those are the only particulars required, whereas the intention is that, irrespective of award requirements, the particulars required in the present Act must always be kept. It is proposed to make this perfectly clear.

The court has, by a series of judgments, permitted trade-union officials to have access to these books. There is no objection to this but it is considered that it is desirable to insert provisions similar to those in the New South Wales Act which, briefly, empowers the Commission to give a general authority to a union official subject to revocation if it is abused. It is also proposed to insert a provision regarding the entry of a false particular in a time and wages book as being an offence.

At present a certificate of the Registrar that any person was at any time the chairman or member of a union shall, subject to review by a member of the court, be conclusive evidence. It is now proposed that it should be prima-facie evidence. Further, it

is proposed that a certificate of the Registrar that the results of a secret ballot or voting have not been communicated to him shall be evidence until proved to the contrary. The present provision enabling an industrial inspector to call to his aid, in addition to a member of the Police Force, any other person he thinks competent to assist him, is deleted.

The present provisions concerning the forcible entry by inspectors into bakehouses has been deleted. There were one or two cases when this was introduced in which the provision was important but in these days it is not considered that such a provision is necessary. At present powers of inspection by officials of unions or employers are authorised in writing by the president and secretary. It is considered that such authority should only be authorised by a Commissioner, the Registrar or Industrial Magistrate as provided in the New South Wales Act. It is proposed to make this amendment.

The Trade Union Act at present restricts the nomination of beneficiaries to persons of 16 years and over and to the amount that might be payable, to £50.

There are many persons under the age of 16 years who are members of unions and consequently it is proposed to delete this minimum age requirement and also to increase the amount payable, from £50 to £100.

The Commonwealth legislation presently requires the President of the Commonwealth Court to furnish an annual report to the Minister for tabling in Parliament on the working of the Commonwealth Act and the extent to which the objects of that Act have been achieved. It is considered that such a report would be of much interest and assistance to this House in its consideration of matters concerning the industrial conciliation and arbitration machinery in this State. Consequently it is proposed to insert a similar provision in this Bill. I believe that will help hon. members very considerably.

It is also proposed, in respect of long service leave, to make it quite clear that the present provision that applications for sums which become payable in respect of long service leave must be made within three years after the date when a sum shall have become payable, applies to the sums payable, and does not apply to the long service leave entitlements.

In the recent new Factories and Shops Acts special provisions were inserted concerning the supervision and control of factories and shops inspectors under the Chief Inspector.

There is no similar provision in the present Act and it is considered desirable that there should be some legislative provision that industrial inspectors appointed under this Act should come under the supervision and control of a Chief Industrial Inspector who

will be the person who has been appointed as Chief Inspector of Factories and Shops. That provision is made accordingly.

Included in the present definition of "industrial matters" is an item which reads—

"Trusts, combinations and agreements in restraint of trade."

These matters are included as industrial matters and so they come solely within the purview of the Industrial Court, which obviously is not the appropriate body to deal with them.

This provision might have been in order very many years ago when it was first inserted, but with the growing problem of such matters at the present time, it is considered that the Industrial Court is not the appropriate Court to have jurisdiction in this regard. As a matter of interest, such matters are also included in the Profiteering Prevention Act.

Obviously, such matters are for the Supreme Court and unless action is taken to delete them from the definition of "industrial matters," any approach to the Supreme Court would be abortive, especially as the new Bill makes it clear that with the exception of appeals against penalties inflicted by it, the Industrial Court is exclusive in its jurisdiction. It is therefore proposed to delete these items from the definition of "industrial matters."

Hon. members will recall that my colleague, the Minister for Justice, has made quite important references to trusts, combines and agreements in restraint of trade. I think all hon. members are aware of his interest in the subject, and of the interest now being generated fairly generally in other parts of Australia.

The definition of "employee" has been amended and in future partnerships are no longer to be regarded as employers of their partners. Consequently this provision has been deleted. Furthermore, the prohibition against any firm issuing shares to its employees until the consent of the court has first been obtained, has also been deleted. There have been very few applications to the court and in the few that have been made, the companies concerned have issued its shares to the employees at par, not at the much higher market price. In any case, there is nothing at present to prevent an employee from buying on the open market, shares in the company in which he is employed, that is, if the shares are on the open market. I repeat that the prohibition in that regard has been deleted.

The definition of "employer" has also been varied by the addition, that the definition is not to prejudice the entitlement to long service leave of any person who is a manager or secretary. This addition will make the eligibility for long service leave of general application to all managers and secretaries.

The definition of "industrial dispute" has also been amended along the lines of the Commonwealth provision which refers to a dispute, including a threatened, pending or probable dispute as to an industrial matter, and a situation that is likely to give rise to a dispute as to an industrial matter.

The definition of "industrial matter" has been enlarged to include the fixing of trading hours in shops, whether employees are employed therein or not, and also any matter, whether industrial or not, which has been, is, or may be, a cause of an industrial dispute.

A new definition of "party" has also been included. It embraces any person bound by an award and agreement. A recent case in the Court brought to light the necessity for this variation. An individual employer applied to the Court for an order to compel his employee's compliance with an award. The employer was not a party thereto, that is, he did not appear in Court at the hearing when the award was made. In consequence his application was not granted. It is considered that such an employer should have the right to apply to the appropriate industrial tribunal, and provision is now made accordingly.

There are other new definitions taken from the Trade Union Act which are now included in this measure.

It has been a matter of amazement to me that during the long term of office of Labour Governments there has remained in the Master and Servants Act provisions that make it a criminal offence, punishable by a magistrate, for a servant to leave the employment of his master during his term of engagement. Section 30 (1) of the Wages Act of 1918 creates such an offence. I think most hon. members in this Assembly will realise that it is, of course, obsolete in the modern social context and action is being taken in this measure to repeal it.

I have already mentioned that provision will be made to empower the Court to disallow oppressive union rules. In this connection, I would also add, it is proposed to make provision for the Chief Industrial Inspector to apply to the Court for such disallowance wherever he deems such action should be taken.

Very full and careful consideration has been given to the provisions in this measure. The Government firmly believe that they will improve the effectiveness of the industrial conciliation and arbitration legislation in this State, and the machinery of the industrial tribunal which will operate thereunder.

As I stated previously, this Government stand four-square behind their declared policy of the maintenance of an independent and impartial industrial tribunal. At the same time we also firmly believe that before arbitral functions should be exercised, all powers of mediation and conciliation should

take place, and that arbitration should be considered only when all other means have failed.

The new measure is drafted with that objective in view.

We also firmly believe that the prosperity and development of this great State should not be retarded in any way by an undesirable or unrealistic legislative provision, and that the progress and development of this country and the prosperity of its people, including all sections of the community, should not be hampered or retarded, in any way, by the productivity of this State being interfered with by unwarranted and unnecessary strikes, stoppages, overtime bans, and so forth.

The Government intend to take every appropriate step to uphold the industrial laws of this State but, at the same time, we do not intend to interfere in any way whatsoever with the industrial machinery of the State operating under a wholly independent and impartial industrial tribunal, the only appeals to the Supreme Court from which will be in respect of penalties inflicted by the Industrial Court.

When I introduced the new Factories and Shops Act, I stated that it was the most progressive piece of industrial legislation that had been introduced into this Parliament for years, and it will be of interest to hon. members to know that I have received many congratulations, including very commendatory remarks from responsible union leaders, to the effect that what I said about that Bill is now also their opinion. Just as that was the most progressive piece of industrial legislation introduced in this Parliament for many years in respect of the field it covered, it is considered that this new legislation will occupy second place to none in the industrial field it covers.

Under the Bill, when it is enacted, not one normal rank-and-file union member will suffer any disadvantage. On the contrary, thousands will benefit in a considerable number of ways. Nor will the rank and file be pushed around, against their will, by the few extremists in our midst. The right to strike for a legitimate grievance is as clear as it ever was, except that the decision to use that weapon now will lie completely in the hands of the majority of the members of the particular union concerned. Further, democratic control of a union is here firmly established, because, as never before, the majority in the union will have clear authority over any lawless but vociferous minority.

During my explanation of the various provisions of the Bill—and I have tried to cover them fairly completely—I have been conscious of constant interjections by Opposition members, particularly in the early stages, and I shall deal broadly with them. As I outlined a clause or a change, I heard, almost continuously, "But that is in the Act now." I do not deny it. Broadly, the bulk of the amending provisions are designed to

make the necessary alterations to the Act to eliminate the frustrating delays that have occurred, delays that have been terribly frustrating to the rank and file of the unions but even more frustrating—much more frustrating—to the wives and children of innocent unionists who have been forced into idleness by the unrealistic approach of some union leaders.

Mr. Bennett: What about the 25,000 now out of work in the community?

Mr. MORRIS: One Opposition comment I heard was to the effect that I was the greatest ringbarker of all time. I say that the reverse is true. The only ringbarker in this connection is the person who desires to bring industrial anarchy into Queensland. We all know that the State urgently needs industrial peace. In the last few weeks we have heard a very great play of words by members of the Opposition who have talked about the need for more industry. I hope they will recognise that we are getting more industry and I hope they will recognise, too, that industrial anarchy in Queensland is doing more to hurt its industrial progress than any other factor.

I should say that industrial expansion within the State is being strangled and chased away. I shall give a few illustrations in support of my argument, and, as I do so, I say that it is the responsibility of hon. members to be realistic and up-to-date in their approach to this matter. If they are, they will know that we have passed through the greatest era of industrial expansion that Queensland has known, and they will know also that it has been held back and has not been greater because of the industrial anarchy in Queensland.

Here are a few illustrations. The first one is an extract from "The Courier-Mail" of 8 February, where Sir Leslie Gamage said that the export threat is ruthless. He said that ruthless competition from other countries is an increasing threat to British exports and to Australia and that unless we can meet that threat we will not make the progress that we should.

I also have another extract from "The Courier-Mail" of 7 February, where it is stated—

"Figures Illustrate Shipping Industry Fight for Life"—

and this is symptomatic of many industries—

Opposition Members interjected.

Mr. MORRIS: It goes on—

"Trading-port figures over the last eight years show the fight the shipping industry is waging to stay in business.

In 1951-1952 the cargo handled in all Australian ports, overseas and interstate, totalled 38,758,000 tons.

In 1959-1960, the comparative figure was 25,441,000 tons—a drop of more than one-third.

Brisbane's port tonnage record between 1955 and 1960 is anything but healthy.

The overseas import total fell from 973,470 tons to 813,658 tons, and the interstate trade from 216,092 tons to a meagre 27,790 tons."

There we have one industry that is being strangled by industrial trouble.

Let us go a little further. Again in "The Courier-Mail" of 7 February, 1961, this appeared—

"Waterside strike chaos—exports are in danger."

Any man who is able to think realistically and uses his common sense knows that that is so. These are the things we are fighting in Queensland. These are the things that are going to make all the difference to not only Queensland's progress but also Australia's progress in the years to come.

Another extract from "The Courier-Mail" of 13 September, 1960, is headed "The right to strike" and portion of it reads—

"Union officials have been claiming for some time that they have lost the right to strike."

Mr. Taylor, the union officials who say that should recognise that, under this Bill which I seek leave to introduce today, we shall put the decision as to the right to strike or not in the hands of the majority of the members of the union, and that is where it rightly belongs. The situation under which a small handful of people who are not interested in the economic development of Queensland make that decision has to be overcome. I am sure that members of unions want to see that it is overcome. Let me read this extract from a leading article in "The Courier-Mail" on 13 September, 1960—

"Think It Over.

"Where is Brisbane Trades Hall leadership taking them? Queensland workers should ask themselves that question.

"Tomorrow's work stoppage will cost workers more money, and for nothing better than being talked at through Trades Hall microphones at a mass meeting.

"There will be no hearing for rank-and-file critics of the Trades Hall, though many are sick of stop-work meetings that merely enlist an audience for privileged union officials.

"By stopping work tomorrow morning they will allow themselves to be roped into a drive against arbitration."

That is similar to the extract I read this morning from the remarks of one of the most important union leaders in the industrial life of Queensland today. The article continues—

"That is the objective of union executives who, with Communist backing, now run the Trades Hall.

"This drive against industrial arbitration produced the state of emergency.

"Arbitration makes possible orderly settlement of industrial disputes when they cannot be resolved by negotiation and conciliation. At the same time it protects the public's interest in industrial peace and stability. The only alternative to it is for opposing parties to try to knock each other out with strikes or lock-outs."

That is nothing but industrial anarchy.

Let hon. members opposite listen to this leading article on 2 September, 1960, headed,

"They Wanted to Work."

Opposition Members interjected.

Mr. MORRIS: I know that hon. members opposite do not like to hear these things. But if they will not read them for themselves somebody should read them to them because it is time they learned. The article states—

"Brisbane wharf clerks who yesterday walked away from a stop-work meeting after refusing a hearing to union officials who had called it have given other union executives something to think about. They carried a resolution protesting that attendance at stop-work meetings had lost them too much work in recent months."

I quote again from "The Worker"—

"It is a question of arbitration or the law of the jungle."

Hon. members opposite prate about the need for employment and castigate us. I draw their attention to an article published on 20 August, 1960, in the journal, "Waterfront," which states—

"Repairs Lost to Brisbane.

"Demands by Brisbane ship painters and dockers for payment of casual instead of permanent pay rates have lost the State some major ship repairs.

"The dispute is now in its second month.

"The Harbours and Marine Department Chief Engineer, Mr. E. C. Fison, said that repairs to three ships had had to be turned down by Cairncross dock and five by the South Brisbane dry dock."

The article goes on to mention one vessel that had gone to Hongkong for repairs.

Opposition Members interjected.

Mr. MORRIS: I think I heard one interjector speak about the Treasurer knowing something about it. He certainly does. He has warned the people of the State that this is not the way to get development. It is the way that union officials deprive Queensland tradesmen of employment. The next article I quote is a very recent one. I sought for the date but could not find it. It is an issue within the last few months. If any hon. member wants to know the date of it

I will give it to him later. The publication is the "Australian Gallup Polls" and the article reads—

"Arbitration more value than strikes.

"In every State overwhelming majorities of both men and women interviewed by the Gallup Poll in June said arbitration was more valuable for trade unions than the right to strike."

We believe that the right to strike should remain in the hands of unionists, not those of a few executives.

The final extract which I propose to give is taken from "The Sunday Mail" of 19 February this year. It reads—

"Its true—Union is HELPING a Boss.
"Hardened old unionists just about choked on their ales in New York this week, but it was true—the Teamsters' Union was helping a boss."

It has been a characteristic in America that even the most militant unionists have frequently given assistance to an organisation to ensure the maintenance of permanent employment within the industry. When we get that sort of spirit in Australia where we have union leaders who are anxious to preserve the economy of this country then we will see the progress which I believe 99 per cent. of us want. I say without any hesitation that right through this Bill every clause that has been changed has been changed to strengthen the rank and file of unions and strengthen the court. When the Bill is proclaimed it will assist tremendously in the development of this State.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (2.53 p.m.): The newspapers of this State forecast that during this Session this Bill would be introduced and that it would be a controversial measure. Unquestionably, the material used by the Minister in introducing it will make it a most controversial measure because, from what we have heard, from what we have envisaged to be in the Bill and from what we have been told or ascertained from the Minister's inadequate explanation, there are certainly many provisions that will be fought very strenuously from this side of the Chamber.

I should say at the beginning that we had a rather extraordinary presentation of the Bill. I have not, in all my many years' experience, heard a Minister preface the introduction of a Bill by saying that he would not entertain any interjections at the introductory stage. He then read, word for word, for one and a-half hours, a statement of the submissions undoubtedly prepared for him and then, almost at the conclusion of his speech resorted to the device of having prepared for him, answers to interjections. We are getting to an extraordinary stage—

Mr. Morris: That is not true; I prepared my own answers.

Mr. DUGGAN: The Minister said he was going to ignore interjections and then, at the conclusion of his prepared submissions, proceeded to answer them. He cannot have it both ways. I concede to him the right to ignore interjections owing to his incapacity to handle them, but he came back after lunch and gave these prepared answers to us.

Of course, the subject of amending the Industrial Conciliation and Arbitration Act has always been a very important one and I think it should be said that in modern communities of enlightened people the essential ingredients for the development of any country are the provision of man-power, capital and management. Every enlightened community in the world today is placing increasing emphasis upon fostering better industrial relations between management and employees through conciliation. The Minister's speech was most provocative. At the very commencement of it he tried to divide the unions themselves by quoting statements that are not necessarily his views. He quoted them merely with the thought that they may evoke an attack or defence from somebody in some quarter. Then he indicated that he was going to deal with these things very ruthlessly. That is only in character with his other actions, because hon. members will recall that he said on one occasion that, if the secretary of the Building Workers' Union came along, he would not be happy to receive him on a deputation. I have not, nor has any other hon. member on this side of the Chamber any brief for anyone with the political views of the secretary, but the management committee of the union has a majority of anti-Communist members, and they have been lawfully elected. The Minister prates about conciliation, yet at the same time he would refuse to receive elected members of an organisation. That is not in accordance with his idea that he believes in conciliation. Hon. members will recall his statement when he was addressing fellow-Liberals on 20 February last, as reported in "The Sunday Mail." He said—

"In future I am going to adopt a policy I learnt years ago in the Army—'When you see a head, hit it.' From now on I'm going to give it, and they can take it."

That is apparently what he is going to do. He is going to hit every head he sees. He states, of course, that the arbitration system is outmoded and that it has to move with the times. The Minister read many newspaper cuttings. I have one here from "The Courier-Mail" of 2 April, 1959, which is headed—

"Our arbitration system one of finest."
It reads—

"Statistics reveal that Australia has one of the lowest incidences of lost time due to strike activity of any of the modern, industrialised countries."

It goes on to say—

"For instance all industrial legislation in Australia confers on trade union officials 'right of entry' to the premises of an employer.

In addition the Queensland legislation confers on trade unions the benefits of preference of employment which, in effect, means compulsory unionism."

It continues—

"Under the Trade Unions Act it is possible, and in fact it does happen, that trade unions can engage in unlawful activity, and despite damages caused to an employer and his employees, they cannot be held liable for damages in any court in the land.

Penal provisions of both State and Federal Arbitration Acts apply with equal force against both employer and employee."

Who wrote this article? It was written by none other than C. B. P. Bell, president of the Queensland Employers' Federation, and the article is about the existing Act. Then we have the Minister coming in here and saying that all these things have to be thrown overboard. He always becomes hysterical when he deals with such matters. He has prophesied that with the introduction of the Bill we are going to enter a new era of industrial peace in industry. We recall the prophecy in 1957 when he said that if the Government were returned to power there would be more jobs than men to fill them. From the answers to four specific questions asked last week we found out that from September last to January of this year there were 168 fewer employees in the Department of Public Lands, 1,400 less in the Department of Main Roads, 386 less in the Railway Department, and 270 less in the Department of Public Works, without taking into account the employees of other departments, and not one of those dismissals was due to the credit squeeze at all, because the budget covering those appropriations was made up months before the credit squeeze was applied. He said in 1957 that he would give effect to his public statements about secret ballots. He said, "We will introduce the principle of court-controlled secret ballot legislation." He said—

"We are resolved to give the unionist, by way of the secret ballot, protection against his real enemies in the unions, the white-anting Communists."

We remember the occasion when he introduced that legislation. As he did today, he read then controversial statements, insulting, offensive statements to trade unions. Although over two years have elapsed since that time, not a single application has been made to the Court to conduct a court-controlled ballot. We were told then about this great international danger of Communism that he was going to deal with under the legislation, but not a solitary application has been made to the Court. What does this Bill propose to do? How did the amendments come about? Firstly,

apparently in order to give effect to some of the beliefs of the more vicious element in the Liberal Party, they agreed to review the Act. They set up an organisation consisting of certain people. I think I may refer to it; it does not matter very much how I refer to it. It was the Minister for Labour and Industry's advisory committee known as "Smolac." I was surprised the Minister did not put Smolensk in it. Whom did the Minister put on this committee? Did he put on a recognised industrial advocate? No, Mr. Connolly was appointed. In my opinion, it was very unwise to do that, because the arbitration system in Queensland has been singularly free from legal domination and free of legal members being imported into the Industrial Court. That is one of the reasons for the court's being so successful. There has been easy access and a common-sense approach; there has been an easy manner amongst the members of the tribunal and the trade unions concerned. They have been more or less sitting round a table submitting evidence, free of all legal formalities. Unquestionably that has been the reason why it was described, by none other than the president of the Queensland Employers' Association, as one of the best arbitration systems in the world. Now it is going overboard because the Government decided to bring in Mr. Connolly, a barrister, as the chairman of the committee. I have quite a deal of regard for Mr. Connolly in his purely legal capacity, as a barrister, but he has never been known to be an industrial advocate. He was known to say here, when wages were less than they are today, that it was quite easy for a man, his wife, and three children to live easily on the basic wage, and make provision for other luxuries. And that is the man who is put on the committee to examine the Industrial Conciliation and Arbitration Act.

Mr. Aikens: The actual quotation was that the basic wage would provide a high standard of living.

Mr. DUGGAN: I have that quotation.

When the Minister was going about it, he should have suggested the present hon. member for Kurilpa, because he is not a lawyer, but he knows of all the hurly-burly when there is strife. He demonstrated to Mr. Connolly's dissatisfaction his capacity to bring things to a successful conclusion. He would have been a more practical man to put on it.

The Minister contradicts himself again, because he is cutting out the right of the Industrial Court to award a bonus payment on a determination of wages. He gives a bonus to Mr. Connolly, firstly by putting him on the committee, and no doubt, when this Bill becomes law, he will make him one of the commissioners.

A Government Member interjected.

Mr. DUGGAN: If he does not become a commissioner he will become the Government advocate on these subjects.

If the Minister did not want an affiliated trade union representative on the committee, why did he not put on one of the A.W.U. men? Who was put on the committee? A member of the Public Service Union! How often do they go to court? As a matter of fact, they have been able to demonstrate to his Government, anyway, the benefits of conciliation because the great bulk of their salaries wages are the result of conciliation, and not court action. That is one of the reasons for a great measure of disturbance among the industrial unions outside.

So we have, in this measure, all of the ingredients being brewed up, not to promote industrial peace in the community, but to create provocation by imputing improper motives and by quoting distorted and untrue statements. The Minister made such a statement a few minutes ago about the turmoil on the waterfront in Queensland. Is this Bill going to mend that? That is governed by a Federal award and has nothing whatever to do with this State. Yet the Minister quoted tonnages, industrial disputes and delays, and so on, on the waterfront which have nothing to do with the Queensland Government and the applicability of State industrial laws.

Throughout Australia, we find there is a growing realisation that if there is one factor more than another that is responsible for industrial unrest in this country today it is the operation of the Commonwealth Arbitration Act. It makes it extremely costly for the unions to be heard because they must engage Queen's counsel and a whole galaxy of legal talent. The Minister proposes progressively and insidiously, to insert into the industrial laws of this State many of the principles of the Federal Arbitration Act.

We know that there is a progressive move by people, employers particularly, to come within the ambit of the Federal Court—and how zealously the trade-union movement in this State has fought for the retention of our State industrial laws! In some cases small benefits are conferred by particular Federal Arbitration Court decisions but, because there are other advantages of being under the State law, many of the unions concerned do not elect to federate but prefer to have their operations determined by the State Industrial Court. But this introduction of the legal element into the matter is one that will cause very grave concern. Let us see how it has operated in the last three years. In the Federal jurisdiction, penalties imposed by the Court on employers were—

	£
1957	Nil
1958	100
1959	350

For the same years the penalties imposed on employees were—

	£
1957	1,025
1958	230
1959	2,745
1961—4H	

Last year the figure was higher. Unfortunately I have not corresponding figures but they are growing because of the cost of appearing before the Federal court. The tendency of the Bill to make it possible for all sorts of technicalities to be used will provoke a great deal of disquiet and will increase, rather than reduce, the incidence of industrial turmoil in the community.

It is all very well to have this talk about union leaders being irresponsible and making them responsible for fines of up to £250. If they go along to a union meeting and make a direct appeal to the men to go back to work and the men themselves reject the appeal, under this legislation, apparently, the secretary of the union can still be sued because the men elected to disobey the recommendations of the management committee or of the disputes committee or of the union secretary concerned. I know of many cases where recommendations of the union executive have been overridden by the rank and file in these matters.

Everything possible is being done under the legislation to promote difficulty. The unions are being deliberately taunted by asking them to account for every single pound they have received, as to how it is spent. Do the Government make the employers do that? Does the Liberal Party do that? Does the Minister's own organisation? I should like to know how it spends some of its money.

Mr. Morris: You know perfectly well that the employers come within the ambit of the legislation.

Mr. DUGGAN: All this information about the names of employees and everything else about the place is deliberately provocative and the Minister knows it as well as anybody else. He is going about brandishing the stick and trying to appear to the general public as a new crusader who has come into the picture to transform Queensland. He talks about bringing new industry to Queensland and more migrants. As a matter of fact since his Government have been in power we have had a net loss in migrants. According to his own bulletin of 30 September—not Holt's bulletin or somebody else's but Queensland statistics, the first one taken out—in the last three years Labour was in office in Queensland there was an average increase in population of something to the order of 74,000 people. Under a Country Party-Liberal Government it has been something like 67,000 people. Labour always showed a net increase in migration but under this Government, to 30 September, there was a net loss of 3,663 migrants from the State. The Minister has not succeeded in bringing industry here on the scale he mentioned and he has not been able to solve the employment problem; he has not been able to bring about better industrial relations between the

industrial movement and the employers generally, and the sooner he surrenders his commission and gets a job as Agent-General or something else the better it will be for the State.

Opposition Members: Hear! Hear!

Mr. DUGGAN: What is most insidious in this matter is the tendency to accept this advice—and very wrong advice—from a man, Mr. Connolly, with no industrial experience at all and from some people who no doubt subscribe liberally to the Liberal Party fund. I went along to a social function the other night and I got an earbashing from a couple of very prominent employers about the need to stiffen up matters of this kind. They suggested “Kenny” would stiffen them up, and apparently they must have had some access to someone with a say in these matters. What I object to, and what the trade union movement and the Australian Labour Party object to, is the gradual importation to our industrial law of Commonwealth practices. We hear enough today to put us on our guard. They are not making the mistake that Magroarty made back in 1929-1932, when, with one decisive stroke, he destroyed the effectiveness of the court. The Government propose, as they are doing in the conversion of perpetual lease to freehold, to do it gradually, a little bit at a time, until eventually we have a fait accompli and all our perpetual lease lands are freehold. They are importing into the Industrial Conciliation and Arbitration Act certain principles of the Commonwealth Act that are not looked upon with favour. I have here a statement by Judge Foster, a man with 30 years’ experience in the Federal Arbitration Court, and this is what he had to say about the Federal system on which the Minister is trying to model this legislation—

“Australia’s arbitration system is jumbled and confused.”

No, this isn’t the statement of a trade-union leader although it certainly expressed trade-union sentiments.

The statement was made by Mr. Justice Foster, appointed to the Arbitration Court 16 years ago and now the most senior member of the Bench.

Mr. Justice Foster interviewed by the Sunday Mirror (Sydney), said:

“In my opinion, the new processes of arbitration are unnecessarily complicated and far too costly.

Arbitration today is frustrating to all parties.

The division of arbitration into judicial and administrative functions has disrupted the system.”

That is precisely what the Government are setting out to establish here—that separation, the right of appeal, the appearance of solicitors, and all these things that are a marked feature of the present Commonwealth legislation.

The report of Judge Foster’s remarks goes on—

“Employers and unions have been sent into some kind of arena as antagonists and conciliation is difficult.”

Mr. Justice Foster said an interpretation of an award today was ‘a costly enterprise to the parties.’

‘It is ludicrous that the award maker cannot interpret his own award,’ he said.”

That is what the Government are doing. They are giving a right of appeal to the Industrial Court against the decision of an Industrial Commissioner. Is not that going to bring about long delays in these matters? Is it not going to involve legal representation because of the imposition of penalties or the determination of these points? It has all the unsavoury features of the Commonwealth Act, and the Minister should be ashamed of himself, not proud of himself, for introducing a measure of this type. The time is ripe for the trade-union movement to protest. Any objection it has to the industrial arbitration policy is because it does not think the conciliation aspects of it have been exploited as much as they should have been. In case the Minister has any false ideas about our views at this stage, we subscribe to the principle of arbitration. We were the people who introduced it. Perhaps we did not exercise the arm of conciliation as much as we might have. Nevertheless, we want to see that branch of the functioning of our industrial laws extended. We have no criticism of it. We do not want to see the importation of legalism, and we do not want provocative statements. The Minister says, “Let us all get together and march forward,” and then, on every occasion when he introduces legislation, he makes remarks offensive to people on this side of the Chamber or in the industrial movement. How can we promote industrial peace when the head of the Government, the man who has the right to go to an industrial tribunal and say, “I want you to intervene because I think something is about to happen,” reverses the onus of proof and, instead of the Crown being required to carry that onus, it has to be borne by the union? We will revert to the law of the jungle.

I am very much surprised that a few of the men on the Government benches who have had some industrial background and experience have not seen the pitfalls of the legislation. Two years ago the Minister was going to deal with this Communist problem once and for all. There has been one application to the court for a secret ballot, but because they could not requisition the minimum numbers required the attempt failed. On the Minister’s own admission the country abounds with these law-breakers and Communists. He said, “Give me these powers and I will overthrow these disrupters and disloyalists about the place.” Hon. members will remember him reading out

on that occasion, as he did today, statements in the newspapers about the Communists. Today we read a statement in the Press by three leading Americans who paid a high compliment to the efficiency of the workmen and the intelligence of the leaders of the trade unions in this country. Even in America, the hub of capitalism, they have extended the law to give greater protection to the unions, the right to strike, the right to organise, and the right to bargain for increased wages. What do the Government do here? Because one union has demonstrated to the court its ability to get some incentive and bonus payments from the employer and it wants to use that as a measuring stick in some other application, the Government are going to prevent them from doing that. Fancy the Minister talking about direction by the Q.C.E.! Who gave him his directions? What does the Minister propose to do now that he has got authority to arm the legislation to the teeth? He is going to direct the court to take action as he thinks fit or as some disgruntled and difficult employer wants him on his own volition, without any evidence at all, to take some action to precipitate a strike. It does not matter whether there are thousands of men out of work or tremendous profits being earned by the big company or that the wage-earner is trying to bargain through his union for an improvement in his conditions. The Minister takes every possible legal step he can to emasculate the union secretary and officials in their efforts. Does the Minister think that they want to see men out of work because of stoppages, disputes and strikes? Every one of the unionists has hire-purchase and other commitments. They do not want to be involved in long-drawn-out strikes. They are driven to such action only because they think that they have not received justice in higher wages. The Minister is keen on predicting, but the statement of the president of the Trades and Labour Council about 1961 being a year of great turmoil will be realised, not because workers want to enter into strikes and disputes, but because the Minister has taken unnecessarily provocative action in trying to bring about a set of conditions that take away the right to organise and the right to strike for which people have fought for the last 50 or 60 years in order to emancipate the ordinary person in the community. They talk about being the people's Government yet in one fell swoop the Minister is cutting down and cutting away the strength built up by hard work, by advocacy and by legislation over the years to improve the level of the standard of living of the great mass of the ordinary people in the community. If the Bill is going to be the Minister's great contribution to this Parliament in 1961 I am glad that the Opposition will be voting against the proposals.

Whatever is good in the measure we are prepared to accept. There are one or two things that I think will be acceptable. We shall examine the legislation with a very fine

toothcomb because I have heard sufficient already, and know sufficient of the background of the legislation, to realise that we must act accordingly. I can assure you, Mr. Taylor, that if you are in the chair throughout this stage and the subsequent Committee stage we shall have a great deal more to say about this improper and most undesirable piece of legislation that will not be received with any satisfaction either by the Opposition or the great mass of workers outside.

Hon. P. J. R. HILTON (Carnarvon) (3.17 p.m.): It is obvious that the Bill is going to be debated with a great deal of heat, and already I feel that much disputation is in the air. I am going to withhold all my comments on the proposed amendments to the law until such time as I have had an opportunity to peruse the Bill and see their real import and the impact they will have on the trade-union movement generally.

Although the legislation is deemed to amend the Industrial Conciliation and Arbitration Act, obviously the whole gist of the Bill deals in the main with the trade union movement. Of course, that is a matter that must engage our attention very seriously. As one who shall always espouse the cause of the trade-union movement I stand foursquare against any undue encroachment on the rights and privileges of that movement. In the social and industrial progress of Australia the development and growth of the trade-union movement makes one of the brightest chapters that could possibly be read. I think the same applies to every English-speaking country and to other countries outside the "iron" and "bamboo" curtains. I think society owes a great deal of debt to the development of the trade-union movement and, in turn, the development of the trade-union movement has had a tremendous impact on the political life and development of this and other countries; because of this impact, I think I can claim that we are now enjoying a very full measure of democratic government and privileges. By its very nature trade unionism is a democratic concern and because of the motivating and inherent force within it it has done much to frame the basis of democratic government throughout English-speaking countries and other countries in the world where democracy has been accepted.

It is, indeed, a far cry back to the first formation of a trade union in Australia. I cannot remember the exact year but I think it was towards the middle of the last century when the stonemasons formed their first union in Sydney. I think the first union formed in Queensland was also formed by the stonemasons. It is perhaps strange but understandable that the very union that took the initiative in this direction is not much heard of in these times so far as industrial disputes and the like are concerned.

Mr. Aikens: They merged with the free-masons.

Mr. HILTON: That is only a facetious and foolish remark by the hon. member for Townsville South and I will not pay much attention to it.

I repeat, we owe a great deal of gratitude to the trade union movement, and I hope that when we analyse this Bill we will not find anything in it that will in any way jeopardise the legitimate rights of the trade-union movement.

Very many amendments have been mentioned by the Minister and, frankly, with all the interjections and because of the great number of such amendments I have not been able up to the present to get a clear picture of all that is embodied in the Bill. But, I do want to state my concern at the general principles and I repeat that hon. members of my party will vote according to our rightful concept of the role of the trade unions and their place in our community today.

The Minister mentioned several amendments, but I think there are perhaps some that could be incorporated in the Bill, which, so far as I could hear, he did not mention at all.

In recent times, we have witnessed, and have irrefutable evidence of, certain employers co-operating with unscrupulous trade union leaders to deprive trade union members of their rights.

Mr. Aikens: Can you give us a case of it?

Mr. HILTON: The classic example is the now notorious one of the Communist-controlled Seamen's Union, which accepted somewhere in the vicinity of £30,000 to £40,000—I forget the exact figure but I would say £30,000—from certain shipowners upon the understanding that that union would concede the right of employment on certain ships to Asiatics. Australian seamen were denied that employment.

Mr. Tooth: That has been proved in court.

Mr. HILTON: I will come to that. It is the outstanding classic case and, whilst we may not have a comparable case in Queensland at present, certainly I think there should be legislative action against it. I think most hon. members of this Assembly would be aware of that case. Evidently the hon. member for Townsville South has not heard of it but this Communist-controlled union accepted a vast sum of money from shipowners so that they would have immunity for the employment of Asiatics and so deprive Australian seamen of their right to work those ships.

What was done with that money? It was never divided amongst the men deprived of that work but it was put into some so-called Peace Fund. How it has been used, nobody except the officials of that union knows. It is interesting to recall the background of this scandalous happening in trade union circles in Australia. When it was first brought to light, the Federal Government washed their hands of it. They said,

"It is not a matter for us." The men who brought it to light in Federal Parliament were persistent and, according to reports that appeared in the daily Press here, it was only after strenuous pressure by back-benchers in the Liberal Party against the Ministry that eventually an inquiry was instituted to gather the facts of this scandalous position.

A Government Member interjected.

Mr. HILTON: I admit that the A.L.P. in the Senate boycotted this affair. That is the extraordinary aspect of it. The happening was in violation of sound trade union principles and practices, and the A.L.P. members, irrespective of who brought the matter forward, and who threw the light on it, refused to be a party to the investigation of this scandalous happening. The Government instituted an inquiry, but the collusion between the A.L.P. and the Commonwealth Government to try and dodge this particular issue was remarkable. Finally this scandalous matter was revealed, and it was a good thing that the light of day was thrown on it. There we have an instance of co-operation between unscrupulous union bosses and the employers. We have heard something about shipping in the debate this afternoon. Unscrupulous union bosses co-operated with the employers to deprive Australian workers of their legitimate rights. Although at the moment we cannot visualise a similar happening in Queensland, it is right that there should be incorporated in the Act some power whereby unscrupulous employers and union bosses who conspire to deprive workers of their legitimate rights should be given the greatest measure of punishment that can be meted out to them.

I have received reports from reliable people. I have tried to get those people to come forward, but, because of the intimidation they were confronted with, they were not game to do it. I have heard not only recently, but going back over a number of years, that certain union officers have conspired with managers of some industries and promised certain immunity if those industries would toe the line in certain respects. Of course, one of the conditions was that any employee who was game enough to stand up for his rights as a unionist would suffer the fate of others who had bucked those who use intimidatory tactics.

Mr. Hanlon: Can you name any of those unions?

Mr. HILTON: Yes, the Ironworkers' Union in Queensland years ago. The first case I heard about was in connection with a big industry in Toowoomba when Thornton of the ironworkers—

Mr. Bennett: Thornton of the Clerks' Union.

Mr. HILTON: The Ironworkers' Union. That interjection is only on a par with the hon. member's stupidity in many other directions as well.

In regard to secret ballots, let us always keep in mind the classical example of ballot rigging and the eventual defeat of Thornton of the Ironworkers' Union by Laurie Short. A trade union of necessity has to be virile, and in the interests of its members it must be democratic. It should not be afraid of secret ballots and everything else conducted in such a manner that confidence is felt in everybody associated with trade unions.

Mr. Lloyd: Laurie Short is still in the A.L.P. in New South Wales.

Mr. HILTON: That is quite true, and he must be given full credit for the magnificent fight he waged in throwing the light on, and destroying the irregular practices of the Communists in that trade union.

Mr. Lloyd: I do not disagree with that.

Mr. HILTON: I do not see the import of the hon. member's remarks.

Mr. Bennett: All Australian Labour Party members do that.

Mr. HILTON: I do not say that all Australian Labour Party members believe in that, but I think some of them do. I give full support to any aspect of legislation that will strengthen democracy in the trade-union movement.

I am fortified in my observations on this by an article that appeared in the latest issue of "The Worker"—the journal of the greatest union in Australia. Their Branch Secretary, Edgar Williams, reveals his own, and his union's point of view. There is contained in it some very striking and far-reaching information about union affairs at the Trades Hall in Brisbane. There are submissions about sharing the leadership with those men who co-operate with the Communists. I think this is the most far-reaching article I have ever read in this journal. I do not agree with everything that "The Worker" has published, but by and large, nobody can decry the real worth of the Australian Workers' Union so far as trade unionism in Australia is concerned. That has been proved time and time again in many ways. I will not go into the great details of this article but I quote—

"The 30 non-Communists included in the 45 officials refer to this as 'sharing the leadership' ensuring that all schools of thought are represented."

When I read that my mind went back to the telecast that I saw and heard in September last year. In that T.V. broadcast the present President of the Trades and Labour Council in Queensland had the spotlight right on him, and on the question of the right to strike I will quote from an exact transcript of that T.V. interview.

Mr. Newton: How did you get that transcript?

Mr. HILTON: That is my business. Do not break into a good speech with irrelevant matters. I have no secret agents. A T.V. interview is not secret; have a little bit of sense. I will now read from the script.

Mr. Bennett interjected.

Mr. HILTON: I know that perhaps the hon. member for South Brisbane is feeling a little uncomfortable in some ways and is trying to be facetious. He always tries to wriggle out by making some inane remark which one would not expect of a man who is supposed to be a leading legal man in this city. The question was put to Mr. Egerton—

"Mr. Egerton, do you regard the right to strike as a democratic right?"
The answer was—

"I think that is the essential difference between slavery and freedom."
He was then asked—

"Well, what do you think would happen if anyone was to strike in Russia?"
He replied—

"I think they would get a pretty smart one-way ticket to Siberia."

Then the next question—

"You don't think it would be very democratic?"

and the answer—

"No, I don't think it would be very popular."

And then the question—

"That's a democracy?"

And the answer—

"Well—that's a point. I will concede that point."

Of course, this was following on Mr. Egerton's comment that Russia was a democracy. I have quoted that because I wish to link it with the article in "The Worker" regarding developments at the Trades Hall in Brisbane. I make the point that Mr. Egerton admitted in the T.V. interview that there was no opposition to the Government in Russia. He admitted that if anybody attempted to strike there they would get a quick ticket to Siberia, yet we find this same gentleman, and other trade union leaders, associating with the Communists at the Trades Hall. My point is that Communism in Australia, in Queensland, in Russia, and in every country in the world is identical. There is no variation in the philosophy of its adherents though there may be a little variation in the tactics. When you have men who admit that there is no such thing as democracy in Russia and no right to strike, talking about sharing leadership with acknowledged Communists in the Trades Hall, and saying that is all to the good of the trade-union movement, I stand up as a trade unionist, and I think very deeply and I express my complete disagreement. I think everybody else will think deeply, too, because those men who are avowed Communists—and I am not referring

to the undercover ones whom we cannot prove to be Communists but whom we can pick out quite readily—those men who are avowed Communists, want to bring about in this country the identical conditions that govern trade-unionism in Russia and in Red China.

During the last Budget debate I made mention of this. Time did not permit me to give full details but I read the relevant extracts from the official charter governing trade unions in China, if they could be called such. There again, the right to strike is absolutely forbidden. The workers must continue with their work until the matter is determined by the People's Court.

Those remarks lead me to another observation and it is this: we have heard a great deal about levies being imposed by the A.C.T.U. on trade unions to finance the visits of so-called trade-union delegates from Russia and from Red China. Is there anything in this measure that will give employees the right—the fundamental right as practised by the Labour Party in Britain—to contract themselves out of such levies? We can learn a great deal from the British Labour Party in many ways. It was there that our democratic form of government first saw the light of day. Many excellent traditions have been handed down to us from the old country and in many respects the Labour Party has recognised and cherished those traditions and ideals. There the Labour movement give employees the democratic right to contract themselves out of those political levies if their conscience so prompts them. In view of what has happened in this country, and in view of the strong opposition that has been raised by so many trade unions to the decision of the A.C.T.U. to impose levies to bring Communists from Russia and Red China to Australia, I think there should be written into the Bill the right for employees to contact themselves out of such levies. I believe in unionism. I believe every member working should be a unionist.

Mr. Aikens: Have you got a ticket?

Mr. HILTON: Of course I have! I have had one since before it was indirectly compulsory in this country—since I commenced work.

Mr. Bennett: Do you attend the meetings?

Mr. HILTON: I do not get the opportunity. I live in Stanthorpe where there is no sub-branch of my union. I have been a member of a trade union longer than the hon. member for South Brisbane has been.

Mr. Bennett: You have to be; that is why.

Mr. HILTON: No; and before it was necessary, I was a member of a trade union and I am proud of it. I was a member of the Q.R.U. before it was the A.R.U., and the hon. member for South Townsville can remember those days.

Mr. Aikens: I am still a member of it, and I am proud to be one.

Mr. Bennett interjected.

Mr. Aikens: A financial member!

The CHAIRMAN: Order!

Mr. HILTON: It was when the A.R.U. would not accept the A.L.P. pledge against the Communists that I severed my association—away back in 1925 or 1926. I immediately joined the other appropriate union for my calling.

The two important aspects I have referred to should, in my view, be given consideration, and I feel sure that every trade-unionist, who believes in democracy, will support me. We heard comment from certain A.L.P. members—and I hope they were sincere in their comment—that they were democratic, that they would sponsor certain amendments that were worthwhile. I appreciate that legislation emanating from the present Government is regarded with suspicion because of what occurred when the Moore Government were in office during the depression. Shocking things were done then in regard to the Arbitration Court and the trade-union movement. Looking at the history of the trade-union movement, one finds that those who were opposed to its progress and development were in the main people who had the same political philosophy as the present Minister for Labour and Industry. Naturally, any Labour man is apt to view amendments of the existing Act with a great deal of suspicion. But, being an intelligent person—

Mr. Morris: As long as you study them, I will be happy.

Mr. HILTON: Being an intelligent person, a person who tries to approach a question objectively, if I see that it accords with legitimate trade-union rights and practices, I will support it. If it is calculated to free, in some respects, Australian trade unionists from the control exercised so subtly and effectively by the Communists, naturally I think every true Australian should support it too. If I need any fortification, I am fortified by the text of the article in the last issue of "The Worker" published by the Australian Workers' Union.

I wish to put those two important aspects before the Committee. I think they deserve attention. The real purpose of the introductory stage, apart from the Minister's outline of the principles contained in the Bill, is to give members an opportunity of making worthwhile suggestions for the improvement of the legislation. That is my understanding of parliamentary procedure. Having raised the two points that I wished to make, I shall reserve further comment till I have an opportunity of studying the Bill.

Mr. AIKENS (Townsville South) (3.43 p.m.): The proposed Bill is a long Bill with a multiplicity of clauses. Consequently, it

would be absolutely impossible to deal with every aspect of it in the 25 minutes allowed to hon. members other than the Minister. It is a most unusual Bill, too, because it is the only Bill this session that has gone before the party Caucus of the Country-Liberal Party. No other Bill introduced during this session has gone before that Caucus.

Mr. Morris: That is not true.

Mr. AIKENS: So it is a remarkable Bill in more than one respect.

Mr. Morris: That is not true.

Mr. AIKENS: It is true, and no-one knows it better than the peripatetic Minister for Labour and Industry.

An Opposition Member: They did not have enough of the Liberal Party. They had to get a few of the Country Party.

Mr. AIKENS: That may be so.

Some mention has been made of public servants, and I think the Minister held them up as the paragons of all the virtues of industrial trade unionism. The Public Service, to all intents and purposes, will be exempt from the provisions of the proposed Bill, because since this Government have been in office public servants have not had to approach the Industrial Court for anything at all. They have just had to send their union officials along to the Government representatives and those representatives have said to the union officials, "Tell us what you want. We will be happy to give it to you because we believe that any Government that has the voting strength of the Public Service behind it cannot be beaten. We will meet any demands you make upon us." Every other trade union in Queensland must go to the Industrial Court, so, consequently, every hon. member should examine very carefully and very meticulously, every word, every sentence, every comma, and every full stop, in the Bill.

The Minister for Labour and Industry, of course, using any argument as a prop for the introduction of this "thing of shreds and patches," if I may use the title of one of the lovely tenor solos from "The Mikado"—

An Honourable Member: Sing it to us.

Mr. AIKENS: I would sing it but I doubt if a musical clot like the hon. member for wherever it is, would appreciate it. The Minister unfortunately used the A.W.U. as a prop and said that the A.W.U. was a bulwark of the Arbitration system. He said, in effect, "The A.W.U. does not believe in industrial action. The A.W.U. does not believe in strike action. The A.W.U. recoils in horror from any contact with the alleged Communists at the Trades Hall."

Mr. Morris: I quoted an extract to you.

Mr. AIKENS: The Minister quoted extensively either from "The Tribune," "The

Liberal Journal," or it could have been "The Worker." There is not very much difference between any of them. But that is only a later development in the A.W.U. It will be remembered that in 1956—not very long ago—the A.W.U. were affiliated with the Trades and Labour Council. They went along, cap in hand, to the Trades and Labour Council and said, "We are going to stage a strike in the pastoral industry. We want the assistance of all the Communist-dominated and other unions at the Trades Hall to help us win that strike. We are prepared to pay exorbitant affiliation fees to the Trades and Labour Council in order to get the industrial support necessary for us to win the strike." The strike was won after many months of paralysing of industry in Queensland. But it was not won by the A.W.U., but by the railwaymen, the storemen and packers, the transport workers, the wharfies, and every other union except the A.W.U. Right through that whole strike this paragon of industrial virtue, the A.W.U., allowed its own members to work on the "black" stations. It allowed those who worked under the Stationhands Award on the black stations to remain at work; it allowed A.W.U. carters to haul the wool away from the black stations. But it said to the A.R.U. men, and other railwaymen, the storemen and packers, the transport workers, the waterside workers, and everyone else, "Don't you be associated with the black wool, whatever you do. We are going to keep our men working on the black stations, but you fellows go ahead with the plans and win the strike for us." The unions of the Trades Hall went ahead and won the strike for the A.W.U. Of course, the moment the strike was won the A.W.U. severed its connection with the Trades and Labour Council. It said in effect, "We paid you our fees. We paid you our 30 pieces of silver. Now that the strike has been won by you for the A.W.U. we wash our hands completely of the Trades and Labour Council." So that when anyone tries to talk about trade unionism to me, that is, dinky-di trade unionism in every respect and every aspect of the term, in the name of all that is decent and honest do not couple the A.W.U. with dinkum trade unionism.

Before its introduction we heard a great deal about the Bill through remarks published in the Press. It was whispered around the corridors of Parliament House that it was to be the Bill of all Bills. This was to be the Bill that would usher in an era of industrial peace in Queensland. It was going to be a Bill that would serve as a basis for industries to rush into Queensland, a Bill to solve the unemployment problem and everything else. When it was introduced we found that it contained many bitter pills for decent unionists to swallow. Of course, there was a nice sugar coating on some of the pills. Some of its clauses as outlined by the Minister—we have to take his word for it that he was telling us the truth—appear to be quite desirable. I have in mind the

clauses covering long service leave and various other matters. But many of the provisions as outlined by the Minister are anathema, repugnant and obnoxious to me, and I am a good trade unionist and always have been one. By gilding some of the pills the Minister hoped that the trade union movement and members of the Opposition would swallow all the pills.

The Leader of the Opposition dealt with a matter that I think the Committee should consider very carefully. At present no legal man can enter the Industrial Court or any aspect of the Industrial Court unless he has the authority or the concurrence of the trade union concerned. It has remained a preserve for the employers' representatives and the representatives of the trade union movement. In other words, we have kept the greedy, predatory lawyers out of the Industrial Court. We all know that a lawyer's only consideration for a case is the fee that he is about to earn. He is not concerned with right or wrong. He is concerned only with the fee that he is about to earn or about to be paid. Many of them do their honest best to earn that fee whether they think in their own hearts that they are fighting a just cause or not. The Leader of the Opposition quoted some statements by Justice Foster, one of our eminent jurists in Australia. I want to read something else that he said. Perhaps it is in the paper from which the Leader of the Opposition quoted but, of course, he did not have time to quote it all.

It is a most amusing thing in the Commonwealth Arbitration Court and it is going to be a most amusing thing in this bit of legislative threads-and-patches introduced by the Minister, that a trade union or employer or any one or both go along to an arbitration commissioner and he sets out an award. The Leader of the Opposition would know this because he knows the trouble there is with regard to the interpretation of various clauses in the Railway Award. The Railway Department has set up an interpreter to try to sort interpretations out and, only when the union disagrees with the interpreter, does the matter go back to the court that made the award. That is a most important thing, but, under the Federal arbitration system an arbitration or conciliation commissioner makes an award and if there is any disagreement as to the interpretation of any part of that award they do not go back to the man who made it and say, "What do you mean by such-and-such a clause?" or "such-and-such a sentence?" or "such-and-such a page?" They have to employ the most expensive legal machinery in the Commonwealth and go before a judge of the Arbitration Court who knows nothing about the award, who has had nothing to do with the construction of it and who perhaps knows nothing about what was in the mind of the conciliation commissioner who made it.

Incidentally Justice Foster said—

"I have been a judge for 30 years but now I cannot wear my judicial robes; I

cannot wear my judicial wig because I am no longer a judge of the Arbitration Court; I am merely a conciliation commissioner."

I do not suppose that would affect anybody much because I have never considered Justice Foster to be a vain man.

He said—

"I make an award and I could interpret any section of it in five minutes but these interpretations must go to the Arbitration Court with considerable cost and delay to men who have no knowledge of the award that I made."

Is that not a stupid thing to do? But it is going to be embodied in this Bill and it is going to be embodied in this Bill for one reason and one reason alone—because this Government are determined to make the Arbitration Court a happy hunting-ground for the legal fraternity. They are going to make it another happy harvest time. They have already done it in many other pieces of legislation that they have introduced since 1957.

Whereas the door was always closed to the legal fraternity, this Government have time and time again thrown it open to them, with the result that many small unions with limited financial resources will not be able to go to the Arbitration Court for the interpretation of an award granted by a conciliation commissioner.

That is the most stupid and most senseless portion of the Bill, as I heard it read by the Minister.

When I read all the flim-flam in the Press and heard the Liberal boys in the corridors telling me that this was to be the paragon of legislation in regard to industrial matters, and that they were going to broaden the court, and the prerogative and the functions of it, I really thought that they were going to deal with the real problems that affect the working-class people of this State—that, indeed, affect every person in this State.

It is absolutely useless giving the court power to fix wages if the court is not to have the power to control prices as well.

I really thought that this Bill would be a Bill to set up a sort of board or commission not only to deal with wages, but also with prices, to deal with snide trade practices, with monopolies, with exploitation, to deal with the profiteer and the racketeer, to deal with all the "rorts" and "ramps" that are practised by employers and all the big monopolies in this State. But apparently this court will only have power to say, "A commissioner will fix your wages," and then one would need the wealth of Croesus to appeal against the interpretation. One would have to go to the Q.Cs., Graham Hart and all the rest of them, to appear before the Arbitration Court on an interpretation of the award. But at the same time the racketeers, the profiteers, the slum landlords, the go-getters and the

brothel owners will have an open go to exploit the people for as long as they want to and to the greatest extent they can. Until we have some authority not only to fix wages but also to control prices and control profits, then we are joining the conspiracy to assist in a perpetuation of the robbing and exploiting of the people.

If I may, I shall digress slightly. I suppose you, Mr. Taylor, have been the victim of this practice, as I have. We talk of the snide practices of the business community but permit what is perhaps the biggest racket practised by shopkeepers in this State, that is, celebration of Fathers' and Mothers' day. They sell all the rubbish and trash they can get for the most exorbitant prices. There is nothing in the Bill to deal with that matter or to prevent daughters and sons from being robbed and exploited because of their desire merely to buy a present for mother or father on Mothers' Day and Fathers' Day. The big firms are still going to have an open go—T. C. Beirnes, Allan & Starks, McDonnell & East, Edwards & Lamb, and all the rest of them.

The CHAIRMAN: Order! I think the hon. member has digressed far enough.

Mr. AIKENS: If we are going to deal with the men who earn wages, and pass legislation to control the earning capacity of the worker, let us give a thought as well to the spending capacity of the worker. I thought the Bill would deal with many vicious and venomous practices that have grown up under the protection of the Industrial Court. The hon. member for Townsville North and I, not long ago, went along to meet the executive of the Building Workers' Union in Townsville and representatives of the master builders. I hope the Minister for Labour and Industry is listening to this statement. The master builders had a representative there and their representative agreed with the representative of the Building Workers' Industrial Union that certain speculative builders and go-getters in the building trade were smashing down the whole arbitration system as a result of the labour-only contracts given out. The workers buying homes built by speculators, land subdividers and spec builders were being robbed because they were getting a shoddy job for the money they paid and the workers who were working on a labour-only contract were smashing all union principles and not making much more than bare wages.

Another aspect was raised by the representative of the master builders, and it was not disagreed with by any of the union representatives, that is, that workmen who worked all the week for a building contractor, a reputable building contractor, then worked all day Saturday to midnight and all day Sunday until midnight for the spec builders under a labour-only contract, and then came back on Monday to the reputable builder and spent all day in their employer's time sharpening their tools. That is what is going

on and I know it is going on, but the Bill will do absolutely nothing to stop it. I understand an application is being made by the Building Workers' Industrial Union to the Industrial Court to stop this pernicious practice, in an effort to get the building trade back on a sound and sensible basis and to see that buildings are erected by competent tradesmen, and to see further that those competent tradesmen are working for employers who pay them the right wages and give them the conditions applicable to a particular job.

I understand that the master builders are not opposing the application that will be made by the Building Workers' Industrial Union. Opposition, however, I understand is going to come from the Chamber of Manufactures, and opposition is going to come from the real estate agents, and spec builders and all those who are sponging and bludging, if I can use that term, on the protection of the Industrial Court and the arbitration system as it exists.

Unless the industrial legislation does something to protect not only the genuine tradesman and the genuine worker but also the genuine employer, then it is not worth the ink with which it is printed. I listened very attentively to the introductory speech of the Minister as he droned on and on. I see nothing in this proposed legislation to stop these pernicious, vicious and venomous practices that are going on, and have been going on, for years in this State. I understand that in reply to a question by the hon. member for Townsville North the other day, the Minister for Labour and Industry came forward with another of his unctuous replies, and said that prosecutions had been launched against some offenders. I can guarantee that those offenders had to go along with a hammer and hit the Minister on the head with it to wake him up to the fact that they were committing these breaches. They are rife, rampant and poisonous, and they strike at the very fabric of decent trade unions and honest people and they strike at the very ability of the young men and women who want to buy homes in order that they may rear their families, by being able to get a decent home for a decent price, but this Bill is not concerned with that.

There is another racket and rort in the trade-union movement, and as I listened to the Minister, I found that this Bill will do nothing to stop it. In certain awards an employee can contract himself out of a union. For instance, in the clerical award, if an employer pays, or says that he pays, with the concurrence of the employee, more than £5 a week over the award rate for that clerk, then the clerk is not required to have a trade-union ticket. Suppose that the award rate for a particular clerk is £17 a week. It is only necessary for the employer and the employee to put their heads together and for the employer to say, "Now, I am going to get you to sign for £22 a week. That is £5 above the award at the moment.

You claim I am paying you more than £5 a week over the award and you will not have to buy a union ticket, and you will not have to abide by any union conditions." That is one of the most pernicious things in the Industrial Court system. Does the Minister know about it? Has anyone told him about it? Has Peter Connolly mentioned it to him? He is not concerned with the rackets and rorts in the trade-union movement. What a shocking thing, for an employer and an employee to put their heads together to get the employee out of the responsibility of buying a union ticket!

There is another provision in this Bill that is perhaps the most shocking of them all. When this Bill becomes law, before the Industrial Court makes an award, it will be required to take various aspects into consideration. One of the aspects it must take into consideration, according to the Bill, is the prosperity of the particular industry. We know how balance sheets can be faked when we talk about some firms' balance sheets. If the Leader of the Opposition wanted to see a balance sheet of the Liberal Party, I can assure him, just by glancing at them, that there are at least twelve accountants in the Liberal Party in this Chamber who could each bring down a balance sheet so faked, crooked, or corrupt, that no-one would be able to interpret it. What is to stop any employer from coming along with a faked and crooked balance sheet and saying to the Industrial Court, "There is not sufficient prosperity in this industry for me to pay the wages that are being sought by the trade-union representatives," and according to the Bill, the Court must throw out the application for increased wages.

Mr. Bennett: You do not think the Treasurer would bring in a crooked balance sheet, do you?

Mr. AIKENS: I should say he is capable of doing it if he wants to, but whether he wants to or not is a matter of opinion.

There is another thing. We may get an employee or a number of employees working for an inefficient employer who is letting his business run down to the ground and is prepared to go on and just scratch a living. He can go along to the court and produce actual, factual figures showing that his business is not prospering. Its lack of prosperity may be attributable not to any lack of diligence or skill of the employees but simply to the lack of business ability of the employer, but, according to this pernicious clause of the Bill, the Industrial Court must refuse an increase in wages for the employees of that man because his business is not prosperous. I say that any industry that cannot make its way, while paying reasonable wages and giving reasonable conditions to its employees, should go out of business. Unfortunately, under the Bill, such an industry will be allowed to remain in business

and the wages of its employees will go down and down in order to keep pace with its degeneration.

There is another racket that is worked at times by the union mentioned by the Minister and sometimes by other unions. Some unions make an application to the registrar for certain rules, certain preference clauses, certain conditions in an award, and that application is determined without any reference to the other unions involved in the same industry. I hope you are listening, Mr. Morris! I paid you the courtesy of listening to you, although I am damned if I know why.

The CHAIRMAN: Order! The hon. member will address his remarks to the Chair and refrain from making personal references.

Mr. AIKENS: Have a look at the attitude of the Minister! Have a look at his air of superlative and supreme detachment!

Mr. Morris: Because you don't know what you are talking about.

Mr. AIKENS: As the Minister himself once said, he is like Mahomet's "womb"—up in the air. For goodness sake let him come down to earth and listen to what is being said.

Mr. Morris: You have not said one thing relevant yet.

Mr. AIKENS: Has there been written into the Bill, or will the Minister write into the Bill, a provision making it mandatory for the Industrial Court or the registrar to notify every union that has members employed in a particular industry, if any application is made by any other union with respect to that particular industry?

Mr. Morris: I suggest you get the Bill and study it for yourself. I know you are very lazy. I think you might put in a little work.

Mr. AIKENS: If ever I get to the state of indolence that the Minister for Labour and Industry has reached, I will have the ordinary, common decency and courage to resign from this Parliament.

(Time expired.)

Mr. LLOYD (Kedron) (4.8 p.m.): I had thought that the hon. member for Carnarvon, when he rose to speak, would join in criticising the Bill for its failure to provide any great advantage to the ordinary working people who comprise the great trade-union movement of the State. Unfortunately, like the Minister, he contented himself with outlining what he thought to be a few sins of some trade-union officials and some trade unions in recent years. The remarks of the Minister and the hon. member for Carnarvon would lead us to believe that they would deny the ordinary people who comprise the trade-union movement of the benefits of that democracy of which they, supposedly, are the chief custodians in the State. It was

said that many trade unionists run along with the Communist Party up at the Trades Hall. All I can say to that is that whoever is elected as a trade union secretary in Queensland must, under our industrial laws, be the democratic choice of the people who comprise that union. If we have another democratic organisation, such as the Trades and Labour Council, would the Minister or would the hon. member for Carnarvon suggest that that man should not take his place at the conventions and the conferences of the Trades and Labour Council to safeguard the interests of his union because one or two communists were also members, elected by the democratic vote of their own union in that organisation? I think it is a ridiculous argument and falls to the ground completely.

In introducing the legislation, the Minister actually endeavoured to mislead us, in a form of hysterical hypocrisy, into believing that he was concerned with safeguarding the interests of the rank-and-file members of the trade unions, safeguarding them, he said, against the trade-union officials. But I heard not one amendment to the Act that would give a greater safeguard to the ordinary rank-and-file trade unionist against oppressive tactics by a Government or an employer. In these hypocritical utterances the Minister stated that there was a great deal of irresponsible leadership within the trade unions, as though many of our problems today could be traced back not to action taken by an employer, not to any sins of omission or errors made by Governments, but purely and simply to what he called "irresponsible trade union leadership". He referred to the Teamsters' Union in America. That union has already been expelled by the Canadian Union of Labour and is in the process of being expelled by the American Federation of Labour. The Minister also made some statements about unions involved in Federal disputes at present, but those statements had nothing to do with the Bill. He omitted to tell us about the sins of his own Government and the employers in recent months that have created unsettled conditions in the Queensland industrial movement and which are responsible in a large degree for the present industrial unrest.

The Minister also referred to loss of revenue through industrial trouble at the Cairncross dock. He placed the responsibility for that at the door of the ship painters and dockers. I intend now to reply very positively to that statement by the Minister. On 6 September, 1960, I asked a question of the Treasurer, who was the Minister responsible for the Cairncross dock and the South Brisbane dry dock, and who was also responsible—I make this statement very definitely—together with his governmental officers, for the continuance of that dispute and the failure to reach a settlement in a reasonable time. My question was—

"(1) Is it a fact that he has refused to meet a deputation from the Ship Painters and Dockers for the purpose of

settling the present dispute over permanent and casual employment at Government dockyards?"

His reply was—

"(1) No request was received until after the men had refused work. The Union has been informed that where I have employees I will be prepared to meet them. At the moment I regret that I have no such employees."

That was a smart answer, an answer which indicated that, because men were involved in a dispute with the Government over their conditions of employment at Cairncross dock and South Brisbane dry dock, they had no employees, and so he refused to meet the union and conciliate. Is not that one of the conditions that the Minister for Labour and Industry has said he is including in the legislation?

The Treasurer went on to say—

"It is futile for the Honourable Member to suggest that the Government have refused to accept the Award provisions for casual work. Let me state quite clearly that we are fully prepared to meet and observe the Award. We are willing to employ all personnel engaged as permanent employees under the terms and conditions of the Award. Equally, when casual employees are required, we are quite willing to engage them as casual workers under the terms and conditions of the Award . . . I would suggest that the union should consider making its claim for an award variation accordingly."

What were the circumstances of this dispute? A Commonwealth conciliation commissioner had already established an award that stated that employees at these docks were entitled to either casual or permanent labour. It made provision for that type of employment and for travelling time, which was denied to them on this occasion, and for other conditions that were also denied to them by the Treasurer, but the Treasurer stated in his reply that they should make application for an award variation. When the application eventually was lodged the Commonwealth Arbitration Court gave judgment in favour of the union. After the Treasurer's failing for several months to negotiate or conciliate with the unions, and dogmatically making a stand, which meant the loss of a considerable amount of revenue to the Government through the docks, the Commonwealth Arbitration Court gave judgment in favour of the union, and the men returned to work at the status quo. That is an indication of the attitude of the Government towards conciliation.

I turn now to the Commonwealth Engineering dispute as a reply to the Minister when he stated that he was attempting to safeguard the interests of the rank-and-file unionists who were forced by their leaders to take action. He suggested that trade-union leaders were dragging rank-and-file unionists into disputes by their noses.

What happened in the Commonwealth Engineering dispute? Six thousand members of the Metal Trades Unions went to the Exhibition Ground where a resolution was carried by the overwhelming majority of 14 to 1. The rank-and-file members by secret ballot decided that the strike should be continued. Is that an indication of trade-union leaders dragging rank-and-file members by their noses? The rank-and-file members made that decision by secret ballot. Do not forget that 17,000 turned up at the Brisbane Cricket Ground to protest against the arrogant and autocratic emergency declaration made by the Government over that dispute. Those are only a few examples.

The Minister said that the amending legislation places an emphasis on conciliation. In the past we have realised that there were many faults in the arbitration laws. We realised that some of the faults created circumstances which made it difficult to settle disputes. The Minister says that we have to place the emphasis on conciliation, but I have already given him two examples of the failure of his own Government to conciliate. The Premier, and the Minister for Labour and Industry on many occasions, have refused to meet deputations from trade unions that wanted to discuss matters in dispute or about which there were threatened disputes.

There was no mention in the Minister's speech, or the speech made by the hon. member for Carnarvon, of the arrogant attitude adopted by the Metal Trades Employers' Federation of Queensland, or by Borthwicks, towards the meat trade. They have to accept a great deal of the responsibility for industrial unrest in Queensland. It is a pity that to those people many Government members look to secure their advice on industrial matters. In this instance conciliation is supposed to be the device by which all of these disputes will be avoided. In the past the practice was that immediately there was a dispute, notification was given to the Registrar of the Industrial Court. The court then "may" or "can"—not "shall"—call the parties to the dispute together for a compulsory conference. Unfortunately, the Industrial Court has failed to carry out that provision; in other words, the Court has not taken advantage of the provision included in the industrial law to call a compulsory conference of the parties to a dispute. If a trade union were to ask the Industrial Court to call such a conference, in many cases the request was ignored, but immediately an employers' association asked for a compulsory conference there was a phone call to the trade union and a compulsory conference was called. The Bill is supposed to overcome that position, and the duty of the Commissioner will be that immediately there is a threatened dispute the parties shall be called together. But this is where there is an important omission from the Minister's opening remarks. If we are to carry conciliation right through, there is no regulation

in this Bill similar to that in the Taft-Hartley Act. In other words there is nothing to cover what happened on many occasions with the Metal Trades Employers' Federation. A compulsory conference can be called, the employers may come along but they refuse to conciliate. It would appear from the Minister's remarks that there is nothing that would lead us to believe that the Employers' Federation will be forced to conciliate and co-operate in an endeavour to settle a dispute. We should like to see something along the lines of the Taft-Hartley Act in America.

What is the use of calling a compulsory conference if, as has happened on many occasions, the employers refuse to conciliate? That has not only happened at many conferences in recent years but also happened during the meat strike as far back as 1946, when the employers—Borthwicks again—refused to conciliate. It was necessary for the Premier of the State to call the parties together in his office. Even then the employers refused to come to any form of compromise in an attempt to overcome the seriousness of the strike at that time.

When the Minister came back after the luncheon adjournment he said that the hon. member for Belmont had interjected to the effect that many of the provisions were already in existence. That is so, and there is no objection from the trade union movement to a proper audit of accounts being presented to the Industrial Court. That is already done. Nor is there any objection to the accounts being made available to rank-and-file members of the union. In most cases that is already being done. There is no objection by anybody to clean ballots within trade unions if it is by the best possible method of obtaining them. But there is a good deal of objection to any attempt at legislative coercion, or a minority of members endeavouring to take control of a trade union. It has been said from time to time that that has happened so far as Communists are concerned. I agree with that. It has not only happened with Communists but where other sections of the community have used Communist tactics in an endeavour to take control and coerce employees. The Minister is introducing legislation which will allow a minority within a trade union to do this. It will enable the Minister to give this minority financial assistance to enable it to break or destroy or discredit or in some other way upset a trade union that may or may not be extremist or militant in its views.

We agree that the domestic affairs of a union are best left in the hands of the rank and file and if we reach a stage where the rank and file are likely to enforce their wishes on their leaders, we believe that is sufficient. To encourage the growth of minority cells within trade unions can cause nothing more nor less than disruption, industrial unrest and a state of affairs that will destroy confidence in the trade-union movement. That is a danger not only for an

individual union, but also for the community as a whole. The trade-union movement plays a very important part in the community and in living standards. It plays an important part in all of our organisations and, if it is destroyed or disrupted, instability will be created and instability will spread not only through the trade-union movement itself but also through all sections of the community outside the trade-union movement. Distrust, lack of confidence, and all those things are the natural consequences of disruption and destruction. Why should the Minister and the Government support, as I believe they do, some sort of financial assistance so that a minority group within a union can create disruption? Is it a matter of politics? Will it be that the leader of a particular cell will be of the same political colour as the Minister for Labour and Industry, that a member of the Liberal Party who wishes to create a cell within a trade union can receive this money from the Liberal Party Government?

The next matter I turn to is the definition of bonus payments. The Minister said they are now to be taken completely out of the control of the Industrial Commission, that they will be a matter for conference between employers and employees, outside the Court. The Minister, however, did not attempt to define bonus payments. Some features of our industrial awards could fall into that category. Bonus payments could include over-award payments, or payments that have been referred to by employers on some occasions and by the Commonwealth Arbitration Court in its judgments as over-award payments. If such payments came within the definition of bonus payments, such awards would be outside the control of the Court. Is it the intention of the Government to create such a situation that the Commissioner or Industrial Court on an application for increased wages on the basis of comparison, like with like, can say, "We have no control over anything that is not included in the award. If you want something outside of the award, you must confer with the employers outside the Court."

I can see other dangers that could be created. The Government have brought about a favourable set of circumstances for employers. Take the matters of penalty payments and overtime rates, annual leave, sick leave, and so on. The men could be tied irrevocably to strict award payments. Such matters could be treated as an annual bonus paid to employees. In other words, instead of over-award payments being paid to workers as a matter of right, the practice that has operated in the past, those payments in future will be outside the ambit of the Court, and will be by agreement not registered in the Court.

Mr. Hanlon: And they can be used as a stick, and taken away when the employer wants to do so.

Mr. LLOYD: I am reminded by the hon. member for Baroona that over-award payments which are the subject of an official agreement between an employer and employees, registered in the Court, cannot be taken away by the Court, but that if these bonus payments are not registered with the Court, they can be taken away at any time by the employer.

My remarks on bonus payments are confirmed by the 1959 Margins Judgment of the Commonwealth Conciliation and Arbitration Commission in which it is stated—

"It would seem to us both on the material before us and with our general industrial knowledge that some at least of the payments which have been given special labels were no more than straight over-award payments."

If that is the decision of the Commonwealth Commission, quite probably it could also be the decision of the State Industrial Court. As usual, in the Minister's insolent style, he did not explain completely anything that he was reading to us and there was no opportunity for us to ask questions. We could not interrupt, and when we were in doubt, it was not possible for us to put our doubts to him so that he could make the matters clear. I hope that our questions will be answered and when they are answered, that they are not accompanied by the insults that are in so many of his speeches.

Let us examine what he said about cooks in future being included in rural industries. What is this? Is it a snide or devious method of bringing under the heading of rural industries what is now known as the Station Hands' Award the employees under which were granted a 40-hour week last year? Are they to be included amongst cooks and cooks' attendants and other categories mentioned by the Minister when he introduced the legislation? The term "rural industries" must mean something, and it is significant that the court stated, when granting the 40-hour week to station hands, that they were in the position where they could do nothing else; that it was provided for in law and they were forced to grant the 40-hour week. If the station hands are to be brought into the category of rural industries, then no doubt we will find that this is a snide and devious method of overcoming the opposition of their friends, the graziers in the West, to the introduction of the 40-hour week in the far western and far northern areas of the State.

An Australian Labour Party Member: That is what the Premier promised the graziers at their stop-work meeting in Barcaldine.

Mr. LLOYD: Yes. They promised it through the hon. the member for Gregory. He promised it to the graziers at Longreach. If this is the method, it is a very devious and snide method of doing it.

I come to another matter raised by the Minister in his introductory speech, about the resignation of trade unionists from trade

unions. Apparently, it will now be possible for trade unionists to resign from the trade unions and still continue in their employment. If I am wrong, I am subject to correction, but that is what I understood the Minister to say. That may be desirable from the Minister's point of view, but if that is the intention, it is another attempt to get rid of preference to trade unionists. I pose that question as one that must be answered. There are questions here that the Minister must reply to. We do not know whether we can completely rely on his introduction of the legislation or whether he is completely honest in his introduction of it. This principle is a very important part of our industrial organisation and as far as possible we must protect preference to trade unionists in Queensland.

Mr. HOUSTON (Bulimba) (4.33 p.m.): I am taking this opportunity to contribute to this most important debate. Usually, when a Minister introduces a Bill we find he is most informative and it is quite pleasant to listen to him. However, when the Minister introduced this Bill we found he did it in a most incompetent manner. He showed a complete lack of knowledge of the subject that he was handling and he tried to cover it up with the statement that he was not going to listen to any questions. I believe that the Minister does not understand one work of this legislation. If he did, he would have taken advantage of the opportunity during the introduction to clear up many matters by allowing intelligent interjections from this side of the Chamber. He should have answered them there and then, and thus saved repetition. As it is, several speakers may have to go over the same ground, and that will be only a waste of time. The Minister should know whether matters are, or are not covered by the Bill.

I criticise the Minister because of the method he used to introduce this legislation. It is so important that many hon. members from this side of the House will speak on it. It is our desire to make sure that the industrial legislation of the State is as good as it can possibly be.

The only time the Minister felt absolutely sure of himself during the introduction of this measure was when he was speaking truly from his heart, or when he came to "MacCarthy-ism," and attacked the trade union movement by calling it communistic. I believe this story has done its time and it is about time the Minister and the Government woke up to themselves and forgot all about this one-sided business of attacking people and calling them Communists. If it suits the Country-Liberal Party, they are quite prepared to favour the Communists. We read in the paper, "Chinese buy our Wheat." Is not that the same thing after all? It is good enough for the country to trade in our products with a Communist country, so if a man holds a particular political view, which

is legal in this country, it is not for the Minister to use his time in the debate to couple him with people who are not Communists.

When Communists like the ambassador come out from Russia, the members of the Country-Liberal Party Government are quite keen to take them over Queensland, particularly the southern part of the State, and show them round. They even take them down to our docks and through our industries. Can you imagine the cry there would be if the trade-union movement even attempted to do that? Just because it is the Country-Liberal Party doing it, apparently it is all right for the Minister. These are not my words. The Minister was very keen to quote articles from "The Sunday Mail", "The Courier-Mail", and the like. These are articles that appeared in the daily papers. If he believes one, he must believe them all. The Minister sets himself up as the great champion of conciliation. I hope our Conciliation Commissioners are not built on his structure and that they will not have his outlook in life. What would happen if the Building Workers' Industrial Union was involved in a dispute and the Conciliation Commissioner were to say to the secretary, as the Minister has said, "Don't come near me." I believe his very words were that Mr. Dawson was not welcome on any deputation. He said he had given orders that when he received a Trades and Labour Council deputation he would be much happier if Mr. Dawson were not a member.

Mr. Morris: I did say that.

Mr. HOUSTON: Of course the Minister said it.

Mr. Morris: Because he is offensive.

Mr. HOUSTON: There will be no hope of conciliation if the Commissioner has the make-up of the Minister. After all, we want industrial peace in Queensland. It would be far better for the Minister to come into the Chamber and introduce legislation, saying that it was designed for industrial peace. Give us industrial peace and then the effectiveness of the Communists will certainly be reduced, if not eliminated.

In the latter part of his introduction the Minister had a great deal to say about articles that he read from "The Courier-Mail". I think what brought all this up was his reading an article published in the paper last year headed "The sh-APE of things to come" and dealing with the employment of chimpanzees. The Minister must have imagined he was making monkeys out of the trade unionists.

The article says—

"Three chimpanzees will report to work tomorrow at the Superior Furniture Manufacturing Co., Texas, to replace two human employees.

The chimps—Fudgie, Pudgie and Bobby—will work a full eight-hour day, Mr. Ben Friedman told United Press International today.

Under a foreman, they will stuff rubber foam pillows, put beds into cartons, and attach legs to chairs.

They will have an hour for lunch.”

So it goes on. If the Minister thinks the trade-union movement will accept this Bill without putting up a good fight, he must certainly think they are monkeys.

He went on to say that union officials are all of a kin and are not working in the interests of their members. I point out to him that the officials he referred to were democratically elected by their members and therefore they have every justification for acting on their behalf. Today the Minister is introducing a Bill. Before doing so, did he go to the electors of Queensland and ask them if they were in accord with the decision the Government had made to introduce it? Of course not. He accepted the mandate from the people and brought the legislation in. I might not agree with its provisions but I agree that he acted perfectly within his rights in deciding on the legislation. Before Mr. Holt brought in the credit squeeze did he go to the people of Australia and ask them, “Do you agree with what I am going to do?” Of course he did not. That is his right. Having the confidence of the people for the time being, until they have an opportunity of showing otherwise, it is competent for him to bring in these restrictions that have brought about the credit squeeze. It is equally competent for trade union leaders to make decisions on behalf of their members, because they have the confidence of the majority of their members.

The Minister spoke of pressure groups, and so on. Normally I am not in favour of using newspaper articles in my speech, but if the Minister uses them, I believe it is right that we should use them in reply. I have here an article that I have taken from “The Courier-Mail” referring to the elections in the Building Workers’ Industrial Union. I am taking Mr. Dawson because he seems to be a personal friend of the Minister. I should not like it to be said that I was referring to someone who was not well known to the Minister. In the recent election Mr. Dawson received 1,900 votes, whereas his opponent, Mr. Evans, received only 870 votes. The article mentioned that on this occasion there was a much more organised attempt to get rid of Mr. Dawson. Whether we like it or whether we do not, the majority of members of that union voted for that man, and he was democratically elected. Take my own union, where we have another Mr. Dawson, Mr. Archie Dawson. I hope the Minister will not again imply that Mr. Archie Dawson is in any way connected with Communism. He has the absolute confidence of every member of the Electrical

Trades Union in Queensland; he was returned unopposed. I was also unopposed for an executive post in my own particular area. Is the Minister going to say that we are not acting with the full backing and confidence of our members? I say that we are and that any statement to the contrary is certainly not borne out by the facts.

Mr. Hanlon: When Eric Gaven wanted a secret vote in the Country-Liberal Party caucus the Premier would not give it to him.

Mr. HOUSTON: That is quite correct, and it just shows how keen the Government really are to help the people of Queensland in carrying out their own ideas. The truth is that this legislation is being brought down in the interests of those whom the Government represent, plus the interests of certain members of the legal profession who have been trying for years to get into the Industrial Court and get a very remunerative practice.

It was significant to note that the whole of the Minister’s attack was on the trade union leaders who, he said, did not care two hoots for their members. What about the employers’ advocates? They are purely and simply employees of the employer organisations. At least the trade union advocate is responsible to the union. He has to present himself for election before the rank and file of the union every two, three, or four years, according to the union rules. He has also to meet the men on the job, and he is associated with them continually. It is only common sense, therefore, that he will carry out the wishes of the majority. The employers’ advocate has not to worry about anybody. As long as he does the right thing by the employers’ organisation, as long as he can cause trouble and serve those who employ him, it does not matter one way or the other to him. He is simply a paid officer. It is on record that a well-known employers’ advocate, Mr. Grounds, made a statement, which appeared in the Press, that you met fire with fire. How can we talk about conciliation when we have men who are supposed to be working for conciliation making statements like that? If we are going to criticise one section, then we should criticise the other section also. Let us have a look at what brought about the legislation. The Minister said that it was brought about by 12 months of industrial unrest. I should say that the 12 months of industrial unrest has been brought about, not by the trade union movement, but directly by the Commonwealth Government, backed by the State Government. The Commonwealth Government went into the Federal Arbitration Court and brought about conditions, particularly in the South, that allowed an increase of 28 per cent. on margins to be granted. That triggered off a whole series of events whereby all trade unionists believed that they were entitled to receive that marginal increase. I also believe that they

were entitled to it. But what happened? The Court has acted in a peculiar way over the last 12 months. It saw fit to grant increases to some unions and not others. Many trade unionists who could be classified as white-collar workers received substantial salary increases. Parliamentary officers received £560 or more; teachers received a substantial increase—up to £160 for Class II, up to £200 for Class I, and up to £350 in some cases for principals of colleges. Large increases were granted in the State Public Service. I have no objection whatever to these people obtaining their increases, but what I object to is the sectionalisation in the granting of them. Apparently the idea got into the heads of the court members, "For goodness sake do not increase the rates of the rank-and-file workers. If you do industry will go under. If you do the whole country will suffer." That seems to have been the whole basis for the granting of increased margins. Increased wages were given to those engaged in non-profit industries, in other words, where the cost is not passed on. Increases were granted in the Public Service where there is no passing on of costs, but where the State carries the burden itself. Increases were not granted in industry where it is possible for the employer to pass on the cost of increased wages. The Court has clamped down on that type of industry. I think that the reason for the Court's policy in granting marginal increases was that in granting them to the people I have mentioned, it does not affect the economy, but if they granted them to people who work for manufacturers and the like, the increased cost would be added to the price of their commodities. Perhaps their logic is quite sound, but why should one section of the community alone be penalised? Therefore, there must be another way of attacking the problem of equalising income so that all workers receive a just return for their labours, whether they be white-collar workers or workers in industry. If we allow this trend to continue I am fearful we shall have no young apprentices entering the trades. We might finish up in the position we were in in 1939-1940 when because of national emergency we could only half-train men in order to get tradesmen into the field and into the fighting services. We do not want a repetition of the difficulties we had in those days. It is true that many of our men and women in the early part of the war, in many of the war industries, were not really competent tradesmen. Thank God, Australian people can learn quickly and efficiently. But, we do not want to reach a situation, due to our wage structure, where these people are forced away from the trades, which are the backbone of the secondary industries. We do not want to force young people away from them because of the artificial wage structure operating today.

Most of these strikes are caused by ordinary workers in the trades realising that they are not getting wage justice. If they cannot get wage justice from the Court, then what can they do? The only thing left for

them to do is to agitate for increased wages. The Minister has spoken of agitation by some spokesmen, but those spokesmen are the leaders of the unions and are backed by 90 per cent. of genuine trade unionists. Do not let us have all this talk about the bad men leading the workers of Australia. If it had not been for the trade-union movement in Australia over the years we would have been in a sorrier state than we are in today.

I suggest to the Minister that, when he is considering this legislation—as I am sure he will do over the week-end—he should take into consideration the fact that there is nothing greatly wrong with our present system. It is perhaps the application of it that is wrong. We have allowed other things to enter into it over the past few years. Whether it was done deliberately by the Government I am not in a position to know, but it is a strange coincidence that in every court in Australia where a Liberal-Country Party Government are in office industrial relations have deteriorated very quickly.

Mr. Tooth: You believe in arbitration. Why is it that when the Arbitration Court gives a decision the unions will not abide by it?

Mr. HOUSTON: Because the trade-union movement believes the Industrial Court is giving decisions on wrong evidence. I believe favourable decisions are given only for sections of the community.

Mr. Houghton: What is wrong with the arbitration system?

Mr. HOUSTON: There is nothing wrong with it; it is only the way in which the system has been allowed to operate. When the Australian Labour Party was the Government, what a great system we had in Queensland! As soon as we had a change of government things began to deteriorate and they have not been going well at all. In fact, they are getting progressively worse.

I cannot go through the various clauses of this Bill but there are a few points I wish to mention. The first is legal representation in the Industrial Court. I believe that is one of the worst principles of the Bill. Over the years we have deliberately kept legal men out of the Industrial Court. It is not because of the unions' inability to afford them, but that is an important factor too. Our industrial awards must be worded in such terms that the ordinary person in the street can read and understand them. That is one of the most important factors with industrial awards. Other legislation provides that awards must be shown in workshops in a prominent place where workers can read them. If those awards are couched in legal phraseology how will the ordinary worker understand them? I am sure many hon. members of the Government Party will agree that legal documents can become very confusing. We do not want such confusing language to be used in our industrial awards,

which must be couched in simple, every-day language. What do we find on every occasion when legal men enter into the picture? They start to cloak matters with legal terms, and the next thing we know is that we are going from court to court seeking the meaning perhaps of a particular word. Over the last 18 months we have had the spectacle of courts being asked to interpret various matters. If one party is going to be allowed to have legal representation, then the trade-union movement will certainly require legal representation. I do not think legal representation is desirable, and I suggest to the Minister that he delete the provision from the Bill.

I shall deal now with the penalty clauses. The Leader of the Opposition has said that to a greater and greater extent Queensland legislation is following the Commonwealth Liberal-Country Government legislation. That may be a good thing from one viewpoint, that the Queensland people will realise, quicker than they would otherwise, that the Queensland Government are merely the small brother of the Commonwealth Liberal-Country Party Government. It might be a good idea for Queensland as a whole if the Minister spent more of his time in the administration of his other portfolio, Minister for Tourism, and accompanied Mr. Menzies on one of his infrequent visits to Australia.

The Minister's remarks on auditing of accounts show very clearly how little he knows about the trade union movement and its accounting system. Does he not realise that at every executive meeting the statement of accounts showing income and expenditure is examined? Does he not realise that these matters are presented at the annual meetings? Does he not realise further that every delegate gets a copy of the statement, a statement that is drawn up in such a way that he is able to understand it?

The average trade-union member is perfectly happy about the way his union is being managed. The only time any organisation, whether a trade union, a progress association, or the Liberal Party, gets a big, voluntary attendance at its meeting is when someone has something to growl about. Hon. members can go to the Trades Hall. They will find that members are perfectly happy to accept the leadership of the office-bearers, and the only time a meeting is attended by big numbers of members is when those members go to the meeting to support their industrial leaders, not to criticise them.

(Time expired.)

Mr. MELLOY (Nudgee) (4.58 p.m.): This is a very important Bill. It cannot be discussed fully until we have read the various clauses, but we can comment on what we have heard from the Minister and give our views on the industrial position. The Bill is further proof of the statement that whoever calls the tune pays the piper. There is more behind the measure than meets the eye, and more behind it than we have been led to

believe by the Minister. Truthfully it can be said that coming events cast their shadows before them. I draw hon. members' attention to the report in a newspaper of 8 April, 1958, of Mr. Coneybeer's statement in the Industrial Court—

"It was most unfortunate that the State Court did not have the Commonwealth Court's punitive powers."

We find now that the Minister has taken unto himself the right to incorporate in Queensland's industrial legislation some of the punitive provisions of the Commonwealth legislation. That is very forcibly illustrated by the increase in the fines that are proposed under this legislation. Some fines have been increased from £100 to £250, some from £100 to £500, and even to £1,000. This Bill is directed against the workers of the State. It will make it increasingly difficult for them to obtain industrial justice and it will be a most expensive process to take full advantage of it. Appeals are now to be allowed to the Supreme Court, which means that great expense will be involved, if a case is pursued to that extent. It may even go to the Privy Council. What union in Australia can do that consistently to obtain justice for its members? That is typical of the Government in meting out, not justice, but injustice, to the workers of the State. I refer now to something that occurred which indicates some of the background to this Bill. On 12 May, 1959, the Premier told a conference of the Central and North Queensland Graziers' Association that the Government wanted to make the State Industrial Court more flexible, or, in other words, to make it more amenable to the influence and direction of the Government. This is a report of that conference—

"Following criticism by several delegates of the present system, the conference decided that the U.G.A. should take necessary action to cause a review of all aspects of the arbitration system in Queensland."

When the Premier was invited to address the delegates at the conference he referred to this motion that had been carried, that there should be a review of the industrial system and that the U.G.A. should take action to see that the arbitration system was reviewed, by saying that the Government were concerned about the criticisms by some of the delegates and he intimated that he had begun a review. When the graziers call the tune, the Government fall into line.

Mr. Ewan: That will be the day.

Mr. MELLOY: That has been the day ever since this Government came into power. They talk about outside direction, but they have given every evidence that they are directed forcibly, and conclusively, by the various employers' organisations, and the pastoralists and graziers of the State.

For some time it has been obvious that certain remedies were needed to combat the shortcomings of the Industrial Court. The delays that have occurred in the hearing of

cases have caused great distress, and great expense, to the unions of Queensland. Although it is not in the Bill, it is time that the Court was so constituted or improved as to bring cases on within a reasonable time.

It is proposed to widen the scope of the Court and the Commissioners so that they may deal more adequately with industrial troubles. I suggest that at present the Court has ample powers to meet any such situation. It should have taken action long ago to ensure that the parties to the disputes were brought into conference. Had that been done, there would have been far less industrial strife in Queensland and there would have been many more satisfied unionists.

Whatever action the Government propose to take, the Industrial Court and the industrial commissioners must remain bodies of conciliation and arbitration and not of direction. They should not attempt to direct the industrial structure of the State or the conduct of the unions. They should act purely and simply as arbitrary and conciliatory bodies in industrial disputes.

I do not think the Government, through the commissioners and the Court, should interfere with the conduct of unions. It has been amply demonstrated by the unions themselves that they are quite capable of conducting their own affairs without assistance or direction from outside bodies or from the Government. If the Government intend to exercise any restraint or control over unions, or to restrict them in their activities, they must take similar action against the employers' organisations. As has been pointed out, whenever the employers want a conference there is no delay in having it brought on but, in most cases, when the unions seek a conference with the employers' organisations they refuse to sit around the table and conciliate. On the odd occasion that the employers attend a conference they sit and listen to what the union representatives have to say and, when it is their turn to speak up and say what they are prepared to do and how far they will go to conciliate, they say, "We have heard your case. We have nothing to offer. We will leave it to the court to decide after having heard the parties." The purpose of their attendance at those conferences is merely to hear the "guts" of the union case.

With industrial conciliation or arbitration, industrial justice should be weighted on the side of the employees, because they have most to lose. They must be given the benefit of any doubt. They are on the weaker side of any argument. The employers have the strength and can bring pressure to bear on the employees that it is not possible for the employees to exert on the employers.

Let me give the Committee an instance of how I think the unions should react to the actions of these employers even if they do not get the blessing of the Industrial Court on the matter. Away back in 1892

at Broken Hill members of the then Miners' Association were locked out by Broken Hill Pty. Ltd. for 14 days. In the previous 12 months the Broken Hill Pty. Co. Ltd. had made a profit of £1,000,000. At the end of a fortnight they found that it was not a paying proposition to keep these men locked out, and they decided to take them back on the following Monday. But the men had their own views, and they refused to resume work until certain conditions were met. The employers, of course, were in such a state of consternation that they granted an increase in wages and reduced the working hours by two a week. The men started work the next day.

That brings me to the recent dismissal of employees in the motor industry. The Ford Company dismissed 400 men here; 2,500 were dismissed by General Motors-Holdens in New South Wales. I think the remaining employees should have told General Motors-Holdens to go jump in the lake, that if 2,500 were dismissed, the rest of them would go on strike. That would have taught the company something about industrial relations. If it is right for General Motors-Holdens to deprive 2,500 employees of their livelihood in one fell stroke, the employees would be equally justified in withholding their labour and bringing General Motors-Holdens into line. However, I think the purpose of General Motors-Holdens in putting those men off was to bring the Federal Government into line and get them to remove the extra sales tax.

Mr. Hanlon: The employees could not go to the Court when they were sacked, but the company can go to the Court if the employees will not work overtime.

Mr. MELLOY: Exactly. The Minister referred to the position on the waterfront and gave examples showing that the workers of Australia were holding up the development of industry. He told the Committee of the great fall in tonnages loaded and unloaded at various Australian ports and pointed out that industrial strife on the waterfront was most undesirable and a great disadvantage to the Australian community. The fact is—and Mr. Menzies boasts about it—that there has been less industrial strife on the waterfront over the last seven years than there has been in any period since the end of the war. So it would appear that the examples given by the Minister were very weak indeed.

We must read the Bill to know exactly what it contains. Therefore I do not propose to speak at length at this stage. The Minister has not given us any indication of what the Bill contains. As the hon. member for Townsville South said, he talked on and on and said nothing. We are reserving our main attack until the clauses are being discussed.

Mr. MANN (Brisbane) (5.14 p.m.): I listened very attentively to the Minister's introductory speech, and I was struck by his

peculiar attitude. He told the Committee that he had brought in the Factories and Shops Bill, which had made him the heaven-sent saviour of industry. Now he says that this Bill will rank second only to the Factories and Shops Bill.

Mr. Morris: No, I didn't.

Mr. MANN: The Minister said that it would compare favourably. I give him full marks for what he said about it.

It is apparent that the Minister thinks that everything he does puts a halo round his head, and that anything done by the trade-union movement or the Australian Labour Party must be roundly condemned. I remind him that had it not been for the treachery of a Labour Leader in the trade-union movement and the gerrymandering of the electorates he would not be here to introduce any legislation that he skites so much about.

Mr. Morris: Don't fool yourself.

Mr. MANN: I am not fooling myself. The Minister will not fool the majority of the trade-union members of the State with this legislation. Make no bones about that. What does he seek to do? He says that he seeks to bring about industrial peace and good relations between employers and employees. As an intelligent man, Mr. Taylor, do you think that this Bill will do that? It will have the opposite effect. The Minister said that he intends to deal with trade-union leaders or executives who incite their members to go on strike. He says that if the evidence is submitted action will be taken against the executives or leaders of trade unions. Let me put on record a statement by the late and revered leader of the Labour movement, Ben Chifley, at the annual conference of the Australian Labour Party in New South Wales in June, 1951. I should like the Premier to listen to this too—

"No government by coercion by convicting and sending men to gaol for industrial offences, is going to produce anything but strikes, nor will it cure the evil men suffer. But it will increase bitterness and hate in the community, and destroy itself by such action."

In my opinion nothing truer has ever been said. No Government by coercion, intimidation or stand-over tactics against union leaders will ever bring about industrial peace. It will engender hatred and bitterness which will take years to undo.

The Minister said that the unions can approach the Court but they must accept the decisions of the Court. The Government have started this bitterness. They started the procedure in Queensland that has caused a good deal of the bitterness existing amongst tradesmen and unionists in factories today. The Government have dealt with public servants by conciliation. They have been granted substantial rises in salary and with

that I heartily agree. I applaud them for granting such increases, but railway men, who are also Government employees, are not to be dealt with in the same conciliatory manner. The Government have told them that they must put their case before the Court. Why should there be that differentiation between two sections of Government employees, between white-collar workers and the tradesmen in the running sheds of the Railway Department? The Minister for Transport refused to see railway-union executives to discuss increases in margins for railway workers. He said, "I refuse to see them. I stand by the Government's policy of arbitration. Let them go to the Court." Are the railway men not entitled to be incensed? Are their leaders not entitled to be incensed, and bitter, and resentful of the Government's attitude? That is how they treat the railway workers on the one hand while they adopt a conciliatory and platitudinous attitude to the Public Service on the other.

Mr. Nicklin: They went to the Court.

Mr. MANN: Of course. They met the Public Service Commissioner in conference and the Premier did not oppose their claim. The same position does not exist elsewhere in the Public Service. It is quite evident that the Government pander to the Public Service and do not pander to other sections of their employees. The Minister complained of agitation by the leaders of the trade-union movement, because they could not get wage justice from the court. They decided to resort to strike action. That is what the Minister said he would try to avert. I say he cannot do it.

I have an article from "The Sunday Mail" of 20 October last referring to the Rocklea dispute. It says—

"The State Industrial Court yesterday refused to review wage increases for six awards affecting employees of the Commonwealth Engineering works, Rocklea.

The court found that there was no justification for any increase in wage rates.

The Public Service Commissioner (Mr. Fraser) had sought a review following a strike at the works last month and declaration of a state of emergency by the State Government."

The court refused to agree that there was any justification for increases in the wage rates.

Mr. Egerton, president of the Trades and Labour Council and one of the members of the Disputes Committee had something to say. I will quote it in full so that I cannot be misquoted by the Minister. This is the report—

"The Trades and Labour Council president (Mr. J. Egerton) last night described the court's decision as 'frightful, and without any ray of hope.'

It confirms the general view of the metal trades that wage justice cannot be obtained from the Arbitration Court,' he said."

That is the very point that I want the Minister to understand. Here was the leader of the Trade Union movement in Queensland saying that the court's decision was frightful, that it confirmed the general view of the workers, that wage justice cannot be obtained from the Arbitration Court.

Mr. Morris: Who said that?

Mr. MANN: Mr. Egerton.

Mr. Morris: I know him and I know many other things that he said, too.

Mr. MANN: The Minister may quote all sorts of things but that will not solve the industrial troubles of today.

Mr. Morris: I have not quoted anything.

Mr. MANN: Mr. Egerton further said—
"The decision gave approval for Commonwealth Engineering to build trains for Queensland in its New South Wales workshops at 53s. a week more than the Queensland award.

He said a special meeting of the Labour Council and Commonwealth Engineering Disputes Committee today would discuss the decision and what action might be taken."

If the Minister were not a Minister of the Crown, but a worker at the Commonwealth Engineering works at Rocklea and he knew that men in New South Wales doing exactly the same type of work were getting £2 13s. a week more, would he feel aggrieved?

Mr. Morris: May I answer that?

Mr. MANN: Yes.

Mr. Morris: I am a worker, and people doing similar work to what I am doing are getting about £15 a week more than I am getting and I am not growling.

Mr. MANN: The hon. gentleman should be serious. I have never heard such piffle. It is no use trying to force the trade-union movement or persons in industry in this way. I realise that the hon. gentleman has a certain amount of work to do. He is a white-collar worker; he has to work long hours to do his job. I give him full credit for that, but I am asking him to put himself in the position of a worker in the engineering shops who knew that a similar worker in N.S.W., employed by the same company was getting £2 13s. a week more for the same work. Would he not think there was something wrong with the wage structure and wage justice of Queensland?

Mr. Ewan: He could go to New South Wales.

Mr. MANN: He cannot go to New South Wales because there is no work there for

him. He has to stay in Queensland and work in his own State. It is all very well for the hon. member, a wealthy man, to say that the worker can go to New South Wales. The hon. member could go to New South Wales; he could even fly to America.

I am telling the Minister that the workers are dissatisfied with the present position. Irrespective of the number of penalties inserted and the attacks on the trade-union movement or its leaders, the difficulties will not be solved. It is useless for the Minister to blame the Communists for all the dissatisfaction. The dissatisfaction exists among the workers because of the treatment they are receiving and that is the point I want to stress. If the workers at a particular job decide they will go on strike, and do go on strike, even if the union leaders say to them, "Let us consider the matter; we will go into it," and the employer or someone else files an affidavit in court to the effect that the men have gone on strike on the advice of the trade union leaders, the Court, if it finds in favour of the employer, can impose severe penalties.

On many occasions I have refused to accept the advice of trade-union leaders. I can remember an instance when I worked at the Gladstone meatworkers. The Court decided to reduce the wages of meatworkers by 6s. a week. We refused to accept it, despite the fact that the union executive asked us to accept it. We would not take the reduction; we held out for the old rate. The company eventually paid the old rate. I recall a similar happening when I worked at Bundaberg. I moved round quite a bit and worked hard prior to coming here. (Government laughter.) I said, "Prior to coming here." This is the easiest job I have ever had and the easiest I am ever likely to have. I make no bones about that. The Australian Labour Party to which I belong was born of the trade-union movement, and we are here to put the case for the trade-union movement. I am not going to sit here without protest while the Minister introduces a Bill with stringent penalties to be imposed on trade union leaders for militancy and for advocating wage justice.

The employers realise that something is wrong with the wage structure and wage justice. They are trying to get away from the "C" Series Index; they want to adopt some other method of computing wages. If I was a trade union leader I would stick solidly to the "C" Series Index, as it is set out clearly, and it can be easily understood.

The Minister commenced his speech by reading a long dissertation, including a statement by Edgar Williams of the A.W.U. He did that, not because of any love for Edgar Williams or any love for the A.W.U., but in an endeavour to pit one trade union against another, to create strife amongst the unions.

Mr. Ewan: Do you say that the Industrial Court is incompetent.

Mr. MANN: I did not say it is incompetent; I said that many of the unions are dissatisfied with its decisions.

Mr. Ewan: Who would be the rightful persons to decide?

Mr. MANN: The unions go to the Court and the Court decides not to grant their applications. They then approach the employers and attempt to negotiate with them. If the employers decide not to negotiate, the employees may then decide not to work for the employers. A worker has only one thing to sell and that is his labour, and he is entitled to sell it to the highest bidder. If he is of the opinion that he is not being paid sufficient for his labour, he can say, "I will go on strike and withdraw my labour from the workshop."

Mr. Ewan interjected.

Mr. MANN: The hon. member is not going to put words into my mouth. I have nothing to say about the personnel of the Court. I know the members and I know they have a job to do. But I am pointing out to the Minister the reason for the dissatisfaction and trouble that exist today. It is all very well for the hon. member, a wealthy man from the back country, with Parliament as a sideline to make jokes about the personnel of the Court.

Mr. Knox: What about the Morningside Branch?

Mr. MANN: Just like the Morningside branch, or the Brisbane branch or the Barooka branch of the A.L.P. We have all sorts of people who express their opinions.

Mr. Knox: That may not be for very long.

Mr. MANN: That may be the hon. member's idea. They are just as capable of looking after themselves in the Labour Party as the hon. member is capable of looking after himself in the Liberal Party. I can assure him of that.

I believe that Mr. Connolly is likely to go into the Industrial Court as one of the Commissioners. My leader criticised Mr. Connolly's appointment to the Committee to iron out the difficulties confronting the Industrial Court. We believe it was a sop to him because he was defeated in Kurilpa. There is no doubt that he was a supporter of the Minister, that he liked him, and used to come to his assistance.

Mr. Knox: The hon. member for Kurilpa opposed his appointment.

Mr. MANN: I am not blaming the hon. member for Kurilpa. If I was in the Liberal Party, and if I were he, I would sail straight into him and upend him.

I am saying that the appointment of Mr. Connolly—as nice and all as he is—who is a great personal friend of the Minister's, was a sop to his vanity and his prestige

because he was beaten, in the preselection ballot, by the hon. member for Kurilpa. The point I take is this, and this is what my leader said, that Mr. Connolly is not the right man to put there.

A man should have been appointed who knew something about industrial law, and industrial advocacy, in whom the union would have some confidence, and in whom we would have some confidence too.

Mr. Ewan: He has bought a home on Spring Hill.

Mr. MANN: I can assure the hon. member there are plenty of attractive houses on Spring Hill.

The Minister, in a snide way—I will not use that word, because I do not think it was snide—in a very plausible way, in a subtle way, tried to attack the union movement. I believe that this Government are trying to pattern themselves on the style of a previous Government. When the Minister introduced the Bill I said he was a second ringbarker. A previous anti-Labour Government took workers away from the Industrial Court. A statement was made that if the court did not do what they wanted it to do they would ringbark it. The Minister has not gone that far. He is going to attack the unions in a different and more subtle way. He will do it piecemeal. He will give the workers in industry the right to demand that the affairs of the union be exposed on the petition of 250 members. Quite recently the transport workers had a ballot, and these people whom the Minister says he wants to assist, had a house-to-house canvass trying to get a man elected as liaison officer. The Minister does not know about that, but that took place. These are the men whom he wants to help, and for whom he is introducing legislation affecting the Industrial Court. They had a house-to-house canvass seeking support for a certain candidate in the trade-union movement.

Mr. Knox: Have you ever done it?

Mr. MANN: Not for a trade union, no. I believe the trade unions are quite capable of looking after their own affairs. A few years ago the Minister introduced a Bill to give the Court the power to conduct a ballot but none of the Groupers that he supported and wanted to help have gone as far as that. They have not had any evidence to prove that what the Minister said was happening was in fact going on.

Mr. Knox: There is one before the Court now; you should know that.

Mr. MANN: I know all about these things.

Mr. Knox: You don't.

Mr. MANN: When the hon. member was asking for information about trade-union ballots and about the meat workers' union I had to put him right. I can put him right on all matters appertaining to trade unions in this respect.

Mr. Knox: But you do not know about the case that is before the Registrar at the moment.

Mr. MANN: I quoted Mr. Egerton earlier in the piece, and I intend to quote him again, this time from "The Courier-Mail" of 4 January, 1961.

Dr. Delamothe: I thought you didn't believe in "The Courier-Mail"?

Mr. MANN: I don't believe all that "The Courier-Mail" says, but I am about to quote a statement made by Mr. Egerton to "The Courier-Mail". It appears in the paper under the name of Egerton, and I know him sufficiently well to be sure that, if it were not correct, he would very soon tell "The Courier-Mail" that it was not true.

Mr. Knox: Is that the same Egerton who said that the parliamentarians he knew were not much good?

Mr. MANN: Yes, I think it is the same man. He is very forthright and outspoken; have no fears about that. But this is what he said, and this is what I want to draw the Minister's attention to—and you cannot repeat a thing too often if it is correct—that this Bill will not bring industrial peace into the trade-union movement or into Queensland. It will have the opposite effect. The article in "The Courier-Mail" begins—

"Greater industrial trouble in 1961 than in any other year was predicted by the Trades and Labour Council president (Mr. J. Egerton) yesterday.

"This will happen unless the employers learn there is such a thing as conciliation', he said."

Dr. Delamothe: That is what this Bill is for.

Mr. MANN: The Minister who introduced it does not know one word about conciliation. His introductory remarks were derogatory. He read a great screed from "The Worker" by Edgar Williams to try to drive a wedge into the trade-union movement. He made an attack on the trade-union movement and said the Communists were taking control of it and that people in this country were going about in fear and trembling that there would be a revolution in the community. All those are products of his imagination. Of course we want conciliation but we want it by somebody who understands it and by somebody who understands democracy. I want to read more of what Mr. Egerton said, if the good doctor will allow me—

"We are living with injustice,' Mr. Egerton continued.

"While public servants, professional men and, of course politicians,"—and that answers the hon. member for Nundah—

"... have received and are about to receive huge increases, a strict system of wage pegging applies to the ordinary workers of Queensland."

"He said that clerks in the Railway Department or public service received £6 a week more than tradesmen.

"They worked four hours a week less and received three weeks' annual leave compared with the outside workers' two weeks.

"It is a strange economy that can afford high wages and liberal leave for non-producers and deny wage justice to the people who really produce,' he added."

There is the gravamen of the unions' complaint.

Mr. Ewan: Do you believe it?

Mr. MANN: Yes, wholeheartedly. They are not getting wage justice from the Court and they believe, rightly or wrongly, from the attitude of this Government and some of their actions, that the Government do not want the general run of the public, the workers, to get an increase in wages.

Dr. Delamothe: That's nonsense!

Mr. MANN: The hon. member for Bowen says it is nonsense. Will he deny that the Menzies Government went to the Commonwealth Arbitration Court and told it that the economy of the nation would suffer if the Court granted the workers an increase? I know we are not dealing with that Court but I want to make the point in reply to the interjection.

(Time expired.)

Mr. HANLON (Baroona) (5.40 p.m.): It has become very clear as the debate has proceeded, as it has over the last few years, that as far as the Country-Liberal Party is concerned Parliament has shifted from this Chamber to the chamber at the other end of the building. We have a re-establishment of the Legislative Council. From what has gone on here today, and from what has gone on in Budget debates and other important debates in this Assembly, it is obvious that the Premier and his Government think Parliament begins and ends at the Country-Liberal Party Caucus, which is held in the Legislative Council chamber.

We have the situation that the Minister for Labour and Industry has introduced what he, himself, has described as one of the most important Bills that has been introduced by the Government, second only to the Factories and Shops Bill, another Bill that he introduced last year. The Minister introduced the Bill, since when I am the eighth non-Government member who has risen to speak in this debate. Not one Government member has seen fit to get to his feet and discuss these important matters. It is even more amazing because, although the Deputy Premier spoke for about 1½ hours and gave us quite a lot of information, some of it interesting, some not so interesting, some factual and some not so factual, he neglected to tell us so many of the things that we

wanted to know and which could so appropriately have been debated at this stage. Some of those matters have been mentioned already. As the hon. member for Brisbane said, if we are to achieve industrial peace, it is not so much a matter of just forcing a particular Act through Parliament, it is not the responsibility of the members of the Industrial Court Bench alone, it is not the responsibility of the union officials alone, it is not the responsibility of the employers alone, but the responsibility of members on both sides of this Chamber and those other people, all working together, to try to clear up the things that are working against industrial peace. As I said, we heard very little from the Minister, and he has been the only Government spokesman in five or six hours of debate about these important matters.

One of the things that has already been pointed out was raised by me in a private member's motion early in the present session, that is, that we cannot expect industrial peace unless Governments are prepared to ensure that when an award is made or a judgment is given by the Industrial Court on the grounds that the economy of the country can afford it, the workers can expect to get the real value of it. What is the position today? If the Industrial Court brings down an award on the basis that it is necessary and justified and that the economy can stand it, the workers do not receive the full benefit of it. If one looks at the Arbitration Act, one finds that that is one of the things written into the Act—that there is a responsibility on the Industrial Court judges, when bringing down a judgment, to be clear in their minds that the economy can afford it. Having brought down a judgment of that type, the first thing that happens is that the Commissioner of Taxation grabs a bit of it and the various sections of private enterprise in the community, which the Court has ruled can stand these increases, immediately grab part of it in increased prices. It is no good hon. members opposite saying we have done nothing about that, because, as I said, I moved a motion in this Chamber relating to it. We suggested that possibly a reorganisation of the Court should be made to give the Court not only the power to fix wages but also to co-ordinate their duties with those of the price-fixing authority, which, I may say, has almost disappeared under this Government, so that when a judgment was given there was some reasonable expectation of the workers who were covered by that judgment receiving the full benefit of it. Most workers would prefer to receive an increase of 15s. instead of £1, or 10s. instead of 15s., if they knew they would get the full value of it. Today they do not know that. Consequently, the unions have no alternative to pressing continually for increases, even though they know that half the time a greater part of the benefit that they get will be taken away from them. Surely hon. members opposite could have put one or two thoughts together on that subject.

The Minister spent most of his time telling us what he is going to do to the unions if they do not fall into line. He has said what is going to happen if they refuse to work overtime or impose an overtime ban. The hon. member for Nudgee pointed out that nothing would be solved by threatening union members with what was going to happen to them, their officials or the funds of their unions if they did not fall into line. Surely, as a Parliament, we can sit down and think some way out of this illogical position. If a man is sacked, say, from General Motors-Holdens, as one hon. member on this side mentioned, he cannot go to the court. If he went to the Industrial Court and said, "Your Honour, I have been sacked from General Motors. What are you going to do about it?", obviously the court would say, "It has nothing to do with us. We cannot do anything about it." But if that man refused to work overtime, which possibly in his opinion—whether it was right or wrong—was going to lead to unemployment, under the proposed legislation, and to a certain extent under the existing legislation, he could be penalised. To my mind that is not a fair thing, nor is it in the minds of the Australian Labour Party or trade unionists. We admit that it is very difficult to work out. We realise the need for overtime, and many people do not mind working overtime.

Mr. Hiley: On the argument you are putting up do you think it should be extended in the same way that a man should not be able to leave employment?

Mr. HANLON: That is not really the other half of my argument at all. I have not time to go through it now but on my interpretation of the present Act—I assume from what the Minister told us it will be worse in future—if it can be suggested to the court that if two or three men have even given notice and that there is some ulterior motive behind it in trying to force the employer to come to terms, it can be ruled as a strike. There is the answer to that. We should not have to argue about these matters if we are trying to get somewhere with industrial conciliation and genuinely trying to get industrial peace. Instead of the Minister's waving the big stick other hon. members on that side should be getting to their feet to give us some of their thoughts on the matter—if they have any. Possibly there will be a fuller discussion at the second reading.

Mr. Hart: What is the good of discussing it at this stage before the Bill is printed?

Mr. HANLON: This is an important stage of the Bill. It gives hon. members the opportunity to deal much more widely with matters than is possible at the second reading stage. So far not one hon. member opposite has shown sufficient interest to give us his thoughts. How many hon. members on the Government side have ever thought of another matter that is very important to people working under awards?

How many hon. members opposite have thought of the injustice of the sick leave provisions? They would say that they are sacrosanct and that Parliament should not touch them because they are matters for the Industrial Court. But what justice is there in the position I shall outline? A man might work for one employer for 25 years during which time he is never off sick. For one reason or another he might leave that firm or be sacked and take another job. If six weeks later he becomes sick for the first time in his life, after never having taken a day's sick leave in 25 years with his former employer, he is entitled to only a negligible amount of sick leave. I do not think that it is fair. It is a matter to which we, as a Parliament, should give consideration. Is it any wonder that many people make sure that they get their sick leave by taking time off as they go along as soon as they accumulate a few weeks' sick leave? We hear talk about absenteeism, but how much of this arises through workers taking sick leave as it becomes due because they fear that if they do not take it they will lose their entitlement? I feel that some consideration should be given to ensuring that the sick-leave provisions should work somewhere along the same lines that workers' compensation does, where an employee can accumulate a credit. Hon. members should not forget that private enterprise do not take any risks on whether they are going to have to pay the full amount of sick leave. When they are working out their prices they include all those things whether the sick leave is taken or not and they should be able to pay into a fund as they do for workers' compensation. If an employee goes 10 or 15 years without having a day off on account of sickness and then has a serious illness which might necessitate his being off for six months or so, if he has built up that entitlement he should be able to draw it.

Many firms with employees with long periods of service voluntarily allow them to accumulate sick leave and pay them over long periods if they become sick. But there are many cases where they do not and where employees, through changes of employment from one firm to another, lose any right to sick leave, even though they may not have drawn one penny in sick leave during their entire working lives.

I am alarmed at some of the new measures that the Minister for Labour and Industry has mentioned, such as the threat to trade unions, trying to force industrial peace on the community. That is something, as the hon. member for Brisbane said, that simply cannot be done by force.

I refer next to the rather peculiar provision of the Bill that, if I followed the Minister correctly, puts the onus of proof on officials of the unions to show that they did not incite men by some speech or other—

Mr. Aikens: The sort of thing one would expect in a Communist country.

Mr. HANLON: The most adept exponents of those things that we hear so much about as being practised in Communist countries, mainly from some members of the Country and Liberal Parties in Australia are Liberal-Country Party Governments. These things cause me a great deal of concern because they are very similar to a matter that has caused a tremendous amount of controversy in the Federal Parliament in recent months. It was a provision in the amended Crimes Act introduced in the Federal Parliament and relating to what has become known as "the known character clause."

If the Minister puts this provision into effect as he has suggested, it will be possible, because some union official has argued a case for an extra week's leave or an additional margin or whatever it may be and has, perhaps six to 12 months previously, spoken of the possibility of strike action if the union's requirements are not met, and then a snap dispute develops, that the employer or the Government may put a case placing the onus of proof on that official. This will be a "known character clause" in the Industrial Conciliation and Arbitration Acts which can be applied against him and the onus of proving his innocence is placed upon him relating to a statement perhaps months before. That could very well happen even though the strike that eventuated was a snap dispute in a small concern over which the union might lose control and the men themselves decide to go on strike. Such a position is iniquitous.

Dr. Delamothe: You are setting up dollies to knock over.

Mr. HANLON: It is our job to set up dollies for you to knock over. Hon. members on the Government benches think that Parliament finishes in their Caucus room. They think we are here as a mutual admiration society to let all these things go through, and then, when they have gone through, find ourselves with a rope around our necks.

Mr. Aikens: They would not even allow it to be discussed in their Caucus meeting last night. They applied the gag, I believe.

Mr. HANLON: That may be so, but I know, as I interjected earlier in the debate, that we had a report in the Press that on one occasion when one of the Government members—I think it was the hon. member for South Coast—

The CHAIRMAN: Order! I ask the hon. member not to introduce anything that is irrelevant.

Mr. HANLON: I think it is very relevant. We were told some time ago, in relation to procedure during the election of the Speaker or a Cabinet Minister, that the hon. member for South Coast moved in the Government Caucus for a secret ballot and it was disallowed, and everybody had to put his hand up so that everybody else could see how he voted.

The CHAIRMAN: Order! I ask the hon. member to return to the Bill.

Mr. HANLON: These are the people who practice those methods and then come in here and tell us they have to introduce legislation to deal with industrial unions.

The hon. member for Bowen said I was merely putting up these things. They are possibilities that could flow from this legislation. We hear continually from the Liberal-Country party the story and the propaganda about communism that communism sneaks up on you. Well, there are other things that sneak up on you, and some of them could be in this Bill. Consequently, I say to the hon. member for Bowen that we are awake to the way the Communists sneak up on you; we watch them and we watch other people who sneak up, and we are not going to allow the Government to sneak in these things on us any more than we are going to allow the Communist Party to sneak up on the people of Australia.

About trade union leaders, the Minister told us, firstly, that they can be prosecuted more or less on a "known-character provision" which could be quite unfair and undemocratic and, secondly, that they have to show they have taken all reasonable steps to comply with the Court's award or direction. What is meant by "all reasonable steps"?

Mr. Aikens: Anything the Minister considers should be done.

Mr. HANLON: It could be anything, depending on the attitude of the Government and what the court thinks would be the reasonable steps.

Anyone who has been to an industrial meeting, when tempers are frayed and when those present believe an injustice has been done to them and their union, knows it is very hard to control them. If they think an injustice is being done to them, it takes a very good advocate to stop them from doing what they want to do.

It is all very well for members of the Industrial Court to say that union officials do not take reasonable steps to comply with their requests. I do not want to be disrespectful to the members of the Industrial Court, but I do not agree with the hon. member for Roma who has said that, even if we think there is something wrong with the court or that it has made a mistake, we should not say so. We are entitled to say that those things are wrong, just as we are entitled to say we approve of them if we think they are right.

The pages of "Hansard" for last year reveal that the former member for South Brisbane, the former Premier, Mr. Gair, spoke about the difficulties that confronted the Labour Government of the day during the shearers' strike. He told us that he called on the President of the Industrial

Court to ask him what he was going to do about the grave situation that was developing, in view of the way it was affecting the economy. Mr. Gair said he was disappointed in the attitude of the court in that particular matter. His statement appears in the pages of "Hansard".

Mr. Aikens: Judge Brown would not even discuss it with him.

Mr. HANLON: The attitude adopted by the President to that matter was that it had nothing to do with him and that he was not going to discuss it with the Premier. Mr. Gair pointed out that as Premier what was happening was his responsibility, even if the court was not going to take cognisance of the situation and was going to be more interested in its judicial dignity than in conciliation and a peaceful settlement of that grave dispute.

Dr. Delamothe: Do you believe in political direction of the court?

Mr. HANLON: I do not believe in political direction of the court, but if the court is falling down on its job to the extent that grave consequences flow from it, there is responsibility on somebody to see that its attention is drawn to its failure to carry out Parliament's view of its function.

Under the provisions of the Act, not only is the onus on the union official to prove he did not instigate any strike, but it introduces the very pernicious principle, to my mind, of firstly "the known character," and secondly, that the union is required to show that it took reasonable steps to comply with the requirements as laid down by the court. This is ironical when we recall Mr. Gair's remarks about the shearers' strike, when he was Premier. If such a clause had been in the Act relating to the president of the Industrial Court, Mr. Justice Brown, would have been liable to be charged, in Mr. Gair's opinion, with not having taken reasonable steps to try to bring about a settlement of that dispute which had far-reaching effects on the economy of the State. Indeed, Government members claim it is still having some after-effects on the railways. What is meant by reasonable steps? It is all right for Government members to say we are just raising difficulties, but all these things can arise as time goes on. We on this side of the Chamber feel that they are matters that should have been given consideration and that Government members should pay attention to them.

I will refer now to the muddle that has developed on the fixing of quarterly adjustments of the basic wage. I am pleased to see, from what the Minister has said, that there is no intention arbitrarily to interfere with the right of the court to vary the basic wage quarterly. Because of the history of other Liberal-Country Party Governments in other States we feared that this Government would follow the same procedure. It appears that, wisely, they have decided not

to do so. However, here again, the court has fallen down. Its responsibility is to lead not follow. The variation of the basic wage creates a good deal of controversy, and can create a good deal of industrial discontent. For a long time the State Industrial Court has consistently followed the "C" Series index. Apparently, it has suddenly decided that the "C" Series index is no longer any good, because in its latest judgment it struck a halfway figure between the variation as reflected in the consumer index and the variation in the "C" Series index. The amount it decided on was 4s. a week when one index showed 3s. and the other 5s. To my mind the court has now indicated that it did not consider either of those indexes to be much good and, quite frankly, I agree with it to that extent. The industrial movement should be careful of suddenly making a great virtue of the "C" Series index, which has as many faults as the consumer index. The industrial unions have pointed them out on many occasions. The court must accept some responsibility because over all these years it has taken no active step—as it is charged under the Industrial Conciliation and Arbitration Act—to find something better than the "C" Series index. Because it has so far rejected the consumer index we may take it that it does not consider it is very satisfactory, but it has now drifted into the half-way stage between the two. Now, I hope it will not drift into the consumer index because it has never bothered to find out or take responsibility for something more realistic for the variation of the cost of living in the State than either of these indexes.

It was all very well for the hon. member for Roma to ask if we thought the court was incompetent. I say that it has been incompetent in that respect.

Mr. SHERRINGTON (Salisbury) (7.20 p.m.): The Minister concluded his speech by indulging in quite a lot of back-slapping on his own behalf. He said this piece of legislation ranked second only to an earlier Bill he had introduced. Apparently the members of the Liberal Party are not unanimous about the record of the party in industrial matters in Queensland. The Minister quoted copiously from "The Courier-Mail" and I want to quote from it, too, an opinion expressed on 26 June, 1960, headed, "Liberal Slap On Industry." It reads—

"The Federal and State Governments' record industrially had not been the best, Windsor delegate (Mr. Alan Shield) told the Young Liberals Convention yesterday.

"To our shame, it has always been the New South Wales Labour Government which has moved for industrial improvements," Mr. Shield said.

"Mr. Shield was speaking on a motion inviting the Federal and State Governments to establish public and Parliamentary

committees to inquire into the scientific and technological development in Australia in the next 10 years.

"They would deal particularly with automation and transport and report on the probable impact on the Queensland and Australian economy.

"Mr. Shield said that automation already had made itself felt on the New South Wales coal fields and the Queensland waterfront.

"This means people will be put out of work and I think we must face up to the responsibility of putting these people into new jobs," he said.

"To keep people in work, hours will have to be reduced.

"The motion was carried unanimously."

Yet we can see in an important piece of legislation like this no reference to the protection of workers in industry by reducing the hours to secure their employment in the fight against automation, no provision for increased sick leave and no provision for increased recreational leave. Rather, the only purpose of the Bill is to put the screws on the already belaboured working class of the community. I bring that to the notice of the Minister quite early, because apparently the members of his own party are not satisfied that he is the Caesar of the industrial world that he would have this Parliament believe.

The Minister's opening remarks on the presentation of the Bill could well portend drastic things to come. It is noticeable that when the Minister is introducing legislation of this kind, particularly when it concerns the welfare of the common man, he usually heralds its approach by a vitriolic attack on the workers of the State. One learns to expect nothing else from the Minister because, if he did not indulge in this sort of fanfare, everybody in the Chamber and the unionists throughout the State would be very disappointed. If he really wanted to bring about industrial peace, he would be concerning himself with matters that affect the provision of a reasonable standard of living for the workers of the State and he would be concerned about the inroads automation is making into the available employment. He would seek means to combat it and he would reduce the hours of workers so that persons would not be displaced from employment. But, true to his Tory ideals, he is more interested in looking for a big whip to wield. I could repeat a phrase that he has used, that he is looking for a head to hit, but, believe me, this piece of legislation is the whip that he wishes to hit the head with.

In attempting to gain a political point for himself, he quoted from "The Worker" a statement by Mr. Edgar Williams. Surely the Minister does not think men of intelligence will be fooled for one minute by his quoting the virtues of the Australian Workers' Union. If the position suited him, the same

Minister would be the first to attack the very union that he was lauding in the Chamber this morning. I could use the vernacular and say to the Minister that if he expects people of intelligence to take any cognisance of that statement, their reply would be, "You ain't fooling anybody but yourself."

Dr. Delamothe: We would not speak that way.

Mr. SHERRINGTON: The hon. member for Bowen has only just come into the Chamber. That is how interested he is in the welfare of the workers!

The TEMPORARY CHAIRMAN (Mr. Gaven): Order!

Mr. SHERRINGTON: The Minister this morning was introducing a Bill prepared by Mr. Connolly, with very thinly-coated provisions in the relevant places to improve the lot of the worker in Queensland; but that does not disguise for one moment the whole vicious structure of the Bill. He has repeatedly made reference to what he calls "those who would flout the authority of the Arbitration Court," and he has also referred to the trade unions that seek the disbanding of the Arbitration Court. He quite vehemently made the point that the rank-and-file workers must be protected from the urgings of hot-headed union officials. From the indications that we have received of what is contained in the Bill, I think the situation is exactly the reverse. I think that the rank-and-file members and trade union officials will have to seek protection from a hot-headed Minister for Labour and Industry. The vehemence with which he introduced the Bill shows the colossal disregard he has for the workers of the State.

Government Members interjected.

Mr. SHERRINGTON: Hon. members opposite have all had a chop at this in Caucus, but they are not game to get up and speak. When the unions have approached the Government on any contentious matters, they have invariably been told that it is not Government policy to interfere with the decisions or workings of the Industrial Court. Yet we now find that the Minister will be able to direct the Industrial Court to take action if he thinks the grounds for a dispute exist. If that is not Government direction, not Government interference with the workings of the Arbitration Court, I do not know what is.

Mr. Ewan: Didn't Mr. Gair do that?

Mr. SHERRINGTON: I will come to the hon. member in a minute. It also says that the Court shall act on any complaint of the Minister. I think that means that, once the Minister draws it to the Court's attention, at the direction of the Minister the Court must of necessity take action in the matter.

The Minister also said that unions were hostile to the Industrial Court. I say here

and now that the industrial trade unions of Queensland have great faith in arbitration and conciliation and that their hostility arises from the ineptness of the Court in dealing with their problems. I shall quote now to prove my point, Mr. Gaven, and I also give this quotation in reply to the hon. member for Roma, who said that he doubted whether there were any delays in the Court.

In 1953 the Electrical Trades Union filed a claim in the Industrial Court for an all-round increase of £2 5s. a member, and that claim was based on the prosperity of the industry. The case was heard subsequently on 8 March, 1954, in May, 1955, and in June and July, 1955. In October, some two years and three months after the claim was filed, the Court gave its judgment for an increase of 5s. for tradesmen, but nothing for any other worker in the industry. Yet when the union resorted to strike action the Court, some three weeks later, granted 27s. 6d. a week to tradesmen and 17s. 6d. a week to semi-skilled employees. Surely hon. members opposite do not want any further proof.

Mr. Knox: What Government were in power?

Mr. SHERRINGTON: I am speaking about the Industrial Court. I am glad that the member for Nundah saw fit to interject. It reminds me of a statement he made during a debate in the Chamber when the centenary celebrations were being discussed. He said, "Who knows, in another 100 years time we might see little green men with bug eyes gazing down on the members from the gallery." I can conclude only that he was referring to the industrial committee of the Liberal Party, because surely such confused thinking as that would be an indication of their true ability to cope with the problems that beset the workers and wage-earners in Queensland. If he is such a knowledgeable gentleman, why has he not supported his Minister? The only time that the hon. member for Nundah rises in the Chamber is when he wishes to pour out a vitriolic attack on the workers of the State. It is easy to see the resemblance between the hon. member and the Minister for Labour and Industry.

Let me quote a statement made by an official of the Industrial Court during an application for the restoration of the preference clause in the Bacon Manufacturing and Meat Preserving Award. It is another reason why the workers have lost any confidence they had in the Industrial Court. I might add, in the history of this case, that because of a strike over a matter of seniority some 14 years ago the Industrial Court will not restore the preference clause to workers in the industry. We set a penalty of 10 years in a manslaughter charge, yet this union for 14 years has been denied the right of preference to its workers in that industry. This is what an official of the Industrial

Court had to say when an application was made early last year for restoration of the preference clause—

"Can I say at this stage, and I think each of you well knows that if I have one particular weakness it is in continually desiring the decisions of this Court to indicate that justice has been clearly carried out.

"I mean to say I have made up my mind in this matter and it is purely out of courtesy to yourself and anybody else who sits at the table, I am sitting here.

"I know what I am about to do in these proceedings. Consequently no matter what you may say and no matter what Mr. Field may say, it cannot make any difference because I have made up my mind.

"I propose to dismiss the application."

Mr. Ewan: Who said this?

Mr. SHERRINGTON: I do not take refuge in coward's castle. I do not intend to attack the gentleman personally but it is all there in the records of the Court.

Government Members interjected.

Mr. SHERRINGTON: I may be young in experience but I am too old to fall into that sort of trap. That is an extract from the judgment. Is it any wonder that workers have lost their faith in the workings of the Industrial Court? Let us turn to what Mr. Alfred Deakin had to say about conciliation. I think his remarks sum up how arbitration and conciliation should be carried out. In 1903 he said—

"The attainment in some measure, and possibly in a rude fashion, of social justice is as absolutely essential as material prosperity. Permanent prosperity can only be based upon institutions which are cemented by social justice. Under the influence of a sense of injustice, of inequality, unfairness, and helplessness, the working population of the world cannot be expected to submit to their lot.

"There must be held out to them the prospect of betterment and advancement for the individual, the family and the class, as well as for the nation as a whole. We do not desire to see a pyramid like that of Egypt reared on the abject misery, ignorance, and helplessness of the masses. We feel that the object of our culture and many of the objects of our Government are concerned as a fundamental condition with the well-being of the masses of the people. No measures ever submitted to any legislature offer greater prospects of the establishment of social justice and of the removal of inequalities than do those which are based on the principle of conciliation and arbitration."

How far does this measure before the Committee fall short of those lofty ideals?

Dr. Delamothe: You do not know yet; you have not seen it yet.

Mr. SHERRINGTON: The hon. member does not know either because he has not been here. We have seen a Bill introduced not to preserve social justice, not to give relief to the masses who are suffering and in misery, but one that has as its main object the stifling of free speech and free thought and the imposition of heavy penalties on anybody who has the temerity to disagree with the views of the Minister for Labour and Industry.

Mr. Harrison: Very many people would say that that was an exaggeration.

Mr. SHERRINGTON: The hon. member would not know. Let us analyse why people go on strike! There are several reasons why unionists resort to strike action. One of them is because of injustice not viewed sympathetically by the court. I have quoted an instance of that where the court did not view sympathetically the case of the bacon factory employees because, 14 years previously, they went on strike in support of a principle in which they believed.

Another reason for striking is to gain improvements in conditions to which employers and the courts do not think they are entitled; another is because of economic insecurity caused by the bungling and maladministration of governments. If the people of this State, in the past three months, have not had enough of bungling and maladministration by a government, then I do not know what they will take.

Mr. Harrison: That is not the only reason why men go on strike.

Mr. SHERRINGTON: Has the hon. member ever been a member of a trade union?

Mr. Harrison: No.

Mr. SHERRINGTON: I would no more speak to a Bill dealing with the cattle industry than I would expect him to speak to one dealing with industrial arbitration. Another fundamental reason for strike action is the unjust penalty clauses in awards and their application. I say that the unions have no quarrel with the Conciliation and Arbitration Act. Indeed, if people think the Conciliation and Arbitration Act does not give the benefit to the workers for whom it was originally intended then why should they not raise their voices in protest?

The next pertinent matter I want to discuss is the principle of making available to anyone who wants to see it, the balance sheet of a union. I hope the Minister knows that the Metal Trades Employers' Federation has a fund to which each member contributes, created for the express purpose of fighting any industrial action by unionists. I hope the Minister will also see that the balance sheet of that fund is available to those who want to peruse it. I can well understand the reluctance of the Minister to make any of those persons display any of the details of that fund.

The Minister is particularly fond of accusing trade unionists and the Australian Labour Party of Communist influence. It is taboo for us to meet trade union leaders from a Communist country, but is there any distinction between our meeting and mingling with those trade union officials and the Minister's meeting and mingling with representatives of Imperialist countries who not long ago were engaged in the profession of blowing to smithereens many fine and decent Australians.

Mr. Tooth: There is no analogy.

Mr. SHERRINGTON: Of course there is. The only difference is that the mingling of the Minister comes under the heading of big business. On the other hand our mingling with trade union officials from other countries is taboo.

Mr. Knox: The murderers of Tibet!

Mr. SHERRINGTON: What about the murderers of Borneo and Rabaul?

The TEMPORARY CHAIRMAN: I ask the hon. member to address the Chair.

Mr. SHERRINGTON: I am pleased to do so, Mr. Gaven. If hon. members opposite have anything to say, why have they not got the guts to get up and make a speech about it?

Another particularly obnoxious feature of the Bill covers the fining of trade union officials for inciting men to strike. If they are incited to strike at all, they are incited by the provocative action of employers and the maladministration of the arbitration court laws. There is no need to incite men to strike when their conditions are not good. Trade union officials will explain the position to them. As the Minister knows only too well, one person cannot order any particular union out on strike. In any instance of strike action the men themselves are 100 per cent. behind any decision made by the union.

Mr. Ewan: It is a good idea to have a ballot.

Mr. SHERRINGTON: The Liberal Party could learn quite a deal about that. Is it any wonder that we on this side of the Chamber view the provisions of the Bill with alarm. If the Minister wants industrial peace, he will not get it by slipping into every union official every time he gets an opportunity, but he will maintain it by providing a decent standard of living and decent union and award conditions.

Mr. BENNETT (South Brisbane) (7.45 p.m.): I do not wish to traverse again the ground so ably covered by A.L.P. speakers. The two leaders, and the other speakers, have given very cogent reasons why this Bill for the amendment of the industrial laws of the State should be vigorously and strenuously opposed, with the few exceptions mentioned by my colleagues. It is very important legislation. Parliament should consider it very seriously and we should have the

views of hon. members on the Government benches. Obviously, the Country Party views industrial legislation in a different light from the Liberal Party and we, in turn, representing the working class in the community, obviously adopt a very different attitudes from both of them towards the welfare of the worker, in whose well-being the Government are not interested.

Like the hon. member for Baroona, I expected that we would have heard some expressions of opinion from members of the Government Parties so that we might ascertain the real reasons for the radical changes that are being made in the industrial laws. I join with him in expressing my regret and disappointment that they should have remained so silent. It is obvious that they were gagged at the special party meeting that was called last night. I am satisfied that there are genuine members of the Government who are embarrassed by this legislation, but rather than disagree publicly with the Minister, they prefer to maintain their embarrassed silence.

I was somewhat disconcerted by the comments of the hon. member for Townsville South concerning the legal fraternity. I was hoping that parliamentarians would not embark upon a heresy hunt against members of the legal fraternity, simply because this iniquitous proposal has been engineered by certain legal members of the Liberal Party. I might mention that the vast majority of the practising barristers in this State have a healthy regard for the ability and integrity of industrial advocates who, due to their years of experience and upbringing and concentration on this specialised field, are regarded as experts in that field. I repeat that the vast majority of fair-minded barristers acknowledge their capacity and respect it in their jurisdiction.

Mr. Coburn: And notably so in the sugar industry.

Mr. BENNETT: Yes, I grant the hon. member that it is noticeably so in the sugar industry.

In reply to the comment by the hon. member for Townsville South about lawyers going into court to earn money, and not worrying about the truth of the case, I say that that would not be entertained seriously by any thinking person, independent of his political persuasions. If we have to consider the emoluments paid to barristers for appearing in court, let me assure the Chamber that many professional industrial advocates—not those from unions—charge considerably more than a practising barrister. That is well recognised and well known. Furthermore, many professional industrial advocates are qualified barristers who have not applied for admission to the Bar because they know that if they were admitted to practice as barristers they would be deprived of the right to appear before the Industrial Courts of Australia, and they know that their appearances in the Industrial Court are more

lucrative than their appearances at the Bar. Those are the facts relating to the fees paid, if we want to go into the lucre aspect of it.

I wholeheartedly support the members of the Australian Labour Party in their forthright opposition to the proposals which have been put forward. It is rather significant to note that these amendments have been introduced not long after the Government had to endure an embarrassing rebuff from one of the Commonwealth Commissioners who told the Treasurer of this State that his attitude towards the Federated Ship Painters and Dockers' Union was entirely wrong and unfair. That aspect has already been canvassed by a previous speaker so I do not intend to dwell on it; but it was very disconcerting to know that, in spite of the fact that the Treasurer had been told by a recognised constitutional Federal authority that his attitude had been wrong in locking these men out of employment for some few months, he still was not man enough, and he was not prepared, to correct the gross injustice he had done to the men and their families and even to the particular widow whose husband had died in hospital following a report from the Treasurer to the Social Services Department that he had been on strike, as a result of which information the man's wife and family starved during his dying days. Is it any wonder that trade unionists jealously guard their right to strike and their right to use direct action when they cannot extract justice and fairness from a harsh and unfair Government?

I know only too well that there are delays, as everybody does. I am not blaming the Industrial Court for them, and I am certainly not blaming the Court, or any individual member of the Court, for the clogs in the machinery that creep in from time to time. They are due to many reasons outside the control of the particular court and in the last few years they have been due no doubt to the direct interference of the present Government.

When introducing the Bill, the Minister said, in effect, that it is being patterned on the Commonwealth Conciliation and Arbitration Act, and, as my leader pointed out, we are opposed to following slavishly, the principles embodied in that Act. The Act as it presently stands in the Commonwealth Statute Book, was introduced for two reasons. One was similar to the reason being used by the present Government and by the Minister, namely, that one industrial union was successful in law against some harsh and oppressive action taken by the Commonwealth Government. Secondly, the Commonwealth machinery, as it presently stands, was introduced because, in that self-same action, the union proved to the High Court of Australia that the legislation as it then existed was invalid and ultra vires the Constitution. The case is commonly known as the boilermakers' case but the actual name of it is *The Queen v. Kirby and Others ex parte the Boilermakers' Society of Australia*. Incidentally,

Kirby was one of the Commonwealth arbitration judges at the time. The case came before the High Court in Sydney in August, 1956. The long judgments are rather interesting. The Arbitration Court at the time had made orders restricting certain proposals and intentions of the Boilermakers' Society and also imposing upon it a fine of £500. The action was in the nature of a writ of prohibition restraining those judges from proceeding with their orders. The Court quite clearly and categorically said that the orders were invalid and that there was no provision in the Constitution to enable them to endorse their judgments, and of course the application to set aside the order by way of prohibition was allowed with costs, against the Government virtually. The fundamental reason for the decision was that the Industrial Court of the day was exercising judicial powers in addition to arbitral powers and that the Constitution stated in effect that a Commonwealth judicial authority could exercise only judicial powers and not enforce an admixture of judicial powers and arbitral powers. As a matter of fact, it was claimed that if it was upheld it would go far to nullify the safeguards to be found in the Constitution. I shall not read further details of the judgment—there are pages and pages of it—which made the differentiation between judicial and arbitral powers under the Commonwealth Constitution.

But that reason does not apply in Queensland, because there is no law in this State that prevents the Industrial Court from using judicial as well as arbitral powers. In fact, it has been using those powers for many years and they have been unchallenged in any court of law. Of course, they could not be challenged. Therefore, the reason for introducing the judge of the Commonwealth Industrial Court and the commissioners of the Commonwealth Industrial Court was because of the successful action taken by the Boilermakers Society of Australia, which virtually upset the machinery of the Commonwealth Court of Conciliation and Arbitration. They had to make the differentiation between the judicial and arbitral powers, and that is why conciliation commissioners were appointed. As I said, there is no law that prevents it from being done in Queensland.

In following the Federal machinery and procedure, the Minister has been either following it blindly or following it not understanding that the law in Queensland is not of the same application as it is under the Commonwealth Constitution for Australia. I do not know whether Mr. Peter Connolly told him that, but that would be something to take into consideration if he did not. The Minister can look at the extensive details in the judgments in the Commonwealth Law Reports.

One could say, "What is the reason for his following that Commonwealth legislation that he does not have to follow?"

Various suggestions have been made by members of the Opposition, and no doubt most of them, if not all of them, would be valid. It does not appear to me that the reasons suggested by the Minister in his introductory speech are designed to encourage industrial peace in the State. If it were legislation of a temperate nature, legislation designed to create cohesion and harmony between the trade union movement and employers' organisations, there would be no reason for the Minister, in introducing the Bill, to have so insulted, so provoked, and so outraged the dignity of the unions and the union leaders, who, after all, have been elected by their members and who are there because of the work they do for their unions and because of their attitude and their application to their duties. As a matter of fact, it might surprise the Minister to hear the opinion of some of the legal men in the community—I am referring to the top of the Bar, the Queen's Counsel, and I am excluding present company—in referring to certain industrial advocates who are also militant union leaders, and with whose politics they entirely and wholeheartedly disagree. In legal circles those men readily pay tribute to their ability and their knowledge of union matters when appearing in the Industrial Court. One might well wonder, therefore, why the Minister has to insult those union leaders when introducing legal machinery. One can only come to the conclusion, and the confident conclusion, that his bitterness and hatred against those men is such that he will introduce any harsh and savage legislation that he can in a vain attempt to cut them from their offices. Let me assure him that he is no psychologist; he certainly has not studied philosophy. The more he attacks these union men in a harsh and unfair fashion, using the tremendous power of Parliamentary procedure and Parliamentary legislation to whip and scourge them, the more will he consolidate them in their position, and the more sympathy will they obtain not only from their own union strength and membership, but also from members of the community who perhaps would otherwise disagree with them. He will derive more sympathy and support for those who are being unfairly attacked in a democracy by his insidious attacks and unfair legislation than by allowing them freedom, decency and fairness. I shall quote a legal authority to support that contention in due course.

Reference was made to the A.W.U. and other unions. I do not think for one moment that the Minister has any regard or affection for the A.W.U. or any union in Queensland. He would have no affection for any union that was worth its salt and fought for its rights and jealously preserved the rights of its members. He would be opposed and antagonistic to it. I should imagine that the only union for which the hon. gentleman would have any regard would be the B.M.A. He has embraced one union and attacked others, not with any idea of

rendering credit or respect to any one particular union, but with the idea of creating hostility, ill-will and hatred amongst the unions and amongst the members of the Australian Labour Party. Let me assure him in that respect also that his endeavour will be a vain one because it is like what happens in warfare. If a country is attacked it becomes more closely knit than ever before. As a country becomes more closely knit when it is subject to hostile attacks from outside domination, if the union movement and the Labour movement continue to be subject to the barbaric attacks of the Minister for Labour and Industry, so, too, the net result will be that the unity will never be so great or the friendship stronger.

The Minister mentioned the A.W.U. and quoted certain reports. Apparently he would try to lead us to believe that a few statements made by the A.W.U. should be wholeheartedly adopted, embraced and accepted as being accurate commentaries on the state of the times. Let me quote from an official document dealing with unionism that has been published by the A.W.U. during the term of this Government—

"It is in the case of a continual raw deal, when the powers that be refuse to correct some grave blunder or anomaly or remove what might seem to be an insurmountable obstacle in the way of a wage increase or improved working conditions, that trade unions take other than an orthodox course.

They are not alone in this.

It is extraordinary how employers and employers' organisations can find ways and means of declaring a 'strike' against some particular development, and there are some employers and professional associations—the B.M.A. is a case in point— which some people regard as being a law unto itself.

The B.M.A. has locked horns before today with Governments on issues which it has considered were not in the interests of its members. Consequently, when the A.W.U. knows what various organisations will do at a pinch, we have always reserved the right to take whatever action we think fit to bring justice to our members — right throughout Australia."

In other words, the A.W.U. says that it adopts the same attitude as other trade unions. That is, if they do not get fairness, right and justice, they go on strike just as the B.M.A. do, and the B.M.A. has been on strike.

As a matter of fact, in law it is not illegal to strike on many matters and a resume of the authority says—

"A strike is not in itself unlawful. It could, at common law, be perfectly innocent.

"Thus a voluntary strike for a lawful purpose, such as raising wages or compelling an employer to fulfil an engagement, is lawful at common law—"

Therefore, this business of deciding to strike is not completely traitorous to the country and has not been acknowledged as illegal in common law or on custom and practice in British democratic countries, but has been made such by the mouthings of Liberal-Country Party politicians and the legislation they have placed on the statute books.

I mentioned early that rather than force men by compulsory arbitration, one acquires better results in the industrial world if one allows them freedom to choose on what terms, on what grounds, and by what method they may decide to negotiate one with the other—that is, between management and employees.

The early history of Australia shows that that particular method and attitude was quite successful. I quote from a book published in 1958, on the development of Australian trade union law, by J. H. Courtice. This appears at page 100—

"Conciliation and voluntary arbitration of the same type as existed in England was apparent in Australia prior to 1890. In Melbourne in 1884 a strike in the boot industry on the subject of outdoor work lasted several months. It was finally settled when terms were agreed upon at a conference. It is significant that the members were appointed, not by the actual parties to the dispute, but by the Employers' Association and the Trades Hall Council."

He goes on to explain some other early dispute in Australia that was settled by persons being chosen to arbitrate on the issue. Those persons were representatives of the Employers' Association and the Trades and Labour Council. He meant thereby that there was a healthier respect for arbitration and conciliation when the employee as well as the employer has a say on who shall conciliate.

Let me at this stage also underline my anxiety about the future personnels of the Industrial Conciliation and Arbitration Court that is being reconstituted under this Bill. Like previous speakers on this side of the Chamber I have a high regard for Mr. Peter Connolly as a lawyer, for his knowledge of law and for his skill as an advocate in the law courts; but I share the opinion of other speakers that he has never had any experience in the Industrial Court nor has he any industrial background. As a matter of fact, by nature his disposition is opposed to those who are what I might term the average, ordinary citizens of this community who, in my opinion, are the salt of the community and the section on which it depends. That is his psychological attitude; it is intrinsic in his nature. Furthermore, he has been the architect of the legislation. It will be the opinion of those who appear before him, if the Government intend to appoint him to the Court, that they will not get justice, that

they will not get a fair go as he would have a predisposition to the Government who appointed him.

Mr. NEWTON (Belmont) (8.10 p.m.): The Minister had much to say about inconsiderate union officials. In view of the undue hardship suffered by the workers of this State since this Government assumed office, how can he accuse union officials of being inconsiderate?

As I understand it, the Bill contains some minor improvements to the Act, but knowing the attitude of Country-Liberal Governments to trade-union affairs as well as I do, I should say these improvements would be the smother and cover up the vicious punitive powers of the Bill.

The Minister has endeavoured at all times since he took over his portfolio to convince us of his sincerity. I am concerned, just as every other hon. member should be concerned—and the Minister should be concerned if he is sincere—at the fact that the committee of inquiry into industrial legislation did not include an industrial advocate. If the Minister did not want to appoint an industrial advocate, at least he could have had on it a trade-union representative of very high standing in the community, although I do not suppose he thinks there is any union official of high standing in the community, if we can gauge his attitude from the way he carries on.

He has described trade-union leaders as being inconsiderate, but what of the rank-and-file members? I have been a trade-union official and I am proud of it. I am proud to have had the opportunity of addressing many meetings of members of my union and of giving them advice. According to the Minister, rank-and-file members of unions are like a flock of sheep. He said that one inconsiderate union official can drag 60 or 100 men out on strike. That is not true, as each of us realises.

During the last war I saw service with Queenslanders, and I have worked with Queenslanders on the job, in the trade-union field, since my discharge. They are Australians in every way, in the services and on the job. Each of them has a different make-up. Yet the Minister would have us believe that some inconsiderate trade-union official could lead 60 or 100 men out on strike. How ridiculous can he be!

We would be surprised if any of the committee appointed by the Government had any practical experience of the events leading up to a stoppage or dispute. Hon. members know of the big building recently built at West End, "Torbreck." More than 300 building workers were employed there. I got a message one day that a union official was wanted on the job immediately. I was at a meeting and away from the office when the message was received. I returned at half past one and, as it was a matter of urgency, I went over to "Torbreck." By the time I arrived the workers were outside the

gate, and they did not have a union official on the job to tell them to go outside the gate. Why had they taken that action? They had taken it because the contractor was sacking six or seven builders' labourers for refusing to work overtime. They were sacking them every day and inserting a notice in the paper for more to turn up the next day. Do the Government think that the workers will stand idly by and cop that sort of thing from any employer? I say they won't! The people bringing down this legislation have not suffered these things and they have not even seen them, yet they believe that every stoppage that takes place is caused by some inconsiderate union official who says, "Come on boys; out we go." That is not the position.

I will give another example. The more I give, the better it will be and I might as well hit the Government in the teeth with it while we are debating the question. At Campbell's, at Albion, 30 or 40 building trade workers were on the job. The employer tried to introduce something that was not in the award, and something that is not allowed. The workers had to pick up a notebook before they started work in the morning, and after they started work, at periods of 10 minutes or a quarter of an hour they had to make a note of what they were doing so that the employer would know. When they knocked off at 5 o'clock, or 10 to 5, they had to enter it up. When they finished for the night they took another one out for the next morning. This practice or custom had never been heard of in the industry and the men bucked. What did the employer do? He immediately tried to force the issue and sacked every man on the job. Once he put them out the workers rallied round their mates and blacklisted the place. They picketed it and nobody got into the job. The employers were forced to go to the court and eventually the court was forced to take action. A compulsory conference was called and the person who was presiding over the conference, after discussing the matter at some length, said, "Gentlemen, I will leave you and have a cup of tea. I hope that when I come back you will have reached some agreement." He had already told the employers they were in the wrong, but they would not give in.

Mr. Morris: When was this?

Mr. NEWTON: It was within the last 18 months.

What happened on this occasion? The Workers lost two or three days' pay because of the firm's action, and the compulsory conference broke down. Afterwards, the employers realised that they were in the wrong and rang my union and told the unions in the building trades to send out telegrams to the men to return to work in the morning, and they would pay the cost of the telegrams. Then we had to go back to the court to try to get the wages for the men. Did we get them? Of course not! Here

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again the attitude of the employer was that he was not at fault. They are never at fault! That is the unfortunate part about these things; they are never at fault where there is a principle involved!

Mr. Ewan: Did the court give a decision?

Mr. NEWTON: The court did not have to give a ruling. That shows the hon. member does not know the position. At compulsory conferences the parties are called together. If the conference breaks down, it breaks down, and then it is up to the union or the employer to make the next move. There is a great deal of talk in this Chamber about strikes and stoppages. Let me tell hon. members what we have to do if we do everything that is laid down about strikes under this Act. We hold a meeting of the men and we take a ballot. The ballot is carried in favour of a strike by a two-thirds majority, or even more. The Industrial Court is informed of the decision of the members of the union, but the court still has power, even though everything has been done legally, to declare the strike illegal. There is no such thing as a legal strike and there never will be while the present Act remains as it is!

This morning the Minister quoted some figures relating to penalties. It was most interesting to listen to them, because everything that has been said relating to the penal powers has been patterned on the Federal set-up. We have in Queensland a Liberal-Country Party Government just as we have it in the Federal sphere, and the legislation that is being introduced here is the same as the Federal legislation. There is no difference in the penal powers.

Here are some of the existing penal provisions. Section 21A—Failure to notify the Court of a dispute, fine £50.

Section 21A(3)—Officer of the union or a party to the dispute, £10 per member.

Section 23(3)—Failure to attend a conference, contempt of court, £100 per member.

The Minister this morning went into a great deal of detail about how the unions do not submit their membership returns to the Registrar of the Court but he did not say that for every week they are in default it costs them £2.

Then we come to unauthorised strikes, which will cost the union £100, and an ordinary member £10.

If we put out any literature or print or write anything while any matter is before the Court, £50.

That is not all. There is a general penalty. If they do not get you on the first they can get you on the second and if they do not get you on the second they can get you on the third, which is a general penalty of £100 on the union and £10 on each member. The Minister has improved on those fines. He has increased one from £100 to £250 and from £10 to £20. He is making sure he

does his part for the employers and the monopolies and other big organisations in the State because he is attempting to break the unions. There are even clauses that allow them to seize the property of the union if the fines are not paid. They can go further and seek de-registration of the union, yet the Minister when introducing the Bill said they needed further powers to deal with the trade union movement. They do not need them; they have them now.

Let us look at the other side of the picture, the employers' side. One could think they could do no wrong. In the Minister's introduction of the Bill we did not hear any mention of any increase in the fines to be imposed on employers. I have said it before in the Chamber, and I say it again, let us get at the miserable paltry things and see what is being done about the employers who have brought them about. The Minister spoke of lockouts and strikes. The lockout in the main has been applied by employers in this State. We have not got nationalisation but if we had it they would have been locked out long ago. We have not got that yet.

A Government Member: And you never will.

Mr. NEWTON: Do not worry, capitalism will not lead all the way. Hon. members opposite will be caught up eventually on this.

There is failure to pay correct wages. How many times have employers been brought before the Court and fined for that! If they are fined, what is the treatment they receive? A fine of £1!

There is failure to comply with the requirements of the Factories and Shops Act, and failure to carry out preference to trade unionists on the job. It makes no difference whether they are financial members of the union or not! Working outside the hours without the consent of the Department of Labour and Industry, the Court or the union concerned.

Mr. Hooper: What about tradesmen who work at the week-end? What about a carpenter who works at the week-end?

Mr. NEWTON: I am coming to that brother.

The TEMPORARY CHAIRMAN: Order! The hon. member will please address the chair.

Mr. NEWTON: Statutory holiday robberies. Here again, the latest move by the employers' organisation is that if there is a statutory holiday tomorrow they come along this afternoon at about 10 to 4, before knock-off at 5 o'clock, and say they want you to work tomorrow. If you do not turn up for work they do not have to pay you for the day. And they say these employers do not know any tricks of the trade!

Weakness of industrial agreements, over-riding of Awards. Again, this is one of the greatest weaknesses in the Act, but there is

no mention of it in the Bill. Of course, we would not expect it. The Minister does not know the first thing about it.

Stand-downs, applied by employers in industry, which are illegal, but no action taken against them.

Then we have the questions of wages, pro-rata holiday pay and long-service leave robbery—and those happen every day of the week. Then I have been called by telephone to a job on a Tuesday. When I have got there the men have told me that they have been sitting there on Monday and Tuesday waiting for their pay from the previous Friday week because the boss had said, "Oh, it is not here today, boys, but it will be here next Friday, don't worry." They got caught for a week, but they were not going to get caught for a second week. They were sitting down on the job. Under these new provisions they could be fined for an illegal stoppage. They should have kept on working and got caught for a bit more.

One of the greatest faults of the employers is in not setting out on the pay envelope the hours worked, the tax deduction that has been made, travelling time, and so on, yet no action is taken against them for failing to do that. These things go on and on. The working men and women should not be penalised.

Mr. Knox: How many years has this been going on?

Mr. NEWTON: It has been going on for some time. Hon. members on the Government benches are the masters of the Arbitration Act, but they have done no more than former Labour Government did. They are trying to cripple industry generally in Queensland. If hon. members opposite will listen to me I will tell them more things that they know nothing about.

Mr. Hooper: I think Gerry has advised you wrongly there.

Mr. NEWTON: We cannot get away from it! I have been long enough in the trade-union movement as job delegate and a State organiser to know what is required.

The TEMPORARY CHAIRMAN: Order!

Mr. NEWTON: I am sorry, Mr. Gaven. I just want to make the point that I have been in the union long enough to know what the position is without Gerry Dawson or any other trade union official telling me. I am always willing to listen to their point of view on any of these matters.

Hon. members on this side of the Chamber, or the trade unions, have been accused by the Minister of adopting the law of the jungle. Well, we can say this much: that this particular piece of legislation is the worst piece of jungle law adopted by any government.

Mr. Tooth: You do not know what is in the Bill.

Mr. NEWTON: I listened to what the Minister told us and heard what was in it. I heard enough to convince me.

Mr. Bennett: It will be even worse when we see it.

Mr. NEWTON: From time to time it is necessary for the Government to review certain Acts and bring them into line with modern requirements, but to impose harsh penalties in a modern society is a backward step, particularly in Queensland. We have just celebrated 100 years of progress, and every working man and woman in the State has contributed a great deal to that progress. Yet after 100 years of progress we see in this Chamber, where we should be becoming more democratic every day, this vicious legislation introducing more penal powers. The people who have had a great deal to do with it have by-passed one of the main factors—conciliation and negotiation. Whether the Government like it or not, since they have been in power conciliation and negotiation with employers by the unions have achieved a number of things and have saved a great deal of battling in the Industrial Court to obtain them.

The Minister also spoke this morning about a bonus system. I am amazed that any Minister, particularly the Minister for Labour and Industry, who is concerned about safety in industry, would even consider a bonus payment in any particular industry. What does it mean? Let us be honest. It means the speeding up of the industry, placing young men in competition with old men; it means more accidents.

Mr. Morris: Do you mean to say you do not believe in the bonus scheme?

Mr. NEWTON: I do not believe in a bonus system. My reason for not believing in it is that anything given by way of bonus is not sincere. An employer might give it to you this week, but if you do not go to the court and get it included in your award he can take it off you next week. Any union that does not get any increased wage or margin written into its award is not doing the right thing in the interests of its members. Unless it is written into an award as soon as the improvement is obtained it can be lost again.

If hon. members opposite were genuine there are two clauses in the Act of which they could take advantage at the present time. One of them could be used to ban overtime as a means of overcoming the unemployment problem. At the present time there are 20,000 unemployed in Queensland. Why do they not take advantage of that clause? They are not game to. Big business, the combines and the monopolies would say that they were doing something Socialistic. What about the position with the basic wage? It is all in the Act. A man, his wife and three children shall live in reasonable comfort. How can they live in reasonable comfort since the present

Government have been in Office? With the lifting of price control and rent control how can people on the basic wage live in reasonable comfort? Of course, they cannot. Do the Government try to do anything to help, that they could do under the provisions of the present Act? No. That is why I say the Bill is mainly an attack on the trade-union movement in Queensland. It is an attack on each and every decent member of a trade union. That is why hon. members on this side will be having a very close look at the Bill to see just what it provides and how much damage it will do to the working people of Queensland.

Mr. TOOTH (Ashgrove) (8.33 p.m.): I propose to be very brief. I had not intended to speak at all but the querulous complaints coming from several hon. members opposite have so wrung my heart that I feel that I must at least take some small part in the debate.

Mr. Sherrington: What union are you in?

Mr. TOOTH: I have been a member of the union for approximately 35 years.

Mr. Sherrington: What union?

Mr. TOOTH: No doubt when I tell the Committee the name of the union I shall receive the sort of insulting and sniggering laughter that I received on a former occasion. For 35 years I have been a member of the Queensland Teachers Union. I hope that satisfies the hon. member.

Mr. Bromley: A very good union.

Mr. TOOTH: A very good union, intelligently led, one that has consistently obtained excellent conditions for its members, and has pursued a moderate course in the industrial field.

I want to take the opportunity to correct several serious misapprehensions that apparently have got abroad prior to or during the debate. The first is that Government members have been gagged. That is quite untrue. I know Government members. I agree entirely with the Minister who said that it was impossible. I know the Government members so well that it is completely and utterly impossible.

Opposition Members: Why haven't they spoken?

Mr. TOOTH: I am going to explain that if hon. members opposite will give me a go. We had not intended to indulge in a lot of futile talk about generalities, as has been done in the Chamber today, because we are anxious to have the Bill printed.

Mr. Lloyd: What did you stand up for?

Mr. TOOTH: I am explaining why I stood up. I am not going to deal with generalities at all, but with a few specific points. It is a practice in the legislature of Queensland to indulge in lengthy introductory debates

on Bills and I understand that this is almost unique in the Parliaments of the British Commonwealth.

Mr. Bromley: Why don't you sit down?

Mr. TOOTH: What an extraordinary situation! The entire Opposition have been bitterly complaining throughout the whole of the debate that we, on this side, would not speak; I get up and now they ask me to sit down. That is in line with the general inconsistency of the speeches we have heard today. I have never heard such varied, inconsistent nonsense in my life as we have heard from the Opposition on this Bill.

Opposition Members interjected.

The TEMPORARY CHAIRMAN: I ask hon. members on my left to allow the hon. member to make his speech and to extend to him the same courtesy as hon. members on my right have extended to the Opposition, otherwise I shall have to deal with them. Every hon. member must have an opportunity of making his speech without interruption and I ask hon. members to allow the hon. member for Ashgrove to deliver his speech without interruption.

Mr. TOOTH: I was pointing out that the practice in Queensland of having introductory debates is, I understand, almost unique in the Parliaments of the British Commonwealth. It may have some merit in certain circumstances where a Bill is a completely new Bill, where completely new issues arise, and where perhaps preliminary discussion on general principles and the whole of the circumstances surrounding the Bill might be of advantage.

In this particular case, on this occasion, when we are re-enacting legislation that has been on the statute books of this State for many decades—completely re-enacting and amending legislation covering the whole field of industrial activity—there is no point whatever in this long introductory debate, because the second reading of the Bill will be as wide as it is possible for a debate on industrial matters. The Bill covers the whole field. I want to see this Bill printed; we want to get to the second-reading stage. The Bill will be printed and hon. members will be completely informed of its contents. I hope that some of their misapprehensions will be dissipated. The debate will then be a properly balanced, reasoned and well-founded discussion; but until then we see no particular reason—to quote the hon. member for Baroona—for putting one or two thoughts together merely for the sake of talking.

Mr. Hanlon: You will not go 40 minutes on the second reading then? You won't talk out that time. You were not here so you do not know why we were talking.

Mr. TOOTH: I am just coming to that point. We completely understand the Opposition at this stage. We understand the position of Opposition members, and, indeed, we

sympathise with their lot because today "Big Brother" has been watching; today has been a high day; today has been a red letter day; indeed, today has been a day of days.

Mr. Bennett: You have been away all day.

Mr. TOOTH: I have not been away; I have been in the Chamber for the greater part of this day and I have seen the gentleman—"Big Brother"—to whom I refer, in the lobbies. I would say that the obsequious references and frequent quotations from his words, even by the hon. member for Brisbane, all indicate the importance of this occasion and all reveal why the boys are so anxious to do their best. We are not under any compulsion to weave and wave a wordy web of witless verbage. We want to see the Bill as soon as we possibly can.

Mr. Hanlon: Haven't you seen it yet?

Mr. TOOTH: No! Certainly not. There is another misapprehension which I will deal with in a moment.

We realise the great importance of the Bill to the whole Queensland community. We realise the interest with which it is awaited in all circles, particularly industrial circles, and we do not want to delay it unnecessarily, but, seeing that we have been charged with indifference and with lack of interest, we must deny the charge and say first of all that Government members have not been gagged. The next charge was that Government members did not know what it is about. I should say that Government members have been fully informed upon the general principles of the Bill and, after a lengthy discussion amongst Government members, they approved the principles of the Bill. They accepted Cabinet's recommendations and advice on the Bill.

Mr. Hanlon: Didn't you say there was no point in a lengthy discussion before you saw the Bill? Now you say you have not seen the Bill but you have had a lengthy discussion in Caucus. We are having a lengthy discussion now.

Mr. TOOTH: I should like to make the point that my friend the hon. member for Bowen has made by way of interjection in reply to the hon. member for Baroona. We have heard the general principles of the Bill. I said not three minutes ago in reply to an interjection that we had not seen the Bill. I do not know what has been the custom of the past in Labour caucuses. I do not know whether it was the practice to have a preview of the Bill, to have the Bill printed before it was ordered to be printed by the House.

Mr. Hanlon: You had a lengthy discussion in Caucus on it. Why can we not have a lengthy discussion now?

Mr. TOOTH: Nobody is gagging hon. members.

Mr. Hanlon: You said you had a lengthy discussion about the Bill.

Mr. TOOTH: I am sorry that I have in such a brief time so exasperated the hon. member for Baroona. I did not want to do that. I said we appreciated the feelings of hon. members and their difficulties and problems, but I do want to make our position clear. We have been fully informed of the general principles and after a lengthy discussion we approved the principles as submitted to the Party by Cabinet.

We must also refute the statement made by the hon. member for Townsville South that this Bill is the first Bill that has been considered by Government members. That of course is quite incorrect.

Mr. Morris: Too silly for words.

Mr. TOOTH: In reply to the Minister, I do not think the hon. gentleman from Townsville South meant us to take it seriously. He likes to indulge from time to time in these provocative statements just to see what happens. Well, nothing happened on this occasion, but I am saying in case somebody misunderstands him and thinks he was serious and believed what he said that his statement was completely without foundation.

During the course of the debate we have heard a series of diatribes from Opposition members, starting with the Leader of the Opposition himself, a gentleman for whose oratorical ability I have the greatest respect, but nevertheless a gentleman who at times shows to a marked degree a form of incipient hysteria, which I think he exhibited today. Under the circumstances, perhaps he is to be excused today.

Mr. Bennett: You are repeating what he said.

Mr. TOOTH: Because he falsely asserts that a Minister is hysterical, is that a proof that he is not hysterical. I expect a more logical approach to an argument like that from the senior barrister of the Opposition.

Mr. Bennett: You are repeating what he said.

Mr. TOOTH: The speeches we have heard from the Opposition today have a fairly general mark. They have obviously been prepared on a prior assumption that this is going to be a most reactionary Bill, and, Opposition members, having found little to justify their historical outbursts—

Mr. Bennett: Hysterical.

Mr. TOOTH: I thank the hon. member. Hysterical is the correct word, although I think "historical" may have some weight in that particular context. Having prepared these extraordinary speeches on a false assumption, they nevertheless found it necessary, for a reason I have already indicated, to go on with the debate and make the speeches. I do not propose to follow them into the varying bypaths into which they have wandered, but I cannot resist a couple of comments on one or two points that were

made. The hon. member for Bulimba, in the course of his remarks, was asked by the hon. member for Redcliffe—

Mr. Sherrington: Are you replying for the Minister?

Mr. TOOTH: I am certainly not replying for the Minister. I am not in possession of the facts. I cannot do that. If hon. members opposite will be a little more expeditious in the rest of their criticisms I hope we may see the Bill some time before midnight.

I return to my remarks concerning the hon. member for Bulimba who was asked by one hon. member, "Don't you believe in arbitration?" His answer was "Arbitration is only as good as the people who administer it. It was good in the days of the Labour Government, but it is not so good since your Government came into power."

Mr. Bennett: He is right.

Mr. TOOTH: The hon. member for South Brisbane supports him by interjection and says, "He is right." I do not know what is to be inferred from that. I do not know whether we may infer that in the days of the A.L.P. supremacy in this Chamber that the Arbitration Court was directed by the Government of the day to give what they deemed was a good decision. It is perfectly true that the idea was very widespread that that practice was indulged in, but I have no knowledge of it and I have no reason to believe that it was done. I should be very surprised to find such suggestions coming from the Opposition. I notice that the hon. member for Brisbane laughed heartily when I assumed there was no direction of the Industrial Court in the days of A.L.P. Governments of the past. He probably knows a lot more about it than I do and therefore I see some significance in his mirth on that issue.

Mr. Burrows: Are you claiming—

Mr. TOOTH: I am not making any claims at all in these matters.

Following the statements by the hon. member for Bulimba, the hon. member for Salisbury amazed me by making a very bitter attack on the Court that the hon. member for Bulimba had said was pretty good in the days of the Labour Government. The hon. member for Salisbury dealt with problems that arose in the days of the Labour regime. He referred first of all to the Electrical Trades Union dispute in 1953 and the delay in reaching a decision till 1955. I have very vivid recollections of that dispute, because I was seriously inconvenienced, in common with most of the citizens of Brisbane, by a black-out lasting some days.

Mr. Sherrington: The first strike in 40 years.

The TEMPORARY CHAIRMAN: Order!

Mr. TOOTH: This morning the hon. member for Baroona asserted very firmly that he was entitled to put up some dollies and knock them down. He and other members of the

Opposition have been doing that with very great glee and I can assure them that we are getting a bit weary of it.

Mr. Hanlon: You don't like these democratic processes; they weary you. The Opposition are picking faults in your arguments.

Mr. TOOTH: Do not bring the processes of democratic progress into it.

The TEMPORARY CHAIRMAN: Order! I ask the hon. member to address the Chair and I ask hon. members to allow the hon. member to make his speech.

Mr. TOOTH: I apologise for any discourtesy to the chair. I was provoked by the attitude of hon. members opposite.

The hon. member for Salisbury made an attack on the Industrial Court when he referred to the Electrical Trades Union dispute from 1953 to 1955 and he made a further reference to a dispute over preference concerning two unions that extended over 14 years. He mentioned 14 years, so they cannot put the tag on us. Those things were under an A.L.P. Government, when the A.L.P. had the legislative power to effect any changes in the Court. That is a very important point.

When the hon. member for South Brisbane spoke, he tried to break all this down, because he is a trained man and appreciates things that are not appreciated by most hon. members opposite. He realised the danger of this sort of thing and he endeavoured to break it down a bit. He said that he understood the difficulties of the Court. I suppose he meant the Court both in the days of the A.L.P. and in our days.

I would say it is up to hon. members opposite to sort these matters out amongst themselves. All their differences clearly show that there is a definite need not only for re-enactment but also for amendment of the Act, and that is what the Bill does.

We want the Bill printed as soon as we can get it and therefore I do not propose to delay the Committee any longer.

Mr. TUCKER (Townsville North) (8.51 p.m.): I find it significant that no other Government members have seen fit to rise today to make any real contribution to the debate. The hon. member for Ashgrove said he was going to be brief but, as I watched the minutes ticking away, I wondered what it would be like if he were going to be a long time. Anyway, I do not think he made any contribution to the debate.

As I listened to the Minister's introduction, I must confess I found it hard to follow him as he chose to ignore questions and interjections and rushed through his reading of the prepared script. We were not able to get him to elaborate on anything and it was not easy to understand him, so I propose to reserve most of my remarks till I have had a chance to study the Bill at first hand.

As the Minister moved into the second hour of his speech, I was reminded of a small passage from Shakespeare's "Macbeth"—

"Win us with honest trifles to betray us in acts of deepest consequence."

I refer to the sugar-coated pill of long-service leave as opposed to the much more damning provisions dealing with the right to strike. No-one has a chance of kidding me into believing that they are designed to help the rank and file. The Act already contains provisions for the conduct of court-controlled ballots but they are hardly ever taken advantage of. We can only conclude that no-one has any reason or desire to take advantage of them. This provision is designed to produce some sort of tame-cat union, so tame that it would be a shame to call it a union. Such is my faith in the trade unions that I do not believe that could happen to the movement in this State. I am sure the unions will not bow down to the legislation, just as they did not bow down to the Crimes Act when it was introduced. The fight put up by the Labour Party and the unions took a great deal of the sting out of the Crimes Act and I believe the unions will fight in the same way against this Bill.

I submit that the advent of the legal eagles on the scene indicates a deep and premeditated scheme designed to emasculate the unions further by enforcing them to pay high fees for counsel. I can well imagine how the hearings will be dragged out while the hundred pounds tick over on the legal meter. If anyone cared to ask union leaders whose unions are operating at present under Federal awards how these legal battles are sapping their financial strength, he would find that it is so in every case. I submit this provision is designed in the same way and for the same purpose as the Federal Government's provision—to sap the financial strength of the unions so that eventually they will be completely emasculated. The Government are well aware of that and have seized the opportunity with glee. This proposed legislation shows that what I say is true.

To the Government, conciliation is just a word. They have used it on one or two occasions, but in the majority of cases they have chosen to disregard it. If conciliation had been used more often the stoppages that the Government are crying about today, the strikes that they say have brought industries to a standstill on occasions, would not have occurred, and I say that advisedly.

Once again today we listened to the Minister raising the red bogey. He is a past master at resurrecting it at every opportunity. We have heard him do it on every occasion when he has been pushed into a corner, and when other hon. members opposite have nothing further to contribute they also raise the red bogey. They seek to cloak this legislation in fear. They put up such smoke-screen of red dust that they hope it will slip

through before its real meaning becomes apparent to the rank and file. On each occasion when an interjection has been made that same bogey has been raised.

I note that the strength of the court is to be increased by two members. At this stage, I wish to advocate that a branch of the Industrial Court be established in Townsville and that those two extra commissioners be domiciled in Townsville. The Government say they believe in decentralisation, one of the four D's that they brought forward in 1957 or 1958, and I would ask them to demonstrate their belief in a practical way by establishing a court in Townsville. It is a growing industrial city, it is the hub of the northland, and it is situated approximately 1,000 miles from Brisbane, in round figures. If the North grows in the way in which the Government have suggested it should, it will not hurt to have these people on the spot to conciliate and arbitrate on any industrial question that arises. However, with the present unemployment in the North, particularly in Townsville, and as my question this morning elicited the information that 35 building workers were dismissed from the University job last Tuesday, with more to follow, there will not be very many people in the North to have disputes on which the court can adjudicate.

The Minister quoted from an article by Edgar Williams in "The Worker". He was obviously using it in an endeavour to drive a wedge into the industrial Labour movement, to pit unionist against unionist so that eventually we would kill one another. He will not succeed in his desire. Whatever our domestic quarrels may be, we in the industrial movement are united against the common enemy. I am quite sure that no matter how hard he tries the Minister will not succeed in pitting brother against brother. Edgar Williams has no peer in the industrial field. His staunchness to the Australian Labour Party, the Labour movement and Labour principles cannot be questioned. Where the Bill violates those principles the Minister can look forward to a scathing attack from Williams on his either flank, his front and rear. None of us here has any time for Communists. To link all union leaders and Unionists of the Trades Hall Council with them in the one blanket cover, to my way of thinking, is to sink to the very lowest depths. Yet the Minister continues to do it on every possible occasion.

I shall be interested to look at the section dealing with employees in rural industries. I venture to say that we shall go through it with a fine tooth comb, having in mind the five-day week principle.

No-one has any quarrel with the rank and file receiving an account of the Executive's stewardship; indeed, to my knowledge, that has always been done. We have no quarrel with that whatever, but the pity of it is that the legislation does not compel big business and the huge combines to be so honest with the general public. When one

thinks of hidden reserves and the watering down of capital and remembers that the shareholders have a vested risk far greater than the average trade-unionist in his union, one wonders why the Government do not force companies into the same sort of honesty as they claim they are endeavouring to force the trade unions into.

Mr. Hanlon: They went down to the Game Fishermen's wharf to meet Amoco but they won't see the trade-union officials half the time.

Mr. TUCKER: That is true.

I shall reserve the rest of my observations for the second-reading stage after I have had an opportunity of studying the Bill. I conclude by again urging the Minister to establish a branch of the Industrial Court in Townsville.

Mr. BAXTER (Hawthorne) (9.3 p.m.): The proposed Bill is of vital importance to every section of the community. It is a little hard to speak about the Bill. Firstly because it is not yet printed and tabled, and secondly because even though the Minister spoke for so long on its introduction, in his flowery phrases he lost the details of its contents. One provision that he mentioned remains very indelibly in my mind. As a member of the trade-union movement it would appear to me that a definite endeavour is being made by the Government to take away from the rank-and-file unionist the right to give expression to his feelings when he meets with a rebuttal by the Industrial Court or in conciliation with his employers.

I want to make it very clear that we of the Australian Labour Party believe in arbitration and conciliation. After all, we were responsible for the introduction into Queensland of conciliation and arbitration. Unfortunately, over recent years we have lost the true sense of conciliation. Only a few years ago I remember the hon. member for Nundah and the hon. member for Kelvin Grove—now the hon. member for Ashgrove—saying in flowery speeches that we must have members of the trade-union movement conciliating with the employers; that we must bring about a situation where we have discussions between the trade-union movement and the employers. I believe in that and so do all my colleagues of the Australian Labour Party. But, never once have this Government who profess to be the champion of working-class people, condescended to come down from the plane on which they stand to the level at which they could have discussions with representatives of the union movement.

Mr. Ewan: That is not true.

Mr. BAXTER: The hon. member, in a little whispering voice says, "That is not true." He was not game to say it aloud but I picked it up. He is a member of the Government who have never once done anything towards conciliation.

The Minister for Transport made the statement, "I will form committees comprised of representatives of the unions, the Railway Department and the Government and we will be able to iron out any disputes that arise." The years 1957, 1958, 1959, and 1960 have passed; it is now 1961 and it has not happened yet. Further, when the railway unions approached him on the matter he passed it over and virtually denied that he had promised that such matters would be discussed.

The hon. member for Nundah—whom I am sure will rise to his feet when I am finished because he is collaborating with the hon. member for Ashgrove and going through the Minister's speech—was one of the men who came into the Assembly in 1957 and made two speeches in a row to the effect that the Government would have committees that would meet and discuss with employees and employers any disputes arising in their industries, but what do we see? We witnessed a very stupid strike which demonstrated the narrow mindedness of this Government, in spite of the speeches they have made. For the sake of 3d. an hour for eight hours a day for two people, they allowed an industry to be held up for seven days. How narrow, bitter, and inflamed can they be? In their narrowness they must hurt the workers and the only avenue open to such workers is their union. I pay tribute to every union secretary. Whether he is a branch secretary or a district secretary, he is the watchdog of the men in his union. Work-class people understand and appreciate fully that good union secretaries have obtained for them the concessions they enjoy today. They do not thank for those concessions the so-called benevolent gentleman, the Minister for Labour and Industry, who tours the world at their expense, this tourist who like his leader in the Federal sphere comes home to roost every six months.

The Minister introduced the Bill at great length. If I understand his explanation correctly the Bill provides for the imposition of a penalty on a union secretary who has the guts to fight for his members. The Minister does not understand that a union secretary, although he is the guardian of the workers and acts in their best interests, is only part and parcel of the executive body that controls the union. Recently the Opposition moved the adjournment of the House for the purpose of discussing the unemployment situation in Queensland and of bringing home to the people the responsibility of the Government in the matter. The irresponsible action of the Minister in introducing the Bill gives further proof of the truth of the statements made in that debate by Opposition members. The Minister's irresponsible action is accepted by every member of the Liberal Party. I do not think for a moment it is accepted in its entirety by members of the Country Party. They are closer to the people than members of the Liberal Party. The

Country Party is like the Australian Labour Party. The members of each get out and move amongst the people.

Mr. Hanlon: The Country Party gets out amongst the people, but the Liberal Party touches them.

Mr. BAXTER: I doubt if they even touch them. In their opinion the working-class are the untouchables. It is beneath the dignity of the members of the Liberal Party even to speak to members of the working-class.

The Minister's reference to bonuses leads me to believe that the definition could include incentives. At one time I was president and secretary of a rather large union. I do not subscribe to the payment of incentives to employees. No-one knows better than the Minister for Main Roads the effect of incentives. An employee will strive to outdo the man alongside him and in the end each man will endeavour to outdo the other. As a consequence the product is a shoddy article. The goods are sold and, while the system may for the moment give an employer a higher income, it will not ensure continuity of trade. The experience in the Bradford mills in England where the system was first introduced provides the answer to those who subscribe to the system of incentive payments. In the Bradford mills employees were pitted one against the other. That is where we find the beginning of the incentive movement, to the detriment of the Bradford mill. They had to bring in a new system to eliminate it. Every union secretary in Queensland must fight very strongly against it, so that we do not take away from one person the right to a livelihood equal to others, to the detriment of the product sold to the normal consumer. We must consider that very seriously. After all, the value of an employee is his productivity.

This Bill gives a certain person an arbitrary right to decide whether any individual should be a member of a union or not. I am interested to know who will be the person to decide the moral, physical or other characteristic of the person who shall not be a member of a union. Is it the union itself? No! Is it the executive of the union? No! This Bill takes away from the union the right to administer its own industry and it gives some individual the power—whether it be the Minister or the people who sit on his left-hand and advise him with notes—to say who will be a member of the union. It is a little hard to find out who it will be. Is it the Registrar-General who is to become the supreme person in this sphere in Queensland? We must not interfere with the natural rights of an individual. I do not care who the individual is. He is justly entitled—

Mr. Smith interjected.

Mr. BAXTER: As a legal man the hon. member would be the best man to judge because the Bill can mean that into the

ranks of the industrial union movement and into the Industrial Court will come a situation where the hon. member, as the legal eagle representative of the legal fraternity, will bleed the unions of every penny they can bring forward, while taking unto him the right to prolong the decision of the court. That is another of the dangers. We are faced with those three situations. I think they alone are sufficient to make any thinking person very suspicious of the provisions of the Bill.

Mr. Smith: This is like opening Pandora's box.

Mr. BAXTER: The only man who can do anything like that is the hon. member for Windsor because he looks every night under the bed to see if there is a little Communist there. If he persists in asking silly questions he must expect to get silly answers.

So the whole matter is fraught with danger and I rise to draw attention to it on behalf of the Australian Labour Party, the whole of the trade-union movement throughout Queensland and every one of the little people who depend on their pay envelope every Friday afternoon. That is why I was impelled to rise to speak. We do not want to see the introduction of the incentive system, with one worker vying with another. We do not want the situation that obtains in America today where there is ample employment for those between the ages of 18 and 25 years—and if the Minister does not believe this he can get his "boys" in the corner to look up the statistics—while for those between the ages of 25 and 30 years employment drops by 25 per cent., for those between 30 and 35 it drops by 75 per cent. and at 45 years of age a man is burned out and cannot get a job.

Mr. Smith: You would be out of a job now.

Mr. BAXTER: I would have been out years ago. Those are the statistics on employment in America and we do not want that to happen in Queensland. That is why I say to the Minister, "Do not intrude too far into the privacy and the domestic arrangements of the individual unions. Do not impose too great a penalty on the union secretary because very often he is only the mouthpiece of his union executive." I urge the Minister to study the provisions very closely because they could be a very deciding factor in the near future.

Let us consider what would happen in one particular industry. I take the railways. Anybody else can take any other industry.

Mr. Newton: Are you trying to give them away?

Mr. BAXTER: The Government are. The Minister for Transport has been trying for years. He is going to close down 50 branch lines and bring about the dismissal of 3,000

employees in the next two years. The railway workers will be the first to go and that is why I have picked on them. Moreover, they are the ones I know most about. The C.R.U. held a ballot before deciding on a State-wide strike over a particular section. The alternative was to go to arbitration. As a result of the ballot, they went to arbitration. The court refused their claims in their entirety. As a man, Mr. Gaven, as a good Australian personality, do you think the Australian employee would take that lying down? I say no. My reason for saying no is that there are many occasions when the only possible way for workers to give vent to their feelings of anger, disappointment and frustration, is to go on strike. It is an avenue by which they can blow off steam and get back to normal again. Take the A.E.U. and the A.R.U. They had claims before the Court for four years before they were heard. In that time the cost of living had risen on three occasions. When those unions decided to go on strike, within seven hours the Industrial Court heard an application by the Commissioner for Railways and made an order prohibiting the unions from striking. There is the cause of their frustration. The unions have had claims before the Court for four or five years and have been unable to get a decision, yet the boss can make an application and get a decision in a very short time. Those things have made unions antagonistic to the Government and they must be straightened out. If they are, three-quarters of the industrial disputes that we have today will not occur. Those men held a ballot and decided to go to arbitration. They went to arbitration and did not get what they wanted. Naturally, their first impulse was to show their feeling of dissatisfaction, so they went on strike. Hon. members opposite could not condemn them for going on strike. Any hon. member who did would be agreeing entirely with the expressions of the Minister for Labour and Industry today. He supported every one of the members of the Arbitration Court—Mr. Justice Brown, Mr. Harvey, Mr. Bennett, and Mr. Taylor—yet Mr. Harvey has repeatedly said "We must never take away from the workers the right to strike."

(Time expired.)

Mr. DONALD (Ipswich East) (9.27 p.m.): When a Minister introduces amending legislation, it usually means that he is endeavouring to improve existing legislation to enable it to function more smoothly and efficiently. I have very grave doubts whether this amending legislation introduced by the Minister for Labour and Industry will do that, in spite of the fact that we have the assurance of the hon. member for Ashgrove that he was satisfied with it, that his party was satisfied with it, and that it was good legislation.

However, I am prepared to believe that for the people he represents it is indeed an excellent piece of legislation, because, listening to the Minister outlining it, it certainly

is going to improve employing class conditions and make it extremely difficult for the unions to aid their members and the working class.

Much has been said about the evil of strikes. If it had not been for strikes in the past we would have neither arbitration nor conciliation. It is the policy of the Australian Labour Party, and has been the policy of the Australian Labour Party ever since its inception because we did want to get away from what has been referred to during this debate as the law of the jungle. We have had arbitration, and arbitration has done some good; but we have not had sufficient conciliation. If we had had the facilities to force employers to conciliate with the workers before strike action was decided upon, we would have had fewer strikes and far greater harmony in industry. The employees are always prepared to conciliate, but the Court has not brought the employers and the employees together often enough. In my opinion, if more conciliation had been used and less importance placed on arbitration, there would have been fewer strikes.

I doubt very much whether the amending legislation will be an improvement on the present Act and whether, when it becomes law it will give us industrial peace. I am afraid the contrary will be the case. If I heard the Minister correctly today, he is going to make it easier for a small percentage of the unions to demand court-controlled ballots. That is a step in the wrong direction, one that will not help the cause of industrial peace. Why should workers' organisations be burdened with this when it is not to be applicable to the employing classes? It is not right that a small minority of any organisation should be given legal power to put the majority of the members to a good deal of inconvenience and tremendous expense. I repeat what I said when the court-controlled ballot legislation was before Parliament: the best people to conduct union ballots are the unions themselves. They have been able to do it over the years competently, fairly and democratically. We want no assistance from the Government or any outside source to conduct union ballots. Union ballots are conducted fairly and above suspicion. If further proof of that is needed it is the lack of demand by unions for court-controlled ballots. Is it because unions have not been put to the inconvenience that the Government thought they would experience when they amended the legislation to provide for court-controlled ballots, that they now are making it easier for an organised minority, who are not good unionists, to demand court-controlled ballots?

Let us see just how my own union conducts its affairs. On previous occasions I have spoken very fully on how it conducts its ballots, so I need not go over that again. I have shown by documentary evidence that my union can conduct its ballot as fairly and as cleanly as it is humanly possible, and

that the majority of the members who vote is as high as it is at general State or Federal elections. The Miners' Federation, in spite of their reputation, are firm believers in arbitration and conciliation. I doubt whether there is any union in Australia with more conciliation machinery than the mining industry, not only for the Miners' Federation but also for the allied unions in that industry. If a dispute arises at any colliery the matter is taken up by the branch of the union, and it negotiates direct with the management on the spot. If the matter is not adjusted satisfactorily it is taken to the Reference Board, without any legal men and without any legal representation. We have comparative industrial peace in the Miners' Union. Industrial machinery has been set up, not by any Government action, not by the action of the employers, but because of the repeated requests of the people working in the industry. The industry has worked with that machinery for many years now, and it has given very good results.

The Government's refusal to allow the industrial inspector to accompany the union representative on the job when he has a complaint to make is not only unfair, but also unjust, because it gives the employer a chance to correct a fault by having prior notice. But it also places the union at a completely unfair disadvantage. The chief industrial inspector, Mr. Metcalfe, and his staff have given good service to the State. They have helped the employees to get many thousands of pounds over the years and much better conditions than they would have had but for the efficiency, and the diligence of the union representative, all working in harmony, one with the other, to see that justice was done to the workers. It certainly does not enable wage and industrial justice to be done. I should like to see the Bill amended so that we could get back to that very desirable state of affairs when a union representative could go with the industrial inspector on to the jobs and rectify a wrong. I do not see anything wrong with that principle at all. Why should they not? They are men who are policing the awards, men who should be, if they are not, able to work under Conciliation and Arbitration Court laws.

Do the Government want to defend the employer who is not prepared to meet his obligations to his employees? Much has been said about the right to strike. What is a strike? Why is there a denial of the right to strike? Not one Government member would refuse the right of an employer to dismiss an employee. Not one Government member would deny the right of a merchant to withhold a commodity he had to sell if he could not get what he thought it was worth. Not one member of the Government party, particularly the Country Party would condemn a farmer or an agriculturist because he would not sell his farm produce. He would plough it into the ground rather than sell it, or sell his beast because

he might make his income tax unbearably heavy by getting a better price for it. We have heard members of the Country Party, when on this side of the Chamber, say, "I would rather see my own cow dead so I can get a better price for my lucerne."

Mr. Morris: I doubt that.

Mr. DONALD: That can be seen in "Hansard." That is right. It was said by a very prominent member and those actions are commended as very great business strategy.

The only commodity the worker has to sell is his capacity to labour and he has just as much right to withhold that labour or that commodity, as to sell it, just as the merchant or farmer or producer has the right to withhold the commodity he has to sell.

If the employers and the Government want the workers to forfeit the right to strike then let them bring down legislation, if they want to be fair and democratic, that will deprive the employing class of the right to dismiss their employees.

Mr. Hanlon: Particularly when they are on compensation.

Mr. DONALD: Particularly when they are on compensation.

We heard much in this Chamber a few years ago about the magnificent seam of coal at Blair Athol. It was one of the seven wonders of the world. How cheaply it could be produced! What marvellous quality it was! What an asset it was to the State!

At that time I was new to this Chamber but it annoyed me very much because I knew then that the mine workers of Blair Athol were only working one or two days a week; I knew that the coal had been worked by the open-cut method for many years and the seam had always been there. It might surprise Government members to know that the present position in Blair Athol is that one-third of the mine workers have been dismissed because there are no orders for them and that as many as one-third of the railway employees formerly employed at the township of Blair Athol have been transferred or dismissed and there are 26 homes in Blair Athol either for sale, for removal, or are empty. If that is something the Government want it is certainly not in the best interests of the community and of course we are not going to be satisfied with it.

As I have said, the right to strike has been adversely criticised. So long as I have breath in my body I will advocate the right to strike by the workers, and the retention of that right, because it is the most valuable weapon they possess. It was by the strike weapon that we got arbitration, and not only arbitration but much, if not all, of our social and economic gains. They came about through strike action. To give a shining example I have no need to go outside the mining industry. I refer to the miners' pension

fund and the right of a miner to retire on attaining the age of 60 years, which was strenuously opposed by Country-Liberal members when in Opposition. It was opposed by other Governments in Australia but now it is acclaimed by every Government in Australia as a wonderful piece of legislation giving economic justice to workers in the mining industry. All Governments, Labour and non-Labour, have improved the lot of the miners' pensions. That is the experience in Queensland. But if mine workers throughout Australia had not gone on strike for lengthy periods on two occasions the miners' pension would not have been granted. Were they not justified in going on strike? We obtained the eight hour day, bank-to-bank and the 40-hour week. Those things came not from conciliation or from arbitration but from a determination of the workers and the only way they could get them was to strike.

It was said this afternoon, I think by the hon. member for Salisbury, that electrical trade workers with a wonderful record of industrial peace, had to go on strike. After they went on strike the court very soon awarded them what they wanted, and it was justified. Why could not that dispute have been settled by conciliation before the Industrial Court or, if conciliation was not possible, why did not the employers go to the court and meet the claim of the workers? They forced the workers to go on strike. That is the story time and time again. If the Minister, any member of the Government, or any member of the public thinks that strikes are determined by union leaders, I want to say that that is not correct. I was a union leader for many years. I am still in a trade union in an official capacity; I am still a financial member. I have appealed to the workers not to strike. I can say that every trade union leader thinks as I did, that if you ask men to go on strike you know you are responsible for a great deal of suffering, suffering that would not be necessary if economic justice was given to them. A union secretary knows some people will be hungry, including women and children. He goes to the union meeting and says, "I think we can get over this by negotiation." The union negotiates with the employer and the employer takes no notice. A ballot is taken and the men decide they are going on strike, whether the leaders like it or not. The occasions are very few when strikes are ordered by leaders of a union. Anyone who holds the contrary view does not understand the trade union movement. Suppose I was agitating for a strike by members of this Committee. Suppose I was your elected president or secretary and I said, "You should go out on strike." Would hon. members strike? No. And they have not as much to lose as the ordinary working man. Whether they are going to strike or not is determined by members of the union, and they go on strike whether the union leaders want them to do so or not. The work of union leaders is 10 times more difficult and more worrying

when members are on strike than when they are working normally, but union leaders cannot allow their men to be treated unfairly. They cannot say to their men, after the men have made a decision to go on strike, "I am going to walk out on you. I am not going to carry out your desires." The so-called union boss is not the boss of the union; the men are the boss and the union officials have to be elected. In my days they were elected every 12 months. It is now two years. If union leaders refuse to give the service for which they are paid, they can quickly be dismissed, and let it not be forgotten that unions conduct their ballots in a very democratic manner.

Perhaps I have said enough about strike action. Perhaps I have given Government members something to think about. I think they will believe me when I say that the men themselves decide whether they will go on strike. We have had some very lengthy strikes in the mining industry. I should like the Chamber to know that our womenfolk do not cry when we are on strike. That was demonstrated quite recently during the stay-down strike in the Ipswich district. Our womenfolk got busy and organised food, comforts and entertainment. They always do this, when their men folk are on strike. In the early days the women of Blackstone stoned the "scabs" when the miners went on strike, and they have the same spirit today.

If the Government were sincere in their desire to mould a better industrial Conciliation and Arbitration Act they would have been more careful in their selection of the personnel to present the Bill to the Minister for Labour and Industry who, in turn, hands it to Caucus for approval, and then brings it to this Chamber for our approval. We have a legal representative on the Committee, Mr. Connolly, who, standing just over there opposite me, at that desk, not so very long ago, said, as the hon. member for Townsville South said this morning, that the present basic wage was not only sufficient for the working class, but ample to let them live in great comfort and to educate their children. Can you imagine, Mr. Gaven, the workers of this country feeling satisfied or confident in any recommendation that he would make? Then there is Mr. Tait, an employers' representative in the Industrial Court. Of course I know he belongs to the Public Service, but he is not the workers' representative. He was the representative of the Government as an employers' representative on the committee. Then we have Mr. Davies, the Registrar of the Industrial Court. If there had been some gentleman on the committee who came from the working class and had been trained in the industrial movement it would have been a different matter. A man whose name appeals to me is Bert Turner, a former Labour Member of this House, one who has given a life time of service to the community as a union official and a member of this Parliament. If the Government had been anxious to see that fair play was done, and

in a democratic way, there would have been some member of the working class on that tribunal. Horrie Davies, the hon. member for Maryborough would have been a better choice than his namesake from the Industrial Court.

Mr. Ramsden: You think that is true?

Mr. DONALD: I know it is true.

I know that the Government members would not like any man on that committee who might bring down legislation to give justice to the working class.

I take strong exception to the castigation and criticism of the trade union officials in this Chamber today. It has been without justification. The attack was unwarranted and cannot be justified. In the main, trade union leaders are splendid citizens who have done much to preserve industrial peace and increase productivity, to keep employment running evenly in the State and, for that matter, throughout the world. It is beyond my comprehension why people in this Chamber who do not know, or do not want to know, the difficulties that the trade union leaders encounter, should criticise them unfairly. It is unjust and terribly unfair. The Liberal Party and the Country Party are anxious to woo the electors so that they may remain the Government and they are very anxious to let the people know that they believe in the welfare State. They do not wish to interfere with any Labour legislation—not to the extent that they would like. They know that to remain the Government they must at least keep some section of the welfare State in existence. Who has contributed more to the welfare State for Queensland, or the Commonwealth, than trade union leaders? They have been able to do that only because of the desire of their members in all industries to improve their living standards and to get a better share of the profits from what they produce. I feel that they will get that in spite of any repressive legislation the Government may desire to bring down to prevent them from getting social and economic justice. The attacks that were made on the trade-union leaders today were very similar to the attacks made on the pioneers of the Labour movement almost a century ago and the attacks that were made on the people who led the agitation to get rid of child labour in the Homeland more than 100 years ago. People of the very same type are making the attacks today. Members of the Liberal Party try to hide under the name "Liberal" but it is not a Liberal Party, it is a Conservative Party, a Tory Party. It is no more like the Liberal Party of Great Britain than the Australian Labour Party is like the Communist Party.

I often wonder how hon. members opposite can laugh at the sufferings of the working-class people. Again and again, they are ready to laugh and to ridicule them, the very people who make it possible for them to sit on the benches of the Parliament and to enjoy a very high standard of living.

The Minister criticised other unions and praised the Australian Workers' Union. I should like to remind him that the men who helped to form that union, the men who fought for the right to organise the Pastoral Workers' Union, which eventually became the A.W.U., were subjected to the same kind of abuse and the same kind of criticism as that which the Minister levelled today at the leaders of the working-class movement.

Mention has been made in the Chamber today of corrupt union officials. That reminds me of the secret fund, which will be remembered by all those who know anything about the political history of Australia, though I doubt that the young so-called Liberals among us will know about it. It was a fund made available by the Commonwealth Government through the instrumentality of the late William Morris Hughes to bribe union officials. The once-president of the Miners' Federation, Charlie Nelson, now deceased, was framed, I would say. He was supposed to have accepted £300—£100 on three different occasions—from a journalist, whose name I forget for the moment, but it was something like Winkler. A Royal Commission, appointed to inquire into the matter, took over five weeks to solve it.

Every time that Charlie Nelson was supposed to have received the £100 from the journalist, it was proved beyond doubt that he was at the relevant times, presiding at a meeting of the Central Council of the Miners' Federation.

(Time expired.)

Mr. BROMLEY (Norman) (9.53 p.m.): This evening we have heard some very sensible contributions to the debate, especially from this side of the Chamber. I think they have been enough to make us all realise, as we on this side in particular do, the enormous implications of the Bill and the consequences that may flow from it. The leopard does not change its spots, especially the Tory leopard.

Let me briefly take hon. members back to the year 1929, when the Moore Government were in office. Some indication of their industrial policy can be gleaned from a study of the Industrial Conciliation and Arbitration Act passed in 1929. It repealed the statutory basic wage of £4 5s. per week passed by the Labour Government; it repealed Labour's 44-hour week; it repealed the long-standing statutory eight-hour day law, and it repealed certain statutory overtime payments. It interfered with the domestic control of unions and destroyed the right of the Industrial Court to grant preferences to unionists. Some of the older hon. members will recall that in 1929 the Government promised that there would be no interference with arbitration and conciliation, but such was not to be. They contemptuously ignored the protection of the Industrial Court and withdrew thousands of

workers from it, including the Public Service, and the railwaymen, about whom we have heard from the hon. member for Hawthorne. They carried out the threat of the Attorney-General in the Moore Government, Mr. N. F. Macgroarty, who said in Parliament, "We will ringbark the Arbitration Court at the earliest opportunity." History has shown what occurred, and I do not intend to deal with that subject. We had a Liberal Government here in 1929, and we have a typical Tory Government here now. In those days the laws were suspended in a wholesale manner, and that sort of thing could happen again under this Government, who are now introducing this iniquitous legislation. With the reduction in the basic wage under the Moore Government, unemployment increased and business became more depressed. Hon. members on the Government benches should realise that the business people are waking up to them and that business is becoming depressed, just as it was in those years. I hope the Government will remember that.

In 1957 the Nicklin-Morris Government made four attempts to amend the Industrial Conciliation and Arbitration Act, and you will remember, Mr. Gaven, that those attempts proved abortive. I can remember the Minister for Labour and Industry introducing a Bill in 1957 that got no further than the initiation stage. At least this iniquitous Bill has got further than that. On two occasions—in 1957 and 1960—they had draft Bills prepared to carry out certain undisclosed intentions relating to arbitration and then found it politically expedient not to proceed with them.

I should like to quote now from "The Courier-Mail" of 13 May, 1960. In an article headed "Longreach," this appears—

"The State Government wanted to make the State Industrial Court more flexible, the Premier (Mr. Nicklin) said yesterday.

"Mr. Nicklin has just opened the conference of the Central and North Queensland Graziers' Association."

The next part is very important—

"Following criticism by several delegates of the present system, the conference decided that the U.G.A. should take necessary action to cause a review of all aspects of the arbitration system in Queensland."

If that is not outside dictation, what is? It goes on—

"Invited to speak, Mr. Nicklin said the Government was concerned about some of the criticisms made by delegates and had begun a review."

That will make them very happy, particularly when they see the principles outlined in this Bill.

In "The Courier-Mail" of 14 May, 1959, this appeared—

"Queensland employers' organisations yesterday welcomed the statement by the

Premier that the Government was reviewing the Industrial Conciliation and Arbitration Acts."

They are reviewing them—in the employers' favour, of course.

We think the punitive powers under the Federal system are much more offensive, that is, to the workers in the meat industry, than are the Queensland powers. This legislation is mainly drafted on the lines of the Federal Conciliation and Arbitration Act, and I think the meat companies are probably behind this to a great extent.

I shall now quote briefly from an article in "The Courier-Mail" of 4 April, 1960, dealing with a conference at Barcaldine—

"The Premier said the Government would amend the Arbitration Acts to allow the Industrial Court to function more efficiently—

"Mr. Nicklin said the graziers could not blame the Government for the 40-hour week for stationhands. The Government would not interfere with the decisions of the Court. However, the Act under which it worked was not perfect, and it was now under review."

He was intimating, of course, that although the Court sometimes made decisions to the detriment of the Government, the Government did not attempt to interfere. We wonder how true that is. He went on to say that the legislation would be introduced in the next Parliament to remove some anomalies in the Act. What the Minister for Labour and Industry intends to do to remove the anomalies will be to the detriment of the workers in Queensland today.

Mr. Ewan: How do you know?

Mr. BROMLEY: Because I listened to the Minister's speech this morning, which the hon. member probably did not do. Had he listened he would not have understood it. I should like to carry on by ignoring the dollar-hungry grazier. In recent years in various parts of the world there have been many atrocious injustices inflicted on the local populace, against the will of the majority. We see the same thing happening here. What is done is invariably justified by its initiators as being in the interest of defeating Communism or some other ism. Probably we could include the so-called "liberalism" in that. These obnoxious Acts are designed not only to interfere with the democratic rights of workers but to eradicate by various means militancy in any form in any section of the working-class movement. That is what the Bill appears to have been designed to do—to cut out completely any signs of militancy in the trade-union movement. It is obvious therefore which section of the community would support and utilise such legislation.

Judge Foster, interviewed by "The Sunday Mirror" in Sydney said—

"In my opinion, the new processes of arbitration are necessarily complicated and far too costly. Arbitration today is frustrating to all parties. The division of arbitration and judicial administrative functions has disrupted the system. Employers and unions have been sent into some kind of arena as antagonists and conciliation is difficult."

We see that every time an advocate makes an appearance in the Industrial Court. It appears they have been sent into some sort of arena, and conciliation goes by the board. Judge Foster went on to say—

"An interpretation of an award today was a costly enterprise to the parties, arbitration must be prompt, easily accessible, cheap and free from unnecessary technicalities."

The funds of some of the unions will not stand the strain of legal representation.

Mr. Smith interjected.

Mr. BROMLEY: I intend to ignore the the interjection of the hon. member because he has not got the guts—I am repeating one of the words used previously—to speak on his own behalf, but instead he must make his speech by interjection.

We have come to expect this kind of legislation from the Government. They have never had the welfare of the majority of the people at heart. I do not think anybody can disagree with that. In the last three years we have had some very iniquitous legislation. The Bill appears to be a forerunner of what we can expect from them now they have gerrymandered the electorates. I think this type of legislation will put a further nail in their coffin and, irrespective of how they gerrymander electorates, I do not think it will make any difference to the result in three years' time.

Many organisations, including various churches, support the right to strike without penalty. I have here a bulletin issued by a well known order in Britain. It reads—

"In the face of injustice a union is entitled to withhold entirely the labour of union members. A man has a God-given right, under certain conditions, to withhold his labour and to go on strike"

With that I heartily agree. In Sydney, a spokesman of the Catholic Church in Australia said that the Church recognised strike as an act of abandoning work for the purpose of obtaining better working conditions or wages or both. They recognise the right to strike to get better conditions.

Mr. Ewan: Do you believe in the right to strike?

Mr. BROMLEY: I believe in the right to strike because that is the only method the worker has today. It seems to be apparent to all, that the past few years, and particularly last year, have been years of injustice to wage earners. It is obvious that

this Government want to start this year and to continue for the next two years—1961 and 1962—in the same manner.

It must be recognised too that there is no doubt about the saying, "The rich grow richer and the poor grow poorer." That is what is happening under this Government, despite the inane interjections from hon. members on my left.

Wealthy firms are increasing their capital and wealthy and extravagant take-overs, aided and abetted by governments who represent them, are taking place daily whilst at the same time the Government refuse to implement the International Labour Office resolution of equal pay for the sexes. Some Government members have spoken about disruptions in industry caused by strike action and so-called irresponsible trade-union leaders. I ask hon. members opposite whether so-called irresponsible trade-union leaders have caused any more industrial strife and misery than have been caused by the anti-worker Menzies Government in the past five or six months. We see unemployment on one side and credit restrictions on the other yet these people claim that the unions have caused the strife in Australia today. I do not think there is any comparison between the strife caused by the Menzies Government and any that may have been caused by the unions.

I feel it is time that support was given to the principle of equal pay for the sexes. I am not going to depart from the Bill, but I think it is time the Government introduced sensible legislation in accordance with the resolution carried by the International Labour Office, particularly in relation to equal pay for the sexes.

Capitalism is continuing to enslave the wage earner, cartels are continuing and collaboration on contracts is going unchecked. Legislation to deal with anti-social and anti-trust happenings, of which I have spoken before in this House is never invoked and is moulding away in the statutes.

The Minister spoke of unions not producing balance sheets. I can produce several balance sheets of several unions. I have here one for 1960 and it is available to all hon. members. Whether a member is financial or not, he receives a copy of it. Government members have said they have never seen a trade-union balance sheet, that trade unions do not produce them. That was the claim of the Minister. The system of issuing balance sheets dates back to 1870 in the Building Workers' Union.

Mr. Ewan: Are they audited?

Mr. BROMLEY: Properly audited by recognised public accountants. I have here a sample. It is available to any hon. member who wishes to see it. I hand it to the hon. member for Roma.

Mr. Davies: That is the first one he has seen.

Mr. BROMLEY: He cannot be very interested in unionism.

The Bill could deprive workers of the right to protest and the right to withhold their labour. Anyone who has studied industrial and political history will realise the great work that has been done by unions in conjunction with the great Australian Labour Party, of which I am proud to be a member. We have worked very hard for better conditions, conditions that are enjoyed even by Government members, yet they would take those conditions from us.

I refer hon. members to the following report of a statement by a noted British economist, Lord Keynes—

"Inflation is the modern wage-cutting method. Noted British economist, Lord Keynes, years ago gave Mr. Menzies and his fellow Tory Government the cue——"

Mr. Smith: Would you tell me what you are quoting from?

Mr. BROMLEY: It is a newspaper extract. I will show it to the hon. member tomorrow if he cares to see it. The report continues—

"He said 'while workers will usually resist a reduction in money wages, it is not their practice to withdraw their labour whenever there is a rise in the price of goods.'"

That is quite true. That method is adopted by anti-working class Governments to reduce the real wages and standard of living of the workers. Some protest has to be made by union members. They have the grounds and what is more, the moral right to voice their protests, and to act in support of their protestations. The modern wage-cutting method is to increase prices and peg wages, which is not conducive to better relations between employers and employees.

If Government members had their way they would revert to the days of master and underlings. They show that by the attitude they adopt when A.L.P. members rise to speak in the interests of the workers.

It can be said without fear of contradiction that all men are born equal and all die equal. The Government should bear that in mind and should introduce legislation of benefit to the community as a whole.

It would appear that wage and salary earners have little to hope for in the 140 clauses of the Bill. I think that was the number mentioned by the Minister. Unfortunately we can only voice our protest. We cannot beat the Bill because of our lack of numbers.

The Government should either give the worker a just proportion of the rising productivity flowing from the technological changes that we have seen about us in the last few years, or ensure that the wage and salary earners, en masse, acquire sufficient purchasing power to enable the community

to purchase an economically effective portion of the production. I have heard various speakers refer to the wage-earner and what he is entitled to out of his productivity. If the Government were to consider this, instead of enacting iniquitous legislation against the interest of the worker, and eventually against the interest of the employer, conciliation between employer and employee would be much better in the future.

To prove this point, I refer to a case in which I was interested. In rejecting the claim the arbitrator said—

"In some instances, it seems clear to me that instrumentation and new techniques have lightened the responsibility and burden of the operatives."

However, he did not comment on the fact that instrumentation and new techniques have improved productivity and swollen profits.

The Australian arbitration system must be forced to emerge from the jungles of the past and discard some of the quaint and obsolete legal folklore with which it is painfully struggling to interpret the bewildering economic, industrial and social changes of this last half of the 20th century.

(Time expired.)

Mr. DAVIES (Maryborough) (10.19 p.m.): I have a few points to mention to the Committee. This debate has taken a most regrettable turn. Parliament has been treated with contempt by the Government because of the failure of Government members to enter the debate. The Minister has stated that this is a most important measure, and we regard it in that light. It is one of the most important measures that the Government could introduce. Evidently the Government policy has been to debate it in Caucus and then come into the Committee and refrain from offering arguments to assist Parliament, as a whole, to arrive at a decision, for the people as a whole. The Committee must remember that the Government represent a minority of the people. Government members do not enter their Caucus representing more than half of the people who vote at the elections.

A Government Member interjected.

Mr. DAVIES: The Government represent 43 per cent. of the people and the remainder are represented by hon. members in this Committee who are not permitted to enter the Government Caucus meetings. It is imperative, particularly in such a debate, that we should have a full debate, and not a one-sided discussion.

The Minister spoke at great length when he introduced the Bill, but only one other Government member has entered the debate. It is most regrettable that more Government members did not see fit to air their views. The debate started before noon and it is now 20 past 10. That is not in keeping with parliamentary practice as we should know it in this country. I said 43 per cent.

but I think it is 45 per cent. Five per cent. less than half of the people of the State are represented by the Government. I think the exact figure is 45.6 per cent.

The Minister certainly made a very bad start. His approach to the matter, his endeavour to pit one union against another, was very regrettable. If the Bill is as innocent as he claims it to be, I am surprised that the Premier did not insist on Government speakers entering the debate to clarify the various matters in dispute. The Government should set standards.

I am pleased to note Section 10 on page 15 of the old Act. Section 10A provides—and I hope this is included in the Bill—that employees shall not be worked on more than six out of seven consecutive days and that the time worked by them in any period of six consecutive days shall not exceed 40 hours.

It is right that the Government should set standards to guide Courts. We do not expect Governments to fix wages but they should set standards for working hours, for conditions and for the payment of overtime.

We believe, too, that the Government should have seen fit to include in the Bill a standard for holidays. The maximum fixed for Queensland is two weeks. In New South Wales, a State in which there is more employment than in Queensland and a lower percentage of unemployment, three weeks' annual leave has been introduced and given a reasonable trial and no-one can say that New South Wales has suffered from it. Nevertheless the Queensland Government have not seen fit to include that minimum in the Bill.

The same applies to equal pay for the sexes. That has been introduced in New South Wales by the Labour Government and should have been adopted here by the same method.

I notice that hon. members opposite have shown great interest in the balance sheet handed over by one of the speakers on this side of the Chamber. Evidently some Government members have not seen a union balance sheet before. The Miners' Federation, like the Teachers' Union and any other union, produces every year a balance sheet, which is audited. In the case of the Miners' Federation, it is published in the Mining Journal.

Mr. Donald: And posted to every member.

Mr. DAVIES: And posted to every member. That applies to every union I know. If the Minister says one union does not produce a balance sheet or make it available, I am not aware of it.

The hon. member for Ashgrove objected to the length of the debate on the introductory stage. We claim that privilege. There seems to be a tendency among Government members to restrict the length of the debate at this stage. We have shown the value of

the debate today by the many points that we have raised and we resent the objective of so many Government members to restrict freedom of speech in the Chamber.

One could not help but note the sneering and general laughter of hon. members opposite when it was mentioned that a leader of one of our unions was in the lobby. I take it that citizens of the State have the right, with Mr. Speaker's permission, to sit in the lobby and to listen to the debate. The gentleman mentioned was a member of the Australian Labour Party and always has been. There were three union leaders there, each of them a member of the Australian Labour Party. No mention was made of the red-baiter, the man who came into the House to see that the usual "communist" bait was thrown across the Chamber, the Federal member, Mr. Killen. No mention was made of the fact—and I believe this is true—that Mr. Grounds, representative of the Metal Trades Employers' Federation, was in the House, and if there is going to be an argument about who causes trouble in industry today, and is generally provocative in his dealings with unions, let me say that no-one could have the charge laid at his door more than Mr. Grounds. I am not going to enter into that, but if hon. members want to mention people who might be provocative in the handling of disputes in industry, let us refer to the men on both sides. Instead of using these smearing tactics, hon. members opposite should have been making speeches, and suggestions, providing some enlightenment to members of the Opposition on these matters if they believe they can. Why did not they do so? We are in no hurry for the Committee to adjourn. We have all day tomorrow. Why these cheap smears across the Chamber? It is a clear indication of the state of mind of members of the Government parties in regard to this Bill. It is very wise to have these standards set, because here we have a clear indication of what is in the minds of these people who would like to see conditions return to what they were many years ago. In 1960 we have an application seeking a longer working week, and there is a case before a court in Australia at present for a reduction in wages. We hope that there is in this Bill the same section as I read out about the minimum working week. There could be some instruction to the Court, or a request from the Government, that inquiries be made into the possibility of further reducing the working week, because we know that many opinions have been expressed by leaders of industry all over the world on the question of a shorter working week and when it should come into operation. It is a matter for investigation.

We realise that there are many disturbing features associated with the general state of industry that give rise to feelings of discontent. Labour stands by arbitration and conciliation. We do not want to go back to the conditions mentioned by the hon.

member for Ipswich East. He did well to remind us that it was those strikes in the '90's that inspired the workers to gain parliamentary representation and then, through that representation, the benefit of industrial conciliation and arbitration.

In 1891, 10,000 shearers and shedhands were involved in a struggle. This was the year of the pastoralists' fight for their so-called freedom of contract, and it was one of the bitterest industrial conflicts ever waged in this country. It was a marvel that unionism lived through that memorable and eventful year, but it did, and the workers came through it determined to control not only the conditions in their own district, but to invade the "sanctum" of the bosses by sending their own representatives to Parliament.

After the shearers had successfully withstood the violence of the authorities and had stood unflinchingly before the soldiers with their Gatling guns and artillery, and after all the strike leaders had been arrested and 13 of them sentenced to three years' imprisonment on a trumped-up charge of conspiracy, the shearers of Western Queensland dramatically replied by electing one of their number, a shearer named T. J. Ryan—not the T. J. Ryan who became Premier—to Parliament as the first officially endorsed Labour candidate in Queensland.

The great pastoral strike of 1891 was followed by a still more savage conflict in 1894. There were further savage repressions and imprisonment of the strike leaders, and, in some instances, men who were innocent of any wrongdoing, and who later occupied the highest seats of honour in the country, were sentenced to long terms of imprisonment, some of them to periods of 10 and 15 years. William Hamilton, who was arrested in 1891, was subsequently returned to Parliament and became Minister for Mines, and eventually President of the Legislative Council of Queensland, a body that I am proud to say we abolished in 1922.

Then there was George Taylor, who was afterwards elected to Parliament in Western Australia. He served a term of imprisonment, and he subsequently became Colonial Secretary and Speaker of the Legislative Assembly.

On the other side of the picture, we remember that some of Queensland's leading citizens who during that period profited by the banking manipulations that led to scandals of the gravest kind were allowed to go unscathed.

Then we had instances of ballot box manipulations in the West. People were afraid to vote for Labour because of a fear of dismissal. Right through we have the failure of industry to be willing to absorb costs. When the Industrial Court increases wages following a rise in the cost of goods in the previous quarter, business immediately claims that prices must go up. I shall refer to the comments of

some of the leading judges in the various courts. When have we seen a request by the employer for social changes? Unions have to employ skilled advocates, and throughout the decades they have had to agitate and fight, and even threaten direct action. Judge Beeby, who by no stretch of the imagination could be regarded as a Labour man, speaking on the 44-hour week case in the Commonwealth Court of Conciliation and Arbitration, said—

“What worries me is that social changes never come from the employers. This is a change that has to come.”

He said also that he often wondered why the employers had not faced the position of reducing the working hours, and he said—

“Were they (the employers) never going to make a move? On the contrary, they always state, ‘It can’t be done. Industry cannot stand it. We will be ruined. The workers are not ready for the change and don’t want it.’”

Chief Judge Dethridge on the same occasion said—

“The 48-hour week is not likely to be a permanent industrial institution. In the course of time it will probably be reduced considerably. We must recognise that there is a tendency all over the world for fewer hours.”

At the present time the solution of the problem is claimed by the employers to be to lengthen hours and reduce wages. Such claims are before the court at the present time. At the same time we have statements, which I shall give in a moment, by members of the Commonwealth Court who have spoken strongly on the failure of industry generally to absorb costs, and has passed them on.

Lord Leverhulme said—

“In addition to the effect of a six-hour working day, in getting all that we require in production from our workers, so that we can give to the workers the same wages for the reduced hours that they receive for the longer hours, it would give us this great national advantage.

“We should gain vastly in all directions by the introduction of the six-hour day; the worker would have opportunities for recreation, for education and for the achievement of a higher social standing.

“The term ‘factory hand’—that most hateful of terms, as if the hand possessed no soul, no intellect, and no ambition in life at all—that term should go.”

He went on to say—

“The employer capitalist must get rid of his infatuation for the error that low wages and long hours of toil for the employee worker means cheaper production and, consequently, higher profits.”

He goes on to state how the employers could absorb the costs by inventions and better methods of using machinery, and so on. He said—

“Our industries progress, science progresses, but we have little or no corresponding progress in conditions and comfort of the workers. The worker lags behind in that culture, education and social and economic well-being which he ought to enjoy under working conditions of civilisation.

“The worker is each day becoming more ambitious, his mind and soul are expanding at a greater rate than under existing conditions—even with higher wages—his leisure time permits him to keep pace with.”

“Each year, the workman is becoming a better educated man with a better social outlook.

“We have the finest type of work-people in the human race, second to none in the world. If we are to make the most of this rare humanity and have more of the inventions to which I have alluded, there must be some change in our industrial system of hours of working.”

I have only quoted portions of that very interesting statement in which he emphasises the point. Something that is also worth studying, particularly in the United States, is the employment and industry that have been created as a result of leisure hours—various sporting, fishing and other types of equipment that are used during leisure hours have added tremendously to the manufacturing activities in the United States. As he said, leisure increases wants, while over-fatigue and long hours decreases wants.

We have a general attitude in industry in Australia today which indicates that industry is not facing up to that. We have the statements, as I have said, of members of the Commonwealth Arbitration Court when discussing this business; they emphasise that point frequently.

Then, we find that tremendous profits are being made in the country and our Treasurer going to the Premiers’ Conference and telling them—late in 1959—that the Commonwealth Government does not know how rich it is. We see our Commonwealth debt being paid off at a terrific rate and the general situation one of tremendous prosperity for a small group of people. All this the average man has grown to know and we cannot expect industrial contentment and our Arbitration Courts to be as successful as they should be. Mr. Holt, the Federal Treasurer, had this to say to confirm the statements I have read—

“The price level does not rise of its own accord; it rises because people raise prices or do not seek strenuously enough to offset cost increases with economies instead of passing them on.”

I add to that the fact that the workers’ share in wages and salaries of gross national production was 50.2 per cent. in 1951-1952; in

1958-1959 it was down to 49.2 per cent. In 1938-1939 it was 48.1 per cent. Undistributed profits in the companies have risen from £81,000,000 in 1948-1949, when Menzies came in and said he would put value back into the £1, to £201,000,000 in 1958-1959. Distributed profits rose from £214,000,000 to £630,000,000 in the same period.

Those facts are known to unions and their leaders and we find the Federal Courts frequently making inquiries. The Commonwealth Court of Conciliation on the 1959 basic-wage case granting an increase of 15s. in the basic wage, said—

“We have looked at the increase which we propose to grant in the light of the submissions about economic stability and we do not consider that such increases are likely to affect that stability so that the economy will be adversely affected.”

The Court should have every opportunity of investigating but, while we have a Commonwealth Government, restricting finance, and a State Government that collaborates in the manner that this Government do, no doubt they will assist to return at the next Federal election, a government that allows an unemployed man, his wife and children to exist on about £6 2s. 6d. a week, whilst two old-age pensioners get £11 a week and whilst we have about 30,000 unemployed in the State, there will be difficulty in obtaining contentment in the industrial field and a difficult job for the Arbitration Court. The Bill could be called the “Exploiters’ Paradise Bill.” It is akin to the rinkbarking Bill used in the 1929-1932 period to reduce the wages of workers and take away their rights. The present measure deprives industrial inspectors of the right to accompany union leaders on their visits to jobs. But for the visits of union leaders and industrial representatives to various projects and the work of union “reps.” on the job, the conditions of the workers would be whittled away, despite the awards of courts. Union leaders are of great assistance in the interpretation of sections of the awards. On many occasions sections have been interpreted in favour of employers. Union representatives have gone on the job and have discussed the matters at a round table conference, with satisfactory results for the workers.

The subject is so important it is a pity the debate has been treated with such levity by the Government members. Each hon. member has only 25 minutes in which to make his speech, and cannot cover all the matters he would like to cover, but hon. members on this side of the Committee have tried to deal with as many as possible. We have indicated the problems as we see them. We have pointed out that the worker has only one commodity to sell, his labour, but under present conditions he frequently does not get the chance to sell his labour. Decent, honest workers are not able to secure work,

and the Government must accept the responsibility. County-Liberal Governments are in control in the Commonwealth and Queensland Parliaments. In this State they have been in office for five years, and the Commonwealth Government have been in office for 12 years. They cannot blame anyone else for the present position. They have had the opportunity of bringing in better legislation. They have been promised the support of the Labour Party in a referendum to the people for the purpose of getting power to deal with particular problems. The economy is lagging and drifting, and we cannot afford to allow it to drift. Often changes of government are necessary in order that our economy may be strengthened and our arbitration system given a chance to function with satisfactory results. Our former enemy to the North has been able to come to Queensland and say, “I will come to this State and spend £8,000,000 on development.” Yet we have not been able to build a road outside Maryborough. We have not been able to build certain roads, we cannot build a dam in the Gympie region and cannot plant trees at the rate they should be planted. The Government must accept the blame, along with their colleagues in the Federal sphere whom they support.

(Time expired.)

Mr. INCH (Burke) (10.43 p.m.): It is not my intention to take up a great deal of time, but I think I would be failing in my duty to the trade-union movement and my colleagues if I did not speak on this measure. It is a harsh, repressive measure, designed to force toilers into submission. If they were given a good wage, a good living standard and good conditions, they would be satisfied.

Mr. Morris: And bonuses?

Mr. Hanlon: General Motors gave a bonus and it did not do much good for the 2,500 employees who have been dismissed.

Mr. INCH: I suppose the Minister is referring to the bonus paid to Mt. Isa employees. That was granted by the Industrial Court. That was one win by the toilers. They now share in the wealth produced from that mine.

The Minister quoted at length a publication containing a statement made by the secretary of the Australian Workers’ Union, Mr. Edgar Williams.

Mr. Morris: And a very good statement, too.

Mr. INCH: In quoting it the Minister was endeavouring to bolster up his case.

Mr. Morris: It has worried you people.

Mr. Lloyd: It has not. Wait till you get his reply.

Mr. INCH: The Minister used the statement to bolster up his case for the introduction of this harsh, repressive measure. It is

admitted that the Queensland Industrial Conciliation and Arbitration Act is as good, if not better than, any of the other comparable Acts throughout the world. The Minister said that the amendments he intends to introduce will be used as a means to curb the demands of unions, and the threats made by union officials to employers. In other words, stand-over tactics. I do not know that union officials have used standover tactics. I think it will be found in many instances that they have been used by the employers, and it is only by means of strike action that the employees are able to stand up for their rights and show the people of Queensland that they are justified in their strike action. We find at times that employers use every subterfuge to try to niggle their employees into taking this action. They come at all the pin-pricking, petty capers, under the sun. By their actions, I honestly think that they are endeavouring to force the employees into the Industrial Court to give themselves the opportunity of taking away some of the conditions enjoyed under the award. I feel sure that there are not many people who will disagree with me on that point, especially if they go through the history of some of the strikes that have occurred in Queensland.

I have known union officials, and I have been a sub-branch secretary of the union. I have worked in many industries, the sugar industry, the shearing industry, the timber-cutting industry, the railways, and the mining industry. At times, when the members of a branch of a union have been forced by an employer to go out on strike, to protect their rights—although admittedly, at times, some of the actions may be a little precipitate—union officials in the South have advised them to remain at work and try to have their case heard before the proper court, which is the Industrial Court of Queensland. Yet, we find that some of the union officials are branded as Communists. If they are Communists, why are they returned to office year after year through the ballot? Nobody can tell me that a union with 5,000 members that returns men who are so-called Communists as President, and Secretary, has a full membership of 5,000 Communists voting in the ballot. That is utterly ridiculous and the ballot box gives the lie direct to half of the statements that these union officials are Communists. We find that under the proposed legislation the union officials are to be penalised by the action taken by hundreds, or thousands, of the union members. It seems to me to be the queerest form of democracy if we are to fine men who are absolutely innocent of a breach of the industrial law. Probably they would be fined for counselling, or so-called counselling, their union members to go on strike. The rank-and-file members of the union are the people who make the decision, not the union officials. He is only one man. It is rather stupid of Government members to say that these union

officials are responsible for the actions of their men. They can only counsel them. I have often known the rank-and-file unionists to be counselled by their officials to remain on the job and to do everything they possibly could to take their case to the Industrial Court to be heard.

We have heard various speeches by Government members painting a picture of long-suffering employers. In certain circumstances some employers can dismiss their employees without being obliged to give them a reason. That is true and there is no getting away from it.

Mr. Gilmore: Can the employees leave without giving a reason for leaving?

Mr. INCH: Does the hon. member, as an employer, if he is an employer, think it is right and democratic that he should sack an employee without giving him a valid reason? The hon. member is one of the more fortunate people. I am speaking of the man in the street, the rank-and-file union member, who probably has not the same financial status as he.

Dr. Delamothe: Can the employee leave his employer without giving a reason?

Mr. Hanlon: Under the Act if more than two employees give notice at the same time that can be regarded by the Court as a strike.

Dr. Delamothe: I am certain any employee may leave his employer without giving notice.

Mr. INCH: The hon. member for Bowen has now come into it. Might I ask him if he participated not so long ago, along with the rest of his fraternity in Queensland, in what more or less could be classed as a strike?

Mr. Morris: Are you turning this into a quiz session?

Mr. INCH: I am merely asking the doctor a question and he will not answer it.

Dr. Delamothe: I can answer it.

Mr. INCH: I support the suggestion put forward by my colleague from Townsville North that if the Minister is sincere in his advocacy of industrial peace and in his professed desire to have these arguments and industrial strikes settled as peacefully and as quickly as possible, the Government should establish a branch of the Industrial Court in Townsville. The North, the Far North and the West are developing apace and many industrial troubles that occur in those areas could be more quickly and satisfactorily settled if that were done.

The Bill provides that copies of annual financial statements of the various unions should be furnished to the individual union members, but I ask the Minister: what will be the position of the small unions that have not the money to do that? Are they to be prosecuted and fined because they do

not comply with the provisions of this legislation, or will they be given some exemption? I believe that the provision for heavy penalties and appeals to the Court is purely and simply designed to make the unions bankrupt. By keeping them in the appeal courts, where it will cost them thousands of pounds, and by fining union officials £100, it is hoped to curb the power of the unions and the union officials to fight the repressive measures that are being introduced in this legislation, to fight the employers for better wages and conditions, and also to fight any injustice done to the workers by the employers.

The suggested provision of financial assistance to unionists to enable them to fight against their own union reminds me of the Hursey case in Tasmania. Those men received financial assistance to fight their own union, and we all know the trouble that case caused in the South. Is this the sort of thing that is to be introduced in Queensland? I do not think any provision of this type should be introduced here. If it is, we shall have industrial trouble on our hands and we shall never be rid of it.

There is already provision in the Industrial Conciliation and Arbitration Act for court-controlled ballots; but, in my candid opinion as a unionist, I think that is an unwarranted interference in the domestic affairs of a union. Men are able to judge for themselves the rights and wrongs of a case. If they have not the intestinal fortitude to cast a vote at their union meeting indicating which way they think a question should be decided, they should not be entitled to a vote at all.

I think the provision that union members may resign and still be allowed to follow their callings is designed to assist big industries. Take powerhouses, for example. They engage an engineer from the South, or from somewhere else. They take him into the industry and offer him a job on the staff. He is then more or less expected to forgo his union affiliation. He can then be used as a strike breaker within that industry. That is what the employers in all the big industries out in the country, and even in the cities, are doing. As long as they can get leading hands and engineers onto the staff and they can get a measure of protection from the Court under which there is no need for those men to buy union tickets, they are satisfied. They can break any strike in any powerhouse or big industrial concern if they can infiltrate sufficient of those staff men to operate their works without any stoppage.

I overheard the hon. member for Ashgrove pass a remark that hon. members on this side of the House had become lost in the maze of the highways and byways of this legislation. Let me assure the hon. member for Ashgrove that we have not lost ourselves in the maze of highways and byways at all. What we are endeavouring to do is not to take notice only of what is put in front of us, but to see what is behind it. The only way we can do that is to

traverse these highways and byways. If he got lost in the maze, unfortunately for him it is his own fault. It is probably because he is the Minister for tourism, that I have heard the Minister for Labour and Industry referred to as "Cavorting Kennie." This legislation will be one of the rocks on which "Cavorting Kennie" will crash.

Mr. ADAIR (Cook) (11.1 p.m.): I listened carefully to the Minister's introduction and took particular note of what I thought were a few of the good points. He stated that the meatworkers at Queerah who are working under a Federal award will be brought under the long-service leave provisions. That is one of the few parts of the Bill with which I agree.

I disagree with the penal clauses. They pose a direct challenge to the trade-union movement. On this side of the Chamber we know what is likely to happen but, of course, hon. members opposite, not having had to work for wages, would not know the conditions. But for the efforts of the trade union movement and the Labour Governments in power in years gone by, workers would not be enjoying their present conditions and privileges. I should be opposed to any penalty clauses in this legislation. I do not care what penalties are imposed upon secretaries, presidents or other officials of the trade union movement, if the Australian wants to strike he will strike whether the penalties are there or not. If he thinks it right to strike he will strike for the conditions he wants. I do not think the penalty clauses will make a bit of difference.

In my area many foreigners who cannot speak English are employed on the Barron Falls Hydro Electric scheme. I must admit that they are good workers. A certain amount is deducted from their pay, which entitles them to be shareholders. They are non-union labour—they do not hold union tickets. If that practice spreads throughout the area the trade-union movement will be badly affected.

Pensioners are very badly off. But what about the man on the basic wage of under £14 a week? Say he gets £15 a week to support himself, his wife and two children. If he is paying off a Housing Commission home at £4 a week is he not worse off than the age pensioner who is living with his wife in his own home? How those people save on the basic wage, I would not know. This Bill is one that will be detrimental to the trade-union movement and I intend to oppose it because I think the penalties on the trade unions are too heavy.

Mr. Morris: Are you going to vote against it?

Mr. ADAIR: Yes, certain clauses.

Mr. Nicklin: There are penalties against the employers too.

Mr. ADAIR: There are clauses in the Bill in which I believe the penalties are too heavy

and could cause much obstruction in the State if carried out. As I said, I intend to oppose certain clauses.

We have now, in the Far North, a crisis in the plywood industry. Hundreds of men are being sacked. There is no way in the world in which those men now being put off can get work; there is nowhere they can go to get work. At Freshwater dozens of workers come to my home seeking work. I ring the shire council and other firms in the district but I cannot get a worker a job in the area. I think the Government, for a time anyhow, could grant the timber mills a reduction in their royalties.

Mr. Nicklin: Would that keep the men on?

Mr. ADAIR: I think it would keep some of them on. I think if they could be given some relief so far as their royalties are concerned, it might help to solve some of the unemployment problems there. I will not say any more at this stage. I will leave anything more that I have to say till the second reading.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (11.8 p.m.), in reply: In anticipation of this debate, seeing it was a measure dealing with industrial conciliation and arbitration, I looked forward with considerable interest to hearing some rather constructive speeches from the other side of the Chamber. I have been in this Assembly for 17 years, and never in my experience have I listened to so much drivel, so much nonsense, and so much rubbish from the opposite side as I have this afternoon and tonight.

I had expected some constructive thoughts from the A.L.P., but the only thing that they made clear to me and to everybody on this side is their unbelievable mental backwardness in relation to any knowledge of the present Industrial Conciliation and Arbitration Act. One of them believed in arbitration, another did not; one of them believed in the members of the Court, the other did not. One believed in bonuses, the other did not. They just do not know where they are going and, other than just one or two speeches, there is nothing worthy of a reply.

Even the hon. member for Nudgee had to go back to 1892 to get some example—and he had to go out of the State then—to illustrate his point. The hon. member for Maryborough went back to 1890 to get an illustration.

All I can say is that the rumour that I heard earlier this afternoon is obviously and undoubtedly true, that their master, Mr. Egeron, was outside, instructing everyone that they had to speak. I am told they were instructed, under penalty of non-re-endorsement, that they must speak, irrespective of the drivel or rubbish that they uttered.

Mr. LLOYD: I rise to a point of order. There was no trade unionist in the precincts

of Parliament today, but it was rather obvious that all the representatives of the employer organisations were here.

The TEMPORARY CHAIRMAN (Mr. Gaven): Order! There is no point of order.

Mr. MORRIS: They are the leaderless legion. Ever since he made his speech in the early part of the debate the Leader of the Opposition has been absent.

Mr. HANLON: I rise to a point of order. The Deputy Premier knows quite well that the Leader of the Opposition had to attend a function at the University this afternoon. He put off the function he had to attend with the Minister for Education and stayed in the Chamber, but he had to go tonight. I ask that the explanation be accepted.

Mr. MORRIS: The Leader of the Opposition based most of his speech—

Mr. LLOYD: I rise to a point of order. The hon. member for Baroona has asked that the explanation he gave be accepted by the Minister for Labour and Industry.

Mr. MORRIS: Of course I will accept any explanation from him.

The Leader of the Opposition based most of his speech on some comment that some industrialist was alleged to have made to him at some social function. Is it any wonder that I accept the explanation that he is away at some social function at the present time.

The hon. member for Carnarvon made a very good contribution, and so did the hon. member for Ipswich East. I do not agree with him, but at least he made a good speech on the views held by him. No other Opposition member had even the glimmer of an idea what he was talking about, and, as for the hon. member for Hawthorne, I think I will be generous and make no comment; if I did, the comment would be of such a nature that it might hurt his tender susceptibilities.

I recall, when I introduced an amendment to the Factories and Shops Acts two or three months ago, all the dire predictions, all the stupid hullabaloo and so on, but all hon. members opposite have had to eat their words. They were completely wrong. Half of the number of hon. members opposite who spoke said that they did not know what the introduction was all about; that they could not follow it. I have had an opportunity of looking at the "Telegraph" article. The reporter from the "Telegraph" seemed to be able to follow the introduction, but of course he is an intelligent man.

Mr. Hanlon: You probably supplied them with a copy of your speech before you even delivered it and that is why they could understand it.

Mr. MORRIS: The hon. member cannot make a respectable speech even with notes.

Mr. Lloyd: He does not read it.

Mr. MORRIS: The only reason I read my speech was that I wanted to cover the subject as fully as possible, without omitting any point. Labour Ministers always did it and we commended them for it.

Mr. Hanlon: All I said was that you supplied the Press with a copy of your speech.

Mr. MORRIS: The hon. member's illustrious father did it and we commended him for it because it gave us an opportunity of learning more about a Bill.

Mr. Hanlon: All I said was that you gave the Press a printed copy and that that is why they could follow it.

Mr. MORRIS: Just what happened before we took office I do not know.

I point out, as a measure of the drivel that we heard from hon. members opposite, that the Leader of the Opposition is reported to have said that the Government were taking away the right to strike, and the rights of the great mass of workers which have been built up over 50 years by hard work and so on. All I can say is that he surely should have listened, and had he listened he could not have made that statement truthfully. He continued by saying that he felt certain that the statement of the president of the Trades and Labour Council that there would be industrial turmoil in 1961, would ring true. In reply to that, I say that there is probably no greater authority in Queensland on strikes than the person quoted there, so that is one statement made by the Leader of the Opposition that I accept.

I can only say that I have here a sheaf of notes of comments made by members on the other side of the Committee, but none of them is worthy of a reply. However, they have quite openly said they have no faith in arbitration.

Mr. Bromley: No faith in you.

Mr. MORRIS: I have no faith in the hon. member. I never have had and he demonstrated today that there is nobody in Queensland who could have a grain of faith in him, if they had heard him.

Mr. Sherrington: You want to have a look in the mirror.

Mr. MORRIS: They love to be the people giving it, but they have not the courage to take it.

Mr. DAVIES: I rise to a point of order. The Minister has stated that the Opposition said clearly that we have no faith in arbitration. That is not correct. That has not been said by any member of the Opposition.

The TEMPORARY CHAIRMAN: There is no point of order.

Mr. Bennett: Tell us what you did in Cairns at Christmas with that land you bought.

Mr. MORRIS: Here comes our mud-raker.

The TEMPORARY CHAIRMAN: I wish to make it crystal clear to members of this Chamber that I have no desire to interfere with the cut and thrust of debate. While I occupy this chair every hon. member who rises to his feet to speak will have my protection. Every hon. member who has spoken tonight has had it, but the Minister must be heard also. I will allow relevant interjections, but I will not have the Chamber turned into a rabble. I warn each and every hon. member that I will be forced to deal with him unless he allows the Minister to be heard.

Mr. LLOYD: I rise to a point of order. I agree entirely with your ruling, Mr. Gaven, but I point out that it is rather provocative to have the Minister using abusive tactics when replying, without answering the queries that are raised.

The TEMPORARY CHAIRMAN: Order! I have given my ruling. I will allow relevant interjections.

Mr. MORRIS: The Deputy Leader of the Opposition told me I was using snide tactics and that I was not honest in my presentation of the Bill, that I was not honest in my administration and yet, in his attitude of righteous indignation, and with this false note that he takes on to suit himself, he talks about my abuse. My abuse! Heavens above, Mr. Gaven, it is a pity we do not equip this Chamber with a few mirrors. If we did, it would give some people on the other side the horrors if they looked into them and saw their own reflection.

All the drivel I have heard today calls for no further comment, and I am quite happy to leave the judgment on the Bill, as it stands, in the hands of the Committee.

Motion (Mr. Morris) agreed to.

Resolution reported.

FIRST READING

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

SPECIAL ADJOURNMENT

Hon. G. F. R. NICKLIN (Landsborough—Premier): I move—

“That the House, at its rising, do adjourn until Tuesday next.”

Motion agreed to.

The House adjourned at 11.23 p.m.