Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 21 MARCH 1961

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

ASSENT TO BILLS

Assent to the following Bills reported by Mr. Speaker—

Supreme Court Acts Amendment Bill.

Co-operative Housing Societies Act Amendment Bill.

Stock Routes and Rural Lands Protection Acts Amendment Bill.

Amoco Australia Pty. Limited Agreement Bill.

YOUTH WEEK

Mr. SPEAKER I draw attention of hon. members to the desire of His Excellency the Governor to meet them in the Legislative Council Chamber at 10 o'clock tomorrow morning for the purpose of discussing activities in connection with youth services and youth week.

DEATH OF VISCOUNT DUNROSSIL

REPLY TO ADDRESS OF CONDOLENCE

Mr. SPEAKER: Hon. members, I have received the following letter from the Viscountess Dunrossil in reply to the Address of Condolence adopted by the House on 21 February:—

"Admiralty House,
Sydney,
16 March, 1961.

Dear Mr. Speaker,

On behalf of my family and myself I thank you for the Address of Condolence sent to me from the Parliament of Queensland. Would you please convey to the members our thanks and deep appreciation?

Our visit to Queensland will always remain one of my happiest memories of our all too short but extremely happy and most interesting stay in this wonderful country

Yours sincerely,
Allison Dunrossil."

QUESTIONS

Loan Allocation and Raisings, Townsville City Council

Mr. HOUGHTON (Redcliffe), for **Mr. AIKENS** (Townsville South), asked the Treasurer and Minister for Housing—

"(1) What was the total loan allocation to the Townsville City Council for the financial years 1950 to 1960 (one figure only)?"

"(2) What were the Council's total loan raisings during this period (one figure only)?"

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

"(1 and 2) I presume the Honourable Member refers to the Debenture Loan Allocations approved by Loan Council. By way of explanation, it might be pointed out that, in some years, the original Debenture Loan Allocation may be increased or decreased according to the ability of that Authority and other Authorities to raise the allocations. Allocations have also been increased during a year in accordance with special Supplementary Allocations from the Loan Council to relieve unemployment or for other special purposes. The aggregate of the original Debenture Loan Allocation to the Townsville City Council for the years 1950 to 1960 is £2,531,408. The aggregate of the final Debenture Loan Allocation for the same years is £2,676,841. During the same period, the Council's total Debenture Loan Raisings were £2,521,155."

Study of Aboriginal Reserves by Dr. Donald Thomson

Mr. LLOYD (Kedron) asked the Minister for Heath and Home Affairs—

"(1) With reference to the report that the Government has refused permission to Dr. Donald Thomson, a Melbourne University Anthropologist, who is making a study of aboriginal food habits and tribal medicines, to enter aboriginal reserves in the Cape York Peninsula, is similar action to be taken against all persons who may be critical of the conditions under which the aboriginal population of Church Missions and/or State Settlements is forced to live?"

"(2) Is it not a fact that the aborigines living on Mission Settlements are poorly housed and inadequately cared for in relation to education and hospitalisation, as he indicated during the 1958 Parliamentary debate on the Comalco Bill?"

"(3) How many Government-trained school teachers are engaged in teaching the 4,455 aborigines on Church Missions in Cape York Peninsula?"

"(4) What medical and hospital facilities exist on these Missions?"

"(5) Has a similar ban been imposed by the Anglican Board of Missions on any visit by Dr. Thomson to their Mission Stations?"

"(6) Will he inform the house of the contents of the article written by Dr. Thomson, referred to by the Reverend James Sweet as a 'masquerade of the truth', and what was the publication in which this article appeared?"

"(7) Would it not assist the State's case of Commonwealth support for improving the living conditions of aboriginals in Church Missions in Cape York to have a factual report by the C.S.I.R.O. prepared by Dr. Thomson?"

"(8) How many other persons have been banned from visiting Church Missions in Cape York during recent years and who were they?"

"(9) In view of the statement by the Anglican Bishop of Carpentaria reported in 'The Courier-Mail' of February 20 last that he was ashamed of his Missions, would it be competent for the Government to impose a similar ban on the Most Reverend Bishop?"

"(10) In view of the fact that the State Government spends some £100,000 less on the 4,455 aborigines in Church Mission Settlements compared with the 4,166 on State Settlements, what action is the Native Affairs Department taking to improve the conditions of the aborigines on Church Missions?"

Hon. H. W. NOBLE (Yeronga) replied—

"(1) The Presbyterian Church has refused permission for Dr. Donald Thomson to enter their reserves. The Government believes that the Church should have autonomy in these matters and agrees with its actions. The Church of England Authorities likewise, some years ago, advised they would also refuse permission to Dr. Thomson. Dr. Thomson was refused permission previously in 1950 and the late Premier of Queensland, Mr. E. M. Hanlon, wholeheartedly agreed with the actions of the Church. The refusal of permission is not directed at precluding any scientific investigation and, in fact, the Churches welcome any enquiry or scientific investigation which will improve conditions for aboriginals or assist scientific achievement. During the last year the Presbyterian Church has approved the following visits:—Mr. Norman B. Tindale, Curator of Department of Anthropology, Adelaide —Mornington Island. Dr. K. Hale, Linguist from an American University—Mornington Island, Aurukun and Weipa. Dr. C. H. Wyndham, Climatic Physiologist from South Africa sponsored by Professor R. F. Whelan, Department of Physiology, Adelaide University; and Dr. R. K. Macpherson, School of Public Health and Tropical Medicine, University of Sydney—Weipa and Aurukun, Mr. Barlow, Lecturer

in Botany at the University of Queensland. Mr. Wakefield, A.B.C. Photographer who will take movie pictures for A.B.C. television, at Weipa and Aurukun, Colonel Rankin, from Great Britain, who is making a photographic record of Queensland for television in Great Britain, and possibly other parts of the world."

"(2) Steady improvement has been made in housing and other benefits at Missions, and recently arrangements were finalised with Consolidated Zinc Pty. Ltd., for the construction of a new model township for the aboriginal residents of Weipa. This township will incorporate all facilities and it is anticipated will greatly speed up the process of assimilation of the Weipa Aboriginals, and possibly a number from other Missions also. Both the Presbyterian Church and the Government agree that conditions at Mapoon could be improved upon and negotiations are now in final stages to provide adequate housing, &c., at a new site agreed upon between the Church and the State."

"(3) Mission Schools have qualified teachers in charge. It is hoped that the Education Department will ultimately take over the complete charge of schools on reserves. Professor Schonell of the University of Queensland recently undertook a survey of education facilities on some of the Missions and arrangements have been finalised for a Senior Inspector from the Education Department to inspect, during this year, all of the schools of the Gulf Missions and Islands in Torres Strait. It is expected that the results of the joint study will contribute to improve educational facilities."

"(4) Small hospitals or aid posts are established at each Mission, staffed by a trained Nurse. Only minor illnesses and uncomplicated maternity cases are cared for in the Mission Hospitals—the others are cared for in State Hospitals. Medical advice and care is available. The Royal Flying Doctor Service and the Aerial Ambulance are in constant touch with the Missions."

"(5) Yes."

"(6) One of a series of similar articles was published in the Melbourne 'Herald' on Monday, December 30, 1946."

"(7) No, if his previous actions are any criterion. Might I say that a University Degree is not always indicative that a person knows all the answers."

"(8) None."

"(9) No answer is necessary to this question which can only be regarded as facetious."

"(10) Comparison between the requirements of an aboriginal on a Church Mission in the Gulf of Carpentaria and a person on a Government Settlement such as Cherbourg, is impossible by reason of the varied ways of life applicable in each case. The Department of Native Affairs, having knowledge of the requirements for each particular section, advises the Government accordingly. The Honourable Member should be aware that contribution to the Church Missions is in the way of subsidy by the Government which is additional to contributions by the Church Organisations charged with the care and responsibility of the aboriginals on the Missions and the proper control of visitors to that Mission. At a recent Conference of State Ministers in Canberra, Queensland's case for Federal Government assistance was forcibly stressed for housing for Queensland Aboriginals, trained to the point of assimilation on the Church Missions and Government Settlements, to enable their assimilation into the general community per medium of suitable housing facilities. State representations were abortive, but we believe this is one field in which the Federal Government should help and it should be taken further. I intend discussing the matter with the Honourable the Premier with a view to it being discussed at the next Premiers' Conference."

DELIVERY OF MEAT CARCASSES TO BUTCHER SHOPS, METROPOLITAN AREA

Mr. MELLOY (Nudgee) asked the Minister for Agriculture and Forestry—

"In view of the written and photographic evidence submitted by me to him on Friday last in relation to the exposure of carcasses and their risk of contamination by the unsatisfactory practices adopted by persons carrying out the delivery of these carcasses and the subsequent danger to public health, will he investigate the position and give consideration to my suggestion that internal swinging screen doors be fitted to delivery wagons?"

Hon. O. O. MADSEN (Warwick) replied—

"Meat delivery is regularly under observation by inspectors, and I am informed that the practices adopted are generally satisfactory, and the meat is not exposed to contamination capable of causing any danger to public health. Inspectors are regularly watching to detect breaches. However, the practicability of the suggestion put forward by the Honourable Member for Nudgee is being investigated."

METROPOLITAN SECURITY SERVICES

Mr. BENNETT (South Brisbane) asked the Minister for Labour and Industry—

"(1) Is he aware that Ex-Police Inspector Voigt is now supervising the activities of Metropolitan Security Services, a private police force operating in Brisbane?"

"(2) Will he request the police to investigate a strong claim that this organisation has perpetrated and is perpetrating a deliberate fraud on the Brisbane City Council, the University of Queensland, the Repatriation Department, big business houses, private individuals and the community by accepting large fees for carrying out security and caretaking services that are in fact not being carried out in terms of the contract?"

"(3) If so, will the investigation include a report on claims that (a) the Repatriation Department has had no patrol for eighteen months, (b) the mechanism of time clocks installed to check on the times of patrol of the Metropolitan Security Service by push-button recording has been interfered with by the fabrication of counterfeit keys made by the Metropolitan Security Service and used by them to open the clocks and record as many as six visits on the one occasion, (c) this deceitful procedure has been followed at the City Council's Mt. Coot-tha quarry with the use of a counterfeit key which has been handed to me and which in turn I am prepared to hand over to any authorised investigator, (d) the staff of the Metropolitan Security Service are forced to furnish false written reports about their patrols and the security observed, and (e) it is physically and humanly impossible for the staff on patrol to carry out in one night the number of calls that are being charged for and that the Metropolitan Security Service claim are being performed?"

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

"(1 to 3) On receipt of a copy of this question on Friday last, I immediately advised the Police Commissioner of it and issued instructions that the matter raised should be the subject of immediate investigation. This is proceeding. I trust the Honourable Member will make all information in his possession available to those Police officers detailed to this work."

New English Bible

Mr. RAMSDEN (Merthyr) asked the Minister for Education and Migration—

"(1) Has his attention been drawn to the excellent and clearly understood English of the New English Translation of the New Testament released for public sale on March 14, 1961?"

"(2) Having regard to the widespread feeling of the inadequacy of the present Bible Reader used in State schools and in view of the fact that this new translation bears the imprimatur of the major religious bodies outside the Roman Catholic Communion, will he give careful and sympathetic consideration to having this New English Translation used in lieu of the present books of Bible lessons, both junior and senior, used in schools under his administration so that the children can be given readings in the language of our day which will be more easily understood by them than the poetic language of the Authorised Version?"

"(3) Could such readers be made available for the 1962 school year?"

Hon. J. C. A. PIZZEY (Isis) replied—

"(1) I am fully aware of the publication of the New English Bible."

"(2) The New English Bible is intended to supplement, not replace, the Authorised Version. The new translation, moreover, deals only with the New Testament. Bible Readers for schools are required to cover all the scriptures and not only a portion of them. It is pointed out that, although the new texts have been simplified, the language is much too difficult for junior pupils."

"(3) The suggestion that the New Bibles be made available for the 1962 school year is neither practicable nor financially possible."

PAPERS

The following papers were laid on the table:—

Order in Council under the Co-operative Housing Societies Act of 1958.

Order in Council under the Succession and Probate Duties Acts, 1892 to 1958.

Regulation under the Primary Producers' Organisation and Marketing Acts, 1926 to 1957.

Orders in Council under the Forestry Act of 1959.

Order in Council under the University of Queensland Acts, 1909 to 1960.

Notice under the Apprentices and Minors Acts, 1929 to 1959.

CHURCH OF ENGLAND IN AUSTRALIA CONSTITUTION BILL

Third Reading

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

CITY OF BRISBANE MARKET ACT AMENDMENT BILL

Third Reading

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

QUEENSLAND GOVERNMENT INDUSTRIAL GAZETTE BILL

Third Reading

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

HOLIDAYS ACTS AMENDMENT BILL

THIRD READING

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

INDUSTRIAL CONCILIATION AND ARBITRATION BILL

SECOND READING

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (11.28 a.m.): I move—

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

I gave a fairly concise and detailed explanation of the principal features of this legislation on its introduction. As I said then, this is a complete measure, not an amending Bill. Consequently most of the provisions in the present Industrial Conciliation and Arbitration Act and the Trade Union Act of 1915 are repealed.

As a matter of fact, it is quite reliably estimated that over 90 per cent. of the present provisions have been retained.

There is no doubt that the Bill will give the industrial tribunal of the State that flexibility which it did not previously possess. It will enable it to act promptly with a view to preventing and/or settling industrial disputes. It will also assist rank and file unionists to control and direct their own union affairs, which power in a number of cases, I am sorry to say, they do not have at present.

During his introductory speech the Leader of the Opposition said that every enlightened community in the world today is placing increasing emphasis upon the need to foster better industrial relations between management and employees through conciliation. I could not agree with him more; this legislation is aimed in that direction. The recent brochure that I caused to be issued on the need for increased productivity, of which every hon. member got a copy, emphasises that point. On page 9 of the brochure it says—

"The secret of increased productivity is co-operative effort."

That is very true. The brochure was issued for the very purpose of spreading that message very widely. I believe the very basis of this measure is founded on that principle.

I have said before, and I say again, that this Bill is of absolute and outstanding importance. Every principle has, as its background, the following ideals—

1. To modernise, consolidate and re-enact the Industrial Conciliation and Arbitration Acts.

2. To assist Queensland's industrial development by

(a) improving the processes of determining differences arising between employers and employees on matters associated with the employment of labour.

(b) To reduce lost time as a result of industrial disputes.

3. To strengthen the authority of the rank and file unionists by giving them—

(a) greater control of their own union machinery.

(b) opportunity of knowing of, and, if they desire, rectifying injustices and abuses within their union.

The result of those three points I have just made will, I believe, be—

(a) To reduce the power of extremist union leaders over, and against the will of, rank and file members of their unions.

(b) To reduce and ultimately abolish the encroachment of Communists and their ideology into our industrial life.

Because this has been the background to the Bill, the Government took certain steps, and I should like to detail them.

1. We quite deliberately, last year, invited the whole community to submit suggestions, without limit, in relation to the Bill.

2. We appointed a Committee to examine every suggestion made and every section of the present Act.

3. We examined, in Cabinet, and made a decision on, every policy matter that was involved.

4. We instructed that the Bill be prepared, introduced it into the introductory stage, and, again quite deliberately, invited all parties interested to submit any amendments they thought fit.

5. We carefully examined every suggestion made; and

6. We deliberately accepted every amendment sought, so long as its acceptance was not in conflict with the ideals I have enunciated.

Those amendments were made available to hon. members early yesterday morning, or, at least, to the Leader of the Opposition, and the Leader of the Queensland Labour Party, so that they could be studied prior to this debate. I should like to say that it was impossible to make them available any earlier, because I wanted to meet, and in fact, I met every deputation that wanted to meet me, and the last one was on the afternoon of Friday last. Round about lunch-time, representations resulting from a combined meeting of the A.W.U., Federated Clerks Union, Queensland Shop Assistants' Union, Queensland State Service Union, Queensland Governmental Professional Officers Union, Clothing and Allied Trades Union of Australia and Railway Traffic Employees Union, were put to me. I think you will admit, Mr. Speaker, that that was a pretty big coverage.

Almost every union of employers and employees was very helpful, during this period, the most disappointing being the Trades and Labour Council, whom I met on the previous Friday. Their submissions consisted mainly of "we oppose"; "we oppose," with a few constructive suggestions for variation.

However, the point I wish to make is this: subsequent to seeing the deputation from the Trades and Labour Council, on that same day, the Premier agreed to a week's postponement of the Bill, at the specific request of certain union representatives, and forthwith, that evening, I wrote to the Secretary of the Trades and Labour Council advising it of the week's postponement, but I have not, in the whole of the subsequent week, nor indeed, up till now, received one suggestion or one specific amendment from that quarter. They complained that they did not have long enough with me but they were given every opportunity to submit any further suggestions they had, and I am sorry to say that they did not take advantage of it. However, perhaps it may be just as well as previously, in July last year, they stressed the need for the removal of what is now contained in lines 2, 3 and 4 of page 31. Had I accepted this and were it to be enforced, it could deprive the employee of higher wages. I am quite satisfied that they did not realise that that would have been the effect of their amendment; nevertheless it would have been. Notwithstanding all they have said since, they have not corrected the matter in eight months. Evidently they still do not realise their mistake. It is no wonder the hon. member for Bulimba said at the introductory stage that decisions were being given by the Industrial Court on wrong evidence. If this matter is an example, there is probably much wrong evidence submitted to the court by representatives of the Trades and Labour Council.

To return to the matter of submissions, as a result of all discussions hon. members have before them 29 amendments that I propose to move in Committee. Eleven are from the A.W.U. or the Federated Clerks' Union or the group with whom they conferred; two are from the Trades and Labour Council, some from employers' organisations, some from my departmental officers, and several others are either consequential amendments on those above or are purely machinery or drafting amendments.

The final Bill with those amendments will contain over 90 per cent. of the old Act, many provisions suitably amended, and no fewer than 14 very important new amendments of direct benefit to employees as well as many more of very important indirect benefit. They will be announced in due course.

My main disappointment is that the Trades and Labour Council were not more constructive, particularly during the past week. I must refer to what I believe is probably the explanation, that is, Mr. Egerton's comment on the "Meet the Press" session last Sunday, when he said—

> "One good thing in regard to the introduction of this legislation was that many union leaders did not properly know the existing Act, and had now studied the proposed Bill."

That statement is similar to another of his when, in looking for an alibi for Wednesday's stop-work meeting and the fiasco that it was, he complained that the fiasco was the result of bad organisation. Remember that he is paid as a union organiser, as are all his colleagues. If any man has been damned out of his own mouth, I think he has.

I said earlier that one of my hopes of the Bill is that it will reduce communistic encroachment. I make no apology for that and, if any hon. member thinks that I should, I commend to him the Readers Digest of February last. I quote extracts from pages 25, 29 and 30, as follows—

> "We are in the midst of World War III right now, say the authors of the important book on which this article is based. The Communists are winning because they know they are in it.
>
> The West is losing because it is not sure whether it is at war or at peace.
>
> The book, 'Protracted Conflict', was written by four long-time students of Communist strategy for the Foreign Policy Research Institute of the University of Pennsylvania. It is one of the most penetrating analyses of Communist strategy and tactics ever set forth. To read it is to see clearly that our greatest failure to date has been to understand Communism as a method. Says Dr. Henry A. Kissinger, of Harvard—'Protracted Conflict' should be read by everyone who wishes to understand the nature of our danger.'."

This is a very serious matter, and I believe that all hon. members should address themselves to it. The article continues—

> "Within four decades Communist power has grown from a gleam in Lenin's eye to the absolute domination of nearly 1,000 million people. One of the principal reasons for the enormous gains has been the Communists' ability to conceive of the struggle for power in larger dimensions than their opponents."

And now by Eugene Lyons, who has been a lifelong student of Communist methods of operation—I remind hon. members that Mr. Lyons served as United States correspondent in Soviet Russia from 1928 to 1934—

> "The common element is that those involved, Red-empire and local citizens alike, have had training for their tasks. They are not merely filled with zeal for the cause; they are skilled in the detailed operational know-how of conspiracy and social conflict."

The article goes on to quote what Lenin said—

> " 'Give me a handful of professionals,' he said in substance, 'and I will overturn the established order.' This concept has been at the heart of Communist operations ever since."

Further on it says—

> "Textbooks for the trainees in treason cover a wide range of skills—'The Tactic of the United Front'. Typical techniques taught include political arts like transforming a local strike into a general strike or the capture of directing roles in national independence movements."

I have quoted those words because I believe that this Bill is aimed at reducing Communist infiltration within unions. I hope all hon. members will get this copy of "The Reader's Digest" of last month, because the whole article from which I have quoted is one that all thoughtful people should be prepared to read and digest thoroughly.

Might I add this: although it is not officially my business, I say as a citizen of this State of Queensland that there is one development I most seriously and sincerely hope to see in the near future. It is because of the infiltration of Communist power into our unions that I hope to see it. I refer to the reaffiliation of the A.W.U. with the Q.C.E. of the Labour Party.

Opposition Members interjected.

Mr. SPEAKER: Order! I have given the Minister a certain amount of latitude to develop the idea that the Bill dealt with Communism, but I do not want to widen the debate. It is my intention to keep hon. members within the bounds of the Bill. If the Minister introduces extraneous matter into his second reading speech the debate will get out of hand, and I trust that he will not develop his argument along those lines.

Mr. MORRIS: I had intended developing that a little further, but after your ruling, Mr. Speaker, I will leave it.

The Leader of the Opposition criticised the appointment of Mr. Tait, an officer of the Public Service Commissioner's Department, to the committee that made recommendations concerning the Bill. As Mr. Tait is unable to answer for himself in the Chamber, I have a few words to say about him and his work. As the industrial officer of the Public Service Commissioner's Department, Mr. Tait is a familiar figure at the State Industrial Court where he has appeared on behalf of the Queensland Government in hearings affecting Crown employees. He has also represented the Government before industrial magistrates. In Commonwealth jurisdiction he has represented the Queensland Government at sittings of the Full Industrial Commission, the Commission in Presidential Session, as well as at sittings conducted by a single commissioner, and attended conferences convened by Commonwealth conciliation commissioners. These appearances have been in Melbourne, Sydney and Brisbane. In addition, he has conferred with representatives of industrial unions upon matters affecting the employment of employees in the many avenues of Crown employment, and involving interpretation and application of awards of the Commonwealth Industrial Commission and State Industrial Court.

He has been a member of a union since 1918, and has been the chairman of departmental union committees. In all, he is as experienced as any man in this field, and is outstandingly suitable for the task which was given to him.

The allegation by the Leader of the Opposition that it is proposed to insert progressively and insidiously into the industrial laws of Queensland many of the provisions of the Federal Arbitration Act is also untrue and not based on fact. Of the 141 clauses in the Bill only 13 new clauses are based on provisions contained in the present Commonwealth Conciliation and Arbitration Act. I might suggest to the hon. gentleman that he examine the provisions of the present Act, many of which were introduced by previous Labour Governments. He will find that many of them are almost identical with many of the provisions of the Commonwealth Act, or are based to a large degree on them. Therefore the allegation that this is the first time that provisions similar to the Commonwealth Act are being included in the State's industrial laws is not in accordance with fact. There is every reason to believe that previous Labour Governments were not loth to take such action as they considered practicable and desirable. And why should they not? I think they were entitled to do that.

I categorically deny that there is any intention on the part of this Government to mould the industrial laws of the State on the provisions contained in Commonwealth legislation. However, just as a number of the present amendments are based on the relevant New South Wales legislation whenever the Government consider that the industrial conciliation and arbitration legislation of Queensland can be improved and the machinery thereunder made more effective, they will not hesitate to give consideration to amendments considered necessary or desirable, whether the principle involved is already provided in the Commonwealth Act, the New South Wales Act, any other legislation or, indeed, is entirely new.

Dealing with the proposed provision that unions must render an annual audited financial statement the Leader of the Opposition said—

> "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 and as to how it is spent."

Does the hon. gentleman not consider that all members of a union are entitled to receive such an account? Would any hon. member say that a person who is given that money need not account for every pound of it? Such an inference would shock many people. I think the Leader of the Opposition regrets the words that he used. I suggest that the only persons who could take objection to such a legal provision are those who are not presently making such information available. The hon. gentleman then implied that the Government would not require employer organisations to do the same as employee organisations were required to do. I should like to make it clear that registered industrial unions comprise employer organisations as well as employee organisations and the law applies equally to each. Indeed, that was a principle that was stated very clearly by the previous Labour Government and one from which we have not departed.

It was indeed refreshing to hear the Leader of the Opposition state that his party subscribes to the principle of arbitration and also his admission that perhaps his Party when in power did not exercise the arm of conciliation as it might have done.

Then, unfortunately, the hon. gentleman implied that the right to strike is being taken away. Literally, that is not true, but under the present Act, and in the Bill it is provided that no strike or lock-out is authorised unless a secret ballot has been taken in the calling and the result thereof communicated to the Industrial Registrar.

I also stated in the introduction, that any tribunal before which the matter is relevant, shall be at liberty to ascertain for itself whether a strike or lock-out was authorised or not, on the production of a certificate from the Registrar that a communication had, or had not, been made to him of the result of any ballot.

The Leader of the Queensland Labour Party referred to the employment of intimidatory tactics. I should like to assure him that the Government will never hesitate to act promptly should any such cases be brought to their notice. He also mentioned the desirability of introducing legislation concerning political levies.

The Government have not overlooked this matter either. We regard it as very important. However, as is well known, the Commonwealth Government have been given an assurance by the A.C.T.U. on this matter and the Queensland Government, at present at any rate, are prepared to await results Should this trust be found to be misplaced, I can assure the hon. member that the Government will not hesitate to take appropriate legislative action in this regard also.

The hon. member for Kedron suggested that the conciliatory provisions in the Bill do not enable action to be taken should a conference be abortive. No doubt, the hon. member now, after having had an opportunity of reading the Bill, is aware that provision is made by which the Commissioner, in addition to being required to take prompt and effective action to convene a conference in connection with an industrial dispute or threatened dispute, in the event of the conference proving abortive shall take such steps as he thinks fit for the prompt prevention or settlement of the dispute, or threatened dispute by arbitration.

I was also interested to hear the hon. member say that he agreed that the domestic affairs of a union are best left in the hands of the rank and file. That is, in fact, what this legislation will do.

The hon. member referred to the provision that a member may resign from his union. I cannot see what his fears are in this regard. The payment of union dues is enforceable by proceedings under the Act and will remain so under the Bill. However, it is considered to be a fundamental right of any member to resign from his union on proper terms if he thinks fit. That is all there is in the provision.

The hon. member for Kedron also said that I did not give any definition of "bonus payments". I have checked the notes of my speech in this regard and my "Hansard" proof, and just as I thought, and as I intended, I did in fact give the Committee a definition of "bonus payments". The hon. member for Bulimba first of all said there was nothing very much wrong with the present industrial conciliation and arbitration system. He then went on to say that the trade-union movement believed that the Industrial Court was giving decisions on wrong evidence and he believed that favourable decisions were given only for sections of the community. He also said that while the Australian Labour Party formed the Government the Queensland Industrial conciliation and arbitration system was a great system but that since the change of government this was different. That is just too ridiculous for words, because the members of the Court today were appointed by the Labour Government. They have not been changed, nor has their policy been changed.

I remind hon. members that Mr. Egerton said that as a result of this new legislation, union leaders who did not know the old Act well enough are now studying the Bill. I suggest to hon. members that therein lies the secret of the wrong evidence that has been given to the Court. His own colleagues, who appear for unions in the Court, are obviously responsible for that.

The hon. member for Nudgee, when mentioning the penalties in the new measures, said in one instance that the fine had been increased, to use his words, "even to £1,000". Those were the words he used.

Mr. Houston: You were not in the Chamber.

Mr. MORRIS: I was in the Chamber. Such an irresponsible comment is too silly for words, as the hon. member well knows.

I return to my explanation. I know hon. members opposite are trying to get me away from the point. I repeat that the hon. member for Nudgee when dealing with penalties said that in one instance the fine had been increased "even to £1,000". The inference, of course, was that there had been a huge increase in the penalty. It is perfectly obvious that the hon. member does not know the existing Act, because the penalty he was referring to is contained in Section 61 (5) of the Act and was inserted by a Labour Government. We say it is a very big fine and therefore a person shall not be dealt with ex parte, that he shall have the opportunity of being present. That is the provision in the Bill. It does not alter the quantum of the figure or quantum of the fine, yet the hon. member is very criticial of it and implies that the Bill increases the penalty to £1,000. It may interest him to know—I am sure he does not—that the penalty of £1,000, and the virtual wording of the provision with the exception of the words "permitting a person to be present," that is, ex parte, were included in the Act by the late T. J. Ryan in 1917. The position has never been changed, yet the hon. member referred to the increase in the penalty. It is a pity he does not know the Act.

Mr. Burrows: Have we not advanced since 1917?

Mr. MORRIS: The advance since 1917 is the opportunity we are now giving a person to be present when such a fine is to be inflicted. That was not permitted under the Act.

Mr. Houston: How many times has that fine been imposed?

Mr. MORRIS: How many times has it been imposed since we have been in power?

Mr. Houston: How many times over the years since the days of Mr. T. J. Ryan?

Mr. MORRIS: How many times since we have been in power? It is a provision that I hope will never have to be invoked. It was inserted by the late Mr. T. J. Ryan in 1917. The person upon whom such a fine is to be inflicted should have the right to be present and defend himself.

The hon. member criticised the Industrial Court and said that delays had occurred in the hearing of cases, that it caused great distress and great expense, that it was time the court was so constituted, or improved, that cases could be brought on within a reasonable time.

The hon. member should be aware that during the last 12 months the court has been inundated with applications concerning marginal increases. It has spared no effort to deal with them as early as practicable, whenever the parties concerned indicated that they were ready to proceed. I believe each member of the court has done a splendid job. I have full confidence that they will continue to do so.

During the introduction of the Bill, I read from Mr. Edgar William's report to the Delegate Meeting of the Australian Worker's Union in which he had said that one member of the court had worked during a part of the court recess, with a view to completing a number of decisions which enabled many thousands of people, to use Mr. Williams's own words, "to receive increases in pay before Christmas." That was a very fine gesture, yet they are being criticised by irresponsible members in this House who obviously do not know the contents of the Bill. I should like hon. members to consider what is the procedure in approaching the court with an application.

A union or an employer makes an application and a few weeks are given to the other party to file his answers. It is then the duty of the applicant to ask for a date to be set down for the hearing of the application. I receive a monthly account of the work in the Industrial Court so that not only may I be aware of the extent of the work but so that I will be able to form an opinion as to whether any additional member of the Industrial Tribunal is warranted.

I should like to inform hon. members that as at 31 December, 1960, there were 105 cases filed in respect of which no applications had been received for the fixing of a date by the court for a hearing. Some of these go back to 1959. Of these 105, only 10 applications came from employer organisations. The rest came from employee organisations. There has been this delay, but they have not tried to take the cases any further. That shows where the problem really lies.

Mr. Newton: It is a question of procedure—which is the most important. Of course, you would not know.

Mr. SPEAKER: Order! The hon. member for Belmont has been very vociferous. I warn him that under Standing Order 123A, if he does not obey my call to order, he can be dealt with and suspended for the remainder of the Sitting. I have no wish to suspend any hon. member during this important Sitting.

Mr. MORRIS: I suggest to the hon. member that if he is concerned about the delay in hearing applications by the Industrial Court, he might inquire from the various unions concerned why they are so reluctant to ask the Industrial Court to fix a date for the hearing of their applications. I repeat that I think the court's record of achievement last year was extremely satisfactory.

The hon. member has implied that the Government intend to exercise control over the unions, or to restrict them in their activities. That is not the case. Industrial unions whether of employees or employers, must

obey the law of the land. The only alterations included in the new measure are designed to ensure that the industrial conciliation and arbitration machinery will operate promptly and decisively, and that the control of union affairs will be in the hands of the rank-and-file union members. There is the main purpose of the Bill.

I was interested to hear the remark of the hon. member for Belmont that, while this Government 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. That is in accordance with the Government's policy that all means of conciliation and negotiation should be attempted before resort is had to arbitration except in those cases where basic matter requiring court investigation is involved. We believe that in those cases it is a matter for the court; so we refer them to the court.

I was also interested to hear that the hon. member for Belmont agrees with the Government's proposal that the court should not have legislative authority to determine bonus payments. While he did not exactly use those words, that is the inference from his statement that he does not believe in a bonus system. That can only mean that he does not believe in a bonus system whether awarded by an industrial tribunal or arrived at by private negotiation between employers and employees. I cannot agree with him on that. I agree that the court should not have authority to award profit-sharing sums in addition to a fair and just wage worked out in accordance with the circumstances and conditions of the work. That is in accordance with the definition of bonus payments as set out in the Bill. I want to emphasise that my colleagues and I are firmly in favour of, and we encourage, the negotiation of bonus payments outside the court between employers and employees. I have every reason to believe—indeed I know—that employers will be encouraged to negotiate such arrangements on the passing of this measure, and indeed I know of at least one case where, on the notification and introduction of this Bill, action has already been taken by one company to ensure that, as the method is changed, it will henceforth make bonus payments to its employees.

Mr. Davies: The hon. member for Belmont will explain his views when he speaks to the House later on.

Mr. MORRIS: I am sure he must be awfully grateful to the hon. member for Maryborough for excusing him.

Mr. Davies: He is not allowed to interject; that is why.

Mr. MORRIS: The hon. member for Belmont made allegations about the breaches of certain provisions of the present Industrial Conciliation and Arbitration Act and the Factories and Shops Act. As I have said time and time again, all complaints received in this regard are investigated thoroughly and promptly by the industrial and factories and shops inspectors. Obviously—and it must surely be clear to everybody—it is impossible to investigate a general allegation. As I have told the hon. member before, if he submits details of the breaches he has in mind, they will be investigated, as they have been since we took office.

We have done quite a deal in the recovery of wages for various members of unions. We are carrying on a policy that was operated by our predecessors and we are following it, if I may say so, very successfully. That is indicated by the fact that, for the last four complete financial years, the respective amounts of wages recovered due to the efforts of industrial inspectors were £54,330, £54,420, £49,710, and £56,912, making a total of £215,372 in four years.

I want to make it quite clear that in most cases these apply to organisations that have experienced stormy weather. The inspectors of my department are always alert to take steps to ensure that the wages of the employees are protected. That policy was started many years ago. We are following it with signal success, and we intend to continue it.

The hon. member for Maryborough referred to equal pay for the sexes. That is an interesting subject, but a rather involved one. It would take some time to go into it, and I am not going to reply to his remarks at this stage. However, because of its importance, one of my colleagues will go into considerable detail to assist the hon. member for Maryborough.

I was very much surprised at the tactics of the hon. member for Salisbury. He made an attack on a certain member of the present Industrial Court in connection with an application by the A.M.I.E.U. for the restoration of the preference clause in the Bacon Manufacturing and Meat Preserving Award. I hope he did not do it intentionally.

The hon. member quoted only a very small portion of the judgment of the court member concerning the matter. The very short portion he quoted gives the impression that the court member was dictatorial and antagonistic to the A.M.I.E.U.——

Mr. Mann: The decision stinks.

Mr. MORRIS: Well, the hon. member should listen to this—and this is a principal reason why workers allegedly now have no faith in the present Industrial Court.

He referred to the strike in the meat industry that took place in 1946, which was controlled by the Communistic element in this State and as a result, at that time, the A.M.I.E.U. lost its preference clause in the Bacon Manufacturing and Meat Preserving Award.

The hon. member stated that the court member said—and I quote from "Hansard"—

> "Can I say at this stage, and I think each of you well know 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, that 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."

I am not going to say that those words quoted by the hon. member were incorrect. They were correct, but he took certain words out of their context and gave them an entirely different meaning from what the court member actually said.

Mr. Sherrington: What rubbish!

Mr. MORRIS: As there seems to be some difference of opinion, I shall tell hon. members what the member of the court did say. The hon. member for Salisbury concluded his extract of the judgment with the words "I propose to dismiss the application." Actually the sentence was, "I propose to dismiss the application for what I consider are very good reasons." The judgment, if read in its entirety, will not only damage the picture presented by the hon. member but will show that the member of the court was acting in fairness, acting in justice, and acting wisely, because this is what he said—I think it is really worth repeating—

> "It is not a matter of impatience in this matter. Irrespective of what has been said here by anyone—the unions or any one of the employer's representatives present here —I am sure that because of the actions of the applicant union over quite a considerable time, not only recently but prior to that, this court would not be justified in putting into the hands of the union the great power which the suggested preference clause would undoubtedly give them. That should lead up to providing me with an opportunity of going on with a great dissertation about all sorts of things, but I do not propose to do that."
>
> Preference, although it may be considered lightly in some places, is a very precious thing because, as I said a minute ago, it places great power, not only in the hands of a union as a body but also in the hands of its members; a power that should be used intelligently and successfully and sincerely and I think every tribunal in Australia, certainly this tribunal, would expect that when that power is put into the hands of organisations they treat it as it should be treated and not use it as a means of bludgeoning, or attempting to bludgeon things for employees in industry, things on which it is not able to satisfy this Court.
>
> I want to say now, Mr. Field, you were subjected to a very gruelling cross-examination in the witness box and I want to tell you that your answers to anything that Mr. Coneybeer has put to you have in no way affected my decision. As I said, anything you could have said could not affect my attitude to the behaviour of the union up to recent times. Preference has to be earned and it has got to be earned in more ways than one—not always necessarily for the Court's purpose.
>
> I wish I could convey in very ordinary, sincere language the feelings I have about this. I suppose, because of my background prior to coming to this Court, I would have a greater leaning than any other member of the Court towards giving preference to unions because of the union belief that those for whom the union provides things have an obligation to join the union which performs these tasks for them.
>
> I can understand a union endeavouring to ensure that old hands in an industry remain in the industry and are not thrown out at the whim of the employer by newcomers. I know it is the task of a union to continue to try to improve the conditions of its members. I would also know that no union who either cannot control its members, or is unwilling to, is entitled to ask for the benefits of arbitration and preference on one hand, which not only gives that cover to their members, but also gives them financial aid.
>
> If we let it go at that, it might do.
>
> This means that for the time being your application is refused. If your members or Committee can demonstrate to this Court that they are to be trusted with this very real control, this very real preference clause, nobody knows better than yourself that you are at liberty to make application for it."

That typifies the attitude of the present members of the Court. I dislike immensely to hear their sincere remarks misquoted. In that judgment is demonstrated the real spirit that activates the members of the Court today. It ill behoves anybody to quote a small portion of their comments and by so doing lead people into forming a wrong judgment of the work they are doing.

Mr. Mann: Do you know that 14 years ago that preference was taken away?

Mr. MORRIS: I have just told the hon. member. I have given the Chamber the full details. The hon. member knows perfectly well that if an application is made for the restoration of the preference, it will be considered as fully and completely as it was considered on that occasion. There will be no bar to their approaching the Court again

on the matter, when again it will be considered with every degree of sincerity and fairness.

Events in the past twelve months make one fear that the situation today is fast reaching the position that operated not only in 1948 but also back in 1946 when there were big Communist-controlled strikes. We are all aware of the present Communist domination of the Trades and Labour Council in Queensland. We all know of the very ill-conceived strike on Wednesday of last week when Queenslanders overwhelmingly showed their disapproval of it. I am now going to quote from a letter that I received from Mr. A. Macdonald, General Secretary of the Trades and Labour Council of Queensland, dated 2 March this year, in which, amongst other things, he set out the views of the present Trades and Labour Council. The letter contains expressions of defiance of the laws of this State and I ask all thinking trade-unionists in the State to note carefully this call for anarchy and for the introductin of the law of the jungle in the State. The relevant portion of the letters reads—

> "We affirm that the Trade Union Movement can fulfil its obligation to its members only if it is completely independent of any outside control whether it be from Governments, Court, or any other source.
>
> We therefore condemn those provisions of Queensland and Commonwealth Industrial Laws providing for Court-controlled ballots and any other form of interference with Trade Unions' Internal affairs whatsoever. We direct the Trades and Labour Council to continue to campaign for the repeal of these provisions in the Queensland and Commonwealth Arbitration Acts and call upon the Unions and their members to disregard provisions of the Acts and conduct their affairs in true democratic Trade Union fashion in accordance with the Rules and decisions which they themselves have made from time to time."

The letter goes on to say—

> "We draw the attention of unionists to the ever-increasing penalties being placed in the Arbitration Act to restrict the workers in their struggle for a better life. We demand the removal of all penalties which in any way restrict the workers' rights to strike."

I ask hon. members what right has Mr. Macdonald or any other trade-union leader to feel that he is sacrosanct, that he is above the authority of the law of the land? I believe that we are all responsible to the laws of the land, and if we do not like them we try to change them; but, to counsel the complete disregarding of them is the type of thinking we do not want in this State.

The Government do not propose to let the position so deteriorate, as it did in 1946 and 1948, as to cause so much pain, suffering and hardship to the individual rank-and-file unionists and their dependents and to damage the progress of this great State. Therefore, we are now taking what we consider to be prompt and appropriate action that will ensure that the affairs of unions are controlled and directed by the rank-and-file unionists, the overwhelming majority of whom are good law-abiding citizens who appreciate the benefits that can accrue from a lawful community and a free and impartial industrial conciliation and arbitration machine for the settlement of all industrial disputes.

The Government believe that by ensuring that such power remains with the rank and file, all attempts at anarchy and the flouting of the law by irresponsible union leaders, Communist controlled unions, and fellow-travellers of Communists who are in control of some unions, will be thwarted, and that the rank-and-file trade unionist and his family may be able to live in peace in the knowledge that reasonableness and impartiality will prevail, and that protection will be afforded concerning his standard of living, the return he receives for his labour, and the conditions under which he works. Those things will be safeguarded and, in this connection, I have in mind the recently introduced progressive and practical legislation of this Government concerning safety, health and welfare.

Mr. Davies: The Minister has dealt with the unions so far. Does he intend to say something about the employers, too?

Mr. MORRIS: I deplore the one-eyed attitude of certain hon. members. I have said—and I do not know how many times I have to say it for it to sink in—that this Bill applies equally to unions of employers and unions of employees. I ask the hon. member does he think that when this law was amended as it was in very important respects in 1917 by a Labour Government under Mr. T. J. Ryan, and again in a very major degree in 1932 by the late Hon. W. Forgan Smith, that those two gentlemen would have made all the penalties apply only to the employee, and not to the employer? The principle today is exactly the same as that put into the Act by those two gentlemen. To suggest that the Act applies only to unions of employees indicates a gross lack of knowledge of the contents of the Act itself.

Let us consider some of the proposed amendments of the Bill.

It is proposed to include in the definition of "employee" the provision in the present Act that where four or more persons are working in association each shall be classed as and be deemed to be an employee, and the partnership shall be deemed to be the employer.

As the present Section 37A of the Factories and Shops Acts, dealing with garage and service stations, is now included in the Bill, it is necessary to define "occupier" and this definition is as it is in the Factories and Shops Acts at present.

Again, the definition of "trade union" is to be amended by excluding the words "of employees" as there are presently employer organisations that are trade unions, just as there are employee organisations that are trade unions.

Unions have requested that they should be able to negotiate on behalf of their members for bonus payments. I shall deal in more detail with these matters in Committee, but at the moment I should like to refer to them briefly. I shall be able to give the names of the unions that have asked for the amendments. As I have said, unions have requested that they should be able to negotiate on behalf of their members concerning bonus payments. I am quite happy to include the provision.

It has also been suggested to me that there would be more contentment if arrangements regarding bonus payments could be made privately and recorded with the Industrial Commission. I am quite happy to accede to that suggestion, and the Bill will be amended accordingly.

Again, the view has been expressed that the preference clause should only be applicable to unions registered with the Industrial Court. We agree with that, and an appropriate amendment will be submitted.

The unions have asked that in connection with basic wage declarations the court's discretionary powers to declare a basic wage for males and/or females should be made clearer. We are quite happy to do that. I think this matter was raised by each of the unions that approached me.

As hon. members know, it is the intention of the Government that the court should have discretionary powers concerning the daily and weekly working times in the rural industry. Clause 29 (e) in the Bill could possibly nullify the intention of the Government in this regard. Consequently an appropriate amendment will be moved to clarify it.

Some penalities for the bread manufacturing industry and garage and service stations exceed £100, which would mean that proceedings would have to be taken in the Industrial Court. As such offences could be committed in remote parts of the State, it will be appreciated that considerable delay and expense could be incurred. We are rectifying the position by providing that these two matters can still be heard by an industrial magistrate. Of course, there could be an appeal to the Industrial Court if necessary.

I think all unions made representations concerning the period of notice to be given when a member desired to resign from his union. They were to the effect that the notice be increased from one month to three months to conform with union practice. I am quite happy to agree to the alteration.

None of the amendments will alter the principle of the legislation. I have given the basic background on which the matter has been approached. I think I can give a good illustration. Fears were expressed by certain unions that the requirement in Clause 58 concerning the rendering to members annually of a copy of the union's financial statement could be construed to mean that a copy had to be posted to each member. Several unions stated that they thought it could be so construed. I am quite sure it could not, and it was not my intention that it should be so construed. To relieve the minds of union officials, a further amendment is proposed. The provision as amended will still cover what we think is desirable, but we propose to amend it to make sure that the cost is not carried by the unions.

The intention of Clause 98 is to set out the procedure that has to be followed for a strike to be regarded as an authorised strike. It has been pointed out that whilst this purpose is achieved under normal circumstances, it is conceivable that unusual circumstances could arise to require a clearer definition. That is attended to by an appropriate amendment.

Clause 101 prohibits an employer from victimising union officials employed by him. The word "delegate" appears. However, inquiries reveal that this word "delegate" is used sometimes for a person who is not, in fact, a normally elected union official. If that is so, it is undesirable that it should be included, and therefore it is excluded.

Mr. Houston: Who asked for that?

Mr. MORRIS: I will tell the hon. member all about it in Committee.

There has been much criticism of the inclusion in this Bill of a provision similar to the provision in the Commonwealth Act concerning the prohibition of incitement to boycott an award. I remind hon. members it is Clause 111. A provision, very similar, but not quite so specific as this one, was contained previously in the Act, in Section 59. There has been a great deal of unhappiness among the unions with the clause that was inserted. Personally, I think, the clause and the section are of equal value, but because the Government have done their level best to accept every possible amendment that the unions have asked for, in this case we have deleted the clause and we are reinserting the provision that was in the Act. I use that as a classic example of the way in which we have deliberately tried to accept amendments wherever possible, so long as the basic principles behind the Bill have not been interfered with. I repeat that we have done everything possible to meet the unions in this way. There are several other instances. Hon. members have the amendments, so I do not intend to go into detail.

Clause 126, amongst other things, prescribes that commencing and ceasing times of all employees shall be recorded. There

are no daily or weekly working hours prescribed for certain classifications of employees in some awards, for example, drovers in the Stationhands Award, the Commercial Travellers Award, and the Motor Vehicles Salesmen's Award. Obviously, therefore, it is not practicable to record the starting and ceasing times of such employees. It is therefore proposed to exempt an employer from this requirement in such cases, unless the award or industrial agreement prescribes it. There again is a simple little thing, but overall, it is of very great importance. In practically every one of the cases I have mentioned, the award can prescribe prescriptions about those matters of which I have given the conditions of work, and the award takes precedence. That is very important.

Clause 136 refers to the power of inspection by union officals. It must be read in conjunction with Clause 126, concerning the availability of records.

It is not considered that any information gleaned from such inspections by a union representative should be used irregularly. I am quite sure nobody will disagree with that. Therefore we are making an appropriate amendment to cover that.

There is another matter I should like to mention. It is referred to in Clause 56, page 71. Under the Act, the unions are required to file with the Registrar, not later than the end of February each year, a copy of their register of members, as at 31 December the previous year. Under the Act there was insufficient time for the unions to do this. We have extended the time to the end of March. We think the provision in the Bill is a generous one but we have extended the time. That again is indicative of our attitude towards amendments that have been put to us. It was put to us by union representatives that if they are required to do this, even though the Bill is more lenient than the Act, they still cannot do it within the time, so we meet them again and say that, if they cannot do it within the time, it is perfectly acceptable for the Registrar to have the discretionary power to give a still longer time. All these are examples of how, in the amendments that have been circulated, we are meeting union requests wherever we can.

A great deal has been said about Clause 125 (4), which deals with representation in a punitive case before the court and permits the use of counsel. There has been almost a unanimous approach to have the provision deleted. I do not think it is a good thing to delete it; I think the clause as it stands in the Bill is a better provision; but, having had the unanimous appeal of all people to delete sub-clause (4), we re-examined it, having in mind that sub-clause (2) constitutes a safeguard. I do not remember its wording exactly, so I do not propose to quote it. Broadly, the effect is that if a person faced with a punitive charge desires to have counsel representing him, the court itself can give such permission. Because the safeguard is there, although I do not think the deletion of sub-clause (4) is good, I am quite happy to accept the recommendations of all other people, so I will be moving an amendment accordingly. I assure the House that, if sub-clause (2) does not work as I believe it will, the matter will have to be considered again.

Mr. Mann: Did the employers ask you for that?

Mr. MORRIS: The employers, the Trades and Labour Council, the A.W.U., the Federated Clerks' Union, the railway employees' union—I cannot remember the rest.

Mr. Mann: I only wanted to know if the employers had asked for it.

Mr. MORRIS: They all asked. It was the fact that all people asked for it that prompted me to believe it to be important, and that is why it was done.

I pass now to one or two general comments. Queensland is wonderfully rich basically, but we must all agree that it is hampered by its size, by its geographical location and by its distance from the main markets in Australia, so nobody in the State can afford, in his own interests, to disadvantage Queensland in competition with other States in these days of increasing and intense competition. We are not an airtight compartment and we must recognise it. We have a great future so long as we ensure that we are able to compete with other States, the nearest being New South Wales. I believe, therefore, that it is absolutely necessary that we amend the Act so that, by streamlining the matters that come within the ambit of the court, we can save a great deal of the time that is at present being lost. I believe Queenslanders will benefit greatly from the amendments to the legislation. I am certain that there is nothing in the Bill that the ordinary rank-and-file union member can object to. I go further and say that there is nothing in the Bill to which a good, even-minded, level-headed, fair union officer can object. When the Bill becomes law and its provisions are applied to the industrial life of Queensland, it will be seen more and more that it is, in fact, a Bill that makes the industrial law of Queensland ahead of that in every other State of the Commonwealth and, I believe, ahead of that in every other part of the world.

There is one other matter to which I wish to refer. I read in the Press something to the effect that the Bill was hastily conceived.

Mr. Mann: There is no doubt about that.

Mr. MORRIS: The people who say that just do not want to use the brains that the good Lord gave them.

Mr. Mann: Why all the amendments?

Mr. MORRIS: The interjector says, "Why the need for all these amendments?" I know that most hon. members understand that these amendments have been made by the Government after careful thought and at the request of those who have asked for them. Not one of them changes the principles of the Bill, and many of them are machinery amendments. Every important principle contained in the Bill has been studied by Cabinet for hours and has been studied by the Parliamentary Committee for hours. No Bill has ever had greater consideration. The amendments will be made because we have been asked to make them. We are big enough to say, "Well, we don't think they strengthen the Bill, but we will include them because you ask that they be included."

Mr. Mann: Who made the representations?

Mr. MORRIS: I have already told hon. members that 11 of these amendments came from certain unions. I even gave the names of the unions concerned. Several of them are machinery amendments and several are consequential. We will discuss them in detail at a later stage.

There is no justification for suggesting that there has been too much haste, too little care. This Bill is a sound one. It would have been just as good had it been introduced as it was printed and as it was circulated after the introductory stage; but, at least, as I said, we have been big enough to try to meet the wishes of the people who have asked us to make these amendments.

I am mighty proud of the Bill, and I am delighted to have had the opportunity of presenting it to the House.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (12.44 p.m.): Whether the Minister deserves it or not, I think he is trying to establish with the public the feeling that he is a political Messiah who is able to reform those aspects of Government administration that come within his control. On almost every Bill that he introduces into the Assembly, he either opens his speech or closes it with the dramatic words, "This is the most important legislation introduced in Queensland. I am very proud of it. It will transform the economy." On every single occasion that I can remember when legislation of major significance has been introduced, that has been the Minister's general approach to it. When he introduced the Bill to amend the Traffic Act, he was going to solve all the difficulties associated with the administration of traffic. We know that he failed rather dismally in that. Two years ago he came into the House, as he did today and as he did recently, and mentioned how the economy was being disrupted by the Communist control of the unions and how he proposed to introduce legislation to control the secret ballot provisions of the industrial code. We challenged him on that occasion. We told him how futile the legislation was. As I pointed out the other day, despite the Minister's dramatics on the introduction of that legislation when he produced all sorts of photographs, uttered phrases coined from a Communist magazine, and quoted as he did today from the "Reader's Digest" about the Communist menace, not a single application has been made to the Court for the control of union ballots. The reason we are rather distrustful on this side of the Chamber is that the Minister's predictions have never been realised. He has been somewhat of a boaster and propagandist for himself and his Government, but the people want performances. In that direction the Minister has failed completely to live up to the expectations of his supporters and the pledge he gave to the electors generally. It is because we feel that the Minister cannot be trusted in these matters that we have to look very carefully at the legislation he introduces. We remember that in his policy speech he said, "Return this Government. Give the Liberals a chance. Money will flow into Queensland. There will be more jobs than men to fill them." But what has happened? We know that the Government have sacked about 2,500 employees since September last. We know that the Premier had to make the sad declaration last week in reply to a question that the number of building permits in January was lower than in any period since 1947, despite the fact that some people are still inadequately housed. It is because the Government have failed to live up to their election pledges and promises, and the pious platitudes that the Minister expresses in this Assembly about the Communist menace and the desire to give rank-and-file unionists control, that I wish again to put on record what I have said so many times before. The public are getting somewhat sick of this business of every time any Government of a Liberal Party or Country Party composition find themselves in electoral difficulties they resort to the time-worn practice to trying to frighten them by talking about the menace of Communism and the Communist domination of unions. I make it abundantly clear that the Labour Party shares the general view about Communism. We do not want to see any advancement of Communism in Australia or elsewhere. We are quite firm and determined on that matter.

With your generosity, Mr. Deputy Speaker, I point out that even in the forthcoming municipal elections five Communist candidates are opposing A.L.P. candidates in the Brisbane area. Are they in the blue-ribbon Liberal seats? No, they are in the strong Labour seats. If their entry into the contest is of any significance at all, it is the defeat of the Australian Labour Party.

Mr. DEPUTY SPEAKER: Order!

Mr. DUGGAN: Thank you, Mr. Deputy Speaker, that is all I want to say about that.

History affords abundant evidence that in every country in the world where the Communists have obtained control it has always been the people who traditionally represented the Labour movement in those countries who have been dealt with most ruthlessly by the new Communist regime. The same thing would happen here because the very technique and tactics of Communism are to, initially at any rate, divide the workers.

We have to be realistic. There are Communist union secretaries. I only regret that A.L.P. secretaries are not in charge of all unions. The obligation is on the rank and file members to interest themselves in these matters. Primarily the reason that there are Communist secretaries is not so much that these people are Communists but because they have demonstrated to the satisfaction of their rank and file that they are efficient trade union secretaries.

Mr. Knox: Is Mr. Macdonald elected by anybody?

Mr. DEPUTY SPEAKER: Order! The hon. gentleman has been speaking for five minutes but he has not yet dealt with the Bill.

Mr. DUGGAN: I am trying to set the general pattern for the debate. My colleagues who have had a great deal of industrial experience will deal with the more detailed matters to be discussed under the Bill. I want to make a general coverage so that there will be no misunderstanding that the A.L.P. views the provisions of the Bill with great distrust. I am giving that little bit of background to show that we are against Communism; we regret the influence of Communism. We do not think that the Minister's emotional appeal about the menace of Communism is likely to achieve the desired results other than perhaps some cheap political advantage for the Government.

I expect that the hon. member for Nundah will have a dossier over there from which he will quote what some Communist or other had to say. I say the same about the hon. member for Ashgrove and certain other well-known hon. members on that side who could well be referred to as agents provocateur. I leave it to the records of "Hansard" to show whether they will not make extremely provocative speeches, as indeed, the Minister himself did.

We had a similar spirit imparted to a debate the other night. I do not mean any personal reflection on the Minister. I think he is a hard-working Minister and I have always said so. Despite my criticism, he cannot deny that I have always said that he is enthusiastic, but that does not mean that I regard him as being a successful Minister for Labour and Industry.

In these things, not only is some industrial knowledge necessary, but so is some industrial experience, to bring together the very important sections of industry. I have often said—and the Minister has acknowledged it —that there is no more important factor in the development of a country today than industrial relations—a fusion of goodwill between management on the one hand and labour on the other. That is true of every enlightened country.

I have here a tremendous amount of information on what the Kennedy administration are doing at present in America. That administration is not regarded as being Labour. The Democrats and the Republicans represent big business. They do not represent official Labour to the extent that we do in Australia and other British Commonwealth countries but in all the documents I have—and I have some of them here—they have recognised the value of conciliation, despite the fact that there is a tremendous amount of unemployment—5,000,000 unemployed—and despite the fact that they have no compulsory arbitration. There is much interest in conciliation, based on bringing management and labour together to see whether they cannot overcome the problems confronting industry by joint consultation and an examination in detail of those problems, whether they are from the production or the profit or the employment angle.

In the debate the other night we had two of the leading protagonists in this particular dispute on the desirability or otherwise of the introduction of a Bill to amend the Conciliation and Arbitration Act making provocative remarks about each other. The President of the Trades and Labour Council said that he considered the Minister temperamentally unfit to be the Minister for Labour and Industry and the Minister said that he considered the present occupant of the position of President of the Trades and Labour Council to be most undesirable.

Is it conducive to a proper examination of these things, when the Minister starts making provocative statements, challenging us on this side of the House, because one of our affiliated members came down here? There is one outside now—Archie Dawson, Secretary of the Electrical Trades Union, a man with a distinguished war record, and a man who has had a distinguished record in industrial service. He is a man known to be anti-Communist for many years and no-one can point the finger of scorn at him or the man alongside him. Last week we had Mr. Milliner, of the Printing Trades Union; Mr. Major, of the Shop Assistants' Union; we had Mr. Egerton for a few minutes. With his associations and interest in the measure, why would he not be here?

Mr. Knox: Why don't you tell us something about Mr. Egerton's background?

Mr. DUGGAN: He was entitled to be here.

Mr. DEPUTY SPEAKER: Order! I trust the hon. member will not engage in personalities.

Mr. DUGGAN: They are not personalities. I merely indicated that we were challenged about the presence of people who are vitally

interested in this Bill. They are members of affiliated unions and they have seen me and other members of our industrial committee in the lobbies outside. At the same time that the Minister tried to poke fun at us on this side of the House because they were there, alongside them, at that very moment, was Mr. Grounds, Secretary of the Metal Trades Federation, and Mr. Ingram, the employers' industrial advocate, doing exactly the same thing, but the Minister did not mention their names. Why?

As I say, is that attitude conducive to an examination of these things?

The Opposition may crystalise their attitude on these points by saying that the Minister points out that 90 of the provisions of this Bill are merely re-enactments of the previous Act so that, of 141 provisions, roughly 10 per cent. of them are new provisions. On T.V. the other night the Minister was asked by one of the panel, "Is it not true, Mr. Morris, that you introduced this legislation because of an application made by the employers six months ago?" Hon. members will recall the very vigorous way that he shook his head and said, "No. We have been studying this thing for years. We have been giving it a very close examination." He said today that they have spent countless hours on this matter yet, if we accept his statement that 90 per cent. of the Bill is a re-enactment of existing provisions, 15 clauses of the Bill require 29 amendments. Does that indicate a close examination of the matter?

The Minister was unfair enough to say that I made an attack on Mr. Tait, a member of the committee of inquiry. I did not mention his name, and I certainly made no attack on him. I said I thought it was undesirable to choose a Public Service representative for this particular inquiry. I also referred to Mr. Connolly. I paid respect to his legal ability, but I said I thought he was not suitable for appointment to the panel. I said also in my introductory speech that, if the Minister was not prepared to go to the Trades and Labour Council for one of the panel, he should have gone to the Australian Workers' Union and asked that union to nominate a representative.

I cast no reflection on Mr. Tait. I think he is very ethical and very competent, but in the main Public Service, negotiations with the Government have always been primarily a matter of conciliation and not arbitration, a matter merely of registration of agreements between the union and the Public Service Commissioner or his representative. I felt the appointment of Mr. Tait was not the right approach to this matter.

The Minister said that he was in favour of the provision covering legal representation in the Court, that it was desirable and should have been retained in the Bill. He admitted on the television programme that he had never been a member of an industrial union and knew nothing of the particular problems of unions. He also said he believed the provision for legal representation before the industrial tribunal should be in the Bill, but then he admitted rather grudgingly that not only the so-called tame cat unions, not only the ones not so tame cat, not only the militant unions and not only the A.W.U. but also the employer organisations had asked that the provision covering legal representation be dropped.

He spoke about the need for close scrutiny by rank and file unions, but what did we learn from the Parliamentary roundsman about the discussion in Caucus a week or two ago. He said that rank-and-file Government members "complained that many of the provisions had not been properly explained at the party meeting which preceded its introduction into Parliament." The Minister talks about the need for rank-and-file scrutiny outside, but he is not able to give an adequate explanation of the measure to his own Caucus inside.

Let me examine that matter. When the Minister had the Bill printed, it had been to the parliamentary Caucus. If it had been to the parliamentary Caucus and had been approved, why did not members of the Caucus see, as every employer organisation and every trade union in the State saw, the undesirability of embodying a provision for legal representation? Why did they not oppose it? The Bill was printed with the provision in it, and the Minister has said it should still be in it. That is why we feel, as we have felt on many other occasions, that there is to be a gradual assault or attempt by the Government, gradually but insidiously to embody in the legislation features that are undesirable and, when the people have been pushed into an acceptance of them, after a period, introduce still harsher measures. That is the pattern of Government legislation, and I think it will be the case in this instance.

We acknowledge and accept with thanks, and appreciation for that matter, the dropping of the provision for legal representation in the Court, because experience in the Federal Court has shown very definitely, the undesirability of legal disputation. It leads merely to tremendous costs for litigation.

The Minister's withdrawal of the provision dealing with legal representation was very desirable action on his part, although it came from him with some bad grace. I point out that the reason that the unions particularly and, indeed, the employers would subscribe to this view on any tendency to bring into the industrial laws of this State the penal provisions and the judicial operations of the Commonwealth court, is based mainly on the high cost involved for unions and employers. For the record, I should like to have included in "Hansard" one or two examples of how expensive it can be.

In 1959 the secretary of the Printing Industry Union was charged under the Commonwealth Act with having incited a union

member to refuse to work in accordance with his award. Judges Dunphy and Morgan heard the case in Brisbane. The informant in the proceedings, the Master Printers' Association had the case presented by a Sydney barrister. Though the defendant had the right to seek leave to present his own case, the fact that an important union industrial principle was involved, and the appearance of a barrister for the informant, forced him to engage solicitors and counsel.

The hearing took 3½ hours. Milliner, the defendant, was fined £20, with taxed costs. The total cost to the union was £828 17s. 8d., for a 3½-hour hearing, and the charge involved a fine of £20.

I also have evidence of a case of two meat-workers who appeared before the same Court on charges of having encouraged meat-workers to refrain from working in accordance with their award. Solicitors and counsel were engaged by both informants and defendants and the hearing took four days. Both defendants were convicted, one being fined £115, and the other £10. The costs of the defence were £402 6s. 8d.

It will be seen from those observations that there is a very real fear on the part of unions, and employers for that matter, about legal representation before the court. In marked contrast with that, we have the case in our own Industrial Court in May, 1959, where the Australasian Meat Industry Employees' Union defended an action brought by a meat company against 296 of its members. The complaint was that the members committed 1,070 contraventions of a court order. The union obtained legal advice from its solicitors, and counsel, at a cost of £44. The preparation and filing of certain essential documents with the Court cost £3 17s. 6d. The case was conducted by the union's own industrial officer, a layman, and counsel did not appear. The whole case cost the union £47 17s. 6d.

We do not want industrial law in this State to develop so that it virtually forces the unions into a position where they find themselves virtually bankrupt and unable to conduct their operations as is the case with the heavy penal provisions of the Commonwealth Act, and the cost involved in appear ing before the court.

I come back to this question of rank-and-file control. I do not know if the Minister has evidence of any malpractices in the various unions concerning the balloting provisions. The responsible members of the industrial movement have indicated on many occasions that if there is any evidence of malpractices in ballots, if there is such a thing as ballot rigging and the irregular use of ballot papers, then they will be very happy to have the court or someone intervene to deal with such matters. Proper intervention should take place. I do not believe that the unions or anyone else should be above the law. All sections of the community are required to conform with the general requirements of the law. The Minister made great play on the phrase that every section of the community had to obey, absolutely, the provisions of the law. If he likes to examine his conscience, as a senior member of the Government, I think he would be the first to acknowledge that at the present time there are probably some governmental acts of administration to which he is turning a blind eye because of the non-observance of the law. But he seems to be most anxious to have an argument with the unions on this matter and generally his attitude, of course, is conditioned by the fact that he likes to drive a wedge between what he terms the militant and Communist-controlled Trades and Labour Council and the A.W.U. and other organisations in the community. For the Minister's comfort I should like to point out that the A.W.U. are just as much concerned about the industrial law as are the members of the Trades and Labour Council. I have here in my hands 91 telegrams, all of them from various representatives on various jobs throughout the State controlled by the Australian Workers Union, and I have a list of the names here if the Minister likes to challenge their authenticity. There are 91 telegrams from the A.W.U. asking me, as Leader of the Parliamentary Labour Party to voice in this House my protest against the provisions of the Bill.

The Minister comes along here and says that 11 of the proposed amendments have been suggested by the unions. He goes on, in a Press statement, to say that none of them alters the principles of the Bill; that if any of the unions' suggestions conflicted with the Bill, he had very properly rejected them. He went on to say that of the 11 amendments proposed, two were from the Trades and Labour Council, yet earlier he had said in the House that he had received no constructive suggestions from the Trades and Labour Council.

Mr. Morris: In the last week, I said.

Mr. DUGGAN: Even the last week. As a matter of fact, he quoted various passages from a letter he had received on 2 March but he did not quote from a letter of 10 March which they wrote and in which they asked him to postpone consideration of the Bill till they had an opportunity of discussing the matter.

Mr. Morris: Which I did.

Mr. DUGGAN: They asked the Minister that the Bill might be postponed until they had had an opportunity of examining it. He did not acknowledge that at all.

Mr. Morris: I did acknowledge it. I acknowledged it within two hours of the decision to postpone the Bill.

Mr. DUGGAN: All right, if the Minister is going to seek refuge behind the argument that he gave them about a 50-minute interview during the lunch-hour as being a proper

consideration of a Bill that vitally affects something like 150,000 members affiliated with the Trades and Labour Council, while, on his own admission here, years of preparation have been spent on the Bill, and countless hours by members of the Cabinet, by himself and his officers—if he curtly dismisses in a 50-minute interview the opinions of responsible officials of the Trades and Labour Council, then I ask you to accept the Minister's attitude for what it is worth, and that is that it is not a very praiseworthy attitude at all.

Mr. Hanlon: A bit different from what was done with the model Companies Bill.

Mr. DUGGAN: I am coming to that subject. This action of the Minister in curtly dismissing the views of an expert body of opinion is in marked contrast with the action of his ministerial colleague on the Companies Bill. The Companies Act, too, is a tremendously important piece of legislation. There is need for a very close and careful survey of the existing Companies Act and there is need for drastic revision. But what happened in that case? The model Bill was circulated before any other Member of Parliament had seen it. And to whom was it given? To the employers, to Chambers of Commerce, to all of those who are affected in some way by its provisions. They had the Bill in their possession.

Mr. SPEAKER: Order! I trust the Leader of the Opposition is not going to develop his argument too far along those lines.

Mr. DUGGAN: No, I am not, but I am saying——

Mr. SPEAKER: Be brief, then.

Mr. DUGGAN: It is a tremendously important point. On the one hand the Minister says he invites suggestions and seeks co-operation and then, when I challenged him on the matter, he said he did acknowledge the letter I referred to and he gave the representatives of the Trades and Labour Council 50 minutes, and he only says that because previously he had said they had made no constructive suggestions. Earlier he said he had accepted two of them. So it is very hard indeed to follow the meanderings of the Minister's mind in the matter. In the case of the Companies Act Amendment Bill all those interested had some months to examine its provisions and submit suggestions to the Minister. Even when they made their submissions and they were considered by Cabinet and considered by the expert committee, the Bill was still postponed and the intention is to discharge it from the business sheet so it can be held over until the August session. If it is good to adopt that course with the companies legislation, how much more important is it to do so with a Bill affecting the industrial laws of the State! So there is, as I say, not a question of violent opposition because it happens to be merely a case of some Communist officials associated with the Trades and Labour Council. I dealt this morning with the fact that they are democratically elected. Whether you like them individually or not, whether you subscribe to their political philosophy or not, and whether you are opposed to them or not is quite immaterial. They are elected in a proper way, and they are elected to those positions by men charged with the responsibility of making those appointments in exactly the same way as the electors choose the member to represent Mt. Coot-tha, in the same way as his colleagues in Caucus elect the Minister to Cabinet, and in the same way as the Premier very properly exercised his right of allocating the Labour and Industry portfolio to him. That is the procedure that is carried out. Many people do not like the Minister's political views; many people do not like his administration of his department; but we all accord him, when we are obliged to meet him officially on these matters, the respect that Ministers of the Crown and the Premier are entitled to receive. Just as people may have conflicting views about the desirability of certain people being in certain ministerial offices, people may have conflicting views about people holding certain offices in the union movement. We may not like them, but they are elected democratically and entrusted with the task of carrying out work on behalf of their members.

All this talk about the desire of these people to precipitate their members into strikes is not borne out by what has actually happened, with the exception of the shearers' strike, which was an unusual industrial disturbance that convulsed the State for many weeks during the term of office of the former Labour Government. Time lost in industrial stoppages under this Government, which is supposed to be promoting all this industrial harmony and unity, is greater than the time lost in similar stoppages under Labour Governments in the past. It cannot be said that the salutary provisions introduced by this Government have promoted peace.

What are the Government doing under this Bill? They are placing the onus of proof on these union officials—a negation of British justice—to prove that they were not responsible for doing certain acts. They are taking away completely the axiom of British justice that the onus is on the Crown to prove that a person has broken one of the laws of this State. They are throwing onto the unions the responsibility for disciplining themselves by reason of the financial penalties embodied in the Act for offences of this kind. Do the Government expect that type of thing to excite a great deal of enthusiasm among the workers? Is it a desirable thing, when the Government are appealing for industrial harmony in the community, to prescribe heavier penalties? Is it desirable when the trade unions have been fighting for a long while for rectification of what they sincerely believe, and what I believe, too, to be some serious anomalies

in the wage set-up? I say quite frankly that I do not think it should be the business of members of Parliament to go through all the intricacies of determining how much a railway ganger or a bridge carpenter or a fettler should receive. There should be somebody, whether it is the Industrial Court or some other body, that specialises in that business to make those determinations. This dissatisfaction has been accelerated by the rises given to public servants. As I have said before, I have no quarrel with public servants receiving increases, but it is a fact that those rises have had a great influence on the cost structure in this country. The white collar worker has received, irrespective of what the circumstances and the justification were, a tremendous improvement in the last few years in his relative conditions with the ordinary worker in the community, and that has provoked a great deal of discontent. I appreciate, and I think every other hon. member will appreciate, what a frustrating experience it is for a trained industrial advocate to go to the court and make submissions and for the court to listen to those submissions with the appearance of giving a proper decision and then give a decision against the union and tell the union to reconsider the matter and put forward some further evidence on some future occasion. They go back six months later and present to the court what they consider are convincing reasons why there should be a variation in the award and the court again refuses their application. There is the frustrating procedure of the judges hearing the same arguments and the industrial advocates hearing the same judgments. The unions are forced to adopt other remedial measures to obtain these things, and so we come to the right to strike. Undoubtedly strikes have a very disruptive effect on the community generally. Everybody, as the Minister has said, has the right to strike under certain conditions.

Mr. Ramsden: Have we taken that away?

Mr. DUGGAN: The Government are making it very much more difficult—the onus of proof, heavier penalties, and so on. The Minister is trying to load the dice against the union. If he were trying to load it against everyone in an equal manner I might be prepared to go somewhere along the way with him. But the legislation is not aimed at anyone but the unions. It is done so under the guise of removing the Communist influence, and under the guise of giving the rank and file control. The elected union officials are working for the rank and file, and they do things in exactly the same way as the Minister who, in his executive capacity, as a member of Cabinet, makes a decision without consulting the rank and file of his own party. He admitted the other day that the Amoco agreement had not been discussed with his party colleagues because he considered it was a matter where action had to be taken decisively and quickly by the executive. They did that. Although I quibble about some of the features of that sort of thing, I realise that Cabinet is called upon frequently to make decisions of that kind. Common sense, time considerations and so on very often prevent any executive body from calling all interested parties together to discuss whether or not they should take a certain course of action. As it is possible for Cabinet to decide a matter that commits the State to the expenditure of many millions of pounds, without calling together all their rank-and-file members, so also the union executive frequently has not time to deal with all the circumstances that may arise, and the action they take is only because they consider it is a last resort. If the Government are going to heap on penalty after penalty it is not going to cure the situation at all. Oppressive and repressive legislation has not cured anything. Under the Bill the Minister has power to intervene in an industrial dispute and notify the court about certain procedures. Consequently we have a suspicion about what might happen. Any disgruntled or harsh employer, independent of the employers' federation altogether, could get in touch with the Minister and say, "I respectfully suggest that you intervene in this matter quickly." We do not know what instructions might be given to the court. We know what has happened in other parts of the world. Quite recently in Newfoundland the Premier invited members of a union to come along to have drinks with him in his apartment where they would talk about forming a rival union. The men were working 60 hours a week. So oppressive and repressive was the legislation that action was taken on an international level through the International Federation of Labour and the matter was referred back to the Canadian Parliament. It is because the relationship between employer and employee is discussed at international level that the trade union movement throughout the world is apprehensive of legislation of this type. That is why arbitration to some extent is breaking down. When the Bill contains such heavy penal provisions and takes away from the court the power to determine bonuses that can be justified by evidence secured by industrial unions, where are we heading? There is no control on profits. I am not suggesting that there should be. A company is not being limited to 5 per cent., 7 per cent. or 10 per cent. of its share capital. Every person operating a private or public company organises his business affairs in such a way as to secure for himself or his shareholders the maximum possible profit under a system of free competition. That is probably all to the good. The Government have progressively withdrawn from price control many commodities that were previously subject to such control under Labour legislation. Many items in common use in the domestic household have been decontrolled. On the one hand the Government take away price control on many commodities purchased by the worker but on the other they

say that they are going to price control wages. If unions are not prepared to accept the position the Government will have a judge for the sole purpose of imposing penalties on those unions. Is it any wonder that there is so much discontent in the community? What about a company like Mt. Isa Mines? That company received a tremendous amount of financial assistance from the Labour Government and indirectly from legislation introduced by this Government. They have enjoyed unprecedented prosperity, the 5s. bonus share now being worth £3. It is a company that has been able to pay very high dividends, but the Government are taking away the rights of members of the A.W.U. and other interested unions who are helping to produce these high profits. After all, they are an essential component. If one takes the most highly skilled metallurgist in the country, the best financial brain and the best market operator in the world and sends them to Mt. Isa to extract this mineral wealth from the ground, the qualifications of those men would mean nothing at all; it is a question of an association of labour and management in doing all they possibly can to procure as economically as they can and market as profitably as they can, the great mineral wealth available.

That applies not only to the Mt. Isa metalliferous mining industry but to every industry in the State. If they are able to show this great profit, what is wrong with their sharing some of it with these people? If it is said that they are only entitled to share what the Court lays down, let the Court lay down what the bonus shall be, and not say that it shall be a matter for negotiation between employer and employee.

With the great number of unemployed in the community, what chance has an employee of negotiating individually with the employer or even as a group within the union? That is one of the points that will be raised in the Committee stage—taking the right to confer away from the union and placing it on the individual unionist.

Mr. Knox: It requires clarification.

Mr. DUGGAN: It requires clarification and the Minister should clarify it. He does not need the hon. member for Nundah to do it for him. I do not think the Minister has reached the stage at which he is compelled to invoke the aid of the hon. member for Nundah. As I say, the role of the hon. member for Nundah will be not to defend the Minister but to start his usual smear campaign about Communism in the Labour Movement and things of that kind. I will be very disappointed if he does not do so because he will be somewhat out of character and out of pattern if he does not. He is the Liberal smear member for Nundah so far as these matters are concerned.

This is a matter that is very fundamental to the community. At present there is talk of a take-over in the brewery industry—Carlton Brewery or Castlemaine-Perkins taking over Queensland Brewery Ltd.—and, according to the information they have disseminated to their shareholders there are large reserves of profit available and because of that they can still maintain existing dividends. Is it not fair to say, if that is so, that those who participate in the industry should get a fair share of the profits and, indeed, if they are able to pay very high dividends and make bonus issues of share capital to their shareholders, should not the Court be entitled to take into consideration the prosperity of that industry in awarding a bonus to the employees?

The Minister, at the request of some employers or the Employers' Federation, wants to take away as much as he possibly can from employees and at the same time say that the rank and file themselves have control of these matters. The rank and file have control through the officials of their union who are the servants of the union and seek to get the best possible conditions they can for their members. This Bill prevents them from doing anything in this regard at all. The individual employee has to go along to his boss cap in hand, and say, "I should like to have some reconsideration of the wage rates prescribed for me." With the growing unemployment in the community today there is no doubt about what the boss would say. He would say, "If you are not satisfied with what you are getting there is a fellow outside who will take your place."

It is that sort of thing that the Trade Union Movement fears at the moment if the protection of the Court is taken away. This unemployment factor is present and is likely to increase. On the authority of no less a person than Professor Copland the figure at the end of the year is likely to be 50 per cent. more than that used by Mr. Calwell.

Because of that, the Trade Union Movement is very upset and concerned about alterations in the law. The Minister is very concerned about taking notice of these people. He says that he feels in his own heart and of his own knowledge that there is need for amendment of the law beyond what his own caucus were prepared to allow him to go. Apart from the withdrawal of legal representation, in view of the overwhelming weight of evidence for it and several of these amendments that he has put before us, two or three are cerainly important, but in the main there is not a great deal in what he has conceded and on his own admission what he has conceded does not cut across the bill. The Minister has referred to the statements of Opposition members as statements by irresponsible people. I have here the examination of the Bill by Dr. Sykes, lecturer in law at the Queensland University, in which he expresses grave concern about the implications of the Bill. The Minister said that the Bill does not follow the Federal pattern, but Dr. Sykes in this article said that in his opinion the Minister was following the Federal pattern. We also think he

is following it, and we think the overwhelming weight of evidence is against including in State and Federal law principles which have been shown to be unsatisfactory and unworkable. Can the Minister justify, for instance, the pegging of the basic wage under Federal awards to something like the 1959 level, and the retention of a differential amounting to about a pound between the Federal and State basic wages? Employees working alongside each other in the same suburb, and in some cases in the same establishment, who are paying the same transport costs, the same rental, the same costs of food, clothing and groceries have different rates applying to them. The difference is up to £1 a week between those working under Federal awards and those under State awards. Heavy penalties and fines have been mentioned for those who protest against these things.

The trade union movement is not a vociferous minority of Communist union leaders in the Trades Hall who are protesting against the Bill. On the Minister's own admission the Public Service Union, the Shop Assistants' Union, the Australian Workers' Union, the Professional Officers' Association and many other unions that are not in any way associated with the Trades and Labour Council came to see him about the measure, and they are still unhappy about it. The fact that they have made some submissions that have been accepted is not to be construed as indicating they are happy about the Bill. They are not.

It does not do the Minister any good to quote copious expressions of opinion from "The Worker," or the statements of Mr. Williams or the opinion of the A.W.U. I have received 91 telegrams from unions in protest against the provisions. Here is an article that appeared in "The Worker" under the headline, "The Death of Arbitration." Does the Minister say that that is a statement lightly made? Does the Minister say that the statement of Mr. Williams or the editor of "The Worker" is not the statement of a responsible person?

Mr. Tooth: "The Daily Worker" is a Communist journal.

Mr. DUGGAN: This appeared in "The Worker."

Mr. Tooth: The Queensland "Worker"?

Mr. DUGGAN: The Queensland "Worker." The hon. member knows what I am referring to. What I said would be known and realised by every hon. member. The hon. member gets up and starts quoting extracts from some obscure journal that he has found in the library, or something that has been surreptitiously put in his letterbox or something that he has written away to get. I have given the name of the journal from which I am quoting, and there is the headline, "The Death of Arbitration."

Mr. Tooth: I read it.

Mr. DUGGAN: The hon. member has read it.

Mr. Tooth: Mr. Williams sent me a copy.

Mr. DUGGAN: This union with 80,000 members in the State has always been a believer in arbitration and a believer in compulsory arbitration.

Mr. Knox: Do you believe in it?

Mr. DUGGAN: Yes, I believe in compulsory arbitration, but I said the conciliation arm should be used more.

Mr. Knox: Did you see what Dr. Sykes said about it?

Mr. DUGGAN: Yes——

Mr. Knox: About compulsory arbitration?

Mr. DUGGAN: Yes, I quoted it a few moments ago. I can only say that it is a pity Government Caucus members did not examine the Bill with the same care as Dr. Sykes and were not given as clear an elucidation of the clauses as he gave.

On this matter there is unanimity in the trade union movement. The Australian Workers' Union over many years has won conditions for its pastoral workers and workers in the sugar industry and timber industry—rural workers generally. There is provision in the Bill for the withdrawal of the protection rural workers previously had under the Act. What does that indicate? Does it not mean that the Court in the space of a few months or at some propitious time will see to it that the Station Hands Award is amended or altered in some way to the disadvantage of those now covered by it? If that is not the purpose, why delete the provision from the Act? It is very clearly shown that authority is given to the Court to disregard the interests of those engaged in rural industries. We know of the very strong agitation by a section of the United Graziers' Association for the casting aside of the Station Hands Award. The Employers' Federation, the Graziers' Association and other such organisations who contribute very liberally to their funds are now pressing the Government to give them their pound of flesh. They are getting it in the form of the amendment to the transport law and the remission of stamp duty, and various other things. They are getting it right along the line, including the provisions of the industrial code of the State. It is very little wonder that the Opposition, the Trade Union Movement and the Labour Movement generally throughout the State are very concerned about it.

In an effort to confuse people outside, the Minister is reported in the Press as saying that there is tremendous interest in the South about these matters. He said he had received inquiries from the South about the provisions of the Bill which is regarded as being the best in the world. During the introduction of this Bill I read a statement

by Mr. Peter Bell, the President of the Employers' Federation in this State, in which he said the existing Act was the best Act in the world. Now, of course, the Minister does not wish to be outdone by Mr. Bell; he thinks this Bill is the best one in the world. He is trying to dull us into some sort of complacency. He said he was very happy to embody the New South Wales legislation, and so on. I have received a copy of a letter from Mr. Moloney, the Minister for Labour in New South Wales, dated 21 December, 1959, in which he says they have amended the Act down there to reduce the penal clauses, not increase them.

Mr. Tooth: They need to do that because there is a State election coming on down there.

Mr. DUGGAN: This was done a year ago. The only thing the hon. member said in his election speech was more jobs than men to fill them, and prosperity unlimited.

Mr. SPEAKER: Order! The hon. member will continue with his speech.

Mr. DUGGAN: Mr. Speaker, you can only question my relevancy. You cannot question my facts.

There is a very serious upsurge outside on this matter. There is a tremendous number of clauses in the Bill that we are not happy about. We believe that the Minister could well have postponed the consideration of this Bill, or he could have given it much closer attention and examination. He could have examined it just as the Traffic Act was examined. No-one can deny that he brought the R.A.C.Q. and others into his confidence when that Bill was under consideration, but he did not bring the Labour Movement and thousands of people in the State into his confidence on this Bill. Every Minister who wishes to give complete consideration to any measure takes into his confidence people who may help him. Had the Minister done that on this occasion there would not have been this controversy.

Despite the penal provision of this repressive legislation and the reversal of the onus of proof, the Union Movement will fight, and fight to win, against any attack on the structure of their organisation. I do not subscribe for one moment to the belief that they should be bodies distinct and separate and not subject to the laws of the land. They must subject themselves to the law of the land just as everyone else must do. I am not putting up a case that they are a separate section of the community and can conduct their affairs and are responsible only to the people they control. They have a responsibility, and in the main they are prepared to shoulder that responsibility, and they are doing a pretty good job under great difficulties.

The whole history of civilisation shows that even if they transport people as convicts to a penal settlement, as they did for stealing a rabbit, and inflict savage penalties, as was done only 70 to 80 years ago, on people at Rockhampton, who were sent to St. Helena because they advocated a strike, that does not prevent the Labour Movement from organising itself and protecting its members. If any section of the community needs help, it is the working section of the community because they have not the financial resources to fall back on. The wage-earner does not wish to be involved in industrial disputes today because of the changed nature of our lives. There is the impact of hire purchase, and the fixed commitments that have to be met. These things make it much more difficult to bring people out on strike today than it was some time ago. Mr. Egerton spoke on T.V. the other night, and he can answer for himself.

Mr. Knox: He is lucky to have someone to speak for him.

Mr. DUGGAN: I am not here as spokesman for anyone but the Australian Labour Party and the hundreds and thousands of unionists in this State. I have no brief for vested interests or for any individual. But these people, because of their financial commitments, do not want to be involved in prolonged and costly stoppages. If they are going to be asked to accept with acquiescence the decisions and encroachments by the Government of the day on their conditions, then naturally there will be resentment. I hope I am not transgressing, Mr. Speaker, but if I do, I ask for your tolerance for a second. In the Railway Department we have seen, since this Government came to power, a gradual filching away of conditions of the ordinary man to an extent enough to cause him to be irritable, but not enough to precipitate an industrial stoppage. For instance, fettlers, who at one time were used entirely on the lengths, are today being gradually drafted into sweeping platforms, sweeping the station-master's office, putting kerosene in the signal lights, and things of that kind, gradually extending the operation of their work. Shed men are being asked to do shunter's work. There are all sorts of small matters, in themselves not serious enough to warrant an industrial stoppage, but there comes the point where people say, "We can have no more of this." The moment the trade-union movement acquiesces in these things, it will start to go back. That is in line with the whole history of civilisation. We have had all sorts of governments and all sorts of rulers and no Administration has been able to perpetuate themselves indefinitely. The moment somebody in the community becomes complacent, he goes back. If it is competent for the employers to constantly examine ways and means of improving their merchandising methods and so on, so also must there always be this militant agitation, not Communist agitation but a militant agitation for improvement in the conditions of the workers. The moment the workers say they are satisfied, we will as a community

go back, because there is a constant challenge in this militancy, not only on the part of the employers because of the higher wages that may be awarded or the better conditions, for them to remodel their business efficiency and techniques to match the added costs put on them. In any case, the great wage-earning and salary-earning population of the community constitutes the overwhelming majority of the community. Why should the Government attack them? That is what they are doing under the Bill. So we have ample grounds for expressing our discontent with the Bill. We do not propose to vote against it at this stage for two reasons. Firstly, the Minister himself says—and we acknowledge it—that much of this legislation is a re-enactment of previous Labour legislation, so it would be foolish for us to vote against the Bill and by doing so suggest that the previous Labour legislation was defective and faulty. Secondly, there are some parts of the Bill that are desirable. I give credit to the Minister for introducing those. The improved long-service leave provisions are an example of that. It would be silly of us to oppose provisions improving conditions for the workers. So we propose not to vote against the Bill on the second reading but to confine our opposition—and it will be very strong—to some of the clauses. I should like the Minister to understand that.

Mr. Knox: Egerton said the other night——

Mr. DUGGAN: Unfortunately Mr. Egerton is not a member of this House. The only people who are members of this House are those who are elected. As Mr. Egerton was not elected he cannot speak as a Member of Parliament, and I suggest to the hon. member that unless he makes more sensible speeches he will be "unelected" before very long, too. It seems to me to be an extraordinary situation when legislation of tremendous significance to the economy of the State is introduced and when I and those who are behind me would speak on behalf of some hundreds of thousands of unionists in the State, the only sort of cry the Government members can put forward is one man's name the whole time. It seems to me to be an extraordinary development that their argument is so bereft of sound reasoning that all they keep on mouthing like a magpie is, "Mr. Egerton, Mr. Egerton, Mr. Egerton."

I know there is not a great deal of unanimity on some of these matters on the Government side. Many Government members are rather apprehensive about the impact of some of these provisions because they know that legislation of this kind can rebound very severely against people. Some of it is modelled on the Californian law, where Senator Knowland was kicked out of power because of the legislation he introduced. We know that the Bruce-Page Government, because of their industrial legislation, were kicked out of power, and we know that there is mounting opposition to the Menzies Government. Quite frankly, if we were actuated by selfish considerations, we would not mind some of this legislation in the sense of purely party political advantage. Many people who misguidedly voted for the Liberal Party at the last election are coming back to the Labour Party, and from a purely selfish point of view we might say, "Let Mr. Morris introduce this legislation, because it will be of advantage to us." But, in the course of doing that, we should be doing a great disservice to hundreds of thousands of people outside. We believe that we really have more to gain from the introduction of this legislation than the Government have.

We are pleased that the provision relating to legal representation has been dropped, but we are concerned about the elimination of the court's right to take the prosperity bonus into account. We are not in favour of the division of the court into an industrial court and a commission. The Minister might say that that has been done in the Federal sphere; but that was only because of a constitutional position that has no parallel in this State. The division of the Commonwealth arbitration powers was brought about by a challenge arising from the boilermakers' case about two or three years ago. There the division was necessary. It seems to us that it is silly for a judge to sit on the bench and merely be an arbiter of the penalties to be imposed when he does not know anything about the particular circumstances of the case other than those that may be offered for his consideration. How much easier for him it would be to arbitrate on these matters if he had been a party to the consideration of the submissions made by both the employer and the employee. So I suggest to the Minister that all this platitudinous talk about this legislation will not count for very much. What will count is that there is general mistrust by the industrial movement outside of the Government's action in amending this legislation in the way that is now proposed. I mentioned a few features—the onus of proof, heavier penal clauses, and the general obstructive tactics that the Government wish to impose on these men who are democratically elected to these positions. The Minister says that he desires to see more effective representation of the rank and file, and he wishes us to believe that he is seriously concerned about the A.W.U. becoming reaffiliated with the Q.C.E. That is the last thing he wants to see. Let him ensure that there is peace in industry, and if there is peace in industry he will not see all these undesirable things happening in industry.

I repeat that, in my view, one of the greatest single causes of the development of Communism is probably poverty in the community. In countries where poverty has been most apparent, where people have nothing to lose and much to gain they have embraced Communism. If we have happy, contented people working in industry, under good, congenial conditions, Communism will not be able to take roots. It can thrive only where there is injustice, tyranny, oppression, or

where there is poverty in the community. I make no apology for saying that if we have good industrial conditions in the community we need not worry about the development of Communism in this country.

We reserve the right to express at a later stage, in more detail and particularity, our objections to this Bill. We do not share the Minister's optimism that, when implemented, it will produce the results that he expects from it. We think it will cause an intensification of discontent among the unions. I assure him that, cost the union movement what it may, the unions will fight as strongly as they can against an unwarranted interference in the normal conduct of their affairs. That is the point to which they have taken the greatest umbrage. They believe that all these suggestions about a desire for rank-and-file control are an attempt to distract attention from the real provisions of the Bill. We claim that those provisions are penal in character and are not conducive to the continuance of happy industrial relationships in the community.

I should like to finish my speech by saying—I have said it before, and I now reiterate it—that in every civilised country there is growing recognition of the need to bring management and labour closer together, and that will not be done by increasing penal provisions. At no stage have penal provisions achieved those results. The Minister for Education and Migration knows that the large-scale application of corporal punishment has not resulted in the abolition of child delinquency. Environmental factors have to be taken into account. I am reminded by the hon. member for South Brisbane that it has not paid divdiends at Westbrook. It never has and never will pay dividends anywhere.

I think I have made it quite clear that the attitude of the Opposition is not one to protect any particular Communist official who may be in charge of a union. Very much bigger issues are at stake. The issue at stake transcends individual names in the community. There are very important basic fundamental principles involved. The free association of unions was acknowledged by the International Labour Federation. Free association, the right to organise, the right to put forward a case without fear of victimisation, are all matters for which the trade unions have fought for many years. It was only because at one stage they could not get the necessary industrial reforms that they decided to unite into the one organisation. Over the last 100 years people have paid the penalty for fighting for present-day rights. They are not going to surrender them now.

Instead of saying that this is a piece of legislation of which he can be proud, that it is one more piece of legislation which is most important to Queensland, I am afraid that the Minister will find that upon its application it will not produce the results he expects. It may well be that he will be sorry that his name was associated with the introduction of the Bill that will cause a greater number of industrial disputes rather than reduce the incidence of industrial strikes in the community. For those reasons I point out that we do not intend to vote against the Bill at this stage, but we shall oppose vigorously many of the clauses in Committee.

Mr. RAMSDEN (Merthyr) (3.3 p.m.): Here and now I say that I give my wholehearted support to the Bill.

I should like to read to the Chamber a rather silly and irresponsible Press statement made by Mr. John Elliott in the "Truth" on 5 March, 1961, the Sunday following the introduction of the Bill. He said—

> "I don't think anyone needs to polish a crystal ball to see that there will be ructions over the Government's new industrial legislation.
>
> At first reading, the thing that strikes me is that nearly all provisions of the new Bill relate to unions.
>
> Unions must submit annual reports, unions must have their finances audited, unions must make membership lists open for inspection, unions can be deregistered, union conditions for membership are open to inquiry, etc."

Opposition Members interjected.

Mr. RAMSDEN: I am glad they came in because I should like to refer to this irresponsible and baseless statement and say that the saving clause in that statement was that he said, "At first reading these are the things that strike you." What a very superficial first reading Mr. Elliott and hon. members opposite must have made. I say to Mr. John Elliott and hon. members opposite that if only they will take time for a second reading they will see that not only are the trade unions covered but also the activities of the employer groups are covered just as well. That, of course, is evident from a study, not only of the definition of "industrial union" and "trade union or union" in Clause 5 of the Bill, but it is self-evident from Clause 69 (2) which asserts that either the words "union of employees" or "union of employers" shall be added to the registered name of every industrial union as the case may be, as well as the locality in which the majority of its members reside or exercise their calling. Section 69 (2) shows quite clearly that every provision in this Bill applies not merely to the trade unions in the way the Opposition claim but also to organisations of employers and just as equitably.

Mr. Thackeray: What about Section 110?

Mr. RAMSDEN: I wish the hon. member would be patient. If he is, he will learn much. John Elliott and "Truth" are somewhat off the beam in this matter. I should

like to quote what I felt was the most irresponsible Press statement of the week. It was a Press statement, the line of which has been followed this morning by the Leader of the Opposition. It was a reported statement by none other than the Leader of the Opposition in the Federal Parliament. Mr. Arthur Calwell, who came up here. I quote from "The Courier-Mail" of Saturday, 4 March. It is under the heading "Will Destroy Itself"—

> "The State Government's new Industrial Conciliation and Arbitration Bill would 'cause its own destruction', Mr. Calwell forecast in Brisbane last night. Mr. Calwell, the Federal Opposition Leader, said the Bill was a 'terrible piece of repressive legislation'. 'It is more savage than the Commonwealth law and it would be hard to justify anything in it,' He said, 'It won't bring industrial peace. Instead, in the end, it will destroy the Government that introduced it.' "

Mr. Graham: Don't you believe that?

Mr. RAMSDEN: I will tell the hon. member what I believe. Now that we have seen the Bill we are in a position to analyse it critically. Let us be quite frank and honest about it, the Bill does contain punitive clauses. Nobody would deny that, but what are those punitive clauses? In the first place, there are 40 penalties provided in the Bill and of those 40 penalties, 37 come directly from the present Act or the Trade Union Act now being repealed by the Bill. In other words, this terrible piece of repressive legislation, this Bill more savage than the Commonwealth law, as Arthur Calwell says, this Bill that is doomed to destroy the Government that introduced it, to use Mr. Calwell's poetic description—he was speaking with poetic licence when he said that—this Bill for the destruction of everything in the trade union movement, has only three new penalty clauses in it.

Mr. Thackeray: What are they?

Mr. RAMSDEN: I will come to them. I wish the hon. member had read the Bill; he would know them then.

Mr. SPEAKER: Order! The hon. member for Rockhampton North will please not interrupt the speaker.

Mr. RAMSDEN: There are only three penalty clauses that do not presently exist in the old Acts, that we are re-enacting with some amendments. Somebody interjected, "What are they?" The first, Section 50, comes from the Commonwealth Section 141 and is clearly to help the unions ensure that their own rules are observed. The second, Section 121, again comes from the Commonwealth Act, Section 186. This one protects trade secrets and the financial statements of the employer. The third of the new penal clauses, Clause 126 (3) is a clause that penalises the employer rather than the employee. I intend to clarify the position under these three penal clauses at the Committee stage, but, having said that, I want to submit that if this Bill is a terrible piece of repressive legislation, to quote Mr. Calwell, then it was Labour in the past that made it so, because of the 40 penalty clauses 37 come from the Trade Union Act and the rest are the provisions of the old Act that we are now re-enacting.

Mr. Walsh: Did you say Labour passed the Trade Union Act?

Mr. RAMSDEN: I am not going to enter into an argument on that. I am not as old in the tooth as the hon. member for Bundaberg. I was not in the House then, but whether Labour passed it or not, Labour allowed it to remain on the statute books for the last quarter of a century, and, if it was repressive, surely Labour should have done something about it.

By way of interjection an hon. member opposite said that the Bill increases penalties. Only recently we were discussing an amendment of the Criminal Code, and hon. members opposite said it was a good thing to increase fines in accordance with present money values. It is quite true to say that the penalties under the Bill are brought into line with present money values but, as the Minister pointed out this morning, Clause 113 (6) still contains the heaviest penalty of the legislation. It is a maximum of £1,000. What I said earlier about the Trade Union Act applies to this penalty. It is not being altered. If Labour did not like it, Labour had 25 years to take it out of the Act, but it did not do so. It is sheer hypocrisy to say that we are oppressing those in the Trade Union Movement. Let us be logical. If a penalty of £1,000 is vicious and savage in 1961, how much more vicious and more savage was it when it was introduced nearly 26 or 27 years ago? The Minister has corrected me —45 years ago.

An hon. member opposite has said that the pound has depreciated in value. Does he want us to increase the penalty to £3,000 to bring it into line with the penalty of £1,000 included in the Act 45 years ago? Hon. members opposite think this is a particularly heavy penalty. I agree with them, but for heaven's sake be honest and recognise it for what it is. It is a penalty that previous Labour Governments for the last quarter of a century, or longer, have not made any attempt to erase from the statute book. Now in order to gain some political advantage hon. members opposite are trying to put responsibility for it on this Government. As a matter of fact, we are actually simplifying the law. Section 61 (5) said that any person or trade union or industrial union or a member of any such union or employer could be penalised. We have simplified the wording by saying in Clause 113, "any person can be penalised". If we are not blinded by class bigotry, as are Mr. Calwell and the

one-eyed Jeremiahs of doom on the opposite side of the House and in the Trades Hall, we would realise that the penal clause has been there for many years. It dates back to the time of Labour Governments under the late Hon. W. Forgan Smith and the late Mr. Ned Hanlon. We certainly heard no protest from Labour members then. If they did, I have not read of their protests in "Hansard".

Mr. Calwell, in an attempt to gain some cheap political propaganda for the Federal election this year complains that this Bill is harsher than the Commonwealth Industrial law. Leaving aside the provision about shifting the onus of proof to union leaders, which I will refer to later——

Mr. Walsh: How much later? You have only 40 minutes.

Mr. RAMSDEN: I will need it too, if these interjections continue.

Without dealing with the shifting of the onus of proof to the union officials to show that they take reasonable steps, three of the penal provisions came from the Commonwealth Act, and the others from the State Act. Indeed, in the most part, they have been left in the very same language that proved to be so well understood in the past under Labour administration, whenever disciplinary action had to be taken against a trade union.

My final point relating to Mr. Calwell's irresponsible Press statement is directed to the union leaders and the vast number of the rank-and-file workers in Queensland. Section 53 of Labour's Act dealt with the offence of victimisation of an employee because of his union activities. In the wording of Section 53 there was a defect in draftsmanship; the section did not give the same degree of protection to the employee as that contained in Clause 101 of the Bill. We have adopted Section 5 of the Commonwealth Act; Clause 101 of the Bill gives a greater degree of protection to employees.

For the benefit of those who complain so vehemently and bitterly that this Bill puts the onus of proof on union leaders, let me point out that Clause 101 puts the onus of proof on the employer to show that he did not victimise an aggrieved employee for his trade-union activities. We heard no howl of derision from the Leader of the Opposition on that point, and right now someone is interjecting that that clause is not worth the paper it is written on. If that is so, then the union that allows it to be not worth the paper it is written on should be castigated beyond measure by the trade-union movement.

It is interesting to be able to point out to the Opposition, who are supporting their Federal Leader, in saying that this Bill is more drastic than the Commonwealth Act, that Section 5 of the Commonwealth Act makes it an offence for a trade unionist to boycott an employer because of an employer's activities or associations. I feel I should point out to the Opposition that we have omitted that provision from the Bill. While we are accused of having made the Bill harsher than the Commonwealth Act, we have in fact made it more lenient in this respect. Let me say briefly, that the burden of proof was formerly shifted in the very clause that we have amended. Again, we find a shifting of the burden of proof on the long-service leave clause with which I shall deal. I make it quite clear that Labour are attacking this Bill with their tongues in their cheeks. They are hoping to confuse the good and decent trade unionists who were so conspicuous by their absence at that fiasco of a stop-work meeting on Wednesday morning. They are hoping to confuse them with a multitude of inaccuracies that are not in the Bill. Mr. Egerton in his T.V. interview last Saturday night said that the Trade Union Movement opposed the Bill because it took away the right to strike. I asked the Leader of the Opposition if we had done that and he said, "No, you have not."

Mr. Walsh: You have made it more difficult.

Mr. RAMSDEN: There is dissension in their ranks. They do not know what they have done.

Mr. Hanlon: Do you agree that as soon as there is the likelihood of an industrial dispute a commissioner can step in and order the men back to work? Isn't the strike ballot evidence of the likelihood of an industrial dispute?

Mr. SPEAKER: Order! The hon. member must be given the opportunity to continue his speech.

Mr. Hanlon: With due respect, Mr. Speaker, he challenged me.

Mr. RAMSDEN: Mr. Egerton did say that he did not believe in industrial arbitration. The Leader of the Opposition said this morning that he does. It is very hard to see what Labour's policy is when the leader of the Q.C.E., the party's governing body, believes in one thing and one of their spokesmen believes in another. With Egerton's acknowledgement that he does not believe in arbitration, could this Government, or any Government, introduce any Bill dealing with arbitration that would be acceptable to Egerton, who on principle does not accept arbitration? How silly can we get? Despite all the supposed opposition by the trades union movement to the Bill—and the Leader of the Opposition said that he had got a large number of telegrams——

Mr. Houston: Do you doubt them?

Mr. RAMSDEN: I do not doubt them. Of course they sent them; they had to give him something to talk about in the House. The Minister who introduced the Bill received only 20 telegrams of protest from the trade-union movement throughout the whole length and breadth of the State, all of them, judging from their phraseology,

obviously inspired from the same source. As a matter of fact, I will read the contents of one of them a little later in this debate. This dearth of objections to the measure is indeed rather a tribute to its provisions.

I suppose I will be told I am a Communist baiter, but the fact is that whatever the Communists and their fellow travellers say, over 90 per cent. of the Bill comes from the old Labour Act, and some 14 direct new benefits are granted to employees by the Bill. Seven of those new benefits relate to long-service leave; I will deal fairly fully with those in a moment. Two of the new benefits relate to annual leave, and three give a greater degree of protection to the trade unionist against domination by Communist bosses. The other two give greater protection against dismissal for trade union activities. I belive all reasonable and honest men who hear my speech in the House or who read it in "Hansard" will agree that I have shown that the Bill is not any more terrible and repressive than the industrial law has in fact been for the past quarter of a century in this State. On the contrary, I want to devote the rest of my time to demonstrating to the house that the Bill not only hits hard at the lawless and irresponsible red and fellow travellers in the community but also confers on the workers of the State more improvements in industrial conditions than they experienced under Labour in the past. When we draw aside the veils of fear and distrust and class hatred that the Arthur Caldwells, the Jack Duggans, the Egertons and the Gerry Dawsons of our day have sought to keep across the eyes of the workers of the State, then I believe we can see all these industrial matters in their right perspective. When we have taken away the veils those people have drawn across our eyes, and can see clearly, we find that many clauses of the Bill are very beneficial to the workers of Queensland, clauses that previously were not in the legislation.

Let us look at the improvements to the annual holidays provisions contained in Clause 15, subclauses (6) and (7). It is now obligatory on an employer to give an employee 14 days' notice of his annual holidays unless there is mutual agreement to the contrary. Any man who has ever worked for a boss will appreciate the value of that provision. In New South Wales, under Labour, the requirement is to give only seven days' notice. Now, too, an annual holiday can be taken wholly or partly in advance where there is mutual agreement between employer and employee, and that is provided in Clause 15 (7). The House will recall the complaint of Mr. Gerry Dawson that the unions were not consulted about the Bill. As a matter of fact, we heard the same thing from the Leader of the Opposition only a few moments ago. But the truth is that the Minister wrote to every trade union in Queensland and invited their comments and their suggestions. It is a strange complaint when we realise that Sections 15 (6) and (7) came from, and were included at the express request of, one of the unions. The same union also asked that it be made compulsory for an employee to take his holidays annually. Whilst we saw much merit in that request and would have liked to accede to it, we had contrary advice from some employees, who told us that, although on the surface the request seemed to be a good one, in fact such a provision, that is, a compulsory provision, would not necessarily be of benefit to them. For instance, a man who has only 14 days' annual leave due to him and who wants to visit relatives in Tasmania, or some distant State, may not be able to go if he were compelled to take those 14 days.

Mr. Mann: Give him three weeks.

Mr. RAMSDEN: I am not decrying his right to three weeks' leave. If he has a case for it, let him go to the court and state his case and get it.

Instead, such a man may well prefer to accumulate his annual holidays over two years and then have a full month to go where he will. We felt that flexibility here was much better than a fixed compulsion. Of course, it has always been the understanding here in Queensland that the employee cannot take pay in lieu of his holidays—and so one could go on.

Mr. Donald: Do you advocate that?

Mr. RAMSDEN: Yes. No doubt some of my colleagues will tell the House of some of the other more beneficial clauses of the Bill, but I want to concentrate particularly on the provisions that are re-enacted in it and the new provisions relating to long-service leave entitlements that the workers in the State will now enjoy.

Let me say at the outset that this Government recognise the right of faithful employees to receive long-service leave, firstly, as a reward for long and faithful service to their employer, secondly, as a means of giving them rest and recreation so that they can come back to the job fitter than they were before, and, thirdly, as an encouragement to the employee to stay in one form of employment so as not to dislocate industry. We believe that. In our concept of long-service leave, in the first place we have widened the definition of "employer" so that managers and secretaries now become entitled to long-service leave, a provision that they do not enjoy under the present Act.

I said, firstly, that this was a fit and proper reward for long and faithful service. Naturally and logically, the original idea of long-service leave was associated with work done for the same employer throughout the years. That concept was quite satisfactory when the employer was an individual boss, but in these days of large industrial undertakings, when partnerships and companies have taken the place of the individual employer, it has

become necessary to broaden our concept of what we mean by the words "the same employer."

The Government were not in office very long—actually not more than 12 months—when officers of the Department of Labour and Industry brought to their notice that the continuity of service of employees had been broken and that they were deprived of their long-service leave entitlement as a result of their services being loaned by one employer to another. Specific cases were brought to the notice of the Minister and the Government by officers of the department. In accordance with the then provisions of the Act, employers were strictly within their lawful rights in refusing to give long-service leave entitlements under the circumstances that I have mentioned. They held, and their contention was held to be in accordance with the law, that continuity of service with one and the same employer had undoubtedly been broken.

Closely allied to the lending or transferring of the service of an employee temporarily, is the matter of subsidiary companies, namely where one body corporate was a subsidiary of the other transferring employees from one subsidiary to the other, which, under the law then existing, was tantamount to a fresh engagement when each transfer took place, and resulted in employees losing their continuity of service with the one and the same employer. Here again, as the law then existed, employers were within their lawful rights in refusing to pay the employees, in the circumstances, long-service leave entitlements.

By amendment gazetted on 7 December, 1958, the Government closed the gap or loophole, and provided that the aggregate of the service had by the employee with the parent company and the subsidiaries was to be taken into consideration when calculating long-service leave entitlements. And so in the Bill we recognise this need, and we have changed the meaning of "same employer" to give it a wider connotation to include service with the employer if he becomes a member of a partnership, together with service with such partnership. Again, it now has the force of being service with a partnership, together with service with one or more of the former partners upon dissolution of the partnership. If the partnership is reconstituted the service with the reconstituted partnership is itself reconstituted.

I shall not trespass upon your generosity, Mr. Deputy Speaker, by trying to quote the clause but Clause 17 (2) makes provision for these partnership cases.

Because of certain court decisions about long-service leave on the dissolution of a partnership we have had to change the Bill. For instance, the Department of Labour and Industry prosecuted a man named Martin. Long service-leave entitlement was claimed for an employee who had originally commenced with four partners. When the firm was dissolved with two of the partners, and finally finished up with one of the partners it meant that the employee carried out the same calling with one of the original partners since 1937. However, the Court gave judgment on an appeal that the employee's services were not continuous with the one and the same employer, owing to the change in partnership. A similar set of circumstances arose again in Ipswich in 1958 in the Kaatz case. I do not intend to go over that here. Because of certain Court decisions made on the law as it existed at the time, employees were being deprived of what the Government consider were their rightful long-service leave benefits. We have now made a more generous variation to place the employee's right to long-service leave beyond doubt or dispute. As a matter of fact, it has been similarly argued, under the provisions inherited from Labour, that if a partner were to die, the employee's legal right—I emphasise the word "legal"—to long-service leave, would be in jeopardy. Again, when the surviving partner has taken to himself another partner in the place of his deceased partner, it has been argued that the employee was not employed by the same employer. The Government in this re-enactment of the Industrial Conciliation and Arbitration Acts has put the question beyond any doubt or argument by this liberal and humane amendment.

Mr. Davies: Which party introduced long-service leave?

Mr. RAMSDEN: I draw the attention of the House to Section 17 (2) which lays down the principle that every employee is entitled to his long-service leave on full pay whether his employment with the same employer has been either wholly within or partly within and partly without the State of Queensland. Previously there had been some doubt as to whether an employee who, for instance, may have worked for a number of years in another State with a firm and then came to Queensland on transfer with the same firm, was in fact legally entitled to long service leave. Section 17 (2) puts the issue beyond question.

There has been a number of claims made by the Department of Labour and Industry on behalf of employees whose services have been continuous with one employer but carried out partly in another State. Many of those claims have been the subject of legal opinions sought by the employers concerned and in all but one case they have been paid. But, in doing so there has always been a background of uncertainty.

The department instituted legal proceedings in 1958 against the Adelaide Steamship Company from whom long-service leave entitlements were claimed for an employee who had interstate service travelling on one of its coastal boats. The employee's name is not important at this point, but the case was defended by Arnold Bennett, Q.C.

Although the Industrial Magistrate who heard the case, convicted the company, and ordered it to pay £179 9s. 6d. for long-service leave, he disallowed it for the interstate service. Incidentally, this employee had more than 10 years continuous service in Queensland and because the interstate service was not permitted, he lost his long-service leave entitlement.

Mr. Walsh: Was Max Julius the employer's counsel?

Mr. RAMSDEN: The hon. member would know that better than I. Section 17 (2) now guarantees the right to long-service leave to such employees.

The next very important provision is that whereby the continuity of service with the employer shall not be deemed to have been broken if the employee is dismissed or stood down or even terminates his own service on the date upon which the calling was transmitted or during the period of one month immediately preceding such date.

Mr. Walsh interjected.

Mr. RAMSDEN: Most hon. members will be well aware of what has become known as the Sorensen case. I will not go into it now; it has already been discussed in this House, but arising out of the Sorensen case an amendment is now included in the Bill. I should like hon. members to remember that the decision of the court in the Sorensen case was given under legislation inherited from those who now oppose the Bill. The Minister mentioned that case as being the reason for the amendment.

Another interesting improvement in the Bill refers to Section 17 (13) (f), to which I should like to draw hon. members' attention.

Mr. Walsh interjected.

Mr. RAMSDEN: I cannot comment on what it means.

Mr. DEPUTY SPEAKER: The hon. mem-member is not obliged to listen to interjections.

Mr. RAMSDEN: I ask hon. members to study Clause 17 (13) (d) which provides that claims for long-service leave shall be made within three years after the date when the sum shall have become payable. That provision has always been there. It is in Section 10B (10) of the Industrial Conciliation and Arbitration Act of 1932 to 1955, an Act which, as I said, was introduced by Labour in the past. It has been argued that by that Section, if an employee has not been given his long-service leave entitlement within three years of its falling due, he forfeits his long service leave. In other words, not only was the outstanding money forfeited, but also the long-service leave itself was forfeited. We have cleared that up by adding two new clauses to Section 17—sub-clauses 13 (e) and (f).

A further safeguarding provision is Clause 17 (15) (b) dealing with the payment of the balance of long-service leave to the worker's representative if he dies before completing his long-service leave entitlement.

In proceedings for the recovery of moneys due to employees by way of long-service leave entitlement, difficulty has been experienced, and sometimes it is well nigh impossible to prove that callings have been transmitted from one employer to another, and it would be particularly difficult if the transmission took place some years ago. Proceedings for recovery of money due in respect of long-service leave must be proved beyond a reasonable doubt and although employees may have been informed either directly or indirectly that the callings in which they were employed were transmitted from one employer to another, the chance of an employee in the witness box to prove that such transmissions took place is remote. Typical examples of this are take-overs in recent years of businesses in Queen Street and the Valley by companies from the South. According to the paper we believe this to be so, but legally the employee has no proof whatsoever that that is the case.

Here again we have a shifting of the onus of proof. We heard a great cry about it from the Leader of the Opposition this morning. We have heard the same cry over T.V. and elsewhere. Here the burden of proof has been shifted to the employer, and the employer has to show that there has not been a transferance of a calling. A trade unionist or a union official merely has to go to the court and aver that such a transmission has taken place, whether that transmission is by transfer, assurance, conveyance, assignment or succession or in any other way. The onus of proof is placed upon the employer to show that no such transmission has taken place at all.

(Time expired.)

Mr. LLOYD (Kedron) (3.42) The most poignant feature of the speech of the hon. member for Merthyr is that the brief read by him was not known by him. Apparently he has very little knowledge of the subject matter of the discussion.

I listened with interest to his outline of the good features of the legislation. I do not think we have criticised the good features of the Bill.

It is rather interesting, after listening to the speeches of the hon. member for Merthyr and the Minister, to cast our minds back to the introduction of long-service leave in 1952. On that occasion the Minister for Labour and Industry and his supporters then in Opposition divided the House on the question whether the workers of Queensland should be entitled to long-service leave. They disagreed violently with the principle introduced by the then Labour Government. More recently, in 1955, when the Labour Government legislated for seven weeks' cumulative leave, the then Opposition

opposed it strenuously, just as they have opposed anything else of benefit to the working people or trade unionists of Queensland.

The Minister has endeavoured to capitalise on the fact that he is rectifying a very small anomaly that became apparent with the effluxion of time and administration of long-service leave provisions. The law in that respect should be amended.

We deplore the fact that we have not the opportunity available to the Government to extend additional benefits to working people. Since 1955 we have witnessed a big change in the economic conditions of the country and in industrial productivity. Those facts have been recognised in other States, particularly in New South Wales where the Government have introduced three weeks' annual leave for all workers in industry. During the time that benefit has been in operation there have been great increases in industrial productivity and great expansion in industry. The 40-hour week was a similar case. When we introduced it, we found again, that the hon. members who occupied the Opposition benches disagreed with it and divided the House on its introduction. It is not right that hon. members on the Government side should rise to speak on this legislation and try to sidetrack the real issues, as to whether the legislation is right or wrong in its main principles.

Let us look at the motives that the Minister has put forward for introducing this legislation. It is apparent from the amendments to the law that it is the intention of the Government to force the working people of Queensland to accept full responsibility for the stability or otherwise of the economy of Queensland, and the expansion or otherwise of industrial activity. I believe that we on this side of the House will all disagree with that. The Minister stated that industrial unrest can cause industrial activity to be stifled. I think his exact word was "strangled". By introducing new principles to the industrial law relating to the court's consideration of the economy of the State, he intends to let the court decide that it is not in the interests of the national stability, or the State's economic stability, to improve the working conditions or increase the wages of the workers. That is the clear intention of the legislation. As the Minister said, every motive underlying this legislation was to combat irresponsible trade union leadership.

I intend to traverse later the whole history of the incidents he used as examples during the introductory stage. We must bear in mind that we must consider carefully what the Minister used as his motive when introducing the Bill. He did not give any real reason why there should be an amendment to the existing industrial law of the State.

I do not intend to make dire predictions, but I can predict that the implementation of this legislation will cause industrial unrest in Queensland, to a much greater extent than we have seen for many years. We also find a hypocritical approach to the authorised strike because of the implementation of further clauses that are completely contradictory. Those clauses can stifle the very act of authorising a strike to occur. Instead of legalising an authorised strike, as the Minister claims, the Government are making it practically impossible for an authorised strike to be successfully undertaken by any organisation of workmen, or any trade union.

Mr. Hart: You know that it is quite impossible to have one now.

Mr. LLOYD: There is not a great deal of difference. I realise that there are many anomalies in the present industrial legislation. I think that all of us on this side of the House know that it is difficult to decide whether a strike is legal or illegal. I agree entirely with the hon. member for Mt. Gravatt. However, the Government are making it even more difficult than it is at present.

Mr. Walsh: No strike can be made legal.

Mr. LLOYD: There is no possibility. I did not need the hon. member for Mt. Gravatt to remind me of that. There is a definition, of some description, of when a strike is not illegal. There is some differentiation in the language. There is contained in the law some definition of an occasion when a strike is not illegal. Let us examine rather carefully what the Minister said during the introduction. He said—

> "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."

He said that the present industrial law is better than any other industrial or conciliatory machinery in existence. Possibly he meant, "in Australia". Why then the sudden urge to alter the law as it exists at present if it is as good as he claims it to be? The Bill completely reshapes the whole organisation of conciliation and arbitration throughout the State. He said, too, that the existing law was an efficient, capable and independent industrial and arbitration machine. That is a remarkable statement when we consider that this efficient and capable machine is now being torpedoed by an explosive and sinister form of legislation containing very harsh and restrictive penalty clauses. His attitude towards trade unionists discloses his exact motives. If we can accept his words that the industrial conciliation machinery of Queensland is such a capable, efficient and independent machine, if it is so good and much better than any other that he knows, why should he change it? He has said the Bill is necessary because of the irresponsible trade-union leadership in Queensland at the present time. Then he continues with the so-called anti-Communist attack on those in control at the Trades Hall. But we remember that, in a democratic State,

as we are, or supposed to be, in Queensland, as we were before the present Government took office, we cannot defeat Communism while we are fighting a war of reaction against decent people. That is what is intended at the present time. By the Minister's own statement, in an attempt to "get" the Communists up at the Trades Hall, he intends to introduce these harsh penalties and force, as he called it, the rank and file to take control of their unions, but he completely forgets that there is only one method by which we can defeat Communism in this country and that is by the Government accepting their responsibilities to the people and creating the conditions of education, housing, hospitalisation, and improved living and working standards. No longer then will we be confronted with any threat of internal disorganisation by Communism. That is the only method that we in the Labour Party know whereby Communism has ever been defeated in the world. The Minister made some reference to Communism and its spread in other parts of the world. We can find very strong indications that it has spread only in those nations where the great majority of the people have been suffering oppression and tyranny. It will never take a foothold in this country or this State, but we must give full rein to the normal processes of democracy. It is not in the hands of the Minister, and it is not in the hands of the Australian Labour Party, to defeat Communism within the trade-union movement here. It lies in the hands of the ordinary rank-and-file member of the trade unions whether he is prepared to accept the challenge that has been made by the Minister about the so-called spread of Communism and Communist activity within the trade union movement. We can do nothing. Its achievement lies in the hands of the rank and file through the due processes of democracy. No reactionary legislation, no restrictive legislation, ever introduced, such as is being introduced here in an attempt to defeat the Communist influence, according to the Minister, will ever succeed. It can only mean suffering and hardship for the ordinary decent people in the trade-union movement. I challenge the Minister. From time to time he has waved sheets of paper in this House, extracts from newspapers, indicating that members of the Australian Labour Party are attending a conference or an executive meeting of the Trades and Labour Council in concert with Communists. If those Communists are elected by the democratic vote of the trade unionists——

Mr. DEPUTY SPEAKER: I think the hon. gentleman has established that point. Will he please pass now to the details of the Bill?

Mr. LLOYD: Thank you, Mr. Deputy Speaker. The position arose really from the statements made by the Minister when he claimed that there was certain unrest and industrial inactivity subverting the ordinary processes of arbitration law in Queensland, and he did mention industrial disputes, and I intend to reply and so tie remarks with the proposals contained in the Bill. The Minister stated that the reason for these harsh penalties and the reason for the alteration of the existing law was that they will prevent irresponsible trade union officials from leading the rank-and-file members of the union by the nose.

Mr. Pizzey: You would agree that they did that last Wednesday?

Mr. LLOYD: That was a matter for the Trades and Labour Council to decide. We are not agreeing to anything in regard to that. We agree that we have to dissect this legislation and see whether in fact the action taken by the trades union organisation within Queensland was justified as a protest against the legislation. I think we can show that the legislation introduced by the Minister is such that it can cause the industrial unrest that he does not desire, or says that he does not desire. If it does, it is undesirable legislation. If it causes harsh penalties or restrictive penalties to be imposed on rank-and-file members of trade unions, it is undesirable and unnecessary legislation.

What happened last year? This is the example that has been used by the Minister as the reason for the alteration in the very efficient industrial conciliation and arbitration machine that we have at present. He stated that the Commonwealth Engineering dispute was caused by irresponsible trade union leadership. The Bill has been designed around that statement of his about irresponsible trade union leadership. Unfortunately, the Minister is sometimes like a frantic bantam—he crows a lot, talks a lot, but there is no cause or effect. What he forgot on this occasion was that the employers were equally responsible with the trade union leadership and the rank-and-file members who participated in that particular dispute. They refused over a period of two years to conciliate on this matter.

From time to time statements are made by representatives of the employers. One was made this morning by Mr. James. I forget what organisation he represents, but he is a representative of an employers' federation. He said that the wages under the Mechanical Engineering award in Queensland were higher than those in similar awards in New South Wales and Victoria. That was the case during the whole currency of the Commonwealth Engineering dispute. It was the very subject on which I chose to speak on the Address in Reply debate in this House. I said then that the men here could not possibly receive something that would give them anything near equality with similar employees working in New South Wales and Victoria unless they got it by conciliation between the employer and the trade union. The court would take into consideration the fact that 6s. 6d. more was being paid under the mechanical engineering

award in Queensland than was being paid under similar awards in New South Wales and Victoria. What Mr. James very conveniently forgot this morning—and this is something that causes unrest—was that, taking margins into account, employees in other States working on the same order as the men at Rocklea were receiving 30s. or £2 a week more as a result of agreements that had been arrived at in conference between the employer and the employees and that the increases had been approved by the courts in those States. The Minister calls it irresponsible trade union leadership. I believe that the employer is more culpable for disturbed industrial peace in Queensland because he has, in the past, refused to conciliate with trade unions. He has refused, as did Mr. Grounds of the Metal Trades Employers' Association, for two years to meet the unions in conference. In 1956 Mr. Grounds made a statement that he would see that in future there would be no more of this business of giving things away to trade unions by way of conferences, the unions would have to go to the Court. We all realise that Commonwealth Engineering were quite happy individually to give some concession to the employees concerned in additional wages. But they were not allowed to do so by their parent organisation, the Metal Trades Employers' Association. They were not permitted to do so, and because they were members of the Association they preferred not to scab on their Association. At that time it would have been possible by conciliation to obviate the industrial unrest that occurred. It is far from right for the Minister to say that irresponsible trade-union leadership has been responsible. The other case I mentioned on the introduction of the Bill concerned the ship painters and dockers' dispute at Cairncross and the South Brisbane dry dock. I explained that the Treasurer and the Department of Harbours and Marine had refused to accept the full wording of the award granted by a Commonwealth Conciliation Commissioner. They refused to acknowledge that the award granted the men the right to work either as permanent or casual employees.

Mr. DEPUTY SPEAKER: Order! I should not like the hon. member to advert to Commonwealth conciliation.

Mr. LLOYD: I accept your ruling on that point, but it is difficult sometimes to make remarks relevant to the Bill when on many occasions the Minister introduces irrelevancies.

Mr. DEPUTY SPEAKER: Order! I am concerned with the speech of the hon. member.

Mr. LLOYD: The point I am deliberately making is that even though the Minister referred to many Commonwealth industrial awards, it is not the responsibility of trade unions alone to maintain industrial peace in Queensland. It is just as much the responsibility of the employers and the employers' organisations to remain in a conciliatory frame of mind, and as far as possible to conciliate with the trade unions concerned, with the employees who are employed within their industries. But we get provocative statements like the one made by Mr. James this morning. He made a deliberately erroneous statement about a comparison in wages in Queensland, New South Wales and Victoria. We will never have industrial peace if an employers' association or representative of an employers' association endeavours to mislead the people of Queensland into believing that there is only one method whereby they can secure justice on behalf of workers in their industry. The very capable and efficient machine which the Minister claimed was the best in Australia when he introduced the Bill, is being amended; the machinery is being changed. Under the existing legislation immediately there is a dispute in industry it is necessary for the parties to the dispute to notify the Court, following which the Court may then call a compulsory conference of the parties. I say very deliberately that the Court has been remiss in the past in regard to its power to settle many disputes. Although the legislation gave the Court power to call a conference of the parties to endeavour to settle their differences by conciliation, on very few occasions has it done so. Although many disputes were notified to the Court the Court has not taken the action that it had power to take under the existing legislation. To a certain extent the fault lay in the legislation. Had the Act said "shall" instead of "may," conciliation might have succeeded. But even then under the old legislation there was nothing to force the parties to a dispute to conciliate even when they attended a conference. The proposal that has been made in the Bill is that in future, where there is a dispute or where a dispute is threatened the Conciliation Commissioner may immediately intervene and, having intervened, he has the power to do everything possible to overcome the dispute and settle the issue. Failing conciliation he can then arbitrate and from then on his ruling is a decision of the Conciliation Commissioner, and it is to that that we tie up the whole of the remarks by the Minister for Labour and Industry. We combine those with the other sections in the proposed legislation.

Firstly, the Minister stated that there is recognition of an authorised strike. There is not actually recognition of an authorised strike but the fact is that a strike is not unauthorised—there is a double negative—if a vote of the members in the industry is taken. At the same time, he states that the right to strike is protected. That is one case in point where, immediately a dispute is threatened—and the threatened dispute would be in the event of an attempt being made to take a ballot to decide whether strike action should be taken or not—that very fact itself establishes a dispute and the Conciliation

Commissioner must step in if he is to fulfil the conditions of the Bill, and immediately attempt to conciliate. If the conciliation fails he must then arbitrate and once having arbitrated his decision is lawful and any failure to comply with it will be subject to all the penalty clauses that are contained in the Bill.

That is what happens in the event of any rank-and-file member of the union or any trade union official persisting in the taking of a ballot. Is that not what is meant by Clause 98, which provides that no member of a union or trade union official shall in any way at all assist in declaring a strike within an industry on any issue unless or until a strike ballot has been taken. At the same time, the Bill prevents a strike ballot being taken by the very fact that once a conciliation commissioner arbitrates on a dispute his decision becomes law and any action taken to persist in a strike ballot becomes subject to the very rigid and harsh penalties contained in the Bill.

The Minister said that the Bill attempts to transfer great powers to the rank and file of unions so that they shall be the people who actually decide what industrial action will be taken in relation to any dispute, but at the same time he imposes these harsh penalties on any individual member of the union who seeks to conduct a strike ballot as to whether a section of employees will go out on strike. The wording of the clause is "unless or until" a strike ballot is taken. In other words, the decision has to be made first before he can talk strike to the men working in the industry. Is the man who takes the initiative to be the man who will be subject to the harsh penalties contained in the Bill? That is only one of the very contradictory matters contained in this Bill.

The clause dealing with unauthorised strikes is redundant when the other section is considered. Why does not the Minister openly say, "This Bill is designed to prevent any section of employees—not any trade union, but any section of employees—or an employee from going on strike against a decision made by the Industrial Court or a conciliation commissioner."? In effect, when a number of clauses in this Bill are read together that is exactly what the Bill intends to do and what it actually achieves.

Mr. Pizzey: The Bill does not intend to do anything of the sort.

Mr. LLOYD: If the Minister gives me an assurance that it does not intend to do that, then all I can say is that he has not read his own Bill, because that is certainly what it achieves, whether it was intended or not. Whether it is intended or not, that is the effect of the contradictory features of the legislation. The clause covering a strike that is authorised becomes redundant. The Government cannot have it both ways. Either a strike is an authorised strike or it is an unauthorised strike. On the one hand it is said that the men themselves are entitled to go on strike after deciding by ballot of a majority to do so. On the other hand the penalties prevent the taking of a ballot, and so prevent any rank-and-file member from putting forward the idea of having a ballot for the purpose of deciding whether to go on strike.

I realise that tolerance has been displayed in the administration of the industrial law. The Minister and the Government have now decided to separate the arbitral and judicial functions of the Industrial Court. The Industrial Court will be the judicial tribunal and the Commission the arbitral tribunal. It follows that the penalties in future will be much more rigidly applied than in the past. I recognise that to a great extent tolerance has been displayed by the Court in the application of penalty clauses to trade unions and rank-and-file members, but we find only this morning that the Court fined the Amalgamated Engineering Union and the Metal Workers' Union £40 each for disobedience of an order relating to the Commonwealth engineering dispute, although the Court has refused to consider applications before it under the old Act for increases in bonus payments. On the one hand the Court went ahead and imposed rigid fines under the Act on unions participating in a dispute that I say was equally the responsibility of the employer and the trade unions. Fines were imposed by the Court this morning, despite the fact that they have refused to proceed with applications lodged in the Court for an increase in bonus payments.

The Minister has endeavoured to justify the removal of the Court's jurisdiction over bonus payments by foreshadowing an amendment that will allow an agreement reached in conference between the parties to be registered with the Industrial Conciliation and Arbitration Commission, but the amended provision will not affect the power of the Commission to hear applications for increased bonus payments.

During the introduction of the Bill I said that the Minister had not defined the phrase "bonus payments." The Minister in his speech today said that he had looked through his earlier speech and had found that he had defined bonus payments. I can find no definition except the provision in the Bill, which reads—

> "A payment by way of the division of the profits of an industry or undertaking, being a payment in excess of a just wage."

Goodness only knows who is going to interpret what is meant by "a just wage." On the introduction I asked the Minister, and I ask him again, whether bonus payments will include loadings in the meat industry under certain meat industry awards, loadings in the shearing industry award and other loadings over and above marginal rates in other awards, that is, over-award payments that have been granted from time to time by the Court? In this respect a judgment of the

Industrial Court in 1953 is rather interesting. I think it will give hon. members some indication of the interpretation of these matters by the Court. The first of the lead-bonus payments was made in 1937. It was abolished in 1940 because the price of lead overseas was reduced. but it came back into operation later on. On 8 December, 1953, the Court stated in its judgment—

> "It is time that it was made quite clear that the lead bonus is just as much part of the wages or earnings of employees as if it were included in the actual wage rate. It should be apparent it is not an allowance."

The words "It should be apparent it is not an allowance" are rather important. The judgment continues—

> "The wage rates of employees under certain Meat Awards and the Shearing Industry Award—(State), contain loadings which are solely attributable to unusual prosperity in the callings concerned. The lead bonus is given for precisely the same reason and forms part of the earnings of employees."

If that is the interpretation of the Court on the lead bonus, it must also be taken, as a natural corollary of the Court's interpretation that the loadings under the Shearing Industry Award, and the Meat Industry Award and perhaps under the Mechanical Engineering Award also will be taken as bonus payments.

I wonder how many hon. members have considered the repercussions that there could be to the taking away from the Industrial Court of the power to consider what these bonus payments should be to the employees? If it contains, as the Minister seems to believe, all these provisions that are over and above a just wage, which are a distribution of the extra profits of industry, then it will include many things that are in our industrial wages at present.

I agree with the Minister that the A.W.U. has a proud record in industry concerning its members, and the many benefits and important advantages it has gained for them through the Industrial Court. It has conciliated with employers and gone before the Industrial Court and received the best possible advantages for its members. It has stuck solidly behind the arbitration system of the State. It will be a great pity if it ever happened, because of the exclusion of bonus payments from the consideration of the conciliation commissioners of this State, that the A.W.U. should fail by the introduction of this legislation. If the loadings in the Shearing Industry Award, the lead bonus at Mt. Isa, and the other bonuses that are received under the Metalliferous Awards in Queensland, that operate in other mining centres for A.W.U. employees, are excluded from the consideration of the conciliation commissioners when they are considering the wage claims of employees in industry, it would indicate that the Minister has not given this principle the consideration it deserves. If that happens, it will bear out what I said earlier, that the Bill will create the greatest industrial unrest that the State has ever known.

When a company and a union are discussing increased bonuses, the company concerned will have the right to go into conference. The history of these conferences shows that the employer has said, "No. If you are asking for £10, we will give you £2." What will the union do? Will it accept the refusal of the company, or accept the miserly pittance offered by the company, or ballot amongst its members for a not unauthorised strike? We must bear in mind that the company is entitled to go to the Court to have the bonus payment abrogated, or abolished. In that case it is within the power of the Conciliation Commission on all matters covered by the definition of "industrial dispute" to intervene immediately and conciliate between the parties, but it has no power to arbitrate. All that the company has to do is to refuse to talk and the whole of the discussions fall down. Consider then what will happen. Many thousands and thousands of members of the Australian Workers' Union employed in the shearing industry, the metalliferous industry and the other industries subject to the loadings that have been obtained by that union over many years and are now being called bonus payments will have them taken completely from the court. It could cause a great deal of industrial unrest—I hope it does not—and I urge the Minister to give the matter very serious consideration before it is too late.

The Minister proposes to introduce an amendment dealing with the taking of a ballot to declare a strike that is not authorised —notice that I deliberately maintain the expression "not authorised"—and he intends to give power to the Conciliation Commission to divide the State into districts so that the ballot can be taken within the districts. I ask him: is it his intention to introduce a similar amendment to those parts of the Bill that cover the powers of the Industrial Court and the Conciliation Commission to refuse to hear any application under any award where there is a dispute in existence at the time? Might it not be beneficial to transfer the principles contained in the authority to strike to that power that the court has, or is being given, with which I and many others on this side disagree, to refuse to hear a case?

(Time expired.)

Mr. RICHTER (Somerset) (4.23 p.m.): It has been suggested that the Bill is unpopular with some of the Government members, that it is the product of Liberal thinking and that the Country Party is rather reluctant to support it. That is borne out by a very clever cartoon that appeared in "The Worker", which would give the impression that the Country Party is not happy with the Bill. Let me make it perfectly clear that

Country Party members have taken a very keen interest in the framing of the Bill, and they, with the Liberal Party as a Government, realise the necessity for legislation that will improve industrial harmony. We are extremely interested in the legislation.

I should like to take the opportunity to congratulate the Minister on the manner in which he has introduced it despite the criticism of hon. members opposite. Not only did he appoint a committee outside his own parliamentary committee to investigate the ramifications of industrial relations but he also invited employer and employee organisations to submit their ideas to him and he invited all organisations, both employer and employee, to confer with him. Many of the bodies concerned took advantage of his offer, some did not. It is rather remarkable that those that did not are the bodies that are objecting to the provisions of the Bill.

Having introduced the Bill three weeks ago, the Minister again welcomed comment and criticism of it, and he has received comment and criticism from both employer and employee organisations. As a result of that, quite a few amendments are before hon. members today. He had agreed to those amendments. Now, Mr. Speaker, he has been criticised because he has brought them down. He is being accused of being incompetent and unsuitable for the position that he holds. He is also being accused of not knowing his Bill because he is bringing in all these amendments. He listened to the criticism. Had he not brought down the amendments, he would have been accused of being a dictator and of bulldozing the Bill through the House. He did the reasonable and sensible thing. I put it to you, Mr. Speaker, that there is no pleasing members of the Opposition. No matter what the Minister does, he is wrong. I say the Minister is to be congratulated on his sane approach to the Bill. It re-enacts and amends the Industrial Conciliation and Arbitration Act.

Concern has frequently been expressed by both the employers and employees about the unsatisfactory operation of this Act. The Minister has admitted that the present Act is not altogether satisfactory, and this Bill is a constructive proposal to overcome many of the problems encountered in the past. It is not intended to be a cure-all for all industrial ills, but I believe it will be a big improvement on the existing Act and should have the effect of bringing employers and employees very much closer together. It must be admitted that there is general dissatisfaction with the operation of the Industrial Conciliation and Arbitration Act. We are all well aware of the unsatisfactory way in which the Act operated during the railway strike, the power-house strike, and again last Wednesday.

Opposition Members interjected.

Mr. SPEAKER: Order! If the hon. member does not wish to answer interjections, I ask hon. members to please refrain from interjecting.

Mr. RICHTER: It must be agreed that the failure of the Act to achieve its object of promoting industrial harmony is an indication that there are weaknesses in the present set-up, and I believe that it is up to the Government to do something about rectifying them. The principal weakness appears to be that we have one tribunal. The amendment of the Act to make provision for two tribunals has been criticised by the Leader of the Opposition and the Deputy Leader of the Opposition. This one tribunal is expected to arbitrate and also to act in a judical capacity when differences arise. The question then arises as to which non-judicial functions should be governed by purely legal consideration. It must also be recognised that any tribunal should be given sufficient power to enforce its decisions. In this Bill we intend to give the Commission sufficient power to enable it to enforce its decisions.

Mr. Walsh: It has been one tribunal for 45 years.

Mr. RICHTER: I told the hon. member before that even Labour supporters admit that the present Act is not operating satisfactorily.

Mr. Walsh: Who said that?

Mr. RICHTER: The Deputy Leader of the Opposition said that. When enacting legislation such at this, we must consider the effect it will have on all sections of the community, not only on the employer and employee organisations. I believe that the well-being of the community generally is a very important factor to be considered. Consequently, it was necessary to do more than merely amend the existing Act. Amendments have been made to the Act on numerous occasions, so, to give any substantial relief from the unsatisfactory conditions that now exist, it was necessary to re-enact the Act and bring in a number of new provisions.

It has often been suggested that our system of conciliation and arbitration in Queensland, and indeed in Australia, has outlived its usefulness and should be replaced by collective bargaining, as has been done in the United States and the United Kingdom.

Mr. Walsh: God help the workers if that ever comes back.

Mr. RICHTER: My reply to that is that the results achieved by both the United Kingdom and the United States of America have not been very satisfactory at all. They have not achieved any great degree of industrial peace. Again I say a system of collective bargaining would not be suitable for Australian conditions as the parties to such a bargaining system would consider only their own point of view. That is quite reasonable and quite understandable. The

effect on the general public would not be considered at all. Full cognisance must be taken of what effect the result of any negotiations is likely to have on the community generally. In a State like Queensland with vast areas still to be developed, with industry in its infancy trying to expand, we need an Act that will enable the tribunal to give every consideration to the welfare of the community generally, as well as maintaining a just and equitable balance between employer and employee. It is very important to the welfare of every Queenslander that we promote goodwill in industry. I think that the Opposition agrees with that. We are trying to do it. In my opinion this can be achieved only by encouraging conciliation with the object of trying to bring about amicable agreement, thereby preventing and settling industrial disputes, but primarily preventing them. To provide a means of preventing and settling industrial disputes including threatened disputes, should be our chief concern. The tribunal should be in a position to be able to do this expeditiously, with a minimum of fuss and legal technicalities. I think we have arranged to do that. When agreements are reached and awards are made the tribunal must have the power and authority to force the observance of such agreements. That is very important.

The Bill makes provision for two tribunals, a fact which has been criticised by the Opposition. It provides for an Industrial Court and an Industrial Conciliation and Arbitration Commission. The Industrial Court is to be charged with judicial functions that are possessed by the present court. The second tribunal, the Industrial Conciliation and Arbitration Commission, will be charged with conciliation and arbitration, now also the responsibility of the present court.

It has been suggested by Opposition speakers that the Industrial Court will be a punitive court. I think those are the words used by the Leader of the Opposition. The Industrial Court will be charged chiefly with the responsibility of dealing with appeals from the Commission or industrial magistrates, mainly on points of law. Is that not as it should be? The Industrial Conciliation and Arbitration Commission will consist of a Commission or commissioners—provision has been made for the appointment of five—who will deal with conciliation, arbitration, interpretation of awards, etc., and function in very much the same manner as the court does at the present time. It is important, I believe, that members of this Commission should be men well versed in employer-employee relationships. Consequently, the Government believe that there should be no alteration in the present set-up as the present members have done a remarkably good job within the limits of the present Act. They automatically become members of the new Commission. Every effort should be made to streamline the functions of the Court and the Commission. We should give the necessary powers to ensure that its members are jealous of their prerogatives and thus will act promptly and expeditiously to prevent industrial disagreements from developing into industrial stoppages. We are trying to do that; I hope this legislation will do it.

It is not considered that the new set-up will be much more costly than the existing one. It may be a little more costly but not very much. Even if it is and it does no more than prevent one industrial hold-up it will justify the added expense.

The Bill makes very little alteration in the hours of work, statutory holidays, annual leave and long-service leave other than to ensure that the Commission is given wider discretionary powers in relation thereto. The Bill amends some existing provisions to give greater clarity and more simplification. Since the original Act was passed in 1932 there have been 21 amending Bills passed, and as a result there are many anomalies, which are now removed by the Bill. I believe hon. members opposite will agree that quite a number of the amendments are necessary.

The Bill provides that the Commission shall not make general declarations affecting the awards of the State without first hearing arguments from the parties concerned. In the past, the Court has made declarations which have cost the State many millions of pounds without having heard arguments by the parties. Surely it is reasonable to expect that full and detailed information should be given relating to all aspects before such far-reaching decisions are made.

The mediation machinery is to be made more flexible and effective. The provisions for preventing disputes and settling them are enlarged considerably. Under the present Act, Section 21A requires the parties concerned to notify the Registrar of an industrial dispute or disagreement if it is in Brisbane or an industrial magistrate if outside of Brisbane. Penalties are set out for the non-compliance with this requirement; namely, the president and secretary of the union of employers or employees shall both be liable to a penalty not exceeding £50. A body corporate is liable to a maximum fine of £200 and every person charged with the conduct of such a business, £50.

The point is that the Court can take action only on the filing of notice, when it is required forthwith to take action, either by itself or through an industrial magistrate or other means, to resolve the matter. However, it is considered that the industrial machinery should enable it to do so when desirable and expedient, not to wait for official notification of an industrial dispute or disagreement to be filed with the Registrar or industrial magistrate. The Bill provides that if it appears to a Commissioner that an industrial dispute or an industrial situation which is likely to give rise to an industrial dispute has occurred he shall, whether he has been notified under the section or not, immediately ascertain the parties to the industrial dispute or situation and the matters

which form the subject of that dispute or situation and he shall take such steps as he thinks fit for the prompt prevention or settlement of the dispute or situation by conciliation or, if in his opinion conciliation is unlikely to succeed or has failed, then by arbitration. He may remit the matter to an industrial magistrate who, exercising the powers of the Commission regarding the observance of awards, and without any prior application, shall have full power to make an order to deal with the matter. That provision will streamline the process. It will enable the Commission to act promptly not only to settle disputes, but to prevent their occurrence. The Bill does not relieve the parties of the obligation to notify the Registrar or the Commissioner of an industrial dispute, as provided in the Act. The provision in the Act is included in the Bill. In addition, the Minister if he is aware of a dispute or a situation which may lead to a dispute may notify the Registrar or the Commissioner, and the Registrar or the Commissioner shall take prompt action. The Bill gives very wide powers to settle disputes and provides the necessary machinery to prevent the occurrence of disputes. The Commissioner is given wide powers. If he considers it is necessary and expedient to settle by arbitration a dispute or any situation that might arise, he can fix a date for the hearing of the dispute.

An industrial magistrate is also given power, having received official advice of a dispute, forthwith to notify the Registrar, and he may if he thinks fit convene a compulsory conference.

Surely every hon. member should endeavour to encourage peace in industry. As the percentage of our national production that has to be exported is greater than that of most countries of the world, competition on the world market affects all of us considerably. We must therefore attain the highest possible degree of efficiency in industry and this standard can be attained only if we have peace and harmony in industry. The only way to bring about peace in industry is to have effective conciliation machinery ready to prevent disputes, and, in the event of failure by this method, to have an Industrial Court with sufficient power to deal with any matter that comes before it, as well as power to enforce its decisions promptly.

Consideration has been given to trade unionism and in the main it is thought that employer organisations should not intrude into the field of trade union activity. That would be very unwise. However, as many employer organisations represented in the proposals are industrial unions under the Act, it is quite reasonable that a number of alterations should be made to the Act. The first and most far-reaching is the repeal of the Trade Unions Act of 1915 to 1922. The important sections of that Act are now included in the Bill. The term "trade union" has been dropped, and the term "industrial union" as defined in the Act is included. This will have the advantage of giving disciplinary powers to the Industrial Court, in that an industrial union would be required to be registered and to remain registered under the Act.

There no longer exists any necessity for the Trade Unions Act which was introduced in the last century and re-enacted in 1915. There was no provision for registration of a union under the terms of the Industrial Act. Such provision came into being under the Industrial Arbitration Act of 1916. It is advisable that all union registration should be under the one Act. Applications for deregistration of a union in the event of a defiance of the court or commission, should be heard before the Industrial Court. The Bill provides that the rules of all unions should provide for an audit of accounts to be carried out by a registered auditor.

Mr. Davies: Does that apply to employers' organisations too?

Mr. RICHTER: Yes.

Mr. Davies: Do they ever provide them?

Mr. RICHTER: Yes.

I believe an annual statement should be made available to members of unions, whether it is an employer union or employee union, in a manner prescribed by the rules of the union.

An Opposition Member: Which unions do not send them round now?

Mr. RICHTER: Those provisions are fundamental, but in practice they are not carried out. Complaints have been received frequently from members of industrial unions.

An Opposition Member: Tell us who they are.

Mr. RICHTER: I am merely telling the hon. member that there are complaints from members of trade unions that while they are compelled by law to be members of unions, they are unable to obtain details of the financial position of the unions to which they subscribe. I do not recommend interference with the affairs of unions, but if industrial unions are to enjoy the benefit of industrial protection, their affairs should be subjected to reasonable statutory supervision. That is fair enough.

The Leader of the Opposition mentioned legal representation. Most employers, and practically all unions, will welcome the Minister's decision to withdraw that part of the Bill which provides that—

> "In all proceedings for the recovery of money. or in respect of an offence, or any appeal in relation thereto, all parties shall have the right to be represented by counsel or solicitor."

Mr. Davies: We heard that the Country Party was going to keep out of this.

Mr. RICHTER: The Country Party is well in it. The Act provides that unless all parties consent thereto, no party shall be represented by counsel or solicitor before the commission or industrial magistrate. I believe that the right of legal men to appear before the commission or industrial magistrate would result in employers and employees incurring considerable expense in legal fees before these tribunals and that it would result, to some extent, in defeating the purpose of this legislation—to provide speedy and effective action to prevent disputes and holdups. The experience gained in the Federal jurisdiction should be a warning to us that legal representation before the commission is highly undesirable. However, the provision that enables a party to be represented by counsel or solicitor before the court, with the consent of all parties thereto, or by leave of the court, remains in the Bill.

Some provision has been made for rural awards. I wish to say that for many years the Industrial Court expressed the view that it had discretionary powers for the awarding of hours of work to employees in the pastoral industry. However, in a recent judgement—and not so very long ago—the court determined that it has not such discretionary powers. It was therefore considered necessary to restore to the commission the discretionary powers which, for many years, it was believed were held by the court. There can be nothing wrong with that. It is merely giving the Court power that once it thought it had, and later found quite clearly it did not have. The provision will not affect the existing hours in the pastoral industry, but will merely permit the Commission to consider the hours of work in the pastoral industry on its merits. Tht Act provides that the "Court may in its discretion determine the maximum number of working days and/or hours in any week." In the Bill, the words "employees in rural industries" have been substituted for the words, "musterers and drovers of stock, employees on farms engaged in feeding or attending to stock." It is merely a clarification.

Mr. Davies: Do you agree with the 40-hour week for the rural industries?

Mr. RICHTER: If the 44-hour week is fixed by the Industrial Commission, I agree with it, and the Government agree with it.

Mr. Sherrington: But do you agree with the 40-hour week?

Mr. DEPUTY SPEAKER: Order!

Mr. RICHTER: The same applies to the 40-hour week. If the Industrial Commission fixes a 40-hour week or a 44-hour week we must accept it.

The provisions affecting bonus payments have been discussed. I believe bonus payments should be determined on the basis of negotiation between employer and employee. Many employers throughout Queensland pay their employees a bonus. These are arrangements between employer and employee. However, bonus payments in Mt. Isa, which were originally an arrangement between the employer and employee——

Mr. Sherrington: No, and the union. There is a big difference.

Mr. RICHTER: All right, let the hon. member have it his way. However, bonus payments at Mt. Isa, which were originally by agreement between the employer and, the hon. member says, the union—I will concede that—have now become part of the award. This practice has been extended to Mary Kathleen and there is every indication that it will be extended to other industries throughout the State. Should this happen, it will be a most unsatisfactory state of affairs for Queensland as in all other States bonus payments are a matter of negotiation between employer and employee. Should the fixing of bonus payments by the Commission become a general practice in all industry, it is quite possible that industry that we hope to attract to Queensland from the South and overseas will become suspicious of our Queensland conditions and by-pass us. I think that is very important. I say quite definitely that this provision is not the green light for the abolition of bonus payments. It is not intended to be, and I do not think it will be. Rather is it an encouragement for employers to grant bonuses knowing that, should the prosperity of their particular industry or business collapse, arrangements can be made by negotiation to suspend or reduce such bonus payments. Again, if there is prosperity, they can be increased by negotiation.

Mr. Hanlon: Can't the Court do that?

Mr. RICHTER: I have just told the House that it is unwise for the Court to do it. I believe it shuld be outside the province of the Court and that it should be an arrangement between the industry itself and the union or the employees.

Mr. Hanlon: Why? In other words, the employer can take it off overnight?

Mr. RICHTER: Any fear that the bonus payment at Mt. Isa and Mary Kathleen will be abolished is quite unfounded. Bonuses are still paid at Broken Hill, and good bonuses, too, and at many other places, and they are the result of negotiation between the employer and employee. That is the way it should be.

Surely the recent strike—the fiasco we had last Wednesday, which, as a strike I would say was a failure but which nevertheless caused a certain amount of inconvenience to industry and the State in general—must convince us all that there is an urgent need for better and more effective industrial conciliation and arbitration machinery. It has demonstrated the need for prompt action, for machinery that can deal with, let me say, the irresponsible hotheads who brought about the

stoppage. Obviously those hotheads do not represent the wishes of the rank-and-file union members; that was proved last Wednesday. Are we to allow them to dislocate industry without any reason other than an insane desire to demonstrate their power? And they have terrific power. Are the people of Queensland going to allow them to destroy the good name of this State? If we destroy the good name of Queensland through industrial unrest and stoppages, we are going to drive industry from Queensland. Unless the Government are prepared to supply the necessary industrial arbitration machinery to deal with ridiculous and stupid hold-ups such as we experienced last Wednesday, this State is in for a great deal of strife.

It is quite evident that the Trades Hall bosses have lost touch with the rank and file—I think hon. members opposite will admit that—and admit that they cannot discipline their own members. It is obvious that the attitude of the Opposition in this Parliament is encouraging them. This is just an indication of how far the Opposition has slipped. Could we possibly conceive that in the days of Forgan Smith, Ned Hanlon, or Vince Gair, these Trades Hall dictators would be allowed to push around the official Labour Party? Never in your life!

Once again I wish to congratulate the Minister on his tolerance and his willingness to listen to constructive suggestions for the improvement of this legislation. There has been a good deal of criticism of the Minister personally. As a matter of fact, the Leader of the Opposition spent about three-quarters of his time, or perhaps even more, criticising the Minister personally. He virtually did not deal with the Bill at all. As a matter of fact, I do not think he knows what is in it, because he kept well clear of it.

Mr. Hart: As a matter of fact, he was frightened to touch it.

Mr. RICHTER: He was frightened to touch it. He kept scouting round and criticising the Minister.

There is nothing sectional about the Bill. We are providing an industrial tribunal with wide discretionary powers that is not going to be the tool of one side or the other. The Bill will give the tribunal a free hand to ensure that justice is done.

Mr. DONALD (Ipswich East) (4.58 p.m.): During the introductory stage, I expressed my belief that this legislation would not do what the Minister claimed, that is, improve the relationship and understanding between employer and employee and bring about peace and harmony in industry. After having studied the Bill and listened to the Minister's speech this morning and the speeches of the two hon. members from the Government benches who have spoken, I am convinced that my first thoughts were correct.

Its introduction has not, and will not, bring peace in industry nor any feeling of security to the employees of Queensland generally. The Bill will not improve the conciliation and arbitration machinery of the State. This opinion is confirmed by its unfavourable reception at the hands of trade unions throughout Queensland. As the trade unions not only represent but also speak for the vast majority of workers in Queensland, whether they are employed in primary, secondary, or tertiary industries, and irrespective of their profession, calling, or trade, their reaction cannot, and must not, be disregarded or brushed aside lightly. If the Government were really anxious to improve the Industrial Conciliation and Arbitration Act with a view to lessening disputes and stoppages in industry, they would seek the advice of trade union leaders and be guided by their long experience in industrial matters. Instead of that the Government went to the employers' associations for advice. They went to the representatives of big business interests for advice, to see how they would like the Industrial Conciliation and Arbitration Act amended, men who have had very little, if any, experience in industry and the very important subject of conciliation and arbitration. If the course I suggested had been followed, and the Government had accepted the advice of such people the Minister would have introduced a Bill that would have improved the conciliation and arbitration machinery of Queensland, a Bill that would have had the approval of the vast majority of the nation's wealth producers. It would have given concilliation its rightful place in industry. Too much emphasis cannot be placed on the value of conciliation to industry generally and the important service it has rendered to the community in preventing stoppages and dislocations in industry. Innumerable disputes have been prevented by conciliation, by the employer and employee getting together, exchanging views, thrashing out differences, and talking things over in a common-sense and practical manner, very often right on the job where the dispute occurred. Because of that disputes have been confined to the places where they have broken out. In many cases matters in dispute have been satisfactorily settled without any stoppage of work at all, without anyone losing any earnings, and without any loss of production. That is as it ought to be, but unfortunately too many employers too often refuse to conciliate before a stoppage occurs. By their unreasonable attitude and by their own selfish action they force their employees to withdraw their labour. Having forced the workers to take strike action in order to gain economic and social justice they further aggravate a very unsatisfactory situation by adopting an uncompromising and selfish attitude in refusing to negotiate with or listen to their employees' claims and grievances.

Anyone who has had any experience of industrial matters knows the value of conciliation. It is a pity that hon. members on the Government side have not had the experience in this matter that almost every hon. member on this side of the Chamber has. Had they had that experience they would not be arguing as they are. They would not have supported the Minister in his introduction of the Bill. They would have known from practical experience that what they are now forcing on the workers of Queensland will only aggravate the relationship between employer and employee. I doubt whether there is more than one hon. member opposite who has had any experience of unionism or has been an official of a union. When I say "union" I do not mean any of those tame cat unions, made possible by the legislation of Labour Governments that gave preference to unionists in the various callings. I say with every degree of confidence that it is wise to encourage and make better facilities for conciliation, but it is extremely unwise to discourage or hamper conciliation in any way. Unfortunately, the amending legislation does just that. Will Government members deny that the measure we are discussing removes the limitation on the formation of groups of employees, which, under the Act, was restricted to three, and replaces it with an unlimited number. That has been done to undermine genuine unionism, to seriously interfere with present working conditions, and damage the whole structure of employment. The new provision will operate against the honest and genuine employer as well as the employee. It will greatly assist that class of employer who, unfortunately, is found too often in too many industries and callings, who is consistently seeking to evade awards of the Court and the provisions of the Act.

It will, without any doubt, give rise to disharmony and unrest in industry; it will not provide the harmony and peace that the Minister is seeking. Unfortunately, I think he has convinced himself and his supporters that it will succeed in that direction. Instead of considering the prosperity of a calling the tribunal will now have to consider the prosperity of the economy and that will make it much more difficult for the unions in presenting a case on behalf of their members. The prosperity of a calling is definite and easily understood. That can be argued, but the prosperity of the economy is a very vague phrase. Is it the economy of the State or is it the economy of the Commonwealth of Australia, which at the moment is very low and in a bad way? Is it the economy of the industry generally or of a particular industry, firm or company or part of a calling or some section of a company's enterprise? It just does not say what is meant or how it is to be evaluated.

Many companies are engaged in a number of callings. Some may be very prosperous, some not so prosperous, while some may be operating at a loss. I could enumerate quite a number but I will content myself with mentioning one or two. Hon. members know that Burns Philp & Company have for many years operated maritime services on the coast of Australia. We know that they have now entered into the shopkeeping business. We know that B.H.P., in addition to their steelmaking enterprises, has many mines on the coalfields in New South Wales. We know that the C.S.R. Co. has a number of enterprises. Some time ago some shipping companies operated coal mines for very little profit, if any, in order to gain a bigger profit from their shipping interests.

So how is this economy to be expressed? As I say, with the economy of a calling you know what you are talking about but, as the Bill reads, does it refer to the economy of the State? National economy may be very prosperous or sick, as it is at present. The economy of the State may be more prosperous or not as prosperous as that of the Commonwealth. So, I can be pardoned if I assume that, should this Bill be passed and become the law of the land, the Court will not have the right to consider prosperity. It cannot be denied that the Bill seeks to prevent the commissioner from awarding bonus payments but provision is also made in the Bill to give the Court the right to reduce the bonus payment or cancel it.

Surely the Government do not believe that such legislation will make for industrial peace or that it will dispense wage justice to the workers of the State! They destroy the union's right of collective bargaining by taking away the power of the Court to consider or grant bonus payments and leave such payments as a matter for negotiation between the employee and the employer. I do not want to be misunderstood when I use the phrase, "collective bargaining." The term collective bargaining means what it conveys —to unionists, at any rate. The intention of the Bill is that an employee shall go to an employer and negotiate for or argue about a bonus payment. The Bill, however, prevents the employees' organisation, a trade union, from going along and bargaining in a collective manner for all its members in a particular industry. That provision will be opposed very strongly by us. Collective bargaining is a right that the unions have won, and a right they will retain in spite of all the laws that may be passed in this Chamber. I think you will agree, Mr. Deputy Speaker, that the Bill places employees at a distinct disadvantage. Perhaps Government members would like to have all wages determined by negotiation between the employer and the employee. It should not be necessary for me to draw the attention of hon. members to the fact that in the early nineties of last century employers in this and the other States, before there was a Commonwealth, fought very hard to prevent workers from joining together in unions

so that the unions could negotiate on behalf of their members in a particular calling. Employers fought strenuously for the right to tell a man just how much he was to receive, how long he was to work and how many hours a day he had to work. Each of the men had a different contract with their common proprietor, owner or boss in their common industry. That procedure has gone by the board and we certainly do not want to see it re-introduced, even under the guise of a provision relating to bonus payments. Without the protection of the union or the Court, that is what will happen to the workers.

It would appear that the automatic quarterly adjustment of the basic wage is to be discontinued. If I am correct, it will be a big mistake and just another instance of an injustice to the workers of Queensland. Any increase that has come per medium of the automatic quarterly adjustment of the basic wage has followed on a rise in the cost of living. The adjustment has been made to allow the wage earner to maintain his living standard, if not improve it. It is fallacious to argue that basic wage increases have been responsible for any increase in the cost of living or have contributed in any way to inflation. Workers have to wait for an increase in the cost of living before they are granted an increase in the basic wage. It is not a case of prices chasing wages, but a case of wages chasing prices, and in the race wages always lose to prices.

Up to date in Queensland, basic wage adjustments have automatically followed increases in the cost of living. On the last occasion the increase was based on a new formula which I personally think is incorrect. In New South Wales the position is all right, but a comparison of the State basic wage in Queensland and New South Wales with the basic wage in Victoria and other States where the State and Federal basic wage has been frozen, reveals the extent to which workers have been robbed of their just entitlement.

The basic-wage worker is the lowest paid worker in the Commonwealth. To his sorrow he knows the effect on him of the freezing of the basic wage, how his living standard has fallen, how difficult it is to maintain payments under contracts entered into before the freezing of his basic wage and the worry he and his wife and family have been caused by it. Now the rural workers are to lose the 40-hour week. There was a great outcry when the Australian Workers' Union succeeded in obtaining a 40-hour week for their members, firstly through an Act of Parliament, and subsequently from the Industrial Court. The graziers and other rural employers claimed they would be ruined. Where is the ruin in the grazing industry, either in cattle or sheep-raising? Where is the ruin in any of our rural industries? The granting of the 40-hour week has not brought ruin to any of those industries. It is my opinion, and the opinion of all hon. members on this side of the House with their long experience in the industrial movement that this Bill is designed to increase the working hours in the rural industries. When the Bill becomes law it will be very difficult for the rural workers to hold their 40-hour week, or to improve their position, in relation to working hours. Is it any wonder that the Australian Workers' Union is strongly opposed to this legislation? It should not be necessary for me to remind hon. members that the Australian Workers' Union, one of the strongest, if not the strongest, advocate of conciliation and arbitration in Australia, cannot be accused of being in the hands of Communists. Not one of its officers, from the lowest to the highest, is a member of the Communist Party or is in any way connected with the Communist Party or has any sympathy with its teachings. No organisation has been stronger in its condemnation of the Bill than the Australian Workers' Union and there is plenty of justification for its criticism. If the Government are not aware of their attitude to the amending legislation, or if they feel inclined to doubt my words in any way, I refer them to "The Worker," the official organ of the A.W.U. It has been quoted here several times today, and on one occasion by a member on the Government benches. He did not quote from it at any length, he only referred to a cartoon. "The Worker" of last Thursday portrayed this cartoon. I shall not only show it to hon. members, but I shall quote from it. We find, "Is this the final 'fling'?" And then we see depicted a coffin marked "Arbitration and Conciliation." The Minister for Labour and Industry is shown dancing on the coffin in high glee. Behind him, at the head of the coffin, is Mr. Nicklin, the Leader of the Country Party, looking very perturbed. Then we have the mourners at the graveside, the Country Party members, looking extremely savage. I think that reflects their attitude despite what the hon. member for Somerset may have said. Then we have the Liberal Party members smiling and laughing to their hearts' content. Then we have the Labour Party members looking very perturbed. Then, in a tree in the background, we have the Communist Party with the flag up, with the hammer and sickle, looking just as pleased about the death of arbitration as the members of the Liberal Party. That is the view of the Australian Workers' Union, and as members of the Government have said, it is a union controlled by sound-thinking, practical men. I will not dispute that, but the Government are not going to use the attitude of the Australian Workers' Union to confuse people, in or out of Parliament, into believing that this legislation is sound.

Mr. Knox: Do you believe in arbitration?

Mr. DONALD: The hon. member asked me if I believe in arbitration. If he knew my industrial record, and knew anything

about the industrial movement and the problems of the workers he would know how many times I have appeared for them in the Industrial Court. There is no need for me to answer such a ridiculous and irresponsible interjection made just because of his ignorance of the working-class movement and the members who live and work in it.

Mr. Knox: You didn't answer the question.

Mr. DONALD: Let me read from this paper. It may not appeal to the hon. member for Nundah whom I now recognise as the rude interjector. This is the A.W.U. speaking, not the Australian Labour Party, but a union that is not affiliated with the Australian Labour Party. The article is entitled, "Death of Arbitration." It reads—

> "We mourn the passing of a long and very faithful friend. Put on your black ties, your black arm-bands and your darkest suit, for, whether it knows it or not, the Nicklin-Morris Government is apparently preparing to bury arbitration. When Lord Bruce of Melbourne was Prime Minister of Australia his Government was defeated by Labour because of the threat to arbitration. Now, 32 years later, the Nicklin-Morris Government seems to have prepared for the State obsequies. We mourn the passing of an old and trusted friend—the friendly atmosphere is gone. The judge in his Court is to sit in solitude and inaccessibilty, the Commissioners are to huddle in uncertainty of one another especially in the case of appeal from one to the others. We mourn the departure of a friendly and gracious Act."

I could quote more but I do not intend to do so. That should be sufficient to convince any hon. member opposite who is not biassed just what the biggest union in Queensland thinks about the Bill. Let me emphasise once more that it is a union that has been pro-arbitration and pro-conciliation ever since it came into existence. Let me repeat, too, what I said some little time ago, that the reaction of the workers cannot be easily brushed aside, nor can they be disregarded. Surely this is positive proof that all the talk and suggestions that the opposition to the Bill is inspired by the Communist party is sheer humbug and utter nonsense, as is the assertion that the trade union leaders, can, at their will, against the desire of the rank and file of the organisation, or at the drop of a hat, bring about a stoppage of work at any time.

Again, these people think that, only because they have no knowledge of how trade unionism works. You will not find one man on this side of the House making such absurd assertions because we all have a rather extensive knowledge of the working class movement. Only those who have no knowledge of the trade-union movement and how it works would make such a stupid statement.

Mr. Knox: Are you against arbitration now?

Mr. DONALD: I am against silly interjections and I wish the hon. member would be quiet; I might teach him something.

Did we not witness the very opposite last week when some thousands of workers, against the pleading and advice of their leaders not to stop for four hours, stopped instead for 24 hours? It is also significant that they were members of unions that do not have any Communists in their official positions and possibly do not have any in their membership. Moreover they are not affiliated with the Australian Labour Party. And I quote not from the "New Age", not from any Labour or working-class journal, not from any Communist journal, but from the "Telegraph" of 15 March, 1961, which said—

> "Mt. Isa Mine at a Standstill as 3,000 off Jobs.
>
> Work came to a standstill at Mt. Isa today as more than 3,000 members of the Industrial Council of Unions and the Australian Workers' Union held protest meetings.
>
> In a surprise move, 200 members of the Federated Clerks Union"—

they made history—

> "defied an executive direction not to Strike.
>
> In a stormy meeting last night at Mt. Isa members of the A.W.U. rejected a direction of their State Executive not to take part in the four-hour stoppage.
>
> Instead, they voted for a 24-hour stoppage from 8 a.m. today."

That should convince those people who wail about the Communists' influence, and who wail about the tremendous powers the union executives and leaders have over their men. Members of the union will strike when they decide to strike, whether the union leaders want them to or not. Members of the union will decide not to strike, no matter what the views of their leaders are. Unlike the Country Party, the trade union movement is democratic and is ruled from the bottom, not from the top.

Mr. Knox: It was pretty obvious last Wednesday.

Mr. DONALD: The hon. member interjects that it was pretty obvious last Wednesday. I will defy the whole of the financial might of the Liberal Party to organise a meeting at which they can get as big a gathering as the trade union leaders got at the Exhibition grounds last Wednesday. If they think last Wednesday's meeting was a fiasco, if they think it was a mistake or a failure, why have the Government decided to make 24 amendments to the Bill? The workers stayed away from work last Wednesday and went to this meeting.

The Minister said that this legislation is the best in the Commonwealth today. He said it would improve the conciliation and arbitration machinery and that it would bring about peace in industry. But because the workers of Queensland said, "We are going to protest.", the Government have found it necessary to make 24 amendments in less than a fortnight. I do not know what the amendments are, but I am convinced they will be no good to the workers.

The hon. member for Nundah claimed that last Wednesday's meeting was a fiasco. Surely he knows that 150,000 workers in Queensland stayed away from work for four hours or more. Have I to remind him that at Mt. Isa the whole town was stopped because the workers withheld their labour in protest against the provisions of the Bill? Over 5,000 members attended the meeting at the Exhibition ground. I do not think that can be called a failure. It is true that the attendance was not as great as the attendance at the last mass meeting, but that was because on this occasion there were no trains running, no trams running, and no buses running. There was no transport to take the workers to the meeting as there was on the previous occasion.

The workers protested last Wednesday, and they will continue to protest until justice is done. If the Government are wise they will take notice of the protests and withdraw the Bill. They have taken notice already; they cannot deny it. They will say they have introduced these amendments for one reason or another, but they have introduced them because they saw that the workers were angry and were going to protest. They realised that the workers meant business and were not going to let the Government get away with this legislation without protesting vigorously. If the Government persist in using their majority to pass the Bill, they will create disharmony, not harmony, and create unrest, not the peace in industry that the Minister says he so much desires. I will give him credit for being sincere in that desire. He is just as sincere as any man is, and we should all be sincere and work for peace in industry. There are two ways of getting peace in industry, but the introduction of this legislation is neither of them. This legislation will, without doubt, destroy arbitration as we know it and prevent conciliation. It is unnecessary to stress the value of conciliation in the industrial peace of the community.

There is little in the Bill, particularly the Bill as it was presented a fortnight ago, to protect the workers. I am convinced that it is designed to give every advantage to the employing class and to make it extremely difficult for the workers to improve their working conditions or obtain an increase in their wages or a reduction in their hours of work. The Bill should be called "The Bill of Pains and Penalties" and should be withdrawn in the interests of the economy of Queensland.

In his second reading speech today, the Minister, in the main, adopted the peculiar course of replying to criticisms made on the introductory stage instead of explaining to the House what benefits the Bill would confer. I forgive him for that, because he knows as well as I do that no benefit will flow from this Bill to the employee classes of Queensland. He said that he was desirous of bringing about three major results—greater productivity, peace in industry, and the control of unions. All the legislation in the world will not increase productivity unless every man and woman capable and anxious to work is given the right to work. What is the use of talking about productivity when so many thousands of people in dire circumstances are begging for work? They do not know where their next meal is coming from, yet the Minister says, "Why don't you produce more?" Throughout the world an abundance of commodities is produced to clothe, feed, and shelter the entire population, but its distribution is very bad. To appeal to people to work hard to produce more but at the same time to tolerate unemployment is not, in my opinion, good government. If we want productivity let us use all the machines that are idle, let us use the labour of the men and women who are idle. Unless we are prepared to do that, do not let us talk about increased productivity because it is very annoying to the people seeking work so that they can produce a commodity, who are denied the right to do so.

What more do the Government want in the way of provisions for the control of unions? Union leaders have to face their electors at a secret ballot more often than members of Parliament. They are allowed to lead their unions only because they have demonstrated their ability to do so. They are not all-powerful. The rank-and-file trade unionists are all-powerful. They can dismiss their officials at any time they so desire. It is all so much bunkum to say that the trade union secretary or president calls the tune for his members to dance to. If we want peace in industry it can be accomplished quite easily by giving employees in industry wage and social justice.

The Minister took exception to the criticism of the appointment of a prominent member of the Public Service to the committee that was set up. He spoke at length about Mr. Tait. I suggested that Mr. Tait's place on the committee could have been more suitably filled and a better service rendered by the appointment of a man like Mr. Turner, a former member for Kelvin Grove. I do not know Mr. Tait. I would not know him if he was sitting in the lobby. But I know that he has appeared in the Industrial Court, not as an employees' representative pleading a case for them, but pleading one for the employer. Could we expect any recommendation to improve the Act from the employers' point of view to flow from his brain?

We could be excused for saying that the recommendations would be to the contrary, particularly when we know that the chairman of the committee was Mr. Connolly. I take it he was the chairman. I have a high regard for Mr. Connolly; in my opinion he was a splendid politician in the making, a man who acquitted himself very capably in the House, but he was rejected by the members of his own party as not being fit to sit in the Chamber. But Mr. Connolly said that the basic wage in Queensland was sufficient to keep a wife, husband and family in comfort and to meet all the expenses of education that they might want to give their children.

Some criticism has been directed at trade unions for not publishing their balance sheets. I want to give the lie direct to that. The Miners' Federation not only publish their balance sheet but print it in their journal which is circulated to every member of the Federation throughout the length and breadth of Australia. That journal can be purchased at booksellers throughout the Commonwealth. Like other trade unions, the Miners' Federation have nothing to hide. We always present yearly balance sheets to our members. The Queensland district of the Miners' Federation also sends a half-yearly balance sheet to every branch in the State. Then again they talk about strikes being brought about by other than a secret ballot, by the desire, as some ungenerously term it, of union bosses at the Trades Hall. Had they been conversant with trade union workings they would have realised that the metal trades strike was decided by secret ballot on a majority of 14 to 1. I wish I could get that majority at the elections and I am sure every hon. member on the Government benches would wish the same for him.

That is a majority given to their leaders by members of the Metal Trades Unions on a secret ballot. Then, because they strike, these same people condemn them and blame the Communistic influence. I do not know how long they will put up that Aunt Sally to knock it down. I know they do it to gain political advantage, because it has paid dividends in the past. Sooner or later it will lose its effect; it is almost worked out now. Hon. members know the old story about crying wolf too often. The people will not take any notice of it in the future as they have in the past when Government parties have led them into thinking that the Australian Labour Party is in some way sympathetic to the Communist Party.

On political levies I should say that if a trade union wants to impose a political levy on its members, and the members themselves decide for it and are prepared to pay it, why should they be prevented from doing so? Surely that is democracy! These people who prate about union control by rank and file will not give rank-and-file unionists the right to pay a political levy even if they want to.

Mr. DEPUTY SPEAKER: Order! I think the hon. member knows as well as I do that he cannot deal with political levies.

Mr. DONALD: The Country Party are prepared to take a levy from the wealthy wool-growers.

Mr. DEPUTY SPEAKER: Order! I trust the hon. member is not defying the Chair. I ask the hon. member to refrain from talking of political levies.

Mr. DONALD: A clause in the Bill actually defines "Political Levies". Therefore political levies are relevant to the Bill. The unions' right to impose them is questioned by the Government. I, as a trade unionist, have a right to defend them in this Chamber.

(Time expired.)

Mr. HOOPER (Greenslopes) (5.38 p.m.): I rise to support the Bill.

Mr. Newton: You are the only unionist in the place.

Mr. HOOPER: I answer that interjection by saying that I am not in a union; I have a clearance from the Building Workers' Union. I make my position clear. I believe that, when a beneficial Bill is introduced into this House it is up to hon. members who have a positive line of thinking to support it.

I wholeheartedly support this one and in doing so. I should like to make some reference to the remarks of the Leader of the Opposition this morning. He referred to the Minister as a political Messiah, a booster and a propagandist.

The Minister on this occasion, as on many other occasions, is entitled to be a propagandist in respect of a Bill of which we, as a Government, are so proud. The Leader of the Opposition said that Labour does not wish to see the advancement of Communism, but what is it doing to avoid it? He also made the mis-statement that there was not complete agreement by the Government parties on the Bill. I throw that lie back in his teeth because there was complete unanimity in the Government parties when the Bill came before them. I am pleased to have the interjection of an hon. member opposite about the amendments to be moved later by the Minister. As he explained, they become necessary because both employer and employee unions from whom he sought information did not give it over the past years. When the Bill was introduced they sought extra time and the Minister was gracious enough to grant their request.

The Leader of the Opposition indicated very clearly this morning that he was having 2s. each way. He announced that he was not going to advise the Opposition to oppose the second reading of the Bill. Each of us is obliged to adopt a definite line of thought, one way or the other. The Minister can be

well and truly proud that the Leader of the Opposition is supporting the second reading of the Bill.

Mr. Knox interjected.

Mr. HOOPER: When the hon. member speaks of party bosses, that is a different matter. Mr. Egerton, in the recent television programme, said he was responsible for 140,000 unionists in Queensland, or the majority of them. There are 298,733 trade unionists registered in Queensland, or 158,733 not affiliated with Mr. Egerton's Trades and Labour Council.

The Bill consolidates much of the existing law and introduces additional important provisions. The provisions of the Trade Union Act and the Trade Union (Property) Act are incorporated in the measure. It will give greater flexibility in dealing with disputes. It fulfils a 1960 election promise by the Government. There will be an Industrial Court presided over by a Judge of the Supreme Court and an Industrial Conciliation and Arbitration Commission. All fair people will agree that is a very desirable move. The Bill separates judicial functions from conciliation and arbitral functions. The Industrial Court will interpret the law, and I ask hon. members whether that is not fair. A right of appeal to the Supreme Court from the Industrial Court is given in regard to penalties imposed by the Industrial Court. Lesser offences are to be dealt with by an industrial magistrate, while more serious offences will be dealt with by the Industrial Court, consisting of the President and two commissioners.

The present powers of mediation and conciliation are extended considerably. Previously the Court was required to wait until official notification had been received of a dispute. It will now be free to take action when a dispute seems likely to occur, although it must be notified of a dispute.

The provision covering more information about the financial position of a union, properly audited, is most desirable.

Mr. Sherrington: You have that now. You don't know what you are talking about.

Mr. HOOPER: I do know what I am talking about.

Undoubtedly, the Bill is by far the best legislation that the Government has introduced. Let us consider the tremendous advantages afforded by it to both the employer and the employee. Hon. members opposite, with their red or bright-pink flag-waving Communist friends and union chiefs, are still frantically trying to convince the rank-and-file trade unionists that it is a terrible Bill. To use the words of Mr. Egerton during the Channel 9 Television interview on Saturday, 19 March, this was a sixteenth-century Bill. He said that the Government have brought in a sixteenth-century Bill and hope to hang somebody. Have hon. members, over the years, ever heard such rot, or childish rubbish? Unfortunately, he does not know what makes them tick. He said too, that the Government were trying to ban strikes. On the other hand, he said that he was ashamed to call the strike last Wednesday. He was ashamed to call it! Then he said that the penal clauses of the Bill were harsh and unjustified, but he was not afraid of the Bill. Where do we go from there? He does not know where he stands, and our opponents, on the other side of the House, are in the same position. The Leader of the Opposition said that he will not vote against the second reading of the Bill. I wonder what are Mr. Egerton's real honest-to-goodness feelings. I should like to know the real feelings of the Opposition to this Bill. We all know that the decent, honest, hard-working trade unionists—and I refer to the rank-and-file members—will not be hoodwinked by Mr. Egerton, or those who follow his creed. They will not be led by Mr. Egerton, Gerry Dawson, Alex. Macdonald, Mr. Field, and those other people whom they have followed in the past. I am sure that no honest-to-goodness rank-and-file trade unionist believes that this is a bad Bill. As I have said before, it is a very good Bill and I feel sure that the rank-and-file trade unionists agree that it is.

Mr. Sherrington: Is that why some 3,000 went on strike?

Mr. HOOPER: That is a very interesting point, and I will deal with it later. They have shown Mr. Egerton and his "Commo." friends that they do not subscribe to their so-called objections. Let us look at what happened last week; the protest meeting was a dismal failure. It proved a dismal failure because it gained very little support. It shows a lack of faith in the Red leaders. They did protest, but not against this Bill. They showed their contempt and dissatisfaction with the control of union affairs by their so-called leaders and the Communist Party.

Certain provisions of the Bill deal with industrial disputes and the intention to speed up hearings before the Court, the Commission, or industrial magistrate. It sets out specifically the jurisdiction of each particular person dealing with disputes. There is included in the Bill provision for appeal against the decision of an industrial magistrate. The Act states that a member of the Court may, if he sees fit, refer a matter in writing to the Court, for review, on behalf of any party, on any decision made by an industrial magistrate. Under the Bill an appeal provision will always be available. The conciliation machinery is being made much more flexible and effective and, when the Bill becomes law, it will be available to all who seek its protection and assistance. If a dispute is imminent, and a Commissioner so believes, it will be his duty to put

conciliation machinery into action promptly, or, if conciliation is not possible and is doomed to failure, he will have the dispute dealt with by arbitration. This is very similar to the Commonwealth Act. At the same time, there is a responsibility on the parties involved in a dispute or a situation to notify the registrar or a commissioner.

The Bill also provides that, if the Minister is aware of a dispute, he may notify the Registrar or Commissioner, who will take the necessary action to have the matter dealt with very speedily. If a commissioner is of the opinion that conciliation is not going to be successful or that it has failed, he may at his discretion make all the required arrangements for the dispute to be settled by arbitration. This, too, is similar to the Commonwealth Act.

Under the Bill when it becomes law, industrial magistrates may act more speedily in cases of disputes. When an industrial magistrate receives notice of a dispute, after the Registrar has been notified, he may convene a compulsory conference of all parties.

Why all the sham screams from hon. members opposite? This is a "positive action" Bill, and these provisions are to speed up hearings and determinations. With the exception of prompt action and streamlining, it is very similar to the existing provisions.

Of course these measures may not please Mr. Egerton, Comrade Dawson and Comrade Macdonald because the Bill would seem to them to be a way of losing their grip on industrial disputes. They not only set out to encourage disputes but they relish them and exist on them. Without the grip that they have had on industrial disputes, where would they get the publicity that they have enjoyed for many years? They, like hon. members opposite, do not want the Bill, which will tend to speed up the hearing of disputes and to keep honest-to-goodness hard-working trade unionists earning an honest living. Of course they do not want it. I should like to quote from a very interesting article that appeared in "The Courier-Mail" on 11 July, 1946. I make these observations because I believe they tie up with the amendments to the Bill. The Minister mentioned the article in his introductory speech. It was written by Mr. Bill Thieme following the 18 weeks' meat strike in 1946. It reads—

> "Queensland unionists have cast Communist control aside. That was the first impression I formed of yesterday's amazing anti-climax to the meat strike.
>
> The end of the meeting of meat workers at the Brisbane Stadium yesterday was teriffic, devastating; it was better than anything I had ever imagined possible in industrialism in this State.
>
> Never before have men shown their resentment in such a sustained and determined manner."

He also stated—

> "After yesterday I shall always subscribe my name to the multitude who believe that 'Truth will out'. It hurt quite a lot of the people in the Stadium yesterday. It must have stung those on the platform to the quick."

Later in the article he went on to say—

> "Then Bob Dixon took on his Communist adversaries one by one. He named them and pointed to them as he drove home each point, as he uncovered the plotting that had punctuated every strike move.
>
> He told the big crowd how Kearney was to be the dupe in a Communist plan for the white-washing of the 'scabs' in the bacon factories; how had he done so, he would himself been branded 'scab' for all time.
>
> 'The Commos wanted your union to be smashed', he said, 'Kearney and I wanted you to go back to work as one solid block, with your union intact and the employers still having to recognise it.' "

I submit that at the present time the objections that have been made to this Bill are similar to those that were made by a very well-organised meeting at the time of the meat strike. Mr. Thieme said that he was pleased that the Communist control had been thrown aside. For the information of the House, I submit that that feeling is as strong as it ever was.

At last Wednesday's meeting we saw on the platform with Mr. Egerton, Gerald McAdam Dawson, an acknowledged Communist, Herbert William Field, an acknowledged Communist, Alexander Macdonald, an acknowledged Communist, and three other members of the A.L.P.

Mr. Hanlon: Are you suggesting that the A.L.P. should stay away and let the Communists have the lot?

Mr. HOOPER: I suggest that the A.L.P. is hogtied to what the Communists dictate to it. Mr. Thieme made that statement after 23 years as a trade unionist, and at that time he was one of the A.L.P. candidates seeking parliamentary honours. He must be very disgusted, as are all other trade unionists, with the objections that have been made, cold as they are, against this Bill. The people who are squealing say they want quick settlement of industrial disputes. Do they, Mr. Speaker? Of course they do not. They want to keep the disputes alive and keep themselves prominent in the eyes of trade union members, the people whom they believe can be easily led. The trade union bosses do not want quick settlement of disputes. They want to keep them alive so that they can get publicity and keep their names before the eyes of the trade union members that they think they can lead into

their way of thinking. Under the Bill they will not have the same opportunity to be headline hunters.

It is important to remember that 90 per cent. of the old Act has been retained.

Mr. Sherrington interjected.

Mr. HOOPER: The Leader of the Opposition has admitted that. The new provisions have been inserted to improve and streamline the Act. It is also important for all trade unions to note that the part of the Bill dealing with the register of employees to be kept by an employer is substantially the same as the provisions in the old Trade Union Act, except that an employer will have to keep a separate register at each place where he carries out his business. Penalties for failure to comply with the law by the employer have been increased from £50 to £100.

I have already referred to this matter, but I have just been shown a copy of the "Telegraph" wherein it is reported that Mr. Duggan said that the Opposition did not intend to vote against the Bill because it re-enacted many of the provisions of former Labour legislation. I hope that the hon. member for Salisbury realises that what he was interjecting is in direct opposition to the remarks of his leader.

The part of the Bill dealing with the keeping of accounts is very important. The Bill tends to tidy up and make more specific the law dealing with the supplying of information about the financial position of trade unions. Union officials will have to render each year a true account of their union's financial position. This information must be made available to all trade-union members. The provision requiring the audit by a registered public accountant of the accounts of unions with an income of over £1,000 a year is a good one. Smaller unions with an income of less than £1,000 a year will need to have their accounts audited by a person possessing a certificate of accountancy, in other words a qualified accountant. That is also a very necessary and positive provision. More latitude is being given in the time allowed to lodge the records of accounts with the Registrar. At the present time unions are required to lodge their accounts with the Registrar before 1 February each year but, of course, that is not practicable. The Bill provides for future positive consideration of trade unions, for the return of accounts to be made within two months of the close of the union's financial year.

Mr. Bennett: Why didn't you get the hon. member for Windsor to write your speech instead of putting words into your mouth?

Mr. HOOPER: Unlike the hon. member for South Brisbane, I write my own speeches. Under this provision the unions have three months in which to present their financial accounts to the Registrar; something they never had before. Trade unions' financial years end at various times and at no particular time. This provision is designed to give them more latitude than they have now in which to lodge their returns. This part of the Bill follows very closely the provisions in the old Trade Union Act of 1915.

I should like to ask hon. members opposite who are screaming—and particularly the hon. member for South Brisbane who does nothing else but scream—if this Bill does anything to improve matters for trade unions, particularly this part dealing with measures under the old Trade Union Act, which was the brain child of a former Labour Premier, the Honourable T. J. Ryan? Why all the fuss? I admit that the penalties have been increased for falsification of accounts and records. The increase is from £50 to £100. That is warranted, as quite often many thousands of pounds of trade union funds are involved. Maybe it is money belonging to hon. members opposite; maybe some of it is mine.

Mr. Lloyd: It is not yours; you resigned from the union.

Mr. HOOPER: I did not resign from the union. I have a clearance from the union because I have a war disability.

Mr. Walsh: You are a good unionist, too.

Mr. HOOPER: I resent that remark from the hon. member for Kedron. At least I have not to be told by the Q.C.E. what I have to say.

As I said before, many thousands of pounds are involved and it is only fair that the rank-and-file unionists' funds should be well and truly taken care of and accounted for. This measure is very necessary to protect union moneys.

There is provision in the Bill that the trustees of a union may sue the secretary or other officer of the union if he fails to hand over audited accounts. What is wrong with that?

Mr. Lloyd: There is nothing wrong with it.

Mr. HOOPER: Of course not; it is a most desirable measure.

Mr. Lloyd: It is already in the Trade Union Act.

Mr. HOOPER: Of course it is. What are hon. members screaming about?

I have already mentioned that they can be heard before an industrial magistrate. That is a marked improvement. Previously the trustees could go to a stipendiary magistrate's court or to the Supreme Court; now

they can go to an industrial magistrate. It is just another example of how this Bill is streamlined in its approach to industrial matters generally, assisting in the proper and honest functioning of our trade unions.

The Bill also deals with a glaring anomaly in the old Trade Union Act. A person who made false representations to a trade union member in order to obtain moneys, securities, books, papers, etc., and wrongfully and fraudulently misplaced them, was liable to a penalty of £20. That penalty is now increased, in line with the others, to £100. I wholeheartedly agree with this measure and so does every other honest person.

Under the heading of "Registered Office of Trade Union" in the Bill the penalty has quite rightly been reduced. I note that if a trade union is in operation for seven days and fails to register its office with the Registrar, the office and officers are liable to a penalty of £5 for every week it is operation. The penalty under the Act was £5 for every day. What is wrong with that provision? It is a good one. What have hon. members to say about it? Nothing. The penalties are justified and hon. members opposite know they are justified. Some have been increased to the extent justified, and equally others have been reduced to the extent justified.

It is important to point out that there are dozens of adjustments designed to assist trade unions. I refer hon. members to Section 64 of the present Act which reads—

> "Appeals from industrial magistrates.—Appeals from the decision of an industrial magistrate shall lie to the full bench of the Court constituted under this Act and not to the Supreme Court.
>
> For the purpose of this section the full bench of the Court may be constituted by a majority of members of the Court, one of whom shall be the President."

It continues—

> "The proceedings on such appeal shall be prescribed by Rules of Court:
> Provided that—
>
> (i.) The Court on upholding a conviction may increase the term of imprisonment or the penalty, as the case may be, to such term or amount not exceeding that permitted by this Act, or may reduce such term or penalty as the Court deems proper;
>
> (ii.) The Court may make such order concerning costs as it deems proper."

We do not hear any screams from the Opposition. That is the provision in the Act. We have retained that portion of it, and in addition we have provided for an appeal to the Industrial Conciliation and Arbitration Commission. The Bill not only improves the present law but also gives rank-and-file trade unionists greater protection than they have ever had in the history of this State. It has also given them the oportunity of sorting the sheep from the Red goats. They will be able to get a truer and more concise account of the conduct of their union officials.

I appeal to all trade unionists to give the Bill the opportunity it deserves, and to take advantage of the opportunity it provides. We are proud to introduce it, and with their co-operation it will function without a hitch.

It is true that the Bill provides for increased penalties on trade unions, but it is equally true that heavy penalties are provided for employers.

The object of the Bill is a better understanding between all parties. That object will be achieved.

I think I should record some of the penalties about which Opposition members are crying. I come now to a comparison of penalties—for certain offences—under the Act, and under the Bill.

Nature of Offence	Individual Penalty	
	Present	Proposed
Employer— Dismissal to evade payment for holidays, etc.	(Employer) Max. £100	Max £250
Employer/Employee— Termination and re-engagement to avoid the giving and taking of long service leave	(Employer and/or Employee) Max. £50	Max. £100
Person— Contravention or non-compliance with Section and orders made by the Commission thereunder (relates to long service leave for persons outside State Award) ..	Max. £50	Max. £100
Person— Non-attendance at compulsory conference	Max. £100	Max. £100
Person— Failure to comply with direction for observance of Union rule	(New)	Max. £100
Union—Employer—Employee— Failure to comply with provisions and orders made relating to a Register of Union Members	Max. £50	Max. £100
Employer— Failure to comply with provisions and orders made relating to a Register of Employees	Max. £50	Max. £100

Has there been any really bad treatment of the trade unions? I say that the trade unions have been dealt with very fairly. These penalties are warranted for both the employer and the employee, and we must remember that when the penalties were originally introduced the value of money was much different from what it is today. Let us return to the table I have been presenting—

Nature of Offence	Individual Penalty	
	Present	Proposed
Failure of Trade Union to account to members or advise Registrar as to finance and rules and officers	Max. £5	Max. £100

Mr. Newton: Don't tell us; tell yourself.

Mr. HOOPER: The hon. member who interjected would not know, even if I told him. I will continue with my table—

Nature of Offence	Individual Penalty	
	Present	Proposed
Person— Making or causing to be made false entry in account (finance)	Max. £50	Max. £100

I submit that is very necessary, and if these people were dealing privately with a financial institution, hon. members would not think it was nearly enough. Then, we come to the next offence—

Nature of Offence	Individual Penalty	
	Present	Proposed
Failure to comply with requirement of Registrar by Officer of Union	Max. £50	Max. £100

The list of offences goes on, and in my opinion, the penalties are just and necessary. I believe that employers and employees have been dealt with equally.

Finally, on the interjections of the Opposition in support of their associations with the Communists, I submit to the House a Press clipping under the heading "Communist and A.L.P. Members share the Leadership." In the photograph there are depicted the executive of the Trades and Labour Council. We see on the left Mr. T. M. Millar, Miners (Communist), Mr. B. E. Milliner, Printers (A.L.P.), Mr. A. H. Dawson, E.T.U. (A.L.P.), Mr. A. Arnell, W.W.F. (A.L.P.), Mr. J. Egerton, Boilermakers (A.L.P.). We find Mr. Field, of the Australasian Meat Industry Union, a Communist, Mr. G. M. Dawson, a Communist, Mr. E. J. Hanson, a Communist, and Mr. Whiteside. I appeal to all decent trade unionists, "Get rid of this Communist influence. Take advantage of the provisions of the Bill and have your unions run on a fair and decent basis."

Hon. P. J. R. HILTON (Carnarvon) (7.35 p.m.): There is no doubt that the Bill is most important and far-reaching in its character because the Industrial Conciliation and Arbitration Act has been a dominant aspect of our industrial code for many years.

As I said on the introduction of the Bill, arbitration has been of tremendous benefit to the trade-union movement. It has given it legal recognition, standing and protection. It has given the unions the right to represent in court all workers in an industry, and it has ensured, by and large, the right to an impartial hearing of the workers' claims. It provides a rule of law relating to the economy of industrial progress. It has been an important plank of the Labour movement. I refer to the Australian Labour Party in years gone by, although I am a bit doubtful about it now, and I refer to a foremost plank in the party I represent. For those reasons, I align myself with all responsible people who stand four-square to uphold conciliation and arbitration as provided by the laws of this State and the laws of the Commonwealth.

Admittedly, there may have been defects in the laws of the past; there may have been defects in legislation enacted by past Governments, and I candidly say that I believe there are defects in the Bill. Some of those defects, as I see them, require perhaps clarification in the Committee stages. I see three main defects in the Bill. The first is the provision taking from the court the power to determine bonus payments in industry. I can imagine the arguments the Minister will advance on this but, as I see it, as the court has functioned satisfactorily in the determination of bonuses for many years, it should be allowed to continue. Despite the Minister's statement that this provision was calculated to draw the claws of the Communists in industry, I think interfering with the powers of the court on bonuses, particularly as they apply to Mt. Isa Mines and Mary Kathleen, is playing right into the hands of those people who seek to foment industrial strife. What is wrong with maintaining the status quo in that direction? Industrial agreements are provided for in the Act and are being continued by the Bill, and they have the force of an award when registered by the court. If the Government deem fit to do so, provision could be made in future for all bonuses, or whatever term is given to them, arrived at by conciliation between employers and employees, to have the force of an industrial agreement. I think the status quo should be maintained for Mt. Isa Mines, Mary Kathleen, and other places where the court has determined the bonus payable to workers in industry. I appeal to the Minister to maintain the provision that

has worked very satisfactorily in the past. If something is required in the future, in other spheres, let it have the force of an industrial agreement.

Another weakness that I see—this has been referred to by previous speakers—is that the court is obliged to consider the prosperity of the economy in delivering a judgment. That is most ambiguous. I do not know how the court is to interpret that particular provision. I have given it some thought, and I believe they will be all at sea when determining a particular award if they have to give consideration to the prosperity of the economy. As other speakers have said, the prosperity of a particular industry is a factor to which the court should give attention. Let us take the present unsatisfactory state of affairs brought about by the upset of the economy deliberately instigated by the Federal Government. What would be the position if an industry was flourishing here in Queensland and the court, instead of taking cognisance of the prosperity and healthy state of the particular industry, were obliged to consider the man-made depression created by the present Federal Government? That should be obvious to the Minister and to the Government. I think even at this stage, as the Minister is bringing forward so many amendments, they should give further consideration to that aspect before the Bill is considered in Committee.

As I said in my speech at the introductory stage, in view of what has happened in Australia, and in view of other things to which I shall draw pointed attention directly, and unions being empowered to collect fines and levies under the provisions of this Bill, I believe that the provision enacted by a Labour Government in Great Britain should be incorporated in this legislation to provide for the right to contract out of a political levy when a unionist cannot, in his conscience, subscribe to it. The Minister said this morning that he was being guided by the Federal Government, who received a certain assurance from the A.C.T.U on this matter. That is a very weak excuse, because the great Australian Workers' Union and other unions will not affiliate with the A.C.T.U. for very particular reasons. If under this provision a Communist-controlled union can impose a particular fine or a levy and it could be devoted to the Communist cause, a good Australian unionist can be hounded out of his union and hounded out of his employment because he cannot, in conscience, pay that levy. I concede that every union has the right to impose political levies, because in the main trade unionism looks for its representation in the Parliaments of this country through the men it elects to Parliament. They have every right to make political levies, but I repeat that if the unions, a trades and labour council, or any other authority, decides that there is to be a political levy designed to foster the Communist cause, any self-respecting Government should ensure that a good Australian is not obliged to contribute to it or to put his job in jeopardy if he does not. Dealing with another aspect of the Bill, the Leader of the Opposition made a plea for British justice. I quite agree with his making that plea for what he termed "British justice." We all recognise and appreciate British justice, but there can be no argument against the fact that if a man in conscience cannot pay a levy designed to further the cause of the Communist Party, his status as a unionist or his job should not be in jeopardy because he refuses to pay. I stand four-square behind the principle that, as has been manifested recently, there should be protection against that.

Having made those observations on certain principles of the Bill, and bearing in mind that there are other matters to be clarified in Committee, I say that there shall be no ambiguity about my attitude. Having, I hope, made an intelligent appreciation of the Bill I should say that I do not think it means the deathknell of arbitration. It contains some provisions with which I do not agree, but there are others that meet with my approval. I should like to see a further strengthening of some of them along the lines I have briefly stated. There is no gainsaying the fact that there are many people, including men in responsible positions, who are doing their damnedest to destroy arbitration. I am not speaking in any personal or petty vein when I say this, but I challenge my friends in the Australian Labour Party to get to their feet in the course of the debate and dissociate themselves from the statement made by a member of the Inner Executive of their party, Mr. Egerton, on Sunday night, that the trade union movement never accepted compulsory arbitration.

Mr. Mann: He said he didn't.

Mr. HILTON: Mr. Egerton is president of the Trades and Labour Council. He is a member of the Inner Executive of the A.L.P. He asserted that the Trade Union Movement never did accept compulsory arbitration.

Mr. Mann: He is entitled to his own personal opinion.

Mr. HILTON: Those who heard him know what he said. He is entitled to express his opinion in a democracy, when it is his personal opinion that is being sought. But he was there as president of the Trades and Labour Council. I believe quite truly that he was expressing the opinion dominant at the Trades Hall at the present time. In order to prove that statement I want to quote from a booklet titled "The Trade Union" written by L. L. Sharkey. Everybody would know who he is. The subject of the issue is headed "Communist Theory and Practice of Trade Unionism."

Mr. SPEAKER: Order! I trust that the hon. member will relate this to the measure before the House.

Mr. HILTON: Most certainly, because I make the point that trade unionism or, at least, arbitration, is in jeopardy, firstly, because of the setting up of a carefully designed plan that has been in operation in all the post-war years, and, secondly, because the plan now has been brought to a great measure of fruition. If we are to give our consent in the Assembly to the preservation of arbitration let us take into consideration the real influences that are trying to destroy it at the present time. Because of that, I suggest that my remarks are highly relevant to the measure now being discussed. This booklet was issued many years ago. It has been re-issued from time to time and was brought up to date in 1959. It gives the Communist line and theory regarding arbitration. I quote from page 20—

> "The Communists regard legislation which imposes compulsory arbitration as pernicious and anti-working-class. Its objective is to keep the workers eternally shackled to the capitalist State, i.e., eternally wage slaves. We fight against this legislation, relying on the unity of organisation of the workers in the struggle to improve conditions and enforce collective agreements with the employers. We want to restore the position described by Engels in his 'Condition of the Working Class in England in 1844.'"

Then he goes on further—

> "In the meantime, until the majority of unionists are convinced of the real damage done to the working class under the arbitration legislation, Communists have to represent their unions in the various tribunals set up by this legislation. In this way they avoid losing contact with the masses. Further, Communists may for tactical reasons, temporarily support one system of arbitration against another, e.g., wages boards against compulsory adjudication, conciliation committees, &c."

That is what he said on the theory of arbitration, and again, we know of their influence in the Trades Hall, to which I will refer again later on. Going on, he refers to the political value of strikes, and at page 26 he says—

> "The political significance of this strike depends upon the size and scope of the movement. Even where the strike is in a broad scale, if the leaders from the very outset lead into narrow craft channels, the political edge of the strike is blunted and it is immediately deprived of its chief content—it can no longer yield the political results which it could have yielded originally; if a strike which has purely economic demands as its point of departure is from the very beginning consciously directed along the line of combining it with the political struggle, it yields maximum effects. Strikes properly led and conducted, and properly timed, are a revolutionary weapon. Strikes developed the Labour movement, organise and unite workers and win the intermediate social strata to the side of the revolution."

Mr. Bennett: Did you ever quote from this book prior to 1957?

Mr. HILTON: Frankly, I know the hon. member for South Brisbane is feeling uncomfortable about this and I can see he is going to rush to the defence of his Communist friends. Whether I quoted from it is irrelevant. I am not frightened of the hon. member for South Brisbane or any other hon. member and I will not be sidetracked. The quote continues—

> "Unions as United Front Organs.
>
> The trade unions are vital centres for the building of the united front of the working class. Here as well as on the jobs are masses of workers who support the A.L.P. as well as workers 'outside politics' (Lenin), politically unconscious workers. With them we build the basic unity of the working class. United action between the militants and the reformist minded workers is a day-to-day necessity. Otherwise the union would be split, action would be impossible and the workers paralysed. In the trade unions the foundation of unity is laid, which will in the end compel the A.L.P. to agree to the United Front of the political parties—Communist Party, A.L.P. united action."

Mr. Bennett: You used and read that in Parliament to get some cheap publicity.

Mr. HILTON: Again it is significant how the hon. member for South Brisbane, the babbling barrister, is coming forth in defence of his comrades at the Trades Hall. I am sure that his associates will be very proud of him for it. Let me continue and establish the real significance of the chapters I have read, now that we have them on their toes. I am not skating around this Bill, like A.L.P. members. I am getting right down to the kernel of things. If they say that what I am saying is not true, I refer hon. members to an advertisement inserted in the Brisbane "Telegraph" on Tuesday, 14 March, under the heading, "Attention Trade Unionists Mass Stop Work Meetings," on behalf of J. Egerton, President, and A. Macdonald, Secretary of the Trades and Labour Council of Queensland. All the unions asked to attend the stop-work meeting, which was a fiasco for other reasons, are affiliated with the Trades and Labour Council and with the A.L.P., although they do not represent the majority of unionists in Queensland by a long shot. The A.W.U. and other unions are not affiliated with the A.L.P. I will not go into details of those at the moment, but the point I make is that while the A.L.P. claim to be in favour of arbitration, not one A.L.P. member today has repudiated the statement by Mr. J. Egerton, President of the Trades and Labour Council. If at that stop-work meeting there was not a sharing of

leadership and if there was not a united front by the A.L.P. and by the Communists, I do not know what is meant by sharing of leadership or a united front.

Mr. Burrows: You ought to know, because you share it with the Liberals.

Mr. HILTON: The people will realise from the inane and asinine remarks coming from the A.L.P. benches that what I am saying is true. All those unions that are affiliated with the A.L.P. and the Trades and Labour Council put up as their star speakers the leading Communists, who, in the post-war years, have been endeavouring to destroy arbitration in Queensland.

A significant thing is that because of the re-affiliation of these Communist-controlled unions with the A.L.P. these unions now undoubtedly under the A.L.P. rules have a big say in how the A.L.P. is to be run. I have here the union pledge which Communist officials sign and give over to the A.L.P. It reads—

"AFFILIATED UNION PLEDGE

We hereby pledge the Union to the Principles of the Australian Labour Party's State, Federal, and Local Government platforms, and to any alteration thereto made by a duly constituted Labour Convention. We also pledge the Union to do everything to further the objects of the Party as set forth in its Constitution and General Rules.

We hereby declare that the Union is not affiliated with a Communist or Fascist Organisation or Party, or with any political party having objects and methods in any way opposed to the Australian Labour Party.

(Signed) President.....

Secretary.....

Name of Union

....."

Mr. SPEAKER: Order! I have been very tolerant with the hon. member, but I ask him to get back to the Bill. I realised that he was making a particular point, but I think he is now getting right off the track.

Mr. HILTON: I am trying to prove to hon. members of the Assembly, even those who are political ostriches, the very serious threat that exists to our arbitration system. I submit my remarks are very relevant. As all of us know, in Communist philosophy and practice there is no such thing as a moral code. Communists will sign anything or do anything to further the ends of their party. We have the spectacle of Communist-dominated unions signing the pledge, Communists signing pledges, and handing them to the Executive of the Australian Labour Party. Under the same rules, they are permitted full scope in selecting delegates to the Labour-In-Politics Convention. In reply to the interjections from the hon. member for South Brisbane, in my time there were no Communist-dominated unions affiliated with the Labour Party. A few years ago if a member of the inner executive of the party spoke publicly in defiance of a major plank of the A.L.P. he was immediately expelled, but today when this vital principle of arbitration is being considered every member of the Opposition stands up and yells in defence of them. I repeat that this attack on arbitration has been going on ever since the war. The first concerted attack was made in 1946, when the meat strike that lasted four months was under way.

One of the most effective contributions in support of arbitration was made by the then Premier, the late Hon. E. M. Hanlon. I have here a photostat copy of his reported broadcast during that strike. It would be good if my friends in the A.L.P. would take the trouble to read it. I offer it to them, so that even at this late stage they may refresh their minds as to what happened then, and what was Labour policy on arbitration in those days. The article reads—

"Despite any pressure, the State Government would maintain arbitration as a means of settling industrial disputes, the Premier (Mr. Hanlon) said last night.

In a broadcast on the strike Mr. Hanlon said that all members of the unions employed in the meat industry would welcome the Government's order for a resumption of work by Friday."

It continued—

"The Premier said that from every point of view that decision was a major blunder in tactics, for to deprive the public of meat did not in any way affect the directors of the Murarrie Bacon Factory."

I am reading this article because this strike has been referred to during the debate, and I offer this photostat to members of the A.L.P. who now rise in defence of their comrades in the Trades Hall.

Mr. Thackeray: Did Santamaria write that?

Mr. HILTON: This is from "The Courier-Mail". It is extraordinary that the hon. member for Rockhampton North did not hear me say that this is a photostat copy of the late Hon. E. M. Hanlon's reported broadcast. It is taken from "The Courier-Mail" in 1946.

Here is another caption, taken from "The Sunday Mail"—

"Workers Swindled by Reds' Strategy
Held Power in State Hold Up

The Communist Party has unscrupulously hoaxed workers and put over the greatest industrial swindle in the history of the State during the present strike.

Investigations last week to pin the reasons why all recent negotiations have failed exposed the 'behind the scenes' activities of Red disruptionists.",

and so on.

Again, we find—

"Mass Meeting in the Stadium
Reds Given Rough Time by Strikers

Only about 20 'noes' were heard at the mass meeting of 2,500 meatworkers yesterday when the disputes committee's resolution that they return to work was put to the vote.

It was one of the rowdiest union meetings yet held at the Stadium and provided the greatest anti-Communist demonstration in the history of Queensland unionism."

Of course, that was at the conclusion of a strike against the arbitration laws, and it clearly reveals that because of that leadership given by a genuine Labour Government and because the Q.C.E. took a very tough stand against Communist infiltration, the Reds were put to flight at that meeting at the Stadium. Again in 1948 the same tactics were adopted in the railway strike, and those members in the Parliamentary party both in 1946 and 1948 know well of the party discussions that were held and the unanimous decision arrived at. Some of them are here on the benches tonight.

Mr. Bennett: But you were not game to say anything down South.

Mr. HILTON: The babbling barrister from South Brisbane was not here then, so I will disregard him at the moment.

Mr. Bennett: He probably would have straightened you out if he had been here then.

Mr. HILTON: I accept that interjection. In that case, he would have had to straighten out his present leader because, although I will not quote the headlines from "The Courier-Mail" of the day——

Mr. SPEAKER: Order!

Mr. HILTON: I want to point out that in the 1948 railway strike the same tactics were adopted and I propose to place in the witness box now my friend the Leader of the Opposition, Mr. J. E. Duggan, by quoting from "Hansard" Vol. 192, page 1889, what he had to say about the tactics that had been employed by the Trades and Labour Council's Disputes Committee.

Mr. Thackeray: What has this got to do with the Bill?

Mr. HILTON: Everything. Mr. Duggan said—

"The other day we had a deputation who wanted to place what they call the railway workers' case before the Parliamentary Labour Caucus. They were informed that the rules of the party prevented it from being done. Who were those eight members of the deputation who came down here? Five of them were well-known Communists, one of them is a fellow-traveller and two are members of A.L.P.s."

Mr. SPEAKER: Order! I hope the hon. member does not intend to develop that any further.

Mr. HILTON: I will finish on this point because it is all-important.

Mr. SPEAKER: Order! I think the hon. member has been overplaying his part and been stretching my tolerance a little too far. This will be the last I will allow. Unless he can tie it up distinctly with the Industrial Conciliation and Arbitration legislation before the House, I will have to ask him to resume his seat.

Mr. HILTON: I will finish the quotation that I began, Mr. Speaker. In reply to a question asked by Mr. Russell of Mr. Duggan—

"Are they self-confessed Communists?" Mr. Duggan said—

"I do not know how much of a confession you have to make. Take Gerry Dawson of the Carpenters' Union. I do not think there is any doubt about him. Take Kissick of the A.F.U.L.E., Healy of the Waterside Workers' Federation, Graham of the Waterside Workers' Federation, Macdonald of the Ironworkers' Association. O'Brien is a fellow traveller.

The hon. member for Mundingburra talks about sectarianism. O'Brien was the biggest curse of the lot. The religious faith indicated by his name causes people to go round and say that his religious faith would not permit him to embrace Communism, that he would not be tainted with this foreign doctrine, consequently, he would not be a supporter of Communist policies. And the fellows outside who are loyal swallow this dope about Mick. For all practical purposes he might as well be a straight out Communist instead of a fellow traveller."

Mr. Ramsden: Who said that?

Mr. HILTON: Mr. J. E. Duggan, Leader of the A.L.P. and Leader of the Opposition in this Parliament. There is no denying the fact that the Communists and their fellow travellers are trying to work up a state of disruption in Queensland that will force the Government to scrap arbitration.

Mr. Burrows: You are only a Fascist agent.

Mr. HILTON: The hon. member for Port Curtis has my sympathy. He is really a poor fellow. As I mentioned before, he made the greatest speech in defence of Mr. Gair of any member of the Caucus. He indicated his moral courage by saying in this House that when Mr. Gair was carried to the grave he would follow him to the graveside but he would not be game to jump in. That man has the audacity to call me a Fascist agent.

Mr. BURROWS: I rise to a point of order. I never ever said anything of the

sort. The hon. member interjected on me one day and said, "Why didn't you follow us."

Mr. SPEAKER: Order! If the hon. member has a point of order, he should state it or otherwise resume his seat.

Mr. BURROWS: I deny the statement of the hon. member for Carnarvon and I ask him to withdraw it because it did not apply to Mr. Gair at all.

Mr. HILTON: I will put it this way: it is recorded in "Hansard." I am not withdrawing anything that is in "Hansard."

Mr. Bennett: What "Hansard" is it in?

Mr. SPEAKER: Order!

Mr. HILTON: The hon. member can look it up and find out.

Mr. Bennett: You would tell any untruths.

Mr. HILTON: I am sure that the Nudgee College Old Boys Association will be proud of the fact that their new president is such a champion of the Communist cause.

Mr. BURROWS: I rise to a point of order. The hon. member for Carnarvon has not withdrawn the statement. I ask for its withdrawal. He has quoted remarks completely out of their context, and the remarks I made applied to him, not to Mr. Gair.

Mr. SPEAKER: Order!

Mr. HILTON: It is recorded in "Hansard." I shall find it in "Hansard" for the hon. member in due course and give him his considered statement. It is in the library in "The Morning Bulletin," a Rockhampton newspaper, in defence of Mr. Gair. His statement about following him to the grave but not jumping in with him is recorded in "Hansard." I think under those circumstances——

Mr. SPEAKER: Order! The hon. member for Port Curtis has denied it, and I ask the hon. member for Carnarvon to accept his denial.

Mr. Burrows: He would deny Christ.

Mr. SPEAKER: Order!

Mr. HILTON: I am really amazed at these people, Mr. Speaker. I always subscribe to parliamentary practice, and until there is a new session and I can produce those words, I will accept the denial of the hon. member for Port Curtis. I spoke objectively and factually on this matter, and I mentioned only one name in this Assembly for the purpose of——

Mr. BURROWS: I rise to a point of order. I ask the hon. member for Carnarvon to withdraw the statement.

Mr. SPEAKER: Order! I ask the hon. member for Carnarvon to accept the denial of the hon. member for Port Curtis.

Mr. HILTON: I will accept his denial; of course I will; but I repeat that it is in "Hansard." If he wants me to accept a denial of something that is recorded in "Hansard," well and good.

I know that some hon. members are trying to prevent me from making this factual exposition of Communist violation and infiltration of the A.L.P. That is why they are all so deeply concerned. I do not want to indulge in personalities. I have the greatest sympathy for them in the plight they are in. But having in mind what the Leader of the Opposition said about this M. O'Brien in connection with the railway strike of 1948, is it not significant that the same man came up specially from Sydney last week to star with Gerry Dawson, Alex Macdonald, and Bert Field of the meatworkers' union, at a meeting at which they implored all workers in Queensland to protest and implored the Government to withdraw this Bill and institute in its stead voluntary conciliation, which means the law of the jungle? When one finds——

Opposition members interjected.

Mr. SPEAKER: Order!

Mr. HILTON: When one finds this man supporting their comrades in their desire to destroy arbitration, in their desire to bring pressure on the Government to withdraw this Bill and substitute therefor the law of the jungle, is it not time that responsible, decent people sat up and took notice? Is it not time that the public of Queensland were informed of the real facts?

(Time expired.)

Mr. HILTON: I very much regret that my time has expired.

Mr. SPEAKER: Order! The hon. member for Cairns—

Mr. Bennett interjected.

Mr. Hilton: Babbling barrister

Mr. SPEAKER: Order! I warn the hon. member for South Brisbane and the hon. member for Carnarvon that if they persist in arguing when somebody else is trying to speak, I will have to deal with them both under the Standing Orders.

Mr. WALLACE (Cairns) (8.15 p.m.): Representing as I do some thousands of good trade unionists, many of whom are unemployed at the moment, and most of whom are very concerned about their future if the legislation is passed, I rise to oppose the Bill.

Before I deal with the Bill I desire to reply to the statements of the previous speaker. He quoted from a booklet that was in existence prior to the split in the Labour Party in 1957; up to that time he had never

quoted from it. I make it quite clear that the Building Workers' Industrial Union about which the hon. member for Carnarvon had so much to say was affiliated with the Australian Labour Party during the time that the hon. member was a member of the A.L.P. The affiliation was accepted on the unanimous vote of the Executive of the A.L.P. when Mr. Gair and other members who have since joined the Q.L.P. were members of the Central Executive of the A.L.P. Having listened to the hon. member for Carnarvon say so much about the disruptive tactics adopted by various hon. members let me tell him that a classic example of disruptive tactics was given by himself tonight. He said nothing about the Bill at any time during the 40 minutes for which he spoke.

Mr. HILTON: Mr. Deputy Speaker, I rise to a point of order. For at least a quarter of an hour I spoke about the Bill and my objections to it. The hon. member for Cairns was not in the Chamber, and he has no right to make such a false assertion.

Mr. DEPUTY SPEAKER: Order! The debate was in the hands of Mr. Speaker. Had the hon. member disregarded the subject of the debate Mr. Speaker would have drawn his attention to the fact.

Mr. WALLACE: I want to finish what I was about to say. When the hon. member for Carnarvon rose it was not for the purpose of speaking to the Bill, but to fire the first shot in the Brisbane City Council elections on behalf of the Q.L.P. He tried to link the members of the Australian Labour Party, the members of the Opposition in this Assembly, with Communists and others whom he described as fellow travellers. I throw that suggestion back into his teeth and the teeth of any other hon. member who might make such a statement about me or my colleagues on this side of the House. We owe allegiance to no-one except our own political wing of the party and the Queensland Central Executive of the party. We owe allegiance to the Australian Labour Party, and we have not waivered in our allegiance.

Let me now deal with the Bill. Some very damaging statements have been thrown around the Chamber by hon. members opposite. They have accused hon. members on this side of speaking with their tongues in their cheeks, As far as I am concerned there are, in future, no holds barred and no punches pulled. They know well that I do not speak with my tongue in my cheek. Prior to this I have always treated hon. members on the Government side and, in fact, of the whole House, with the utmost respect but, in view of what has happened today and of the stigma they have tried to attach to myself and my friends of the Opposition no holds are barred. That holds good even if it comes to boots and all.

Mr. Walsh: You are not a dirty fighter.

Mr. WALLACE: If some hon. members want to get dirty, we will be in it.

In my opinion this Bill is in line with a number that have already been brought into the House since this Government came to power in 1957. With many of them, portions have been discarded because of its vicious content and because of the pressure brought to bear on the Government parties by people outside the House. No doubt they are members of their organisation, the people who direct their policy but, in my opinion, this Bill was brought down in great haste despite the fact that the Minister has said that he has given it consideration for three years.

I have heard it said today that the Bill was printed before it even went to the Government Caucus and I would be prepared to believe that that is right because of the number of amendments that have been brought forward since. The Government have not given much thought, if any, at all, to the repercussions that must occur when the freedom of the people of the State is at stake. There is no doubt, in my opinion, and the opinion of hundreds of thousands of people outside, that the freedom of the people of Queensland is at stake. For that reason and for many others I oppose the Bill very strongly.

Like the Bill of Rights and other Bills that the Government have brought down and discarded because of pressure from their supporters, this Bill is so savage that some sections of Government supporters outside were reluctantly forced to apply pressure to have it drastically amended, even if only for the sake of respectability. I do not suggest that the people who direct the Liberal Party outside would have much consideration for the workers of this or any other State but, out of some sense of responsibility they brought pressure to bear on the Minister to have the Bill amended. That is why 29 amendments have been brought forward. It is not that I think they will improve its adverse affects on the workers of this State very much. These amendments show quite clearly that the Minister and the Government were very ill-advised in deciding to amend the Act at all.

The present Act is a very good one. The Minister has made it quite clear that this Bill is not an amending Bill, but a completely new measure. We on this side of the House agree with him. Many of the provisions in the present Act have been thrown overboard and some of the most savage sections in the Commonwealth Arbitration Act have been inserted in their places. In my opinion the Bill was conceived not within the walls of the Liberal-Country Party rooms but in the minds of individuals with an intense hatred of unions, union officials and workers generally. It was conceived by people who at no time have had to battle under the conditions prescribed by courts, in an effort to rear, clothe and educate a family. The appointment of Mr. Peter Connolly as Chairman of the Committee appointed to recommend amendments of the Act was

significant, in view of his famous statement from the floor of this Chamber that the average worker was receiving more than sufficient remuneration to clothe, rear, feed and educate his family with plenty left over for amenities that were not necessary. Mr. Connolly's appointment was a very strong indication that the Ministers and the Government, not satisfied with having destroyed the economy of Queensland almost completely through their political incapacity, were determined to destroy completely the whole industrial structure that has meant so much to the State, that has stood the test of time, and has been of considerable value to both the State and its people.

This precipitate action has been taken and is being proceeded with notwithstanding the deliberate statement of the Minister that the conciliation and arbitration machinery of Queensland is equal to if not better than anything in existence in the world today. I agree, but if the Minister and the Government are allowed to proceed on their wilful way, destroying the State's conciliation and arbitration machinery, they will reduce Queensland to the sorry state that we knew when I was a boy and before then, when workers of the State were forced to touch their forelock when the master and any of his family passed by. The actions of the Minister and the Government could very easily force the workers of Queensland to do what was done by the workers in the days of Peter Lalor and before that time. I make no apologies for saying that. Unlike the Minister and most Government members, I have been through the mill. I have been for many years a member of industrial unions. I know what the members of those unions go through and I know of their battles to rear, feed, clothe, and educate their families. The task is almost an impossible one for the average working man. It is all very well for the Minister and other Government members to say that the Bill is a good measure. Most of those people have never had to battle and have not gone through the mill; they are ignorant of the conditions of the rank-and-file trade unionists. Should industrial trouble occur, as a result of this legislation, the people to be blamed are the Minister and those who assisted him to conceive this rotten Bill. The Minister said that the Industrial Conciliation and Arbitration Court was brought into being, in the first place, because of the desire of the employer and employee to set up an organisation to improve industrial conditions and employer-employee relationship. That is a complete fallacy and the Minister knows it; so do the members of his party. There are very few people, other than the Minister and his friends, who would be naive enough even to suggest it. The truth is that if the workers of Queensland, and the rest of Australia, had not dug their toes in and demanded recognition for their contribution to the productivity of the State and the Commonwealth, conciliation and arbitration would never have seen the light of day. How stupid is it for anyone to suggest that at any time in the world's history the employers have taken a step forward to do something to improve the lot and conditions of the workers of this State, or any other State? Wherever you go, Mr. Deputy Speaker, you will find the same things happening. The world over, the employers on every occasion are acting in opposition to the workers which is contrary to the suggestion of Government members. The outlook of the employer today is substantially what it was in the days I mentioned. In the main, they would rather put their foot out to trip the workers in their attempt to gain some improved conditions, than do anything to assist them. The Minister has stated that the Government stand four-square behind their declared policy of the maintenance of an independent and impartial industrial tribunal, at the same time firmly believing that better arbitral functions should be exercised and that mediation and conciliation should take place and arbitration should be considered only when all other means had failed. He said the new Bill was drafted with that end in view. He continued and said that the Government firmly believed that the prosperity and development of the State should not be retarded in any way by undesirable or unrealistic legislative provisions. Whilst I am not convinced in my own mind that conciliation and arbitration as we know it today is the final and complete answer, I agree that until a better method has been evolved the tribunal should be maintained independent, and impartial. Further, I am far from satisfied that the present Industrial Court or the intended tribunal has been, or is to be, maintained as such. I have very grave doubts as to the impartiality of any tribunals affecting the workers of this State or any other State. When we get down to basic facts, is it not true that in the past arbitration has been a dominant factor, but the Bill before the House, leaves no avenue open for the tribunal to follow arbitration?

I am one of those who believe that, when the creation of an industrial tribunal was first mooted, the dominant thoughts of all people concerned were of conciliation, not arbitration. That is what concerns me strongly. Of course, the conciliation they wanted was one where opposing forces met and talked about their problems, and I am perfectly sure that if conciliation was still construed as the logical approach to most of our problems in industrial organisations today, most of them would be solved, and sovled without insult or injury to either side. Indeed, were the employer organisations not encouraged to take every difference of opinion as between themselves and the employees to the court, where, generally speaking, they would be talked out to the satisfaction of both sides? I agree wholeheartedly with the Minister that, before arbitral functions should be exercised, all powers of conciliation and mediation should

be tried, and that the arbitration tribunal should operate only where a very real dispute existed and the parties found it absolutely impossible to agree. That is the only time arbitral powers should come into being.

Mr. Morris: Don't you think that where there is a basic subject to be investigated you need your arbitration tribunal?

Mr. WALLACE: As I said before, I have been through the mill. For many years I have been a leader in the trade union movement in far North Queensland, as the secretary of my union for very many years, and as secretary and president of the Trades and Labour Council for very many years, and I want to say to the Minister, through you, Mr. Deputy Speaker, that my experience has shown without any shadow of doubt that conciliation can effect results satisfactory to both sides; but when you reach the stage that the employers refuse to talk and they seek the protection of the Court the moment there is a slight argument or grievance as between the employees, or their representative in the union, and the employers, there is no chance of industrial peace.

The court has been given very wide powers. It has been given very strong powers to impose penalties for breaches of the awards, for breaches of the court's procedure and for contempt of court. I honestly believe that there should be no need to put people in fear of being cited for contempt of court. It is ruthless and definitely unwise of the Government to put contempt-of-court powers in the hands of anybody attached to the industrial conciliation and arbitration tribunal. If we are going to get anywhere, if we are going to solve problems as between the employers or their representatives and the employees or the unions, plain, straightforward, truthful speaking is called for. We get that by conciliation at a round table conference. As I said before, I have had experience of those conferences. We do not get that when we go to the Arbitration Court. An argument could develop between myself, as the employee or the employees' representative, and you, Mr. Speaker, or the Minister, as the employer or the employer's representative, and we could get hot under the collar. I might say something to you that would not be offensive to you but which would be offensive to the man in charge of the court—the Commissioner, or the President—and I could be cited for contempt of court. If we sat round a table conciliating, and we got hot under the collar, you could tell me to do anything and I could tell you to do the same, but I should say very definitely that in ninety per cent. of cases we would solve our problems without any recourse to an arbitrator. If it were necessary to have an arbitrator, then by all means let him sit at the table; but let us keep most of these things away from the courts where these penal clauses will operate.

Many things have been said about this Bill by previous speakers, but hon. members on the Government benches have said very little about the intentions of the Bill or the provisions in it. I listened very attentively—all hon. members know that I listen attentively at all times—but I have yet to hear from one hon. member opposite, including the Minister, anything that really relates to the Bill. I have heard a great deal said about a man named Egerton.

Mr. Ramsden: He is a self-inflicted injury, so you cannot complain about that.

Mr. WALLACE: This is something that nit-wits such as the hon. member would not know anything about. I want to make it perfectly clear, so that the general public will know, that when Mr. Egerton, as President of the Trades and Labour Council, appeared with the Minister for Labour and Industry on television last Sunday night, he in no way represented the Australian Labour Party. As president of that council, at no time does he represent the Australian Labour Party.

Government Members interjected.

Mr. WALLACE: I do not want hon. members opposite to come into this, because they do not know what they are talking about.

Having had industrial experience, and having met in the unions people of various political views, including Liberals, I have never at any time stooped to the tactics that have been adopted here of trying not only to brand one man a Communist but also to brand as Communists all those people who belong to the great Australian Labour Party.

Mr. Ramsden: Are you repudiating what Mr. Egerton said the other night?

Mr. WALLACE: Let me say that as long as I have been in the trade union movement —and I have been in it for many years— I have mixed with men holding many different political views. I have been able to retain the respect of most of those people because I recognised that in the trade union field I was doing a job for members of the trade union to which I belonged and that in the political field I was doing a job for the people who supported the political party to which I belonged. Having been elected to this Parliament, I do a job for anybody and everybody in my electorate, irrespective of their politics, and I do it as well for one as I do it for the other. All the nonsense talked about Egerton is not doing him any harm; it is not doing the A.L.P. any harm; but it is emanating from hon. members opposite, particularly the younger hon. members, who are trying to cloud the issue about the Bill. It would be far and away better if they were prepared to come out cleanly and openly and take the fight to us as we take the fight to them, without any of these spurious allegations that we are members of this or members of that. We do not talk like that about hon. members opposite even though there are times when I could say

things about them that would stick far more than the mud they are trying to throw at members of the Australian Labour Party.

They started on Egerton. He is a member of the A.L.P. As such, the day that he breaches the Constitution of the A.L.P. he will no longer be a member of that Party.

Government Members interjected.

Mr. WALLACE: Let them bleat. They do not know what they are talking about.

Statements have been made that the Trades and Labour Council is dominated by Communists. Nobody in or outside of the Chamber will tell me that I am a Communist or that I have any leanings towards Communism, but strange to say, one hon. member opposite told us something of the Communist constitution. I would not know what was in it. In fairness to all members of trade unions that elect people to the position of delegrates to the Trades and Labour Council, I point out that by many hundreds of thousands of members the trade unions of Australia, or of the British Empire for that matter, are non-Communist. Despite what has been said to the contrary the rank-and-file members control the unions and their affairs and therefore the unions are not under Communist control. I admit quite freely that there are members of the Communist Party in all unions, and in many instances they take official positions. But they occupy official positions only because they have been elected to them. The rules of most unions are registered either in the State Industrial Court of Federal Arbitration Court, or both. As long as the rules are registered and union members do not breach the constitutions of their unions or the principles of trade unionism, I have no fault to find. But what has been happening here today, and for a long time now, is that hon. members opposite have been trying to play one set of unionists against another. They have been trying to play the A.W.U. against the Trades and Labour Council, for the purpose of creating and maintaining a cleavage between them for the benefit of Government members.

Despite all that has been said, the Secretary of the Australian Workers' Union agrees with me that this is the final fling of arbitration and conciliation in Queensland. He went on to say today that the State Executive of the A.W.U. would continue with its petition protesting against all the features of the Bill now before Parliament that were not in the best interests of the worker. I agree with that completely despite what hon. members opposite might say. If they read the measure intelligently and told the truth about it they would say as I am saying, that the A.E.U. and the Federated Clerks' Unions and other unions, with the unions affiliated with the Trades and Labour Council will, at the right time and despite the wishful thinking of members of the Government parties, close their ranks and destroy the Government. There is no doubt about that. Trade union members today are not as servile as they used to be.

Mr. Tooth: That is obvious.

Mr. WALLACE: I am referring to all trade union members, not one section. The workers of this State and the Commonwealth of Australia will not stand idly by and take anything that Governments like to hand out to them. They will stage demonstrations that will shock not only the Government but the rest of the State and the Commonwealth, and the fault will lie with the Minister and others who have assisted him.

It has amazed me that this Bill was allowed to get past the Government parties' caucus. It amazes me to think that the Minister for Development, Mines, Main Roads and Electricity whom I knew at one period of his life to be a militant unionist, has not at some time during the Caucus proceedings in relation to this Bill, seen fit to grab the Minister for Labour and Industry by the throat and throw him out of the window. I believe there are many others in the ranks of the Government parties who believe, as I do, that this is the worst Bill brought to this House since this Government assumed office.

Mr. Knox: Are you opposed to it?

Mr. WALLACE: I certainly am.

Mr. Knox: Do you disagree with your Leader?

Mr. WALLACE: As I said before, many of the clauses in the present Act have been thrown to the wolves and the harsher provisions of the Act inserted in the Bill. As it now stands, it closely resembles the Stevedoring Industry Act by which the chairman of the Stevedoring Industry Commission in the various ports have power to punish members of the Waterside Workers Federation even to the extent of depriving them of their jobs, but no power at all to punish the employer or his representative.

This Bill contains some very strong punitive clauses and it will be impossible under them, for employees to stand up against an employer. Despite what might be said by hon. members opposite, it deprives employees representatives, their union organisers and secretaries, of the right to go onto the job and observe just what employers are up to in relation to their employees.

During the regime of Labour Governments, trade union representatives had the right to go onto the job with employers' representatives at any time to see what was going on and that right should be reinserted in the Bill. It is morally wrong to deprive employees' represenatives of the right to go onto the job at any time during working hours.

(Time expired.)

Mr. TOOTH (Ashgrove) (8.55 p.m.): The Leader of the Opposition did me the honour during his address to mention me personally as a possible leader in the debate. I blushed modestly, but I should like to return the compliment by discussing some of the points of his speech. First of all, on the quite false assumption that by discrediting the Minister he would prejudice the Bill, he launched a severe personal attack on the Minister and ranged over a wide field of irrelevancies, seeking some sound ground of attack on the Bill.

I feel that we must deplore this approach, and I wish to assure the House that the measure has the united support of hon. members on this side of the Chamber. It has received most careful consideration at all stages. The suggestion that there is disunity has already been answered by a number of hon. members.

Mr. Davies: They are all Liberals who have spoken so far.

Mr. TOOTH: That is not true. I re-emphasise the fact that there is complete unity and unanimity in Government ranks on the measure and there will be no breach in our ranks.

Mr. Sherrington: You have your unity ticket.

Mr. TOOTH: We have a unity ticket of which we can be proud, and that is more than can be said for the unity ticket of hon. members opposite.

While expressing disapproval of the hon. gentleman's derogatory references to the Minister, I feel I should refer to his personal attack on the hon. member for Nundah. It was most uncalled for. The hon. gentleman referred to the hon. member for Nundah in very derogatory terms. He said he was known as a "smear member". He actually said that he hoped the hon. member for Nundah had a Communist smear dossier and that he would be disappointed if the hon. member did not use it. I think that is unworthy of the hon. gentleman's responsible position in this House, a position that we regard with respect, Leader of Her Majesty's Opposition, a position which only quite recently by legislation in this House had further recognition granted to it, well merited and well needed recognition. On this occasion the hon. gentleman has not measured up to the responsibilities of his position. The Bill is a vitally important measure, and this is not the occasion for crude personalities. Furthermore, with respect to the hon. member for Nundah, the charges made by the Leader of the Opposition are just not true. This young hon. member is one of the most responsible, one of the most diligent and one of the most intelligent hon. members of the House, and hon. members of the Government are frequently indebted to him for his investigation of problems and his advice.

The Leader of the Opposition and many other Opposition members complained bitterly at every reference to Communists in the discussion on the Bill. First of all there was a suggestion that there is something out of order about references to Communists in a discussion of the Bill. I point out to those hon. members that the Bill repeals the Trade Union Act and re-enacts most of the clauses of that act, and that the trade unions have statutory objectives, and statutory objectives as defined in the Bill include political activities. Therefore, in dealing with the Bill on the second reading, I claim that we can range over the whole field of political activities in association with trade unions. That is one answer. Undoubtedly the whole issue of Communism must come into it. Surely no hon. member suggests that we can discuss industrial relations in this country and disregard Communism. Surely no hon. member denies that it is a major factor in our industrial life.

Mr. Walsh: There is a definition of political objectives in the Bill.

Mr. TOOTH: That is true. I ask the Leader of the Opposition and the other hon. members who have objected whether they propose to emulate the ostrich, bury their heads and ignore this major factor in these problems? If they do, that is their business, but they must not expect us to do it.

The Leader of the Opposition recognised the value of goodwill and conciliation in industry. Surely he must know that any Communist refuses to practice those attributes in industrial relations. Can he name any practising Communist who evidences, from time to time, a desire to conciliate or arbitrate and promote peace in industry? Surely he knows that is contrary to their most elementary teachings. To them, win, lose or draw, every strike is a success because it helps to promote the revolutionary situation towards which they are constantly working. During this debate an hon. member has already quoted from Mr. Sharkey's book on trade unions. I propose to add one or two brief quotations.

Mr. Bromley: You know it pretty well. When did you join the Communist Party?

Mr. TOOTH: What an absurd question! Because we take the trouble to try to find out something about our mortal enemy we are accused of being with them. I suggest to members of the Opposition that they devote a little study to this problem instead of making such comments.

The first quotation from Mr. Sharkey's book is from page 11 of the 1959 edition, and it says—

> "The trade unions are the most important mass organisation of the working class . . . . "

and no-one will deny that—

> ". . . and therefore, have a special importance for the revolutionaries. 'Without the trade unions a revolution is impossible,' . . ."

Further on he says—

" . . . And Socialism in Australia can triumph only when the banner of the Trade Unions is the 'Banner of Communism.' "

And then, finally, and this is to be noted, because it is very relevant to this situation, he says on page 25—

"Strikes . . . decide nothing, it is true, but they are the school of war of the working man . . . and as schools of war they are unexcelled."

To round off this series of quotations, I quote from the Queensland "Worker" and not the "Daily Worker" that the hon. member made accidental reference to this morning. Of course, the "Daily Worker" is the official organ of the Communist Party of Great Britain. I quote from the Queensland "Worker" dated 2 August last—

"Trade unions who elect Communists to official positions are asking for industrial trouble in its worst form."

We see from that the absurdity of the complaint about discussing Communism when dealing with industrial matters, and as I pointed out, the allied political problems and objectives must be considered in any industrial situation.

I have no doubt that the Minister has been gratified by the announcement from the Opposition that they will not oppose the Bill. I believe this bears out his contention, and our contention, that this is a good Bill.

Mr. Mann: We will oppose some of the clauses very vigorously.

Mr. TOOTH: Yes. That will be anticipated, and we will look forward to a vigorous debate upon them and we trust that a great deal of good will come from the debate. Taking it by and large, the Labour Party has accepted this Bill. The Leader of the Opposition told us he would not vote against it, therefore en masse it must meet with the approval of the Opposition. Very well, that is a very satisfactory situation.

While up to 90 per cent. of the Bill is a re-enactment of past legislation, the opportunity has been taken to tidy up a number of matters in the legislation, to bring it up to date, and indeed to remove some legislative lumber. One example will suffice, and it is a very good one. I trust that hon. members opposite will take note of it. The Bill repeals sub-section (1) of Section 30 of the Wages Act of 1918, which, as the House will note from the date of its enactment, is a product of the Australian Labour Party. The exact date of assent is 23 November, 1918, during the time of the Ryan Ministry. Here are the sub-sections that we propose to remove and they are really extraordinary. Remember, they were enacted by a Labour administration in 1918 and they have been on the Statute Book of this State for over 30 years. If I wanted to impute the sinister motives that some hon. members opposite have been imputing to us, I might ask why in the name of goodness that has been allowed to remain on the Statute Book for so long. Listen to it. Section 30 (1) reads—

"Any worker who (a) Agrees with any person to serve him for any time or in any manner and does not enter into his service or commence his work according to his agreement" "shall be liable to a penalty not exceeding ten pounds."

That is the law of the land at this very moment.

Mr. Bromley: Why are you screaming about it?

Mr. TOOTH: Are you happy with it? The second part goes on—

"(b) Having entered into such service as aforesaid or commenced such work as aforesaid, absents himself therefrom without reasonable cause," "shall be liable to a penalty not exceeding five pounds."

Finally—

"(c) After having entered into any agreement, whether oral or in writing, with any employer to serve him for any time or in any manner," "neglects or refuses without reasonable cause forthwith to go to the place at which he has so agreed to serve," "shall be liable to a penalty not exceeding ten pounds."

Mr. Hanlon: Who would impose that penalty? What authority? What body?

Mr. TOOTH: I presume it would be the ordinary——

Mr. Hanlon: I thought you knew all about the Act.

Mr. TOOTH: Oh no, I am in the same position as most hon. members here, and, indeed, as certainly most hon. members opposite. There are some details that we do not know.

Mr. Hanlon: You are going to repeal it, but apparently you do not know what it is.

Mr. TOOTH: Of course we know. We know very well it is completely obsolete. We know full well that if anybody attempted to enforce that today, it would be completely contrary to modern concepts of freedom and justice, yet it has been there for some 30 years. Now, what is wrong with that?

Hon. members generally, I am sure, will be interested in the declaration by the Leader of the Opposition of support for arbitration and, mark you, compulsory arbitration, because he was challenged on that and he agreed that he supported arbitration and compulsory arbitration. This is most satisfactory. It leads me to another point. The hon. gentleman quoted for his own purposes, during his speech, an article by Dr. E. I. Sykes, of the University of Queensland, that appeared in "The Courier-Mail" on Wednesday, 15 March. Remembering that the hon.

gentleman has pledged his support to compulsory arbitration, let me read something further from Dr. Sykes's article. He says—

> "It seems clear that no system of compulsory arbitration will function without the inclusion of some penal sanctions. Take them out and the system reverts to one of voluntary arbitration.
>
> It appears that the only question then is whether the previous penalties were adequate or inadequate to secure observance of the courts' decisions.
>
> The system, if it is to remain compulsory, must have some teeth. The only question now is whether the teeth are too big.
>
> It is fair to mention that most penalties have been increased, not merely those operating against unions."

You will note that the doctor himself falls into a small error—possibly he is aware of it—one that has been obvious today, in that people use the word "union" as if it excludes employers. In the definition in this Bill employers and employees come under the term "industrial union," and that is obviously what the doctor is referring to in that last paragraph when he says that the penalties have been increased against employers as well as against unionists. It seems that the Leader of the Opposition's witness is not much use to him on this particular issue.

In a further attempt to discredit the Minister, the Leader of the Opposition referred to a clause empowering the Minister to direct the attention of the court to any pending dispute. The Minister has the discretion or the right to direct the attention of the court to it. He then went on to say, "I have no knowledge of the directions that he gives the court." That implication is most serious. It is one that I think the hon. member should not have made, and I think he should unreservedly withdraw it because it is completely without foundation.

Turning to the speech of the Deputy Leader of the Opposition, we again find bitter resentment at any reference to Communism. We can understand that, I suppose, because the whole problem is an internal one amongst our friends opposite. The old guard, the right-wing rump of the A.L.P., the stay-in-and-fight boys, are staging a desperate battle to hold their positions. They are beleagured, as it were, round the Leader and the Deputy Leader of the Opposition against the young and pushing newcomers from the left, the Trades Hall boys, led by that very brilliant up-and-coming legal luminary the hon. member for South Brisbane. There can be no doubt where our sympathies lie in this particular struggle.

I pass from the complaint of the hon. member for Kedron about references to Communism and go to the point he made about a conflict in the clauses of the Bill. If I understood him correctly, he complained that under Clause 36, the Commissioners, on being made aware of a dispute, shall first endeavour to conciliate between the parties to the dispute and then, if conciliation fails, to arbitrate, and that then, under Clause 104, they shall order an observance of the award they have made. I understood the hon. member for Kedron to suggest that, in view of these two clauses, Clause 98, which provides for authorised strikes, will be inoperative because any attempt at organising a ballot could be an offence under Clause 104. I think that the hon. member has overlooked the four governing words that introduce Clause 36—"subject to this Act" —and therefore it is subject, of course, to Clause 98 of the Act. I think that problem is very simply answered.

Mr. Hanlon: In other words, after a secret ballot the court has absolutely no power to order the men back to work—are you telling us that?

Mr. TOOTH: There is the process of conciliation, of arbitration, and then, if there is an authorised strike, I expect that the court will endeavour to proceed with the process of conciliation. But I cannot see that, under the Act, an authorised strike can result in the imposition of heavy penalties.

Opposition Members interjected.

Mr. Morris: This Bill does not change that situation at all.

Mr. TOOTH: At the risk of incurring the wrath of the Leader of the Opposition I say that the Bill is probably the most important legislation that this Parliament has enacted, and probably the most important legislation during the life of this Parliament, because it touches on the welfare, happiness and well-being of all sections of the community. It affects for good or ill the economic stability, progress and prosperity of the whole State; indeed, it could well determine whether we proceed along the broad highway of industrial peace and development or whether we lose ourselves in the arid sands of industrial strife and decay. It is towards the first of these paths the Government are leading us to clear away ignorance, ill-will and suspicion, to produce industrial harmony and co-operation, and to ensure that Queensland will be able to seize the manifold opportunities that are opening before it, and take its rightful place as probably the greatest of the industrialised States of the Commonwealth, the place it should hold. Therefore by the Bill an attempt is made to hold the scales fairly between the two traditional conflicting groups, the employers and the employees, whilst guarding and indeed promoting the interests of a third group, largely inarticulate, at times neglected, and even forgotten, but the most important of all, the community as a whole, upon whose prosperity, strength and safety, we all depend. In the titanic

struggle in the world today between totalitarianism and democracy, dictatorships have a great advantage in that no-one in a dictatorship has the right to ignore or forget the paramount interests of the State. Indeed, that is why the trade unions in Communist countries are organs and tools of State power and why free trade unions throughout the world outside the Communist area refuse to acknowledge them as trade unions in the accepted sense of the word.

Our free society, by its very nature, permits wide neglect by individuals and by groups of community interests as they concentrate naturally enough, I suppose, upon their own interests. But Governments dare not be recreant in this matter. In democratic communities where society is not organised, as it is in Communist countries where they protect the State in all circumstances and at all costs, the Governments have a heavy responsibility. They have the responsibility to see that the overall welfare of the whole people is considered and protected. In the Bill the Government are making every endeavour to hold a fair balance between the various conflicting groups, but also are mindful of their great responsibility to ensure the economic health of the whole community upon which the welfare of each section ultimately depends. I think that is a major factor that we must consider when we are dealing with the provisions of the Bill.

We might expect that legislation of such importance would be considered in a responsible, objective and well-considered manner. We expect comment that is constructive and criticism that is helpful. Indeed, there has been much of it in the Press and on the radio, but quite possibly the most authoritative is the article I have already quoted by Dr. E. I. Sykes. There are one or two comments I should like to make about that article. In discussing the two separate bodies under the Bill, the Court and the Commission, Dr. Sykes pointed out first of all that the arrangement was similar to the Federal system which was dictated by constitutional considerations. He expressed doubt as to the value of the Queensland Act and the value of this provision in the Queensland Act unless the Court was to be a lawyers' court as was previously envisaged. With great respect to Dr. Sykes I feel that he has missed one very vital point. The whole Bill is directed towards strengthening the machinery for calm negotiation and peaceful settlement of disputes in industry. Therefore the Commissioners are empowered to act as mediators, conciliators, and finally as arbitrators. The successful discharge of their duties surely requires the best of relations between the commissioners on the one hand and the industrial unions of employees and employers on the other. It is with a view to preserving that atmosphere of confidence, trust and good will, that the Industrial Commission has been largely relieved of judicial and punitive duties and duties of a nature that could tend to spoil and prejudice the personal relations of the commissioners with the people with whom they have to deal.

It stands to reason that if the mediator and conciliator of today was only yesterday imposing sanctions and bringing down penalties his standing as a fair and impartial referee must be prejudiced and his influence impaired.

I say that the Government carry on Labour's own policy, a policy of an arbitral tribunal of laymen well versed in industry, and we carry it to the logical conclusion in this Bill.

Dr. Sykes's failure to recognise this major purpose in the Government's proposal is natural enough. It arises, of course, from an academic and legalistic approach to what is fundamentally a problem of human relations, and it further points to the wisdom of and provides further justification, if that be necessary, for the exclusion of lawyers from the processes of conciliation and arbitration in industrial matters—note I say conciliation and arbitration.

Now let us turn to some of the lighter literature on the subject. I wish to refer to "The Worker" of 13 March. "The Worker" shows great indignation at the alleged death of arbitration but it produces no evidence of any weight. To pad the article, it produces a speech made by the late Mr. Forgan Smith some 30 years ago and it is interesting to quote from the speech as reproduced in "The Worker". Here is one quotation from Mr. Forgan Smith's speech—

> "To function properly and to extend justice in framing awards, an Arbitration Court shall have authority to deal quickly with industrial disputes and must necessarily have very wide authority and very wide powers."

That is quite obvious and that is what we are doing in this Bill. We are making every effort to see that the processes are speeded up so that the court can move quickly, without having to wait for the various formalities, and we are seeing not only does it have wide knowledge but also wide powers. Further on, Mr. Forgan Smith said—

> "No Arbitration Court, no matter how formed, can operate in the interest of industrial peace unless it can be moved quickly and unless it can proceed of its own motion to deal with any matter which has caused an industrial dispute."

One would think that the text of Mr. Forgan Smith's speech was partly the inspiration for this Bill.

Mr. Newton: When did he say that?

Mr. TOOTH: I thought the hon. member read "The Worker". He said it during the time of the Moore Government. Here is the

final quotation and this is not from Mr. Forgan Smith but from the editor of "The Worker". He says—

> "We are opposed and resistant to this anti-union, anti-working class legislation."

I want hon. members to notice what he says in proceeding—

> "In saying that, we do not forget those people who are enemies of arbitration, and who have contributed to the early bringing-down of this Bill now before Parliament—we mean the Communists, their supporters and stooges."

That is very interesting. Of course the suggestion that it is brought down by the Government merely because of the existence of Communists in unions is false. Nevertheless, it is interesting to see what the editor of "The Worker" says on that issue. He goes on then—

> "The Communist manifesto for decades has been—'Arbitration must go. We must return to the law of the jungle. We must not have laws and a vehicle that the workers can lean and depend on. We must destroy arbitration.'
>
> "Prominent trade union spokesmen such as J. Egerton and others are notorious, too, for their utterances against arbitration and against the Arbitration Court."
>
> The Communists, the hotheads, the big mouths and the fools are the guilty people who have brought about this savage, repressive legislation."

Let the "Worker" be of good cheer. This legislation, we hope will help amongst other things to curb the activities of Communists, hotheads, big mouths and fools by giving rank-and-file unionists greater opportunities to control officials and to direct policy. Surely there is nothing savage or repressive about that. A most extraordinary attitude and a most extraordinary misapprehension of the whole genesis and purpose of the Bill is to be seen in some of the statements.

I go now to the next piece of literature we have seen on the matter, a document issued by the Trades and Labour Council and circulated at last Wednesday's meeting. This precious document was authorised by Mr. A. Macdonald and printed at the Coronation Printery. It is composed of many half truths and many downright falsehoods. It is disturbing that such a piece of coldly deliberate and calculated mendacity could be issued by a supposedly responsible body such as the Trades and Labour Council. The first statement is a reference to a Slave Act. I am not going to pursue that matter. It goes on to say it is the most repressive in the Commonwealth. The greater part of the measure is 30 years old. It has taken them 30 years to discover these things. The measure is substantially the Forgan Smith-Hanlon Act of the last three decades. The document says the Bill denies the right to strike. That, of course, is quite false.

Mr. Donald: Do you believe in strikes?

Mr. TOOTH: Yes. I ask the hon. member who has just interjected to note that this Bill sorts out the true industrial strike from the political strike. The true industrial strike is protected, and the right to do it is protected by giving the rank-and-file members the power to decide on such a strike by ballot. Such an authority is unlikely to be sought for anything but sound industrial reasons. Strong sentiments generated by a sense of injustice only, will ensure this result, and it is only upon those occasions that such a result is likely. Under the system we have of conciliation, mediation and arbitration, such a situation is very rarely likely to come to a head. On the other hand, we have the political strike of a completely different character. It does not matter what the conditions are; the promoters of a political strike will pick a time of difficulty, if possible. It does not matter whether the conditions are conducive to victory or whether victory is unlikely. It is designed primarily to create misery, to produce the classical revolutionary situation. That is the type of strike that the provisions of the Bill are primarily directed against. The power of the court, its authority, its powers to conciliate, its powers to negotiate and to reason, all of which have been enhanced by the Bill, will be a safeguard against industrial difficulties arising except on the very rarest of occasions. But the political strike is a strike of a completely different nature. The Bill gives the industrial authority of the State the necessary power to deal with it.

Mr. SHERRINGTON (Salisbury) (9.29 p.m.): I should first like to refer to the Minister's reply at the initiatory stage. In his short dissertation he descended to a lot of abuse of hon. members of this side of the Chamber. He referred frequently to the drivel he had heard during the debate. In his summing up, to quote his own words, he said—

> " . . . 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."

Yet, because of the very arguments advanced by members on this side of the House, and because of the arguments put forward by members of the A.L.P., and because of the pressure of employers' organisations, and the representations of unions following the exposure by members on this side of the House of the weakness and defects of the Bill he now, during the second reading stage, is prepared to enact some 20 amendments. Not only did the Minister do that, but he adopted a somewhat unusual procedure—during the second reading—of replying to speeches made by hon. members on this side of the House during the introductory stage. He did this in spite of his statement that he did not think any of the contributions were worthy of reply. One can conclude only that he said that because he did not possess the knowledge to answer the questions

and he had to seek advice before he could answer them. If that is not true, why did he assert they were not worth answering, and then try to answer them during the second reading stage. Perhaps he adopted the attitude that the Bill was beyond reproach and that no matter what argument hon. members on this side of the House might offer, he was not prepared to consider it. His attitude during the second reading was a complete somersault compared with his attitude during the introductory stage. During the introductory debate, he quoted statements made by the General Secretary of the Australian Workers' Union, but he showed a complete reluctance to quote from the next issue of the "Worker" which amply illustrated what the Australian Workers' Union think of this Bill. It showed that the A.W.U. think it is the death of arbitration and that they are oposed most violently to many of the provisions in the Bill, and indeed, it said that they would fight the legislation which oppressed the workers of the State. The Minister showed great reluctance to quote from this issue, and he will not thank the hon. member for Ashgrove for drawing the attention of the House to this article.

Mr. Morris: I certainly do.

Mr. SHERRINGTON: The Minister went to great pains to state how many of the recommendations he had accepted from the subsequent delegation which waited on him after the introduction of the Bill. However, he did not tell us how many of the suggestions offered by the unions he rejected. It is all very well for the Minister to say, "I accepted so many of their statements." If he had been completely honest he would have told us how many of their suggestions he rejected. If all the amendments that the Minister proposes to move, and the many amendments that the Opposition bring forward are carried the Bill will somewhat resemble a patchwork quilt.

The Minister said that he had investigated every possibility. He had met the unions, he had suggestions from interested organisations, and he had accepted their advice. Yet we find that immediately the Bill hits the light of day it is subject to amendments by him.

We learn that the Minister, who tried to discredit members of the Opposition, has had no experience industrially; he quite openly admitted that he has never been a member of a trade union. That is in marked contrast with the qualifications of hon. members on this side whom he sought to discredit and whom he thought were not worthy of reply. They have come from an industrial field rich in experience of the struggle and the existence of trade unions. There would be no men better qualified to speak on industrial matters than those members of the Australian Labour Party who rose from the ranks of the trade unions.

In my experience in this House, it is quite evident from the very numbers of Government members who have risen to speak in support of the Minister that he is in trouble over the Bill. I have never seen as many Government members rise to support a Minister introducing a Bill into this House as have risen on the second reading of this Bill.

As a matter of fact, if I might refer to the tirade of the hon. member for Carnarvon, it is very significant that the Government benches were filled to capacity during his speech but, immediately it ended, Government members left the Chamber. I leave it to hon. members to draw their own conclusions.

Can it be that, because the Minister has sought to introduce 20 or more amendments, he has been ill-advised on the Bill, that the committee he set up to investigate and to suggest amendments to the Industrial Conciliation and Arbitration Act have not performed their duty satisfactorily, have not fulfilled the Minister's expectations and have not been responsible for the introduction of a measure that either the unions or the employers regard as acceptable? Or is it his desire to bring the workers of the State to their knees by inflicting on them repressive legislation based on his own personal hatred of employees as a whole?

I want to make it abundantly clear that the Australian Labour Party's policy is conciliation and arbitration. We are going to abide by conciliation and arbitration and we are going to foster conciliation and arbitration in spite of individuals and in spite of individual opinion. The Australian Labour Party is proud that the industrial conciliation and arbitration laws of Queensland have been framed very largely as a result of the struggles of the early trade unionists in the State. In spite of individual opinion, the Australian Labour Party believes in conciliation and arbitration, with the emphasis on conciliation.

In a summary of the Bill in his introductory speech, the Minister said that it contained a great proportion of the present Act. That statement is not entirely true, nor is it correct, because by a careful omission and alteration of many of the words and provisions of the present Act, he has embodied its worst provisions and features in the Bill. This is proved, because early in the Bill, in the definition of "employee", he has deleted the paragraph contained in the Act dealing with the issue of shares to employees. He has seen fit to condone the actions of those employers who, under the threat of dismissal, issue, or cause to be issued, shares to their employees so that the employees, because they are partners in the firm, or because they hold shares in it, can breach the very same safety provisions that the Minister boasted to the House he was providing under the Factories and Shops Bill and the Inspection

of Scaffolding Acts Amendment Bill. By deleting that paragraph, he is making it possible for employees to acquire shares in a company and breach the award by working for ordinary time on Sundays and statutory holidays and to disregard the safety provisions of awards and not be entitled to workers' compensation. Not only is he doing that, but he is also penalising the decent employers who observe every award and every Act and provide all possible safety measures, who care for their employees by making sure they are covered by compensation, and who pay award wages and award rates. It is obvious from what I have just said that we are not one-sided in our attitude. It is quite a somersault on the Minister's part to bring down one Bill and state the virtues of safety and his genuine interest in it and then to introduce another Bill allowing employers to flout the provisions of the awards and Acts that he administers.

I also draw attention to the Premier's attitude. In reply to a question in which he was asked whether he was aware that certain companies were issuing shares, he said, in effect, that adequate legislation was there to deal with the companies but that, after all, it was not the Government's responsibility to dictate what employees should do with their wages. We find now that, by omitting these important provisions, he is further destroying the protection that genuine employers and workers had in Queensland.

The Bill is notable for one thing. It is notable for its abrogation of declarations by the International Labour Organisation, particularly in regard to the freedom of association. Let me say quite clearly that the International Labour Organisation is a democratic organisation attended by employee, employer and Government representatives. An organisation like that, representative of all thoughts and all sections of the community, agrees in article 2 of Convention 87 that "workers and employers" (that is important, "workers and employers") "without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join associations of their own choosing without previous authorisation." Article 3 provides that "workers' and employers' organisations shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organise their administration and activities and to formulate their programmes. The public authorities shall refrain from any interference which would restrict this right or impede the lawful use thereof."

Mr. Morris: Do you agree with that?

Mr. SHERRINGTON: I agree with it entirely. If the Minister does not agree with it—and I know he does not—he is not conversant with the International Labor Organisation.

Mr. Morris: I know more about it than you.

Mr. SHERRINGTON: The Minister does not subscribe to the ideals that employers, employees and governments have already subscribed to. But then we would not expect the Minister to do that.

Mr. Morris: Which government have subscribed to that?

Mr. SHERRINGTON: The governments of many countries have been represented at those conferences.

Mr. Morris: Have any governments of Australia subscribed to what you read?

Mr. SHERRINGTON: It was ratified by members of the Australian trade union and employers' organisation.

Mr. Morris: Has that been ratified by any government in Australia?

Mr. SHERRINGTON: I would not expect it to be ratified by the anti-worker Menzies Government and it is evident that the Minister is following Big Boss Bob in this Bill.

It is also notable that the Bill introduces a breach of a rule of British justice and the Declaration of Human Rights. I refer to the provision that states that unless a member or official of a trade union can prove that he took every possible step to prevent a breach of a court order he shall be deemed to be guilty. Article 11 of the Universal Declaration of Human Rights provides—

> "Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence."

As the legislation is framed it is a direct negation of that principle of the Declaration of Human Rights.

The hon. member for Merthyr tried to justify the Government's attitude when he said that the provision applied equally to employers. Can two wrongs constitute a right? That is why members of the Australian Labour Party who have always subscribed to and believed in the principles of British justice cannot be convinced that because it applies to both sides it is justified. It is equally wrong to brand an employer guilty until he is proved innocent as it is to do so with an employee.

I am sorry that the hon. member for Merthyr is not in the House because we know that his type of thinking would probably be due to the befuddled state of his mind because of soot from the New Farm powerhouse. On this question of onus of proof, where it is established that a breach of the court order is committed and the union official has proved that he took every possible step to prevent it, what is the position? The Minister stated in his defence of this attitude that the legislation was framed to protect the rank and file from the hot-headed and intolerant union officials.

Mr. Smith: That would be a good description, too.

Mr. SHERRINGTON: At least I show pride in the Australian Labour Party's adherance to the principles of British justice.

Mr. Smith: British justice, did you say?

Mr. SHERRINGTON: The hon. member does not understand it and he is trying to administer it.

Now let me quote from "Hansard" in reference to the introduction of the Industrial Peace Bill. This goes back to 1912. I quote a statement by the then Premier, the Hon. D. F. Denham, who was notorious for his anti-worker attitude. On the introduction of the Industrial Peace Bill he said—

> "The leaders—not the rank and file—of the workers are today as selfish in their object as ever Capital was at its worst. They are now carrying on a class fight; and the shortsightedness of the leaders and their intolerance must recoil upon the workers. The object of this Bill is to protect the workers from that recoil."

Then he goes on further in reply to an interjection by Mr. Bowman and states—

> "We seek to protect the worker against the shortsightedness and intolerance of his leaders."

Here we have, some 48 years later, a Minister for Labour and Industry coming into this House with the same line of propaganda, and it can only prove that Tory thinking has not altered one iota in the last 48 years.

Now let me deal with the separation of the judicial and the arbitral powers of the court. Surely, in this modern day and age, an Industrial Court, which, at its very best, can only be referred to as a court of penalties, is not in keeping with the spirit of conciliation and arbitration; it is more in keeping with legislation that we would expect to be framed in some Nazi country. The main function of this court is to mete out penalties, and they are very strict penalties, including terms of imprisonment. In their protection of their just birthright unionists are to be regarded as though they were in the category of common criminals. There is no place in conciliation and arbitration for a court whose function is to penalise members of unions. In one instance the court has power to impose a penalty for interruption of court proceedings. Other hon. members have referred to spontaneous interjections during the hearing of a case. What sort of a court have we constituted if it has power to impose vicious penalties for spontaneous interjections? Is that provision in the interests of industrial peace? Quite frankly, I think these provisions are perhaps among the worst features of the Bill.

Mr. Pizzey: It was in your Act.

Mr. SHERRINGTON: That does not justify its inclusion in the Bill. Unlike Government members, A.L.P. members advance with the times. We are prepared to amend the existing law, as was proved by the legislation of former Labour Governments. We are prepared to admit a weakness in the law and amend it. When the Minister for Education entered the Chamber, I thought we might get some intelligent interjections. His latest interjection does not do him any credit.

At the introductory stage I referred to the long delays in court hearings. I spoke specifically of the claim by the Electrical Trades Union that was before the court for two years and three months. It sought an increase of £2 a week, yet the court after two years and three months brought down a judgment in which it gave an increase of 5s. a week. The union subsequently went on strike because of the judgment. The Minister for Development, Mines, Main Roads and Electricity—I regret he is not in the House—made the silly interjection that the increase eventually granted was gained through conciliation. I know the facts of the case. Without any sense of guilt I say I was one of the strikers. The amount gained by members of the Electrical Trades Union employed in power-houses was not gained through conciliation; it was obtained only after the union had been on strike and the employers were prepared to talk turkey. That is the type of conciliation Government members believe in. They do not believe in conciliation before an approach to the court. The result in that instance was obtained through conciliation, but only after the men had resorted to strike action. A.L.P. members hold the view that conciliation is the first step to industrial peace. We have heard statements from Government members to the effect that union officials desire to keep their members on strike. The Minister for Labour and Industry spoke of drivel. I hope he heard that piece of drivel. No member of any trade union wants to be on strike. He cannot afford to be on strike. Let me dispel for all time the tear-jerking arguments advanced by Government members about the poor wives. I have been a member of a trade union, and I am still a member of a trade union, unlike hon. members on the other side of the House who resigned from their trade unions. The wives of the members of those unionists are wholeheartedly behind their men in an endeavour to gain a better standard of living, and a better chance to raise their children decently, and feed them properly. Let us not hear any more of this drivel about the poor wives.

Mr. Hanlon: The fact that so many wives have to go out to work indicates that wages are not high enough.

Mr. SHERRINGTON: The wives will go out and support their men and I accept the interjection of the hon. member for Baroona.

Because the male members of the home—the breadwinners—do not receive adequate remuneration, and are unable to educate their children decently, without denying themselves the bare necessaries of life, the wives are forced to accept employment. For that reason all this talk about the "poor wives" shows a complete ignorance of the structure of the trade unions, and it shows a complete ignorance of the team spirit that exists between the workers in industry and their families.

Mr. Hughes: Do you honestly believe that?

Mr. SHERRINGTON: The hon. member may get up and speak. He makes his best speeches by way of interjection, and even then they are not very intelligent.

Mr. Smith: Why do you get so angry?

Mr. SHERRINGTON: I have been asked why do I get so angry. Perhaps I should not get angry. Perhaps I should adopt the biblical quotation, "Forgive them Father, for they knew not what they do." That quotation could be applied aptly to hon. members who interject and who rise only to pour out a tirade of vitriolic abuse on members of the A.L.P. I say that without fear of contradiction because I have been a striker, and I know what goes on. It would do the hon. member's heart good to be a member of a striking union.

Mr. Hughes: I have been in a strike.

Mr. SHERRINGTON: It was because of a lack of co-operation by the Tory Council that the members of the electrical trades went on strike.

Before I was so rudely interrupted by interjections I was about to say that the provisions that bonus payments are not to be subject to the dictation of the court is one of the anomalies in the Bill. Is it not strange that we have a court that cannot award bonuses, yet it can cheerfully abrogate or reduce existing bonuses? I was going to draw the analogy of having two bob each way, but I do not think that would apply. Is it not also significant that we find it is the Government's desire for employers and employees to enter into negotiations?

The hon. member for Windsor, who is trying to interject, would not know the difference between an employee and a union, and that has been amply demonstrated here tonight. However, what is wrong with a union carrying out negotiations for its members?

Mr. Pizzey: That has been provided for in an amendment.

Mr. SHERRINGTON: The hon. gentleman has not read the Bill and he is the Minister for Education.

Mr. Pizzey: You have not read the amendment.

Mr. SHERRINGTON: The Bill specifically states that it allows for agreement between employer and employees, and the members of the Government have been quite confused all day because they cannot see the difference between an employee and a union.

Mr. Pizzey: That is in the amendment that was circulated this morning..

Mr. SHERRINGTON: Frankly, it would not be surprising if we found it difficult to understand the Bill fully because already the Minister has hopped into it with 20 amendments.

Mr. Hanlon: There are other places in the Bill where that is mentioned besides the amendment.

Mr. SHERRINGTON: Yes. I do not intend to be sidetracked on that score.

An Honourable Member: Why make misstatements?

Mr. SHERRINGTON: I do not make misstatements, but there have been plenty of misstatements from the Government side today.

Why should provision be made for financial aid to be given to one aggrieved person to prosecute a union, which is wrongful use of public money, when provision is not made for 10 or 100 employees to be financed to prosecute an employer for a breach of an award?

There are many other features of the Bill that I could speak about but we will have plenty of time to debate the clauses in Committee. Before my time expires, I want to make reference to the clause that provides for a fine of £1,000. Government members have said that this was introduced by a Labour Premier, the late Mr. T. J. Ryan, but they did not point out something that is very pertinent. Was not the provision of a £1,000 fine embodied in the Act to protect employees from the lockouts that employers were engaging in? Was it not a fact that it was illegal to be a member of an industrial trade union some years before and that men were being thrown into prison because of their association with trade unions? And was not this £1,000 fine written into the legislation to protect those very same employees from being locked out by employers because they were members of a trade union? Now we find that in the Bill the Government are seeking to turn on them the very fine that was introduced for their protection. There is ample evidence that speeches by Government members have not brought to the light of day the reason for the introduction of that provision. There is probably no right that organised labour deems more sacred or more indispensable to its existence and well-being than its right to organise against injustice inflicted on it by legislation or in any other way, so any legislation framed to restrict or to destroy this right will be met only by a further determination to preserve it.

(Time expired.)

Mr. WALSH (Bundaberg) (10.10 p.m.): One thing that has impressed me in this debate is that at least we are still living in an atmosphere and an environment that allows free expression of opinion. In saying that, I want to emphasise that I have noted during the debate, particularly in speeches made by hon. members on this side of the House, and in Press reports that there is a division of opinion within the trade union movement on the approach to the Bill, just as there is a division of opinion amongst members of the A.L.P. at present. I may disappoint somebody before I sit down by not engaging in the tactics of trying to produce a brawl in the House, but I do not intend to do that.

In the first place, I emphasise that I subscribe to the attitude of the Leader of the Opposition who said that he was not going to oppose the Bill, but that there were certain features of it to which he was very definitely opposed. That is a fair enough attitude, and I have explained where I stand. Although the Leader of the Opposition said that, I think hon. members will remember that the hon. member for Cairns exercised his right in the House to say that he was opposed to the Bill. That is why I say there is obviously a division in the ranks of the A.L.P. on that matter.

Mr. Knox: It is pretty obvious.

Mr. WALSH: I have already justified my attitude, I think, by stating those two points. On the other hand, it is very evident that, no matter what attempts may be made to try to get any member of the Labour Party or of the trade union movement to follow the line taken by the Trades Hall against this measure, there is a substantial section of the industrial movement that is not prepared to follow that line. To sustain my point, I should like to quote from "The Worker" of Monday, 20 March, 1961. On the front page, under the heading—

> "Petition to the Minister. Statement by the Branch Secretary"

this appears—

> "The following statement was made last Friday by the Branch Secretary of the A.W.U. (Mr. Edgar Wiliams):—
>
> 'Representations were made to the Minister for Labour and Industry, Hon. K. J. Morris, M.L.A., by Mr. K. Sanders, secretary of the Federated Clerks' Union, and Mr. E. Williams, Branch Secretary of the Australian Workers' Union, on behalf of the Federated Clerks' Union, the Australian Workers' Union, the Queensland Shop Assistants' Union, Queensland State Service Union, Queensland Government Professional Officers' Association, Clothing and Allied Trades Union of Australia, and Railway Traffic Employees' Union, on a number of desirable features of amendment to the Bill that is being moved to amend the "Industrial Conciliation and Arbitration Act.".' "

The article goes on to say—and I want to be fair in this—that the speaker on behalf of the combined unions listed was Mr. K. Sanders, secretary of the Federated Clerks' Union. It then sets out the other phases of the report, and it is there for all hon. members to read. The point I am emphasising is that a great union such as the Australian Workers' Union has seen fit to associate itself not only with other substantial unions in Queensland that are not affiliated with the A.L.P. but also with unions that are affiliated with the Australian Labour Party. That cannot be denied, because I have read the statement in "The Worker". I have never at any stage of my political career been in line with the attitude adopted by the Trades and Labour Council dominated, when it has been so dominated, by Communist influence. It is quite clear that there is a substantial section of the Trade Union Movement that is not prepared to so identify itself with that attitude either.

If I might digress at this stage, I would say that there seems to be some misunderstand about the scope or the extent of the discussion that should be allowed on the second reading of the Bill. I draw attention to a definition of "Political objects" that appears on page 11. With due respect I would say that that opens up a very wide discussion. I think the Minister will agree that one of the amendments that has been circulated will have the effect of bringing within the network of penalties provided in the Bill not only industrial associations or persons, but also such bodies as the Trades and Labour Council.

Mr. Morris: Quite right.

Mr. WALSH: The Minister agrees. I am merely pointing out that there is certainly a very wide scope for discussion on all the activities and political aspects of the Communist Party or the activities of the Trades and Labour Council. It is not that I intend to embark on such discussions but——

Mr. SPEAKER: Order! I would remind the hon. member that the amendment has not been discussed, therefore it cannot be debated at the second reading stage.

Mr. WALSH: I have made the point that the amendment has been circulated, and I have drawn your attention to the definition of "political aspects". It even goes to the extent of dealing with the expenditure of candidates for election to Parliament. I am sure you will agree that the definition opens the way for a very wide discussion if hon. members so desire. As I say, I am not particularly keen to open it up.

I do not know that there would be any disagreement when I say that hon. members generally have some regard for the importance

of any legislative proposal seeking to regulate in an orderly manner an industrial code or industrial standards. That is why the Labour Party over the years has definitely identified itself with compulsory arbitration, but now an attempt is made to throw it overboard by irresponsible members of the Trade Union Movement. I refer to the replies given to the Minister for Labour and Industry on the television programme on Sunday night when Egerton said that he was against arbitration. If within the structure of the Trade Union Movement, and within the structure of the A.L.P. itself someone is aiming at the destruction of one of the very vital foundations of Labour policy and industrial policy in Queensland, I suggest that those who hold the principles of Labour dear to their hearts should have a good look at the constitution of their own organisation.

Mr. Mann: That is one of the foremost planks of our platform.

Mr. WALSH: As the hon. member for Brisbane interjects, it is. But that was said by a man who is a member of the Inner Executive. That is what he said, no matter how members of the A.L.P. may try to escape it. As a responsible member of the A.L.P. Egerton publicly declared that he is against that plank of Labour's platform.

This is a very important piece of legislation, and not the most important as the hon. member for Ashgrove might have said, because when the Bill was introduced in 1915 it could be regarded probably as the most important piece of legislation that had been brought in——

Mr. Morris: 1917.

Mr. WALSH: Excuse me, the Bill was introduced in 1915 by the late E. G. Theodore. It was assented to in 1916. No legislation should be sectional to the extent that it favours one class against another, nor should it be entirely repressive. So much has been said about the repressive features of this industrial legislation over the years that I think it is about time we stood up to our responsibilities as a Parliament and as men associated with public administration and realised that in this House we are speaking as representatives of the community as a whole and not of any particular section of it. I represent every section of my electorate, as I take it every hon. member of this House will agree he does. I hesitate to think that any Government at any stage will completely eliminate the penal clauses in this legislation. I could not in conscience stand up and justify penalties being applied to only one section of the community whether it be the employees or the employers.

Mr. Wallace: We have never advocated that.

Mr. WALSH: I want to make my own position clear, and I should say that, over a period of years, Labour Governments have introduced some of the most far-reaching and drastic penalties to meet the sabotage of our industrial planks within the Labour structure. I do not have to remind hon. members here, even though I was not in Parliament during this period, of the 1948 railway strike when what I considered to be one of the most drastic pieces of legislation ever introduced by a Labour Government was introduced in what was known as the anti-picketing law. I could not have subscribed to that law in the way in which it was enacted if I had been a member of Parliament at that time. I would have had to subscribe to it on the basis that it was an emergency Bill.

Mr. Mann: That is what it was and it was repealed.

Mr. WALSH: Here is the point, and I drew attention to it at the time: in many of such Bills there is provision for their repeal by proclamation but, unfortunately, this particular Bill was written in such a way as to make it appear that it would be permanently established in our industrial code.

Mr. Wallace: We repealed it.

Mr. WALSH: I know that, but provision should have been made in the Bill itself for withdrawing it by proclamation, as was done with other Bills.

I do not surrender to the employing class having regard to the atmosphere in which I was reared and the struggles in my youth under a Tory Government but, should not our activities, in relation to this legislation particularly, have regard to the community's interests in the first place? And, if we take into consideration what the community's interest is, then we must at some point come face to face with the necessity of providing some penalty to curb the activities of those who seek in any way to disorganise the community or industry?

Legislation prepared on any other basis, I think, must fail. It is important when one realises that a court sitting as such, or a commission in this case, gives decisions that involve the community in the expenditure of millions of pounds. That in itself emphasises the importance of the discussion on this Bill. It was stated that the Commonwealth Court's decision on margins was responsible for injecting into the economy of the nation something like £165,000,000. That was at a time when everybody was crying inflation. There are people who are now going to take up the attitude that there should be some power in this legislation to prevent the Industrial Court from making the usual declaration of basic wage increases. That is one of the things I am against.

I do not think a recital of the early history of these matters does any harm.

We can see the foundations of the system and how it has been built up, and how we have reached the stage when a section within the trade union movement is seeking to destroy this great pillar of arbitration and the Government also are seeking to destroy it by re-enacting many of the principles of the early industrial legislation of the State.

Prior to the introduction of what is known as the Industrial Peace Act and the Industrial Arbitration Act of 1915 the law of the jungle, a phrase used tonight by the hon. member for Carnarvon, applied and applied mainly against the worker. There can be no argument against that statement. Further, the civil laws in days gone by favoured the masters. I ask hon. members to remind themselves of what happened in the 1891 strike when the armed forces were used, and of the enrolment of special police in the 1912 tramway strike. It was after that time that the Industrial Peace Act was brought down by the Denham Government. Before that we had what was known as the Wages Board Act. Wages boards consisted of representatives of employers and employees in the particular industry. Their jurisdiction was extremely limited. Although certain powers were given to them to enter into agreements, they could not at that stage enter into an agreement providing for preference to unionists even if the employers and employees agreed to it. They were forbidden by the law of the day to enter into such agreements. Decisions of a Wages Board in respect of a particular industry could have a far-reaching effect in every other industry.

There was no such thing as a basic wage in those days. I thank hon. members opposite for their laughter. I remind those hon. members who want to know something about the history of industrial arbitration that the first industrial award in the sugar industry in Queensland was made by Order in Council under what was known as the Sugar Bounties Act. It was brought down by Frank Tudor who was then the Minister for Trade and Customs in the Federal Labour Government following the 1911 strike. Representations were made during the passage of the Industrial Peace Act. Well do I remember it. A special clause was put in the Act, exempting the sugar industry from the operations of the Industrial Peace Act. The employees were shut out from the new tribunal that had been set up, not that it was a very satisfactory or effective one. The Industrial Peace Act followed considerable industrial unrest. It provided for industrial boards with limited jurisdiction. The principle being embodied in the legislation is virtually the same as the principle contained in that early legislation, a separate court with separate jurisdiction. I do not know what hon. members on my left are interested in.

Mr. Mann: They are selecting a new C.M.O. candidate.

Mr. WALSH: If they want to interject, I do not mind, but I object to their chatter. With very limited exceptions, the Court had appellate jurisdiction only. I am asking the Minister, "Does this Bill restore that principle?" Obviously it does. That is why I say they had to go right back to 1912 to resurrect something that was discarded long ago. We have here a tribunal that has worked successfully for 45 years as a single tribunal. Why upset it? It has worked satisfactorily in the interest of employers and employees.

Mr. SPEAKER: Order! If hon. members at the back of the Chamber wish to hold a meeting they are quite at liberty to retire from the Chamber to do so, but I ask them not to hold it in the Chamber.

Mr. Morris: Your inference there is wrong.

Mr. WALSH: The Minister may say it is an inference, but I am only trying to seek the factual position. The Minister cannot deny that he has set up a separate Industrial Court, and I have said it is similar to the provision in the Industrial Peace Act of 1912 when Mr. Justice MacNaughton was appointed by the Denham Government as the first judge of the Industrial Court.

Another interesting fact is that the Act provided that only the callings listed in the schedule to the Act could apply to the Court for a hearing. Therefore, anything that was not in the schedule to the Act was left entirely outside it. If you wanted to bring in a new industry the Act had to be amended. In 1915, the Labour Government remedied that by providing that all callings could be brought into the ramifications of the Act. That was introduced by Mr. Theodore, and if there were to be any exemptions they were to be provided by Order in Council. Strangely enough, right up to 1915, the unions had no right to appoint advocates to appear on behalf of members. We have come a long way since those days when Labour introduced that legislation in 1915, and amended many of the defects in the Act. Before a matter could be brought before the Court it had to be referred to the Court by a group of employees, and, as I said, the union advocates had no right to appear. That measure was introduced in 1915, and was assented to in 1916. It has stood the test of time so far as the main principles are concerned, although there have been many amendments in the intervening 45 years as a result of agitation by trade unions and the Australian Labour Party.

It was always a satisfying feature, on my visits to Federal Labour conferences in the South, to have union representatives from other States, and some with experience in this State, including Mr. Dougherty of the

A.W.U., rising to their feet at conferences, advocating that the Commonwealth Conciliation and Arbitration Act should be amended on the lines of the Queensland industrial laws. What better testimonial can we have from the union point of view, and the employers' point of view, if I may say so, because is it not a fact that most of the employer organisations and trade unions are registered under the State industrial jurisdiction, and there has been no desire by those groups to get away from the jurisdiction of the State Court and go to the Federal Court?

If I may say so, the war disrupted many of the principles laid down during that time. The disruptions came about as a result of the regulations issued under the National Security Act which sought to protect the industrial code and the industrial economy of the nation as a whole. There were such things as war loadings for particular industries, and we had private agreements, particularly in the post-war period, that were entered into between the Governments and the private employers outside the Court, only to set a pattern for other industries to follow, thereby wrecking many of the principles that were laid down by the Court over the years. Too frequently has the court been blamed in this House and outside for actions that were not the result of hearings before the court. Let me give an example of that. No doubt a certain section of the trade union movement would have thrown up their arms with glee when they read that the oil companies had approved of the largest marginal increase for the metal trade groups known in the history of the trade-union movement in Australia. Of course they would. Why not? What does it matter to the oil companies if they lay down a margin for their skilled tradesmen to build their refinery and get it over without industrial trouble? The mess they leave behind them in the agitation that develops by unions to set that as the precedent to be applied to other industries does not matter to the oil companies. So let us look at the matter straight and not be blaming the court all the time when many of the shortcomings have resulted, as the years have gone by, from the application of judgments from the court and private agreements outside.

Then the Moore Government came in and we all know what happened. They ringbarked the Industrial Court and made very many alterations to vital principles. This Government are not going as far. They did in effect take away the right of the court to grant preference to unionists, and, despite that, the Australian Workers' Union and the Queensland Cane Growers' Council entered into an agreement, registered in the court, which enabled them to carry on preference to unionists within the structure of the sugar industry. The Minister protests but I am just showing how governments like his have interfered with this great structure in the years past.

The Bill, as I have read it in conjunction with the amendments the Minister proposes to move, was badly arranged and ill digested, and the fact that the Minister had more or less to submit to very angry protests from members of his own party on certain provisions suggests that due consideration had not been given to it by his party in the first place. It would appear to me that the wrong people had the Minister's ear and the Government's ear.

It is important that the provision for legal appearances was dropped from the Bill and I compliment the Premier for probably having taken the lead in that because he would know that, after 45 years of satisfactory administration without the lawyers in the court, no court functions more effectively than the Queensland Industrial Court, despite what the hon. member for Salisbury or anybody else might say. It must be accepted that the Queensland court has operated more effectively in the interests of the trade unions and in the interests of the community than any other court in Australia. I do not know where the agitation against the appearances of legal men in the court came from. I know that Mr. Justice Brown made some observations from the court very early in his appointment which I did not think was helpful, because it would appear there was a tendency to introduce the legal approach to the court, which is a very bad thing. The experience in the Commonwealth court should be sufficient. I do not know whether it has come to the notice of hon. members generally that there is a case now before the Commonwealth Arbitration Court providing for a Federal award for the Association of Professional Engineers of Australia. This journal, "The Professional Officer" of February, 1961, says—

> "Legal costs in Federal Courts may be very high. For example, it has been said that an award to cover engineers sought by the Association of Professional Engineers of Australia will cost £100,000 before the proceedings are completed. There is, of course, no guarantee that the outcome will be all that the applicants desire."

That case, I understand, has cost approximately £40,000 up to date, and Judge Spicer very recently—within the last few weeks—gave a direction in the Commonwealth Court that it had to be finalised before 26 May next, yet people here are seeking legal appearances in our court. If we go back, some hon. members might recollect that the A.C.T.U.'s basic-wage case some years ago cost that body over £40,000. In other words, it cost the trade unionists that amount of money, and I am very pleased that the Government have accepted the representations from both the employers and the employees asking that the existing position be retained in our Queensland court.

There is something to be said in favour of legal appearances in the court at certain stages, and I am not entirely against the appearance of legal men.

Mr. Morris: The clause only provides for legal representatives under certain circumstances.

Mr. WALSH: I know. The Act now provides that there has to be mutual agreement between the parties.

I want to emphasise to members of the A.L.P. that it is no good talking with one's tongue in one's cheek in these matters. Let us be frank and open about it. Do not let us mislead the trade unions or the community generally about the provisions of the Bill. It might interest some hon. members to know that within the last few days a case has been heard in the Industrial Court of Queensland where the union assisting its member, a meatworker, actually asked that a legal man be allowed to appear. Mr. Max Julius appeared for the worker, and all hon. members know who Mr. Max Julius is. That meant that the employers had the right to have legal representation in the court also. I suggest that it should be left to the common sense of both sides. Where a case arises in which it is necessary for the employee to have a representative to put his case on the legal aspects, he should not have to rely on a layman to present it if penalties are involved.

The Minister said, and rightly said, that most of the provisions in the Bill are a re-enactment of the old law. I cannot find myself out of step with a Bill that embodies and re-enacts many of the provisions that have been accepted for so long by consecutive Labour Governments, consecutive Labour caucuses, and consecutive Labour conferences. But there are a few features of the Bill with which I do not agree. I do not agree, for example, that the court should be in any way impeded in its quarterly adjustments of basic wage declarations. When Mr. Gair was Premier of Queensland, the Government of the day were able to tell Mr. Menzies and other State Governments that had eliminated from their legislation the provision for quarterly adjustments that they were provided for here and that the court could deal with them as it liked.

There are certain provisions in the Bill relating to seasonal industries—sugar and meat particularly—but I should like to mention now certain matters concerning the staff of the State Reporting Bureau. I know that there is a provision allowing for an extension by Order in Council. But I have in mind the female employees in the State Reporting Bureau who are part-time workers in a sense, but they are on call at any time to work at the Supreme Court, on Royal Commissions, or on "Hansard". I should like the Minister to look into their case and see whether they would be covered by the long service leave provisions.

Strangly enough I find myself in step with Mr. Egerton about secret ballots. Even though he is the man who did so much to wreck the Labour Government and the Labour Party I find myself in step with him when he says that he favours secret ballots. Why not? Why should any member of the Labour Party not be in favour of secret ballots? Why should we not be in favour of court-controlled ballots? If the position arises where there are any irregularities in the conduct of ballots, what is wrong with the Court conducting the ballot? In my time as a member of the Inner Executive of the A.L.P., when we had complaints about plebescites the Q.C.E. took the step of appointing the secretary of the Q.C.E. to conduct another ballot. That was fair enough. That is why I cannot see any objection to the provision regarding ballots. No matter what might be said to the contrary, there is an attempt on the part of the Communists to get complete control of the trade-union movement and the Labour movement in this country. How can anybody who subscribes wholly and completely to the principles of the Australian Labour Party, as I have understood them over the years, identify themselves or associate themselves with any Communist trying to gain control of the trade union or the political Labour movement? I remember how they criticised men like Chifley, Curtin, Forgan Smith and Fallon. How could they ask me as a Labour man to align myself with Communists? I am not objecting to the right of a Communist to be elected as a secretary of a trades union, but immediately he indulges in political strikes, as is evident and has been evident for some time in Queensland, it is time for every bona-fide trade unionist and every genuine Labour man to identify himself, one with the other, in a body. Do not think that it is not happening. I do not ask anyone to take my word for it. If the Minister likes, let him accept the word of Edgar Williams, the man who has been referred to as one who can be relied upon to uphold the traditions of the great trade-union movement. He has drawn attention to the ramifications of the Communist Party within the structure of the Labour movement and the trade union movement. So do not let us identify ourselves with the prejudices against the Q.C.E., Santamaria, or anything else. Let us put those prejudices aside and recognise that we are facing an enemy who, unless active steps are taken by the community as a whole, sooner or later will achieve the objective of the complete domination not only of the political Labour movement but every other phase of our society.

If I live long enough to see the day when Russia is on the side of the western communities I wonder what the attitude will be of those who now sponsor the cause of Russia. If, for example, the day comes when Russia is against Red China nearer to our doorstep, where will the Egertons,

the Dawsons and the rest of them be? But do not let us confuse the issue over this measure. It has many of the elements of Labour principles in it. For that reason I accept the main principle of the Bill, but reserve the right to oppose certain provisions in it.

Mr. INCH (Burke) (10.50 p.m.): There have been some very valuable contributions made in the debate on this Bill and I have very much satisfaction in saying that the most valuable contributions have come from the Labour side of the House.

One feature of the debate that struck me was the similarity of the defence of the Bill by members on the Government side. The defence mostly took the form of an attack that has been noted for its abuse and the bitter invective hurled at the members of the Australian Labour Party and certain persons at the Trades Hall. There have been references to a person by the name of Egerton.

Mr. Davies: They have a phobia about him.

Mr. INCH: Yes, they certainly have a phobia about him. I fully endorse the remarks of the hon. member for Cairns, that this Mr. Egerton is the secretary of his union and delegate on the Trades and Labour Council and as such he only voices the opinion of the trade union movement, not the opinion of the Australian Labour Party.

This debate has been impaired to some extent by the asinine remarks of several members on the Government side. They leave no doubt in my mind that they are endeavouring to ape that well known character in a Shakespearian play, called Bottom. As hon. members will remember he always adopted the part of placing the head of an ass upon himself, acting as an ass and passing asinine remarks. In some measure some hon. members on the Government side of the House adopt this very same character.

The Minister this morning, in speaking to the Bill, more or less donned the mantle of a knight in shining armour coming to the rescue of the rank and file of trade unions, especially in giving back to them the control that is their due. I might inform the Minister that the rank and file of the unions have always had control of them and I speak from experience because I am a trade union member myself. I am a member of the Federated Engine Drivers' and Firemen's Association and in this union we are given every opportunity to nominate for official positions. Each and every member receives a ballot paper, returning officers are nominated and if I, as a member of that union, wished to nominate for an official position in it, I also had the right to elect my own scrutineers. Those facts alone are sufficient to prove to the Minister that control of that union is in the hands of the rank and file at all times.

There are several features of the Bill that will directly affect employees already engaged in industries. Under industrial agreements and judgments of the Industrial Court the employers are obliged to share the profits of their undertakings with their employees by way of prosperity loadings or bonuses. The employees who will be affected most by this provision of the Bill are those engaged in metalliferous industries in such centres as Mary Kathleen, Mt. Isa, and Mt. Morgan. Under industrial agreements and court judgments bonus payments are made to thousands of employees in these industries. Bonus payments are not new to this type of industry. As far back as 1937 the first bonus payment of 6d. a shift was paid to Mt. Isa employees. That was by direction of the Court. After payment of the bonus and after allowing for a 7 per cent. dividend to shareholders, the profit of the company before taxation was £1,338,962. After taxation an amount of £890,325 was available to the company for improvements, depreciation and so on.

Mr. Richter: When was that?

Mr. INCH: 1948. Between 1937 and 1948 little lead bonus was paid owing to the fact that the price of lead had dropped below the standard set by the Court and that in the war years Mt. Isa Mines had gone out of lead production and had started on copper production. No bonus was paid during that period but in 1948 the Industrial Court ruled that a bonus of 6d. a shift be paid when lead reached a price of £57 a ton Australian, and that for every £1 per ton by which the price of lead exceeded £57 a ton an extra 6d. a shift was to be paid.

To back up my statement I shall refer hon. members to the judgment of the Court in 1948. It comprised the President, Mr. Justice Matthews, Mr. W. J. Riordan and Mr. T. E. Dwyer. I will not read the whole of the judgment, but I shall refer hon. members to the following extract from it—

> "After payment to the employees of a lead bonus amounting to 20s. per shift, and the payment of a 7 per cent. dividend, the company would have available before taxation an amount of £1,338,962, and after taxation would still be left with an amount exceeding £870,325 wherewith to make such provision for reserves, improvements, etc., as was mentioned by Mr. Kruttschnitt, the company's representative before us."

Bonus payments gradually increased after 1948 until they reached a peak of £17 5s. a week in 1951. I point out that during all these years the company was very active in applications to the Court for reductions in the lead bonus, either by way of a direct reduction in the lead bonus per shift or an increase in the starting price for the lead bonus. But the court would not agree to that in 1951. However, it gave some relief to the company by pegging the lead bonus

at £17 5s. a week irrespective of the increase in the price of lead from then on. While the court pegged the lead bonus at £17 5s. a week it also retained the minimum price at which the lead bonus would be paid, and that was £57 a ton. That gives hon. members some idea of the bonus payments that have been made to Mt. Isa Mines employees.

In recent years we have observed that bonus payments have been granted also by the court to employees of Mary Kathleen and Mt. Morgan, so that the employees of those mining industries may also participate in the prosperity that those companies enjoyed. Hon. members may glean some idea of the prosperity of those industries from the fact that despite the bonus payments made to employees, the profits of Mary Kathleen for the years 1959 and 1960 totalled £7,625,446. For the year ended 30 June, 1960, after providing for the bonus, Mt. Isa made a profit amounting to £2,137,402. Between June, 1947, and June, 1960, the profits disbursed by Mt. Isa Mines, to the shareholders, amounted to £17,184,402. The dividends ranged from 15 per cent. to 25 per cent. over that period. Irrespective of the high profits earned for those companies by their employees, and the high dividends disbursed to the company shareholders, never at any time have bonus payments been made willingly to the employees, and never have they been offered to the employees by the companies concerned.

The insatiable greed of industries and companies for higher production, bigger profits and dividends, has always blinded them to an essential requirement for peace in industry—that is the need for those who produce this wealth by their labour to be allowed a greater share in the profits of those industries beyond what the companies are prepared to pay by way of wages only. Bonus payments have been obtained only after prolonged periods of industrial agitation and unrest by the rank and file of the unions, and also as a result of the efficient advocacy of the union representatives in court.

I referred earlier to several features of the Bill that will affect employees engaged in certain industries, and I wish to express my dissatisfaction, and objection, to various clauses in the Bill. I should like to know from the Minister—and some of my colleagues have asked the same question tonight—just what does this phrase, "prosperity of the economy" imply. As it reads now, it could be taken to mean the economy of the State or the national economy. I fear that it will be construed as meaning just that and not the prosperity of a particular industry or calling as so clearly defined in the existing Act wherein the term "calling" is used, whenever any application is made by a union or unions to the Commission for an increase in wages and for the betterment of conditions in a particular industry regardless of the fact that the economy of the industry could be a very thriving one indeed. The phrase "prosperity of the economy" is too vague and it allows for too much latitude in application. It should be more clearly defined. In fact, it should be expunged from that part of the Bill and replaced by the words, "prosperity of the calling." In the same paragraph of the clause we find the words, "but in so doing it shall not award bonus payments."

Mr. SPEAKER: Order!

Mr. INCH: All right, Mr. Speaker. We find words that completely emasculate the Commissioner's power or authority to grant bonus payments but, in subsequent parts of the clause, it would appear that the very same power to grant bonus payments to employees has been transferred to the employer, for we find that, although provision is made for bonus payments, the negotiations for such payments must be between the employer and employees and, since the amendment of which the Minister has given notice, the employees' representative—or in other words, the union official. But the Commission is excluded and prevented from granting a bonus no matter how favourable the conditions may be, no matter how big are the profits or the dividends being paid to shareholders in any of those companies. So the employer has the power to stipulate the terms under which any bonus will be paid and what the amount will be, despite the merits of the workers' claims and irrespective of the fact that profits may soar to unprecedented levels. This is a travesty of justice and a complete negation of the rights of the unionists to have their officials prosecute their case to its fullest extent before a court, and it will result in industrial unrest and turmoil. Admittedly provision is made for the court President to make a commissioner available for the purpose of mediation if the parties so request, but what effect can this have if the employer refuses to accept any proposals along the lines of conciliation that the Commissioner may offer, and what penalty would he incur by a refusal to conciliate? None whatsoever! Yet we find that it could be competent for the Commission to reduce or cancel outright existing bonus payments to the employees if they refused to conciliate and were to strike for increased bonus payments. This is one example of the vicious moves by the Government to place the workers at the mercy of the employer. It has been deliberately inserted in the Bill at the instigation of influential companies operating particular industries within the State in order to smash the unions and their officials and to wreck their efforts not only to increase the rate of bonus payments but to preserve the present rates and the system under which they are calculated. I make that statement in all sincerity, because today some mining companies are expending large sums of money on machinery to develop their mines. Consequently, the production and profits

over the next few years will increase. I am sure that this is one reason why negotiations for bonus payments are being left to the employer and employee and not to the Court to decide on the evidence placed before it.

As I have said, this section will result in industrial strife and turmoil, and this has already been shown by the spontaneous reaction of the workers on the Mt. Isa field last week, when not only the mine workers but all other workers employed outside the mine stopped work for 24 hours. I might add that the proposal of the combined unions was for a four-hour stoppage, but the members of the A.W.U., a union that in no way could be classed as being associated with Communist influence, decided that it would be a 24-hour stoppage. Despite the fact that it has been said in the House today that these stoppages were a fiasco, there is proof positive that in Mt. Isa the stoppage was a complete success.

References have been made by several speakers on the Government side of the House to Communists and Communist influence and domination. I ask this question: who is going to show us the line of demarcation between the Communist and the militant unionist? I doubt whether any hon. member opposite could do it. I know of cases in industry where a good, strong, militant unionist who has had nothing to do with Communism and could not tolerate a Communist has been branded a Communist because he was prepared to stand up for the rights of the workers and for his own rights. That is the fallacy in the argument of hon. members opposite when they say that members of the A.L.P. are Communist sympathisers or fellow travellers. It is entirely wrong, and it is used only as a method of more or less blinding the people of Queensland to the viciousness of some of the clauses in the Bill.

In conclusion, I wish to say that I have yet to see a more vicious piece of legislation than this Bill, and I have been associated with industry for quite a number of years. As I said, if this Bill is passed and bonus payments are left for negotiation between the employer and the employee, I am afraid that it must result in industrial unrest, loss of profits to the company, and payment of reduced dividends to the shareholders. If the Minister is sincere in his desire to see that industrial peace prevails throughout industry, I suggest that he leave it to the court to decide this question. The court has already proved that it is capable of fixing a bonus. The vicious clauses contained in the Bill must stand forever as a condemnation of a Government prepared to legislate in the interests of only one section of the community—the employer.

Debate, on motion of Mr. Hart, adjourned.

The House adjourned at 11.18 p.m.