Queensland

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Legislative Assembly

THURSDAY, 23 MARCH 1961

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

QUESTIONS

STOCK FUND, INCOME AND EXPENDITURE

Mr. EWAN (Roma) asked the Minister for Agriculture and Forestry—

"With reference to the information contained in the Annual Report of the Auditor-General for the year 1959-1960 concerning the Stock Fund—

(1) What were the respective amounts paid in levies by the owners of (a) beef cattle, (b) dairy cattle, (c) sheep and (d) pigs during the year 1959-1960?

(2) What were the sources of the amount of £89,456 described as 'Other Receipts' and what amounts, if any, included in this total were transferred from other Trust Funds?

(3) Of the amount of £608,756 expended from the Fund during the year 1959-1960 what amounts could be said to have been spent in respect of the following types of stock:—(a) beef cattle, (b) dairy cattle, (c) sheep and (d) pigs?

(4) What amount was expended from the Fund on the salaries of stock inspectors and their staffs?

(5) Will the Stock Fund continue to be subsidised in the future from Consolidated Revenue at the rate of 16s. for every £1 contributed by stock owners?"

Hon. O. O. MADSEN (Warwick) replied—

"(1) It is impracticable to make an accurate analysis respecting the amounts paid in levy for the classes of livestock referred to. This applies particularly where a differentiation between beef cattle and dairy cattle is concerned. However, levies paid in respect to horses and cattle taken together for the year 1959-1960 were £144,106 and in respect to swine £5,641 and in respect to sheep £101,573."

"(2) The sources were Animal Research Institute, Yeerongpilly, and Animal Health Station, Oonoonba, fees and charges £32,269; Toorak Sheep Field Station £13,146; registration of brands £4,062; Dipping and Spraying fees £2,850; Sale of ear tags £2,000; Australian Meat Board £1,000; Sale of cars £3,264; Wool Research Fund £3,412 and General Revenue £27,453. Included in General Revenue are transfers from Trust Funds—£7,500 from the Buffalo Fly Control Fund; £9,965 from the Stock Compensation Fund for work carried out by staff paid primarily from other votes; and £6,000 from the Commonwealth Department of Health on account of quarantine services."

"(3) It is not possible to make an accurate analysis of the amounts spent in respect of the types of stock referred to. This is because certain branches of my Department, notably the Veterinary Services Branch and the Pathology and Husbandry Research Branches, extend a service in respect to all such types of livestock. The great value of these and other services provided by the Division of Animal Industry is almost universally recognized. Suffice it to say that I am under constant pressure from those in the livestock industry to increase them."

"(4) It is again impossible to make an accurate analysis of the individual amounts expended for the salary of each type of staff. Stock Inspectors frequently carry out some slaughtering duties and Veterinary Officers likewise frequently do some inspection of stock. Similarly, the large clerical staff undertake work for all sections of the Division of Animal Industry. Expenditure on salaries of officers of the Veterinary Services Branch for 1959-1960 (including the three classes of officers stated) was £187,906. It is pointed out, however, that the cost of meat inspection services with some very few exceptions is paid from Consolidated Revenue and not from Trust Funds including the Stock Fund. Similarly remarks apply to the services provided by the Biochemists Branch of the Division of Animal Industry. Quite a number of Branches of the Division of Plant Industry also provide a service to livestock owners."

"(5) The Stock Acts provide that subsidy may be paid in any year subject to the approval of the Governor in Council. An endowment to the Stock Fund from Consolidated Revenue at the rate of 16s. in the £ has been paid for the last 28 years."

PRICE OF LAND SOLD BY LANDS DEPARTMENT AT KEDRON

Mr. HANLON (Baroona) asked the Minister for Public Lands and Irrigation—

"What were (a) the upset prices and (b) the relevant prices at auction of allotments 2 to 5 and 8 to 13 of Section 132, City of Brisbane, Parish of Kedron, County of Stanley, offered by auction under freehold title at the Lands Office, Brisbane, on Tuesday, February 28, 1961?"

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

"The upset prices and the prices realised at auction, in respect of the sale

on February 28, 1961, of allotments 2 to 5 and 8 to 13 of Section 132, City of Brisbane, were as follows:—

Allotment	Upset Price	Price Realised
	£	£
2	700	1,250
3	650	1,230
4	600	1,160
5	600	1,210
8	600	1,290
9	600	1,190
10	600	1,195
11	500	1,145
12	400	925
13	400	980"

LAUNDRY FACILITIES, TOWNSVILLE GENERAL HOSPITAL

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

"(1) Is he aware that laundry facilities at the Townsville General Hospital are presently grossly over-taxed?"

"(2) Is his Department prepared to make finance available immediately to allow the Hospitals Board to make overdue additions?"

Hon. H. W. NOBLE (Yeronga) replied—

"(1) The Department is aware that extension of the laundry accommodation and facilities is necessary at the Townsville Hospital. Information asked for from the Hospitals Board is awaited to enable the project to be further considered."

"(2) The finance required to provide the necessary additions to the laundry building and necessary additional equipment will be sought when the working drawings and specifications are completed."

SELECTION OF LAND, TULLY FATTENING SCHEME

Mr. TUCKER (Townsville North) asked the Minister for Public Lands and Irrigation—

"With reference to the Tully fattening scheme and the two blocks recently thrown open for selection, are both blocks being improved by their selectors and, if not, why not?"

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

"In view of my particular interest in the development of the beef fattening potential of North Queensland I took the opportunity during recent months of personally inspecting the two portions referred to by the Honourable Member for Townsville North. Progress in the development of one of the portions is most satisfactory and something like 100 acres has been cleared, cultivated and sown to pasture. The tenant himself is a very impressive type of settler and I was very pleased with his progress during the short period of his tenancy. The development of the other portion has yet to be commenced and my inquiries at the time indicated that the selector of this portion was engaged in the raising of funds. I arranged at the time for the Land Commissioner of the district to interview this settler and to obtain from him details of his programme of development and to encourage early commencement of the work. This matter is still being followed up. Each of the selections referred to is subject to a condition that the selector must clear a fixed area of scrub each year during the first five years of the term of the lease. The term of lease of each selection commenced on January 1, 1961, and consequently each lessee has until the end of the year to meet the obligation imposed under lease conditions."

ROADWORTHINESS OF DEPARTMENTAL VEHICLES

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

"(1) Is it the policy of his Department in the North to retain Departmental vehicles until they have completed 50,000 miles?"

"(2) Do the C.S.I.R.O. and other Departments retain their vehicles for only 20,000 miles?"

"(3) Is he aware that as a result of this policy officers claim they have irritating break-downs of vehicles in outback areas with consequent loss of time to the Department?"

"(4) Will he investigate the position?"

Hon. O. O. MADSEN (Warwick) replied—

"(1) It is the policy of my Department to retain vehicles for the longest economic period."

"(2) I understand it is Commonwealth Government policy to dispose of official vehicles after they have travelled 25,000 miles."

"(3) Vehicles are liable to break down in the outback as well as in any other place but I am not aware of any great loss of officers' time on this account."

"(4) Recent Government consideration of the policy relating to motor vehicle replacement resulted in a decision that replacements may be effected after 25,000 miles' travelling, if the condition of any vehicle warrants such action. However it will be appreciated that much depends on the class of work for which a vehicle is used and the type of country in which it operates. Every endeavour is made to select the most suitable type of vehicle for the particular purpose for which it is required."

COST OF LITTLE NERANG DAM, GOLD COAST

Mr. GAVEN (South Coast) asked the Treasurer and Minister for Housing—

"With reference to the construction of the Little Nerang Dam by the Gold Coast City Council,—

(1) How much loan money has been made available for this purpose?

(2) What contribution has been made by this Government by way of subsidy towards the cost of the construction of the dam, the fourteen mile gravitation pipeline and the duplication of existing mains?

(3) What is the total cost of the whole undertaking to date?

(4) What will be the amount of interest and redemption repayments that will have to be found by the ratepayers each year for the next forty years?"

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

"(1) The debenture loan raisings authorised and the Treasury loans made available to date aggregate £1,693,550."

"(2) The total subsidy approved to date is £842,275, of which £124,333 is yet to be drawn by the Council."

"(3) The loans authorised and subsidies approved to date total £2,535,825. The actual expenditure to date by the Council is not known."

"(4) To date there are 57 debenture loans and three Treasury loans involved. These loans have varying interest rates and currencies. Annual repayments will not be constant over a 40-year period and the work and expense involved in calculating the amount payable each year over the next 40 years is not justified. In any case, precise figures could only be prepared up to the date of the earliest maturing loan. It is impossible to predict the terms and conditions of renewals of maturing loans. The figure for 1961-1962 has been calculated at £129,123 16s. 4d."

CLOSURE OF COOKTOWN–LAURA RAILWAY LINE

Mr. ADAIR (Cook) asked the Minister for Transport—

"(1) In reference to his reply to my question on March 22, wherein he pointed out the capital loss on the Cooktown-Laura line, is he aware of the fact that the heavy expenditure for the year 1959-1960 was not relevant to a normal year's trading and operations on the Cooktown-Laura line because heavy expenses were incurred in bringing the bridging of this line up to standard by inaugurating many costly works which had been let slide for a number of years, including a diver and team testeing bridges, piles, &c., over a period of many months?"

"(2) Will he inquire if cement pipes, tons of cement, new piles, &c., and cost of works carried out, plus hundreds of sleepers, loads of fish-plates and spikes, and many extra trips by the rail motor delivering these articles to the various sites, where they were required, were charged in the financial year in his reply, and in addition is it not a fact that a re-conditioned rail-motor body was brought into service after having had to be brought up by road transport from Cairns, the work of maintenance of bridges, lines, &c., being also completed in the financial year mentioned by him?"

"(3) If the position is as set out, will he defer the closure of the line and review the position in twelve months' time?"

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

(1 to 3) The expenditure last financial year was £,2000 in excess of that for the previous financial year, so that had it been equal to that of the previous year the loss on operating still would have been £15,812 plus interest on capital. The average annual loss for the past four years has been £16,142. I would also point out to the Honourable Member that a recent inspection of the condition of the line and bridges revealed that to continue the line for even a further twelve months would necessitate the replacing of 90 piles of varying lengths, 34 girders, 46 headstocks, 68 wales, 678 transoms and over 2,000 sleepers, the cost of materials alone amounting to £4,677, or approximately three years present revenue. I am sure that the Honourable Member will appreciate that such expenditure and average annual losses cannot be justified and that the continued operation of the line is not warranted."

WATER FACILITIES, MOUNT LOFTY HIGH SCHOOL, TOOWOOMBA

Mr. ANDERSON (Toowoomba East) asked the Minister for Public Works and Local Government—

"When is it anticipated that the water main to serve the sports oval at the new Mount Lofty High School in Toowoomba will be provided?"

Hon. J. C. A. PIZZEY (Isis—Minister for Education and Migration), for **Hon. L. H. S. ROBERTS** (Whitsunday), replied—

"Funds are not available for expenditure in this financial year to provide the water main to serve the sports oval at the new Mount Lofty High School. The matter will be reconsidered later in the year with a view to having the work carried out early in next financial year."

NEW STATE INSURANCE BUILDING, TOOWOOMBA

Mr. ANDERSON (Toowoomba East) asked the Treasurer and Minister for Housing—

"(1) When is it anticipated that the new State Government Insurance Office building will be opened for use in Toowoomba?"

"(2) Will any other Government Departments be accommodated in this new building besides the State Government Insurance Office?"

"(3) Have any arrangements yet been made as regards the future occupancy of the premises presently housing the State Government Insurance Office in Toowoomba?"

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

"(1) At the end of June next."

"(2) No. State Government Insurance Office was prepared to make space available to seven Departments. A survey carried out by the Public Service Commissioner showed that for various reasons none of these was desirous of accepting the available space."

"(3) The matter is at present under consideration."

PAPERS

The following papers were laid on the table:—

Regulation under the Explosives Act of 1952.

Order in Council under the Mining Acts, 1898 to 1955.

PERSONAL EXPLANATION

Mr. WINDSOR (Ithaca) (11.18 a.m.), by leave: I wish to make a personal explanation. In this morning's newspaper a statement was attributed to the hon. member for Ithaca. I deny making such a statement. The statement was made by the former hon. member for Ithaca. It was his opinion, and not necessarily mine.

INDUSTRIAL CONCILIATION AND ARBITRATION BILL

COMMITTEE

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

The CHAIRMAN: Hon. members, I will call the number of each clause. If any hon. members wishes to speak to a clause to which there is no amendment, I should be pleased if he would rise and say, "Mr. Chairman," and he will be seen.

I also appeal to hon. members to keep strictly to the purpose of each clause and each amendment, otherwise the debate may become a marathon one. If irrelevancies are persisted in, I shall have no alternative but to apply Standing Order No. 141. I want to point out to hon. members that it provides against tedious repetition, and also the repetition of the arguments of hon. members who have spoken. If I can have the co-operation of hon. members on this matter there will be no need to apply the Standing Order.

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

Clause 5—Interpretation—

Mr. LLOYD (Kedron) (11.21 a.m.): I wish to speak on the definition of bonus payments in Clause 5. It is very unfortunate that during the second reading stage of the Bill the Minister said that we had made no point worthy of a reply. He vaguely mentioned bonus payments but again, unfortunately, he gave us no indication of his real intentions in this matter. In Queensland, for many years, we have had a system of arbitration. We know that many of the large companies which form the real industrial backbone of this State in relation to arbitration have granted their employees a share of their immense profits. But it has only been by means of arbitration that the industrial unions have been able to secure the benefit or an equitable share of the tremendous profits that have been made.

The definition of bonus payments will mean the complete ringbarking of the whole system of arbitration. At the present time, we know that Queensland is not comparable with the southern States in the matter of industrial development. The Minister has said that it is necessary to encourage secondary industry, but the workers should not be solely responsible for that by having to accept lower wages than those paid to comparable employees in the other States. It is apparently the intention of the definition to take away completely the arbitration system that has been responsible for granting bonus payments. It marks the end of conciliation and arbitration with the big industries in the State. The practice has been to have conciliation between the trade unions and the employers or companies concerned. The unions have conciliated with large mineral companies, and when conciliation failed they have gone to the court, and by means of arbitration and expert union advocacy, they have been able to secure fairly substantial increases by sharing in the profits of the industries. The Minister has not replied and we can only conclude that the Government have not been courageous enough to include provisions in the agreements with Comalco and Amoco whereby the workers may be given a share of the profits. The Government are putting into effect what could be termed a gentleman's agreement with the large mineral and oil companies that are now coming to this State

which will, in fact, destroy arbitration to such an extent that it will no longer be of any use because the unions will be unable to go to the Industrial Court and ask for an equitable share of the profits of industry. I will quote some figures to give an idea of the large industrial development that has taken place in this State. Last year Mt. Isa Mines made a profit of more than £2,000,000, Mary Kathleen more than £4,000,000. Copper Refineries Ltd. has been established at Townsville. Comalco, another mineral company, may be starting within a few years, and an oil refinery may start in Brisbane in five years. Then we have the opinion of the Industrial Court that bonuses cover loadings in the meat industry, and the shearing industry. Therefore, the big industries of Queensland, the new mineral development, meat, wool and oil industries, and all those other industries that are the backbone of the industrial development in Queensland, will be affected by the inclusion of the definition of bonus payments within the Bill. We object violently to it. It is not our intention to make a great issue of it on this clause because the key to the whole subject lies in a subsequent clause but, in the meantime, we state our violent objection to the inclusion of the definition in the Bill.

The Minister said we hold a brief for irresponsible trade-union leadership in this State. Let me say that the Australian Workers' Union is just as violently opposed to the inclusion of the definition of bonus payments in the legislation as we are.

The very wording of the definition indicates its positive danger. It says—

> " 'Bonus payment'—A payment by way of the division of the profits of an industry or undertaking, being a payment in excess of a just wage including all proper allowances such as are ordinarily and usually prescribed by an award or industrial agreement;".

So the term "a just wage" brings in ordinary allowances paid over and above the normal wage, plus penalty rates and danger money. Anything above that is to be regarded as a sharing in the profits or the prosperity of an industry. The Industrial Court has already said that, because of the indeterminate nature of the legislation, it will not hear any cases that come before it for increases in bonus payments.

The definition may affect the lead bonus and over-award payments made by agreement with many of the large engineering firms in the South as well as in Queensland. For instance, B.H.P. in Newcastle and Whyalla are paying what is called a loading over and above the award wage. Is the definition to include such over-award payments granted by the court? If it does, it will vitally affect most of the industrial workers of Queensland and will lead to more industrial unrest than we have ever had before. It could mean the death of arbitration and conciliation as we know it.

What is to be the procedure for all unions to adopt with this definition in the legislation? It can only mean that they must make individual approaches to the company. If a company refuses to conciliate, there is nothing more the union can do except take some form of direct action. That will be its only course. It will not have access to the court on the matter. I am sure it will be generally agreed that the Australian Workers' Union, the union most vitally affected, has a long tradition of support for arbitration. Certainly the Bill should not take the great majority of the members of that vast union away from the determinations of the industrial tribunal. If it does, and if overnight there is a turning of the wheel away from A.W.U. support of arbitration through the removal of their right to approach the Industrial Court when large companies refused to conciliate with them, the entire responsibility must rest on the Minister and the Government. Immediately the Bill becomes law, all approaches on lead bonuses and loadings will have to be made to the employer. If the employer refuses to conciliate, the union must take a strike ballot. I have no doubt that, in those circumstances, and in view of the tremendous profits made by the large mineral companies each year, the union members will decide to go on strike. If they do, the Government will be responsible for forcing them to adopt the only course open to them to secure wage justice. The inclusion of this provision will create those circumstances. I ask and beg of the Minister to reconsider the matter and to leave the provision as it stands in the Act. I can see no reason for changing it other than the motive that I mentioned before—that the Minister, in his desire to create an incentive for large overseas companies to come to Queensland, is establishing the basis that this will be a low-wage State and that there will be no profit-sharing. Why take away from the arbitration system of Queensland something that has worked very well in the past, something that has caused very little dissension in industry? If the present provision has worked satisfactorily and is in the best interests of the State, why insert a provision now dealing with bonus payments that could create the industrial unrest that the Minister does not want, and which hon. members on this side of the House do not want any more than he does? We want the unions in Queensland to receive justice without their having to take direct action. Even if that becomes necessary, it should be used only as a last resort.

I think Sir Samuel Griffith said that he would like to see the day when the principle was accepted that all workers employed in industry should receive an equitable share of the profits made by those industries. The provision in the Bill leaves it to the tender mercies of the companies to decide what they will pay to the workers out of the high profits that they make.

I ask the Minister to delete the provision from the Bill. I move the following amendment:—

> "On page 4, lines 31 to 36, omit the paragraph—
>
> '"Bonus payment"—A payment by way of the division of the profits of an industry or undertaking, being a payment in excess of a just wage including all proper allowances such as are ordinarily and usually prescribed by an award or industrial agreement;'."

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (11.32 a.m.): I should like to preface what I am about to say by explaining to hon. members that, because of the number of papers that are necessary on a big Bill such as this, I have received permission to sit at the table of the Chamber. It is much more convenient than sitting at the desk, where there is no table that I can use for my papers.

Replying to the hon. member for Kedron, I should like to say that the hon. member is quite right when he says that the A.W.U. violently disagrees with this provision. Very definitely it does, and I should not for one moment allow any hon. member of the Committee to have any illusions about that. But it is a vitally important aspect of the whole matter, and the Government, of course, because of that, gave a great deal of thought to it, considered it from all angles, and considered it very carefully. I tell the hon. member now that I cannot accept his amendment.

I should like to explain it a little further and put one or two facts on record. The hon. member for Kedron says that, by including this paragraph in the definitions, we are, in effect, ringbarking the Arbitration Court. Of course, that is not true.

Let us look at the principle that we are discussing. Firstly, it is a principle unique in arbitration law anywhere in the world, and certainly unique in Australia.

Mr. Lloyd: I think you will admit that it has worked satisfactorily in the past.

Mr. MORRIS: There are many aspects of it that are good, and I am very glad to be able to assure the House that the bonuses now being paid will remain in force unless economic conditions make a change necessary, and nobody visualises that. We have provided specifically later in the Bill that they shall remain in force. We did that because they are operative today and it is now quite possible to incorporate them. But I say again that this is unique in any arbitration law in the world, as far as I know, and certainly unique in Australia. It is in their extra application that they are fundamentally bad. I shall explain why. It will be the responsibility of the Commission to take all factors into consideration when fixing a wage. It will take into consideration danger money, loading for seasonal workers, and many other factors including isolation. The last factor will be even more applicable now than before.

The hon. member for Kedron mentioned Mt. Isa Mines Ltd. Let it be remembered that bonus payments superimpose an additional payment on what has been regarded as the correct wage for the employee. It is an extra payment because of the great prosperity of the industry. The Mt. Lyell Mining Company in Tasmania is doing somewhat similar work to Mt. Isa Mines Ltd. They are working a large area made up of very rich, moderate and very poor country. I am told—and I am sure it is right—that the higher the cost of recovery the more they are required by economic circumstances to leave not only the bad but the moderate type of country and operate only on the very rich ore-bearing country. We know that there has been a lot of talk about bonus payments of £25 to £29 a week. It is merely a matter of economics. The higher the bonus payment the more essential it is for the company to leave the low-grade areas, even the moderate-grade areas, and work only in rich-grade areas. I think it will be obvious to everybody that if they work an area containing assorted pockets—some rich, some moderate—and mine only the rich pockets, they cannot go back and re-work the pockets containing the lower grade material. Thus the State loses a great deal of its potential mineral wealth.

The hon. member said that Mt. Isa Mines Ltd. were making tremendous profits. I should be the last to disagree with that. I wish that all hon. members would read a book recently published titled, "Mines in the Spinifex'. All who read it will see that the company that is making such great profits and helping in the development of the State, operated for many years at a heavy loss. It is not wise to overlook that fact. I do not regard great profits as being an evil, as some hon. members opposite do. Profits are a good thing. It is the very impulse that causes development of any kind and we are very fortunate that the people who were associated with this very great enterprise had the courage to carry on year after year while making losses.

I do not say that the making of very good profits today is a matter for criticism. I hope that I did not misunderstand the hon. member. I am open to correction on this, and I want to be corrected if I am wrong, but I think he said that this will prevent any company from paying any bonus on top of an award payment that has been decided?

Mr. Mann: No, he said you will leave it in the hands of the company to decide how much they will pay.

Mr. MORRIS: I did not want to be wrong. I do not want to misquote the hon. member on such a point because it is a very important one. Provision is made for existing

bonus payments to be continued unless the economy of the industries in which they are paid makes it impossible to continue them for economic reasons.

I do not think it is quite fair of the hon. member to say that we did not have the courage to express our thoughts. I have not tried to hide from the hon. member or anybody else what my attitude is; it has been the same throughout. I believe the inclusion of this principle in the Bill is very desirable, and I will say something more important even than that. It is that we have had this provision in the Act for quite a long time but the principle has not spread very far. I think the hon. member knows—and I should expect he would—that there is much talk today of extending it to other industries and if the clause remained in the Act it would be perfectly competent and correct for the Court to distinguish between two companies. Say that the hon. member for Kedron and the hon. member for Baroona are both engaged in an industry of exactly the same type but a half a mile apart. The hon. member for Baroona, being a very good business manager might make good profits whereas the hon. member for Kedron might, producing exactly the same article, for some reason show a profit that is not so good. It would then be competent for the court to say to the hon. member for Baroona's company, "All right, your company is making great profits; you will pay an extra £3, £4, £5 or £6 a week over and above what is paid to those who are working for the hon. member for Kedron." And they may be only 100 yards away. It would be quite competent for the Court to do that under the Act.

Mr. Lloyd: The prosperity of the calling would be taken into consideration.

Mr. MORRIS: I propose to develop that angle. That was possible under the Act and that is what we are changing now. Surely the hon. member for Kedron does not overlook the fact that the provision in the Act has been known to very many people. He also knows perfectly well that those engaged in industry study all these relevant factors. There are some industries that had been very keen to have some type of profit-sharing for their employees, but they have deliberately avoided it. I have discussed the matter with some of them. I have said, "I think it would be desirable. We cannot tell you what to do; we can only express our opinion, but I think it would be desirable that you should adopt a system of bonus payments to your employees." The reply has always been the same, "Not while that provision is in the Act, because once we do it voluntarily, it is quite competent for the Court to say, irrespective of whether we are making profits, 'You must continue to pay it.' " I know one big industry, and I suppose the hon. member knows it too, that decided after the printing of the Bill to introduce a bonus scheme, a profit sharing scheme, or whatever it may be called. That action has been taken as a direct result of the introduction of the Bill. I sincerely believe that practice will extend much further.

Mr. Hanlon: That seems to indicate a lack of confidence in the court by employers.

Mr. MORRIS: I do not think so.

Mr. Hanlon: You say they are frightened.

Mr. MORRIS: No. The Court has an Act under which it operates and, if it operates within the ambit of the Act, there is no reason for anyone to feel a lack of confidence in the court. That is the court's job. It is our job, however, to give the court the framework in which it shall operate and, as I and my colleagues believe the existing provision to be a bad one, we have decided to change it.

I have tried to deal with the matter very thoroughly because I do not want anyone to fail to understand the point at issue. I have explained the attitude of the Government quite clearly. I cannot accept the amendment.

Mr. LLOYD (Kedron) (11.47 a.m.): I am glad that at last we have had some clarity in this matter, although I cannot possibly accept some of the Minister's statements. A moment ago he said the very presence of the provision in the Act, giving the Industrial Court the right to make a determination in these matters, has meant that many companies have not offered any scheme of sharing of profits to their employees; in other words, they have not made bonus payments. I draw attention to the recent case affecting the metal trades. The court rejected an application for the granting to employees in Queensland of the over-award payments that apply in the southern States, thus indicating that the court does not recognise that bonus payments even when paid, should necessarily be extended throughout the industry. It would be enough to prevent any company at present from making bonus payments from profits, even if it wished to do so. Those facts indicate the court's attitude, even under the existing law.

The Minister said that it was possible in the past for the court to consider the prosperity of an industry or calling when determining the wages that were to be paid. He added that it is his and the Government's intention to alter the position. The position is altered by a subsequent provision of the Bill, so that if the provision is accepted the only matter the court will be entitled to consider will be the economy of the State or the nation. In other words, from now on the Government intend to force the ordinary worker to accept responsibility for the prosperity of the nation. That is not his responsibility. In years gone by it was clearly established that employees working in an industry or calling were entitled under the Act to

some share of the profits of that industry or calling, and we believe the principle should be allowed to stand. As an indication of the way in which industrial unrest can occur, I refer hon. members to a case that has been dealt with frequently by the Minister, the Commonwealth Engineering Company dispute. The Metal Trades Unions have for two years endeavoured to meet the Metal Trades Employer's Federation, but the Federation has refused to meet the unions for the purpose of considering whether workers in Queensland under the award were entitled to the amount received by workers under similar awards in the southern States employed on an identical contract. The Employers' Federation refused to discuss over-award payments. For two years the approaches by the unions have been rejected. That is an indication of irresponsible employer negotiations. The Employers' Federation in the South met representatives of the employees and over-award payments were granted, but in Queensland all the industrial unrest and trouble that occurred at that time was caused by the dogmatic stand of the same employers. Will the Minister depend on the good employer to outweigh the bad employer? An individual employer would be prepared to meet his employees. A man who owns a factory or a company would do that, but the large companies, with overseas shareholders have to make dividends and profits, and the men could not possibly expect to receive the same consideration from them as from a personal relationship with an individual owner of a company. I have no confidence in the continuance of industrial peace in Queensland with the inclusion of this paragraph in the Bill.

Hon. P. J. R. HILTON (Carnarvon) (11.51 a.m.): As I understand the amendment, it provides for the deletion of the definition of bonus payment. If that is the case, I think we will be in a rather peculiar position if the amendment is carried. We know that bonus payments are an accepted fact today, and are in operation. If we eliminate the definition of bonus payment we will be in a peculiar position, no matter how we look at the question. I think it is very necessary to have a definition of bonus payments. I understand the arguments put forward concerning what may arise from this definition of bonus payment, but we must have a definition if we are to argue, at a later stage, in favour of the retention of bonus payments being awarded by the court. I am open to correction on this, but that is how I understand the amendment. It is necessary to have such a definition in the Bill because it is the key to other matters that may arise later on.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (11.52 a.m.): The position is as outlined, to some extent, by the hon. member for Carnarvon. However, our reason for moving this amendment here, is to draw attention to our disagreement with the problems that may arise, as outlined by the Deputy Leader of the Opposition. Provision is made in a subsequent amendment to Clause 12 to try to overcome the apparent contradiction that may arise through eliminating this provision.

I should like to indicate to the Committee our general attitude on this provision. It would be inconsistent for us to move against the clause en bloc because so many definitions are involved. By confining our remarks to this paragraph we believe that we will focus attention on the really important principle that is of grave concern to the unions. I wish to make that clear to the Committee and to the hon. member for Carnarvon. There is some point in the hon. member's contention, but we believe this is the only effective method open to us at this stage of voicing our protests, and that is why it has been chosen by the Deputy Leader of the Opposition.

Mr. HANLON (Baroona) (11.53 a.m.): There are two aspects of this definition that I should like to deal with. The Minister has indicted the employers generally on the very charge he has laid against some sections of the trade union movement. He suggested, in effect, that up until now, many employers have refused to enter into bonus payment agreements because they were frightened the court might ratify them, and then business conditions might change so that they could no longer afford to pay them. The Court might insist that they continue to pay them. He is suggesting that the employers have no confidence in the court, and that if business conditions change sufficiently and they could no longer afford to pay them, the court would not see fit to grant a remission of the payments.

Mr. Morris: You see the point. Even if they file an application, by the time the case is heard, there is a big lapse of time and it may be very dangerous.

Mr. HANLON: The Minister now says that what he really means is that delays may take place, by the time they make the application for the bonus payments to be eliminated, because of a change in business conditions. A great deal of time may elapse. Heavens above, is not that one of the main complaints of the trade union movement about their applications for increases and abolition of quarterly adjustments? That subject will come up again later. Under the Federal practice a year or more can go by, without the unionist getting the benefit. It is passing strange, in view of the Minister's remarks that criticism has been levelled at a statement by Mr. Egerton, president of the Trades and Labour Council.

The CHAIRMAN: Order! The hon. member must keep to the point and not make personal references, such as to Mr. Egerton.

Mr. HANLON: I am keeping to the point, Mr. Taylor. The Minister has already criticised Mr. Egerton for allegedly saying on a T.V. interview that he did not believe in compulsory arbitration. We have pointed out that that was his personal opinion and not the official policy of the Australian Labour Party. The Minister now says that the employers do not believe in compulsory arbitration either and that they do not want to be bound down by the Court because at some stage the Court may not do what they want it to do.

The Minister gave an illustration as a reason for the insertion of the definition. He said there might be two different firms, one making a big profit, through efficiency or some particular advantage to it, and the other just breaking even or showing a loss. He said it would not be fair for the employee of the successful firm to be paid a bonus while his counterpart in the other firm was not getting one. We should concede that he had something there if the Government went further and introduced legislation under another Act to ensure that the employer making the big profit reduced his prices accordingly so that all unionists would benefit from it. However, the Minister's argument merely substantiates the case put by the Deputy Leader of the Opposition in moving his amendment.

Amendment (Mr. Lloyd) negatived.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (11.59 a.m.): I move the following amendment:—

"On page 5, after line 25, insert the following paragraph:—

'In every case where four or more persons being or alleging themselves to be partners, are working in association in any calling or industry, each of such persons shall be classed as and be deemed to be an employee; and the partnership firm constituted by them or alleged so to be shall be deemed to be the employer of each such person;' "

The Australian Workers' Union and the Federated Clerks' Union have, since the introduction of the Bill, represented to me that the retention of this paragraph is desirable, as otherwise it could well be the means of a number of people forming themselves into a partnership to evade the provisions of an award. I am bound to say that I think such cases would be very few and far between, but I tried to see their point of view. While I personally think the amendment is not necessary, I understand the troubled thoughts of some of the unions and I move the amendment in an attempt to meet them.

Mr. NEWTON (Belmont) (12 noon): I am pleased that the Minister has seen fit to include in this Bill the clause that is in the present Act. I mentioned the question of partnerships, and I think it is of some importance. Previously, two or three persons could be in partnership in a business; but if four or more were in partnership, one had to become the manager of the company and the others had to become members of the relevant union. We wanted that provision inserted in this Bill because of what now takes place in every industry, not only the building and metal industries. Four or more employees link themselves together and breach awards by doing "labour only" contracts. The Minister's acceptance of our request shows that he has faith in our attempts to overcome the problem that we are facing. It is worrying us so much that on numerous occasions in this House Ministers have been given instances of the serious effects that these "labour only" contracts are having. I am sure that the inclusion of the clause in the Bill will go some way towards stopping the position from getting out of control.

Amendment (Mr. Morris) agreed to.

Mr. NEWTON (Belmont) (12.2 p.m.): I move the following amendment:—

"Add the paragraph—

'Notwithstanding anything to the contrary contained in any Act, no company, corporation, or firm shall proceed to the issue to any of its employees any shares in the company, corporation, or firm concerned until the consent of the Court shall first be had and obtained;

'Moreover, no deduction from the wages of any employee to whom any such shares shall be issued pursuant to any such consent of the Court shall be made for or in respect of calls of any such shares so issued to any such employee.' "

In my speech yesterday I emphasised the problem that arose when employees were asked to take out shares in industries. We had hoped that the Minister would have indicated in one way or the other in his reply what he thought of it. As he did not do so, I am forced to move this amendment in an endeavour to protect employees who are asked to take out shares in particular industries. The first part of the paragraph protects employees by making sure that the court is fully aware of how the shares are to be issued to the employees, and the second part makes sure that, where such shares are issued, there will be no reduction in the wages of the employees—in other words, that the shares shall not be issued in place of wages. We think this is very important, because in the past employers have not only asked employees to take out shares but have also endeavoured to force them to take them out. The amendment protects these employees against intimidation and victimisation if they refuse to take out shares in a particular firm or industry. That is of very great importance because in the past, in some instances, if employees did not take out the shares required by their employer, company or firm, within a very short time they were moved on.

That is what we have to take into consideration. Government members said yesterday that they were concerned about the rank and file. If they are really concerned about them we cannot see why the Minister should not accept the amendment. It also protects employees who hold such shares in as much as they must receive at least the award provisions in overtime and penalty rates. It is of vital importance not only to employees who take out shares but also to small contractors and firms without any shareholders. If small contractors and firms, with workers who do not hold shares, are forced to compete we must see that if shares are issued to the employees of their competitors that correct wages, overtime and penalty rates are paid.

Mr. Hart: Are you saying that you object to their holding shares because they would receive less wages?

Mr. NEWTON: The real reason for the clause is because of the position that obtains. I made that quite clear yesterday. I could instance a number of firms that have asked their employees to take out shares. What happened in many cases was that from Monday to Friday they received the award rate of pay, but for overtime worked on Saturdays, Sundays or statutory holidays they were paid a rate that was not equivalent to the award rate, on the ground that later on they would share in the profits. In a number of instances employees complained that after taking out shares they did not receive the right remuneration. They said they would have been better off by receiving only the proper rates for the work done outside the ordinary working week. It is my desire to give protection to employees who take out shares and employees who do not hold shares in their firms or companies.

Mr. Smith: Do you want to prevent the employee from taking out shares in his own company even if he wants to?

Mr. NEWTON: This does not prevent him.

Mr. Smith: I am asking you for your view.

Mr. NEWTON: My view is contained in the amendment. I am not objecting to anyone taking out any shares in his firm or company, as long as the award is not breached in any way in respect of other employees who do not take out shares. I do not object as long as small contractors and firms are not disadvantaged in any way when they are competing with bigger firms.

We go further and say that if hon. members opposite vote against the amendment they are not as sincere as they tried to make out yesterday in their desire to protect the interests of rank-and-file unionists. I ask the Minister to accept the amendment in the interests of the rank-and-file.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry (12.11 p.m.): In opening his comments the hon. member for Belmont expressed his disappointment that I did not answer this point when I replied last evening. I do not mind that expression of disappointment because I too was disappointed because, owing to the limited time, I could not possibly answer all the points that were raised.

Mr. Houston: You could have carried on today.

Mr. MORRIS: I have only a limited time in which to reply. I used all of it and I have no means of getting more. Why does not the hon. member read the Standing Orders and discover that fact for himself?

What I tried to do was to select those matters that I regarded as being most important. Quite frankly, I regarded the comment by the hon. member for Belmont as relatively unimportant, indeed, as quite unimportant. He might be surprised to hear me say that but I do so because Clause 97 of the Bill covers this very point.

Mr. Newton: I agree with you and I knew that. I am making sure that the point is covered in the definition of "employee."

Mr. MORRIS: Let me go further. It is covered entirely in Clause 97 and if we did accept his amendment we would not tighten up the matter at all or in any way overcome the problem raised by the hon. member—that relating to week-ends. At the same time we would be taking away what I regard as a very good opportunity for many employees. I will not read the whole of Clause 97, but portion of it reads—

> "Where an employer employs any person to do any work for which the price or rate is fixed by an award or industrial agreement, or by a permit or licence . . ."

and all that sort of thing—

> ". . . he shall pay in full in money to such person and without any deduction . . ."

and it then enumerates certain types of deduction—

> "except as may be authorised . . ."

it is quite a long clause. I repeat the amendment would not help. Indeed, in certain ways it would simply add words that are quite unnecessary because the Bill as a whole has very much more value than its definitions. Definitions are merely there to define. I cannot accept the amendment.

Mr. DEWAR (Wavell) (12.14 p.m.): I am pleased that the Minister has refused to accept the amendment which, as the hon. member for Belmont pointed out, is taken from the Act. I object and have objected in the past to this continuous suggestion from the Opposition side of the House—and it was the same when they were the Government—that all employers have one design in life—to beat the workers. I object, just as they object to the suggestion that they are associated with Communists.

The CHAIRMAN: Order! I ask the hon. member to deal with Clause 5.

Mr. DEWAR: I am dealing with Clause 5. The suggestion of the hon. member for Belmont to write this provision in the Act into the Bill would do no more than deprive a worker of the normal liberty of the subject. The suggestion that any man working in an organisation should not have the right to buy shares in it without having the fact registered in a court is completely obnoxious to me. I agree absolutely with the Minister in his refusal to accept the amendment. The amendment amounts to an unrighteous interference with the liberty of the people. It should have no place in the Bill.

Mr. HANLON (Baroona) (12.16 p.m.): With the hon. member for Belmont I agree that Clause 97 gives some protection, but I still cannot follow the reasoning of the Minister who has such a lack of confidence in the court that he will not give it the right to supervise these matters. If there was nothing wrong with the shares, it would be merely a matter of a formal application to the court for approval. I think the hon. member for Warrego pointed out that to his knowledge the court has never objected to any issues of shares. But hon. members opposite seem to be under the illusion that employees' shares are necessarily identical with ordinary shares in a company. In many cases they are. Many companies issue shares to employees or encourage them to buy shares in the firm or company, the type of shares that any person may buy on the stock exchange. But I think the hon. member for Wavell at least would know that there are types of employee shares that are in an entirely different category. Those shares have very definite limitations. Some cannot be sold without the approval of the company or cannot be traded without the approval of the company, and it is quite possible that a company that is not above board might issue poor value shares. I agree with the hon. member for Wavell that all employers are not bad. We are not saying that all companies do such things. Only a small section do them, but they are the ones who in our opinion are a danger to the employees; the amendment gives them protection. I do not see why the fullest protection should not be given to the employee. If a snide attempt is made by a company to insinuate to an employee that he should take up a particular type of share that is not fair to him and does not give him the rights that he would get if he had an ordinary 5s. share or a share of any other par value, I do not see why the court should not be able to act as a supervisor. If the employer was trying to force employees to take up shares that did not give them their fair rights, the court could point that fact out to the employees, otherwise the employees might not know that they were being virtually robbed of their investment. For that reason the amendment is of great value, and the Minister's refusal to accept it merely illustrates further his lack of confidence in the court.

Mr. NEWTON (Belmont) (12.18 p.m.): I have had experience of industrial awards, just as industrial inspectors of the Department of Labour and Industry, and employers and other trade union officials have had experience of them. We have also had experience in the interpretation of award provisions. Interpretation of "employees" is one of the most difficult aspects of awards for management, employees, industrial inspectors and trade union officials. If a matter is not clearly defined, the very thing that we are trying to overcome, industrial unrest, is created. I moved the amendment because we wanted to make the position of employee-shareholders clear and definite.

If the hon. member for Wavell cares to look through my speeches here he will find that I have never hesitated to say that there are good and bad employers. I have had experience of bad employers, just as I have had experience of good employers. I do not say they are all bad.

I want to make sure that the rights of employees are protected. My amendment will afford protection to the employees who want to become shareholders in a particular firm, as well as those employees who do not want to take out shares.

As we have some disagreement on the point, I am beginning to wonder whether there is some move by the Government to cover up this type of shareholder. Are they going to say, "As you are an employee of the firm and a shareholder, it is not necessary for you to be a member of the union."

Mr. Morris: No.

Mr. NEWTON: That is not the Minister's intention?

Mr. Morris: If it had been, I would have made it quite clear.

Mr. NEWTON: That is why we ask these questions in the House.

Mr. Morris: As a matter of fact, I have made everything very clear. I have been chided by your own colleagues for being so frank.

Mr. NEWTON: That is why we have to ask these questions. As I said yesterday, I want to be clear about anything I do, or anything I vote on, in this Chamber. I rose to get clarification on this question.

Mr. SMITH (Windsor) (12.20 p.m.): The amendment has not been circulated, therefore it is not possible to give it any——

Mr. Hanlon: It is in the old Act.

Mr. Davies: The amendment has been given to your Leader.

Mr. Morris: It has nothing to do with me; I had one copy given to me. I did not have any to distribute to my associates.

The CHAIRMAN: Order!

Mr. Duggan: Give us more secretarial assistance and we will distribute them.

The CHAIRMAN: Order!

Mr. SMITH: Because the amendment has not been circulated it is not possible for me to give detailed consideration to it, but at first impression it would seem to me to be one that could have the effect of restraining an employee from making a purchase on the open market.

An Opposition Member: That is rot.

Mr. SMITH: Whether or not it is rot it seems to me that the possible result of the amendment could be that an employee who instructed a stockbroker to buy shares for him in the company he works for, would be prevented from having those shares registered, unless he received the consent of the Court. That is ridiculous.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (12.22 p.m.): I must make this observation: some umbrage has been taken by the Minister and the hon. member for Windsor.

Mr. Morris: Not by me.

Mr. DUGGAN: I should like to make it quite clear that I have not a copy of my own. We could get only eight copies done in time, and as a matter of courtesy to the Minister I asked that they be given to him last night.

Mr. Morris: I got mine yesterday.

Mr. DUGGAN: We have not the office facilities to do more. I gave my copy to the hon. member for Carnarvon. The hon. member for Windsor is objecting because he has not been given a copy of the amendment. If the hon. member should care to persuade the Government to give us more secretarial assistance, we will be happy to comply with the requirements of the Committee.

Mr. SMITH: I rise to a point of order. I point out to the Committee that I was not complaining or objecting. I simply said that I had not a copy of the amendment before me, therefore I could not give it detailed consideration.

Mr. Davies interjected.

The CHAIRMAN: Order!

Mr. SHERRINGTON (Salisbury) (12.24 p.m.): I rise to correct any misapprehension that the hon. member for Windsor has. His attitude would indicate that the legal fraternity will never work successfully in conciliation and arbitration, because they fail to understand the fundamental principles of any problem. They concern themselves with the legal aspect and cannot bear to get down to basic facts.

When the hon. member for Belmont moved his amendment, he made it perfectly clear that it was to prevent unfavourable practices springing up with snide employers. These things are being discussed constantly at union meetings. We have no desire at all to prevent any person from acquiring any shares in any company, but we do say that before shares shall be acquired the circumstances must be duly investigated by the Industrial Court to see that the acquisition of the shares is aboveboard. We hope to do that with this amendment. The amendment will not in any way prevent a person from obtaining shares in a company, but because of the present practice with many of the underhand companies, of intimidating their employees and forcing them to take out shares, we believe that the provision that is already in the Act should be preserved. We have never adopted the attitude that all employers are bad. We have said repeatedly that, as well as wishing to protect the employee, we wish to protect the good employer from unfair competition from snide organisations that grow up in industry.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (12.25 p.m.): I want to clarify this business of circulation of amendments. I do not wish to charge anyone with discourtesy or anything of the sort but I want to explain it so that we will not have a repetition of the misunderstanding. I had the experience of being in Opposition for some years, fortunately an experience I will never have again. I had the experience, too, of studying legislation while I had been given no more secretarial assistance than is given generally to Opposition parties. Whenever I wanted to move an amendment I used to distribute it. I would give it to the Parliamentary Draftsman. It would be printed and distributed. That is the normal course and I hope that the members of the Opposition will follow it. If they do not, it is not my responsibility to ensure that the amendments are circulated; it has nothing to do with me. If I have an amendment to move, I circulate it.

Mr. Davies: Hasn't the Minister got a committee dealing with this Bill? Wasn't it their job to go looking for the amendments and to hold a meeting last night to go through them?

Mr. MORRIS: I beg the hon. member's pardon?

Mr. Davies: Couldn't the committee on your side have met last night and discussed these amendments? Couldn't they have made it their business to get them?

The CHAIRMAN: Order! That has nothing to do with the clause under debate.

Mr. MORRIS: The committee could have done a lot of things. In a spirit of friendliness I am trying to let the hon. member know the proper procedure. If he does

not want to take it that way, I cannot help it. I have pointed out that very often I followed that practice, and it is a simple procedure. The amendment is printed by the Government Printing Office and distributed by officers of this Parliament. That is their responsibility and they always carry it out.

I am bound to say that at times I have had a hurried amendment that had to be typed, and I have had the experience the Leader of the Opposition mentions. As only one lot can be done in one run, on isolated occasions there have not been enough copies to go round.

At least I think hon. members will agree that my amendments to this Bill were circulated in good time. I made quite a point of having them given to the Leader of the Opposition and the Leader of the Queensland Labour Party as early as possible on Monday morning.

Mr. Lloyd: You have an army of public servants to help you to do that.

Mr. MORRIS: Of course, I know that. The amendments that hon. members have, broadly, were prepared before last Wednesday. I presented them to the Parliament party on Wednesday. I could not complete them because there was still the possibility that on Thursday and Friday more requests for amendments would come in. In fact that did happen. I had requests after lunch on Friday for amendments, some of which are among those circulated to hon. members. At the first opportunity I had them printed and distributed, so please, when speaking of amendments, do not on either side try to carry a battle into the other side's camp over lack of circulation. Hon. members now know the procedure and I hope that in future they will follow it so that those on this side will have before them the amendments that are being discussed.

The CHAIRMAN: Order! I think the subject of the circulation of amendments has been fully explained. Moreover, it has no relation to the definition of "employee".

Amendment (Mr. Newton) negatived.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (12.30 p.m.): I move the following amendment:—

> "On page 10, after line 12, insert the words—
>
> ' "Occupier"—The term shall have the meaning assigned to it by "The Factories and Shops Act of 1960";' ".

Hon. members know that the Factories and Shops Act and this Act are very closely intertwined, which is only natural. That is why I am moving the amendment.

With the inclusion in the Industrial Conciliation and Arbitration Bill of Clause 114 dealing with garages and service stations I shall refer to it later—which provisions were originally in the Factories and Shops Act, it is necessary to define what is meant by an "occupier" as it is referred to in that clause.

This is only a formal amendment, but I wanted to explain its purpose.

Amendment (Mr. Morris) agreed to.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (12.32 p.m.): I move the following amendment—

> "On page 13, line 11, omit the words—
>
> 'of employees'."

This deals with the definition of "Trade union" or "Union". As the definition presently stands, whilst it includes "an industrial union", which, of course, refers to employer unions as well as employee unions, it prohibits employer organisations that, in view of their statutory objects, are trade unions. As there is no question of the Government's intention that the definition of "Trade union" or "Union" should refer to employer organisations as well as employee organisations, it is proposed to delete the words "of employees" so that there may be no doubt about the intention of the definition in this regard. This will simply continue the position now prevailing under the Trade Union Act and will continue the protection of trade unions, whether employer or employee, in respect of their right to buy hold or sell property and enjoy the other protection presently provided in the Trade Union Act.

I think I can say quite frankly that this is universally desired. It is a machinery amendment.

Amendment (Mr. Morris) agreed to.

Mr. HANLON (Baroona) (12.34 p.m.): I wish to refer briefly to the word "temporary" in the definition on page 13 that we have just amended in line 11. It reads—

> "Any industrial union and any combination of employees, whether temporary or permanent, the principal objects of which are under its constitution statutory objects."

The hon. member for Norman raised this point briefly at the second reading stage, and the Minister was good enough to give me privately his interpretation of the word "temporary" in the definition. He suggested that a later amendment to Clause 46 at page 65 of the Bill will give protection against a temporary combination such as a combination of employees formed during a strike, which would commonly be described as a "scab" union, being recognised by a court as against the established union that is on strike. Without wasting time on definitions, I should like the Minister to explain the need for the inclusion of the words "whether temporary or permanent" in that

definition, because we are suspicious of the presence of the word "temporary". The definition could read—

> "Any industrial union and any combination of employees, the principal objects of which are under its constitution statutory objects;".

It is a question of whether a union is temporary or not, and whether it could lead to abuses. Rather than have the matter come up later on I draw attention to it now. The Minister has indicated that he is satisfied that it could not happen, but as the hon. member for Belmont pointed out, unfortunately —perhaps I should say "fortunately"—the Minister is not a judge of the Industrial Court. It is not his interpretation, as it is not the interpretation of other Ministers in relation to Bills they introduce that matters. It is necessarily the interpretation of the court. The court gives its interpretation irrespective of what is said in Parliament. To indicate that we are suspicious, I ask the Minister to point out why it is necessary to have the word "temporary" included in the definition.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (12.36 p.m.): The hon. member is quite right, he did point this out to me. I pointed out to him that the word "temporary" is desirable, but it could have none of the detrimental effects that he referred to. I want to clarify the matter completely, and in doing so I refer the hon. member to Clause 46 on page 65. I know I am going ahead a little, but it is the only way in which I can elaborate on the matter.

The CHAIRMAN: The Minister can explain it in general but not in detail.

Mr. MORRIS: That is all I am going to do. I have an amendment to move to that clause, which will completely satisfy the hon. member. He still thought I had not given him a complete answer. I am glad that he persisted with his query because I was a little interested to follow it even further to see if by chance he could be right.

Mr. Hanlon: I realise the protection of that later amendment, but I still do not see why it is necessary to leave the word in the definition.

Mr. MORRIS: It is not like the law of the Medes and Persians. I also refer the hon. member to the last five lines on page 63, Clause 44 (4). The rules have to be submitted, but there is also the necessity to submit them to a certifying barrister, so that there is no possibility of the danger mentioned by the hon. member. In case there is still some doubt I refer the hon. member to Clause 45 (3) on page 65. There again he will find the protection about which I am speaking. Although the amendment I referred to does not completely cover it I think the hon. member will agree that the last two that I have included cover it so completely that there are no grounds for his fears.

Mr. HART (Mt. Gravatt) (12.39 p.m.): May I read the hon. member the definittion of "trade union" in the Act of 1915? It states—

> "Any combination, whether temporary or permanent, the principal objects of which are under its constitution statutory objects."

It has been there all the time.

Clause 5, as amended, agreed to.

Clause 6—Application of Act—as read, agreed to.

Clause 7—Industrial Court, constitution—

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (12.40 p.m.): This is one of the important clauses in the Bill. It provides for the separation of the responsibilities and duties of the people previously comprising the Industrial Court. This provision would have made greater sense, perhaps, had the Minister proceeded with the original intention of permitting legal representation before the tribunal. The Government have been forced to abandon that and we feel there is no justification for the retention of this division of powers. We think it is undesirable on general grounds and it gives rise to the feeling of distrust that I mentioned previously, that the Government will take advantage from time to time of the opportunity of importing into the court matters of legal importance and significance that need to be resolved by barristers. But, above and beyond that particular contention we have the important consideration to bear in mind that it is undesirable that there should be as President of the Industrial Court a man who divorces himself from the day-to-day situations that occur in resolving the various matters submitted to the court for determination. That is a trend that the Minister denies, but I feel bound to embody evidence of it in the records of "Hansard." The contention is reinforced by the article in "The Courier-Mail" of 15 March in which Dr. Sykes reviewed this legislation, which has previously been referred to.

Mr. Morris: Did you use the word "snide"?

Mr. DUGGAN: No, I said "Dr. Sykes."

Mr. Morris: I thought you said "snide" and I wanted to clear it up.

Mr. DUGGAN: That article reads—

> "Since 1956 in the Federal field there has been a court and a commission.
>
> This, however, was dictated by constitutional considerations because in the boilermakers' case in 1956 the High Court of Australia and the Privy Council had determined that under the Federal Constitution it was legally impossible to bestow

the judicial power on a body which was set up primarily to exercise award-making functions.

The Commonwealth Parliament bowed to this ruling and set up the commission and the court.

But in Queensland there is no constitutional reason why the functions should be vested in different tribunals.

Though the copying of the Federal system is not complete, it is difficult to see at first glance why it should have been copied at all or what virtue there is in saying that one body can do nothing but rule-making and the other can do nothing but rule-enforcement.

On the face of it there seems little reason why the two functions should be in different hands."

That view expressed by Dr. Sykes is shared generally by people interested in this matter. In addition to such an authority as the Reader in Law at the Queensland University I also have a very important statement by Mr. Justice Foster, which is reported in the "Sunday Truth" of 20 November, 1960. It is of sufficient importance that I should like it also to be embodied in "Hansard." He expressed the following views and observations on the matter—

"Mr. Justice Foster yesterday described the arbitration system as jumbled and confused.

Mr. Justice Foster was appointed to the Arbitration Court 16 years ago and, today, is the most senior member of the bench.

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

'Arbitration today is frustrating to all parties.'

'The division of arbitration into judicial and administrative functions has disrupted the system. Employers and unions have been sent into some kind of arena as antagonists and conciliation is difficult.'

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

'It is ludicrous that the award-maker cannot interpret his own award,' he said.

'Proceedings must be taken formally in a court of law.'

'In the old days this was done by the award maker without undue formal difficulties.

Mr. Justice Foster said the High Court's decision in 1956, in the boilermakers' case, to divide the Arbitration Court into judicial and administrative authorities was 'a retrograde step.'

'It was an extraordinary decision by the High Court. It is obvious today that the decision has gravely affected Australia's industrial power.'

Mr. Justice Foster said that under the new system, he was a member of the Commonwealth Arbitration Commission and could not exercise a judicial function.

'The High Court, by its decision, has deprived Arbitration Court judges of their title,' he said.

'My wig, which has been in use for 30 years, is now written off.'

'To be debunked after 30 years on the bench is a little hard to take.'

(Mr. Justice Foster now takes his seat on the Commonwealth Arbitration Commission as Deputy President—bare-headed and wearing a lounge suit.)

Mr. Justice Foster said he could no longer interpret clauses of his own awards, at the request of the parties.

'This has to be done by a "judicial" judge who may know little of the industry,' he said.

Mr. Justice Foster said he often had to use his own ingenuity to help the parties by 'varying' the award instead of 'interpreting' it.

'It seems fantastic that the parties have to go to Chief Justice Spicer, Mr. Justice Dunphy, Mr. Justice Joske, and Mr. Justice Eggleston to ask what Mr. Justice Foster meant by what he said in his own award,' he said.

'I could tell them in a few minutes, but I am not allowed to under the High Court ruling'.

'I cannot take action against anybody for contempt, even if he picks up an inkwell in court and throws it at me'.

'I, a judge for more than 30 years, have to call a policeman.'

Mr. Justice Foster said his close contact with the maritime industry helped him to understand all the moves by the union and shipowners.

But, when it was alleged recently that the Seamen's Union had been guilty of an offence against the 'bans' clause in the award, it had to be decided in the Commonwealth Industrial Court—the judicial body.

These were criminal proceedings and every essential point had to be proved in evidence beyond any reasonable doubt.

'The case lasted weeks at tremendous cost to the parties', he said.

Mr. Justice Foster said arbitration must be prompt, easily accessible, cheap and free from unnecessary technicalities.

'This is very difficult under the new system', he said.

Mr. Justice Foster said the industrial power of all arbitrators today was severely limited by the constitution.

'I often have had to take serious risks to get around technicalities in order to settle a dispute quickly,' he said.

'That is one reason why I have been challenged so often in the High Court'."

Those are the observations of a man with many years experience in Federal jurisdiction. He has pointed to the very great difficulties, the cost and the nuisance that have resulted from a separation of the judicial and award-making powers of the Court. I am therefore prompted to ask the Minister why he wishes to pursue this matter now that it is his intention to delete the provision giving the right of legal representation in the Court?

It seems to me to be quite obvious that the atmosphere of the Court has to be taken into consideration. At present, evidence is taken and witnesses are cross-examined in an easy atmosphere. Those matters and all the attendant facts are taken into account by the Court in making a decision. If subsequently an appeal is lodged against its decision, all members of the court are cognisant of the general circumstances surrounding the particular application. Now the Government are going to make a Supreme Court judge the president of the Industrial Court, and give him power to determine various matters, including the imposition of heavy penalties, despite the fact that he will not be familiar with the whole of the circumstances. That state of affairs will cause much anxiety in the minds of unionists as well as in the minds of employers. I cannot for the life of me understand why the Minister wishes to retain this principle now that he has abandoned as I have already mentioned, the matter of legal representation in the Court. I do not think it is a desirable thing at all, because once we establish the principle of seperate judicial and arbitral powers I think we are paving the way for or importing into our system several Commonwealth principles which from experience, and according to the opinion of men who are not members of rabid trade unions, but men administering those laws, are undesirable. I have read the opinion of Mr. Justice Foster. Similar observations have been made by Mr. Justice Taylor, President of the New South Wales Industrial Commission. Those men who have been on courts for many years and have very great experience have drawn attention to the undesirability of the system.

The saving grace, in regard to the Commonwealth attitude, is that it was constitutionally necessary in that instance to have a division of power, but that constitutional requirement does not obtain in Queensland. I am very sorry indeed that the Minister has not elected to show that he is prepared to go all the way with the general feeling outside that there should not be the proposed separation. He has reached a compromise decision with his own party. He said in the Chamber recently that he was still convinced that there should be legal representation in the Court, despite the fact, as he admitted, that employers, unions and other interested parties had no desire to have legal representation in the court. He said he thought they were all wrong. I could perhaps make use of a phrase that has been used against me. Right or wrong, wise or unwise, he is prepared to take direction from his own party on this matter.

Mr. Morris: I will deal with that very fully.

Mr. DUGGAN: Words do not worry me.

Mr. Morris: I will explain it again if you want me to.

Mr. DUGGAN: Words do not hurt me at all.

Mr. Morris: I will explain my attitude.

Mr. DUGGAN: I do not wish to waste the time of the Committee on irrelevancies, but the Minister said very plainly that he favoured legal representation.

Mr. Morris: I made no bones about it. I thought it was better to retain the provision.

Mr. DUGGAN: The Minister is very fixed in his ideas on this matter.

Mr. Morris: No, I am not very fixed.

Mr. DUGGAN: If the party were prepared to go the full distance with that, they should have eliminated Clause 7 also. From time to time, the unions and the employers have not been particularly pleased with decisions of the members of the present court, including the President. We have had some very able men as Presidents of the Industrial Court. Mr. Justice McCawley had an Australia-wide reputation as one of the most outstanding Presidents of the Industrial Court in this State, or any other court. Mr. Justice Higgins who was on the Federal Arbitration Court when it was established felt so strongly about one matter that he gave a £50 donation to a striking union and also paid to the union £10 a week from his salary for the duration of the strike. Those men endeared themselves with the unions generally. I cast no aspersions on Mr. Justice Brown, or his predecessor Mr. Justice Barry, who was an outstanding man, or Mr. Justice Matthews who preceded him. They have made their valuable contributions. It is true they gave decisions that were not acceptable to unionists, but at least they could enter into the discussions with a full knowledge of the subjects because they were intimately connected with them. However, there is now a tendency to bring about a separation, which is undesirable. Because we do not wish these trends in the industrial laws of the State to develop, we believe that now is the appropriate time to direct public attention to them, and we propose to go further, and vote against this clause.

No doubt, I will have an opportunity to reply later to some of the Minister's arguments, so I will not canvass the point further at this stage. I do not wish to deny myself that opportunity if the Minister elects to

reply, and no doubt he will, because this is an important matter. For those reasons I will content myself with those remarks and exercise my right to reply later if I think it is necessary.

Mr. HART (Mount Gravatt) (12.54 p.m.): The Leader of the Opposition has raised a very important point which, in a sense, goes right to the root of the Bill. I suggest the most important reason for the division is the emphasis that we are now putting upon the principle of conciliation, which is included in the Commonwealth Act. We believe that if conciliation is possible it is better, but if conciliation is impossible, then there must be arbitration. It seems to me that a man is in a much better position to conciliate between two people if he has not punished one of them last week for contempt. The atmosphere will be better. That is the first reason. The other reason is that the Federal Government had no constitutional powers in the boilermakers' case. They had to make this provision, but there was no similar necessity for us. I have not looked into this point because I did not anticipate that it would be raised, but on my recollection, the Federal Act was brought down after the decision in the High Court, a 1956 decision, and before the appeal was decided in the Privy Council. It was quite likely that the Privy Council would decide that the Arbitration Court should continue as it was. The decision was completely on balance. But the Federal Government did not wait for that. In their Act they put the emphasis on conciliation. It may have been for that reason. If my memory serves me correctly, they did not wait for the final decision before bringing their Act down. It seems to me that it is a better way.

Again, it has been asked: why separate these functions? I remind the Leader of the Opposition that the position here is analogous to our whole system of government. We have one body that makes the laws, another body that carries them out, and another that interprets them. Why should not that principle be carried into arbitration? I am inclined to agree that the further the law is kept from arbitral functions the better. People should sit around the table and agree if they possibly can. The Bill is aimed at promoting conciliation.

Mr. Lloyd: What powers of conciliation and arbitration has the court got?

Mr. HART: The powers of conciliation are given to the conciliation commissioners, as the hon. gentleman knows.

Mr. Hanlon interjected.

Mr. HART: Surely the hon. member has read the Bill. It is perfectly clear. It has taken the conciliation powers away from the court and placed them with the commissioners, as the hon. member knows very well. Furthermore, I think it will work more effectively.

Mr. BENNETT (South Brisbane) (12.57 p.m.): Like my leader, I find Clause 7 very perplexing and paradoxical. It is quite obvious that it cannot work as it presently stands in view of the decision to exclude legal men from this domain. Unlike the hon. member for Mt. Gravatt, I have read closely the boilermakers' case, on which the High Court decision precipitated the Commonwealth legislation dividing arbitration into judicial and arbitral powers.

Mr. HART: I rise to a point of order. I did not say I had not read the boilermakers' case and there is no need for the hon. member just to shove that in as he goes along.

Mr. BENNETT: I got that impression. Perhaps the hon. member was obscure in his explanation. In any case, that was the reason for the Commonwealth move on arbitration and conciliation. Under the Commonwealth Constitution, their industrial legislation as it existed was held to be invalid because there was no division between judicial and arbitral powers, and they had to divide them.

I pointed out at the introductory stage of this Bill that in Queensland there is no law or constitution that says there must be a division between judicial and arbitral powers. Therefore we are constituting now a court comprised solely of a judge of the Supreme Court who will be the President of the court and the sole authority on law. The hon. member for Mt. Gravatt said that he had read the automation case and that he did not know anything about it.

Mr. HART: I rise to a point of order.

The CHAIRMAN: Order! I ask the hon. member for South Brisbane to refrain from making statements such at that.

Mr. BENNETT: The hon. member for Mt. Gravatt did say that he did not know whether this case was decided before or after the Commonwealth legislation was introduced providing for the Commonwealth Conciliation Commissioners. I am taking it from that that he did not read the report of the case.

The case was heard before the High Court of Australia in Melbourne, and at times in Sydney, and the judgment was delivered in Melbourne in March, 1956. It was a majority judgment of the Chief Justice, Sir Owen Dixon, and Justices McTiernan, Fullagar, and Kitto, with three judges dissenting, one of whom was Sir William Webb, who was recently Chairman of the committee appointed by this Government to consider our salaries and allowances. The relevant part of the majority judgment of the court, dealing with this division between judicial and arbitral powers and the question

whether orders made on the Boilermakers' Union were validly made in accordance with the Constitution, reads—

> "The purpose in making them was to require obedience on the part of the Boilermakers' Society to a provision in an award of the Arbitration Court prohibiting bans, limitations or restrictions on the performance of work in accordance with the award."

It goes on to say—

> "The attack upon the jurisdiction to make these orders is based upon the ground that they could be made only in the exercise of the judicial power of the Commonwealth and that the Constitution does not authorise the legislature to establish a tribunal which at once performs the function of industrial arbitration and exercises part of the judicial power of the Commonwealth. There may be a question whether powers such as those which s. 29 (1) (b) and (c) purport to give are necessarily part of the judicial power of the Commonwealth and cannot be referred simply to the power to legislate with respect to industrial conciliation and arbitration. But there can be no such question with reference to s. 29A which plainly could not be enacted except in conformity with Chapter III of the Constitution."

The CHAIRMAN: Order! I trust that the hon. member is applying that to this clause.

Mr. BENNETT: Yes. In effect, without reading further details, the judgment went on to say that, because an arbitral court exercised judicial functions, it was in conflict with the Commonwealth Constitution, and that, therefore, the Constitution of the court was invalid. It was because of that judgment that the Commonwealth Parliament enacted legislation known as "An Act to amend the Conciliation and Arbitration Act of 1904 to 1955," which was assented to on 30 June, 1956. So the present Commonwealth legislation relating to conciliation and arbitration followed on from earlier legislation being held invalid by the High Court of Australia in the Boilermakers' case.

It is significant to note that the clause with which we are dealing at present, Clause 7, is drawn from parts of the sections of the 1956 Commonwealth Act, and, of course, portion of it is related to our own present Queensland Act. It might be truly referred to, both morally and factually, as a bungled clause indeed, because it has neither the good of the Commonwealth Act nor the good to the Queensland Act, and it has what might be termed the weaknesses of both sets of legislation. Under the Commonwealth legislation they provided for a President, no fewer than two deputy presidents, a senior commissioner and no fewer than five commissioners. It is very significant to compare the Commonwealth legislation with the Bill. Clause 7 (7) (a) of the Bill.

> "The President shall have and exercise the function of organising and allocating the work of the Commission amongst the Commissioners and in particular the President may assign a Commissioner or Commissioners to a specific dispute or situation or to disputes or situations of a specified class."

The President is being made an administrative officer of the court. He is appointed as a Supreme Court judge because of his technical experience as a qualified lawyer, but having appointed him to the position of President of the court the Government then proceed to make him a subservient menial officer who is merely dealing with the administrative arrangements of the court.

The CHAIRMAN: Order! Would the hon. member please say whether he is pointing out that a similar position applies in the Queensland court.

Mr. BENNETT: I am reading from the clause in the Bill.

The CHAIRMAN: I thought the hon. member was reading from the Commonwealth Act.

Mr. BENNETT: No, Subclause (7) (a). The President of the court is being asked to carry out these details of administration of the Industrial Court. Under Section 16 (L) of the Commonwealth Act it is the senior commissioner who is required to organise and allocate the work of the commissioners and the conciliators. The clauses reduces the status of a Supreme Court judge to the extent that one of his functions is the carrying out of purely administrative work.

The hon. member for Mt. Gravatt said that the amendments are designed to introduce provisions for conciliation. That is no novelty or innovation in Queensland legislation.

Mr. HART: I rise to a point of order. I said nothing of the kind. The hon. member has been talking rot for the last half hour.

The CHAIRMAN: Order! I ask the hon. member for South Brisbane to accept the denial of the hon. member.

Mr. BENNETT: I do accept the denial but when the hon. member says that I am speaking rot——

The CHAIRMAN: Order! I hope the hon. member will not repeat the statement, having accepted the denial.

Mr. BENNETT: Yes, but I was trying to say that I hope that in future when he rises to a point of order he will not say that I have been speaking rot. I challenge him to indicate what portion of my submissions is wrong. I refer to Section 24 (1) of the existing Act which provides—

> "In the course of the hearing, inquiry, or investigation (including any compulsory conference summoned by a member of

the court as hereinbefore provided) of any industrial cause, the court shall make all such suggestions and do all such things as appear to it to be right and proper for dealing with the cause or bringing about the settlement of the cause by amicable agreement."

It goes on to provide in Subclause (2)—

"If an agreement is arrived at, a memorandum of its terms shall be made in writing and certified by such member, and such memorandum shall be filed in the office of the Registrar, and, unless otherwise ordered and subject as may be directed by the Court, shall have the same effect as and be deemed to be an award of the court."

The Bill does not take the possibility of conciliation one step further than the existing provisions of the Act, but it does divide the powers of the court into a state of chaotic confusion. I certainly think that the argument of my leader is perfectly valid and very sound when he dealt with the fact that provision was made for a member of the Supreme Court of Queensland to sit alone in jurisdiction as an Industrial Court apparently hearing lay advocates. He will sit as a technical and professional legal man hearing lay advocates. That is the ironical feature of the procedure because according to the constitution of the Court the commissioners can also sit and exercise their various functions and powers and, according to this Bill those commissioners can decide on questions of law and questions of fact. Where is the logic in the Minister's argument that he is endeavouring to separate the judicial and legal functions of the Court from its arbitral and what might be termed everyday laymen's knowledge of the Court?

On the one hand there is a Supreme Court judge sitting in sole jurisdiction as a court being addressed by lay advocates, and on the other hand there are commissioners sitting to determine questions not only of fact but of law, according to this Bill.

So the whole position will be stupendously ridiculous. I have never read such outrageous legislation that will reduce the status of this Parliament to an absurdity. Frankly, this legislation and the proposed Industrial Court constitution does not satisfy the legal fraternity one bit. They are treating it with derision and the industrial movement and the lay public of Queensland also consider it to be a joke. The Minister in his venom envisages an endeavour to pressurise and repress the industrial movement generally. While that is his intention, by its very machinery it will be so unworkable that it cannot function. Whilst it is contended—and no doubt the submission is one that should be very seriously entertained in Parliament—that industrial matters should as far as possible be dealt with in the lay world by plain common sense, experience, and knowledge of humankind and industry—I entirely and wholeheartedly agree with that contention—on the other hand I do not believe for one moment that we should create such confusion as is being created. Although it is going to be expressly stated now that no legal man can enter the arena of the Industrial Court except by consent it is obvious that all parties to a dispute will inevitably be forced to issue what are known in law as prerogative writs, in an endeavour to iron out the basic doubt and uncertainty that surely must prevail under this legislation. In other words, we will be arguing in the Full Court and the Supreme Court, and by way of prerogative writs decisions of the Industrial Court may be taken into the Supreme Court and there will be costly and protracted litigation. Top counsel will be employed arguing whether some decision should have been given by the judicial power of the Court or the arbitral power of the Court, and whether a commissioner had the right to make such a decision, or whether the President had the function of doing so. and so it will go on.

I do not know whether the Minister is conscious of this loophole in the Bill but. instead of reducing the appearance of barristers in industrial matters, Clause 7 will increase the number of appearances of barristers in litigation concerning industrial matters that will be taken to the Supreme Court.

I feel also that the Commissioners will be dealing with questions of law and although it is not particularly clear apparently in some jurisdiction they are going to be a lay authority. Therefore there are going to be arguments about decisions that are given. Under the existing legislation where we have one Industrial and Arbitration Court there is provision for conciliation, and whilst the machinery may not be perfect, it has stood the test of time for many years. There is an existing provision for conciliation, arbitration and judicial decision. Obviously the Governor in Council is not going to appoint to the Industrial Court members who will not be guided by the legal expert who presides, so that as the Court functions at present the situation is ideal. We have a President who is well skilled and qualified in law, and men of equal status, well qualified and skilled by reason of their industrial experience, background and knowledge of humankind, who can advise him as to the frailties and weaknesses of the industrial setup and the confusion that can creep in. They in turn can be guided on technicalities of the law by the President. These men would not be appointed unless they were skilled in their particular abilities and their integrity was unquestionable. The President and members of the court between them are able to come to decisions of advantage to society. With the division of jurisdiction the President is made administrative head of the court. The commissioners will have to comply with the directions of the President of the court. Further, and this is another evil feature of the clause, the commissioners are

to be told by a certifying barrister whether they are correct or not in granting registration to a particular union that applies for it. I do not need to tell hon. members who is going to get the appointment as certifying barrister.

Mr. Ramsden: Who is?

Mr. BENNETT: The hon. members knows only too well. It has been decided at his Caucus meeting.

The certifying barrister is going to make a fortune on the side, in the evenings, by studying proposals for registration and the proposed constitution and rules of the prospective unions. The President of the court is a Supreme Court judge, well and truly skilled in law. Why should the court have to pay for the opinion of an outside barrister who will be called on to certify whether the proposed rules are in keeping with the constitution and the requirements of the industrial legislation? It is perfectly obvious to me why that provision has been included. As the population of the State increases and various new industries are established, no doubt other unions will endeavour to get a foothold in Queensland. The certifying barrister is going to earn tremendous fees for certifying whether or not the court or commissioners should listen to applications for registration of those unions.

The Minister has put himself in a very embarrassing impasse. On the one hand, although he does not agree with it, he has said, that wise or unwise, he is not going to have legal men in court; on the other hand, he is making provision for the appearance of legal men who will not be there. I find difficulty in following his wisdom or in understanding his logic. None of us can confer with the President of the court about the proposed legislation, but, as a legal man, I can apply my mind to his thinking and I know he will be troubled considerably by the proposed setup.

He is appointed, as it were, as the legal expert, but the Bill does not clearly define the cases on which he will sit other than matters of penalties, appeals and deregistration. His jurisdiction is not made clear, nor is the jurisdiction of the commissioners made clear. There will be an overlapping of jurisdiction in matters of law, and the President is not going to be in a position to override any decision of a lay commissioner on a question of law. Is it not more realistic to put them together on all positions so that the law and the facts can be combined in relation to their judgment and decisions? The way this Bill will operate I believe the President will be a Supreme Court Registrar. We will have a Supreme Court judge running around asking the Registrar where he should send this Commissioner and that Commissioner, what he is doing today, whether he should be paid travelling expenses and allowances, and how long he should take to deal with a dispute in a particular locality. That will be the main function of the President under this legislation, instead of keeping him aside, as it were, to deal with the technicalities for which he has been obviously appointed. It has been assessed that out of all the industrial cases that go before the Industrial Court there will be approximately 10 per cent. of them which are on questions of law.

An Opposition Member: Into which of those two sets of qualities do you think Peter Connolly will fit?

Mr. BENNETT: As a matter of fact he has three strings to his bow. I do not know whether he has the qualities to fulfil them but there are three avenues open to him. There is the President's job that will be vacant, and a commissioner's job can become vacant, and then we have a sideline—the certifying barrister's job is there just ready for the plucking. It really amazes me that they do not insert a provision for a certifying doctor for certifying any——

The CHAIRMAN: Order! The hon. member must not be facetious in his remarks.

Mr. BENNETT: It appears to me to be just as logical as the insertion of a provision for a certifying barrister.

Mr. Smith: Are your qualifications in order?

Mr. BENNETT: I will deal with the hon. member later. All I can say is that he could not follow an elephant through a stoney paddock if it had a bleeding foot.

I do not know whether the Minister will agree to withdraw this provision at this stage, or give it further consideration. I believe, of course, that he makes up his mind and gets bull-headed about these things and will proceed in any case. No matter what valid arguments may be levelled against the legislation, he will insist on bludgeoning it through Parliament. I am absolutely certain that before 12 months are up there will be several recommendations coming to him from all the members of the Court, the senior members of the Registry in the Court, from legal men and employers' representatives asking him to recast this legislation which is hybrid legislation from the Commonwealth and the State.

Mr. LLOYD (Kedron) (2.39 p.m.): The implications of this clause indicate clearly that the Minister considers that the existing industrial legislation was not capable, efficient and independent. However, on the introduction of the Bill he stated that, in his opinion, the existing legislation was the best industrial law in this country. It is strange that he should upset this capable, efficient and independent law by introducing a new principle into it that creates complete redundancy in the appointment of a Supreme Court Judge to the Industrial Court of Queensland. The Minister has stated that he

intends to overcome whatever weaknesses there are in the present legislation. We realise that one or two weaknesses have been disclosed. One weakness was that the court, in the past, had no real power, or was not told, that it had to intervene arbitrarily in the case of a dispute on industrial matters.

The provisions in the Bill relating to the judicial and arbitral powers of the industrial machinery in Queensland are such that we cannot but disagree entirely with them. To understand the matter fully we must consider exactly the purpose of the Industrial Court. The only machinery available to the Industrial Court under the Bill is that relating to the implementation of the penal sections of the law. Indeed, it will become the criminal court of the industrial law of Queensland. It is being given no powers of conciliation or arbitration. We have been told that the Court will hear appeals from the Conciliation Commission, but those appeals are to be only on points of law and not on questions of fact relating to an award. The Industrial Court will have no conciliation or arbitration powers.

In the past we have had a Supreme Court judge appointed to the Industrial Court and within the Court itself an atmosphere of tolerance and informality, which has enabled it to function with the utmost efficiency. Under the Bill it is proposed to separate arbitral and judicial powers and the duties of the Court are restricted to hearing appeals from Conciliation Commissioners, appeals in relation to the registration or de-registration of a union and to the enforcement of certain provisions of the legislation. Upon request it may give an opinion on points of law and it has jurisdiction on appeals relating to offences and the recovery of money as well as on prosecutions of offences carrying a penalty of over £100.

Then there is a long list of appeal provisions, reducing the scope of industrial matters that can be considered by the Industrial Court as presently constituted. As the machinery of the Industrial Court has been so efficient in the past, giving industrial unions, whether of employees or employers, an opportunity to be heard in an atmosphere of informality and to have a decision arrived at with the greatest possible degree of conciliation at the same time as arbitration, why should that be interfered with?

The hon. member for South Brisbane and the Leader of the Opposition pointed out that the whole machinery of the establishment of the Commonwealth Arbitration Court is entirely different from that of the Queensland Court. The powers of the Federal Court were limited under the Commonwealth Constitution. As the Leader of the Opposition said before, even Mr. Justice Higgins, who framed the original Federal industrial law under the Commonwealth Constitution, violently disagreed in the Federal Parliament with the interpretation that had been put upon the law that he framed. The Commonwealth Court became a paradise of legal representation. It deteriorated to such an extent that every decision made by one court was rejected by another. The High Court of Australia would make a decision in one case and two years later the same court, composed of different personnel, would give an opposite ruling. That has happened time after time.

Mr. Smith: Do you agree with your leader when he says that lay advocates in the Industrial Court earn more than barristers?

Mr. LLOYD: I do not know whether the hon. member for Windsor has been listening to me, but I am talking about the High Court of Australia. It became a paradise for barristers and solicitors with all these different opinions and interpretations given by the High Court from time to time on Commonwealth industrial matters. Now the Bill seeks to drive the same legal wedge into the industrial laws of Queensland.

We are told that legal representation will be abolished before the Industrial Court and the Industrial Commission. The Minister knows as well as I do that it remains open to the Industrial Court to permit legal representation before it. It is entirely different from the other provisions that the Minister has agreed to delete, but this one is being retained. It is only by consent of both parties before the Conciliation Commission that there can be legal representation. In this case the Court has power to permit legal representation in all hearings before the Industrial Court. It can be done if the Court wishes, and many judges of the Supreme Court insist that only barristers should appear in their courts. Eventually the Industrial Court could become the harbour of legal representatives.

Mr. Smith: They would be cheaper, according to the hon. member for South Brisbane.

Mr. LLOYD: I do not know about that. The hon. member for Windsor understood the Bill so well that he rose to speak and did not know what clause he was discussing.

I cannot see the need for legislation prescribing judicial and arbitral machinery, because I cannot see how a judge could make an equitable decision on a case that has already gone before the Conciliation Commission. I believe that the tolerance shown by the court in the past and the informality of the hearings have helped to create industrial peace in Queensland. Now the judge will be completely alienated from the Industrial Court. Under this provision he is retained purely and simply in a judicial capacity to proceed only under certain sections of the law. He will deal only with the penal provisions of the law, not the making or enforcement of the awards, which is the sole purpose of the Industrial Court. If we appoint a judge of the Supreme Court and he hears all the argument on an application for a

variation of an award and makes an equitable decision on it, he will have first-hand knowledge of any dispute that occurs between employer and employee. If there is then an application for the implementation of penal provisions, he will be able to give his decision on that application with a full knowledge of all the human considerations and factors, not with only an abstract knowledge. Under this Bill, all he will know is that he has power to impose a fine of up to £1,000 on any party that has violated a decision of the commission or committed an offence under the Act.

Our industrial law has been successful because the President and members of the Industrial Court have had full knowledge of any industrial dispute that occurs and have the capacity to adopt a tolerant, humane attitude, keeping in mind the weaknesses of the legislation. If we tie the Court down to a position where it has no power other than to instruct conciliation commissioners and no power relating to the making of awards, we shall be making it a court of penalty only. In other words, it will be a criminal court, a court purely and simply to impose penalties, not a court of civil rights.

I cannot see how that will create an improvement in the industrial conditions in Queensland. I fail to see how this legislation will enable the Industrial Court to overcome disputes without violating any of the ordinary principles of decency. We should see that the Court can, by conciliating and arbitrating, overcome industrial unrest. This legislation will only create industrial unrest. I believe that the whole intention of the industrial law should be to create harmony in industry, better relationships between employer and employees. To do that, we must establish a court that can give parties an informal hearing and a fair hearing, a hearing completely removed from the usual judicial formality, so there can be a more equable approach to disputes and their setlement and to the law dealing with penalties. They will not help to bring about industrial peace by the harsh implementation of the penalty clauses. If they alter the present arrangements they will not assist industrial peace in Queensland.

Mr. KNOX (Nundah) (2.50 p.m.): There seems to be a lot of muddled thinking by the last two Opposition speakers. They are talking as if it was something new or different in the sense that it did not exist before. We should look very carefully at the origin of the clause. Of course the last speaker dealt with clauses that we are not considering at the moment. When considering the division of the existing jurisdiction into two parts, the judicial and the arbitral, we must keep in mind what they are doing in New South Wales along similar lines. Some months ago an hon. member opposite asked whether the Government would consider breaking the Industrial Court into two, or appointing commissioners in the sense that we have done here, as was being done in New South Wales. On that occasion the Minister replied that he would consider any situation that might be existing or about to exist in New South Wales because of proposed amendments to the law.

Mr. SHERRINGTON: I rise to a point of order. The hon. member for Nundah is distorting completely the question I asked in the House. I asked whether the Government would consider the establishment of conciliation commissioners. At no stage did I mention the breaking of the Industrial Court into two sections. I ask him to withdraw his remark.

Mr. KNOX: I accept the explanation of the hon. member. If the hon. member put his proposal forward seriously and asked for serious consideration of it, he must realise that certain machinery would be necessary to give effect to it. In New South Wales they have gone as far as appointing commissioners. They are proceeding along the general lines that the Bill envisages. If hon. members opposite keep in mind that the idea of appointing commissioners is not to make the Court a hanging court, as it has been described by one spokesman for the Australian Labour Party, but rather to streamline——

Mr. Lloyd: We did not describe it as such. You have just described it that way yourself.

Mr. KNOX: The hon. member knows who described it as a hanging court.

Mr. Lloyd: No, who?

Mr. KNOX: A member of the inner executive of the hon. member's own party, Mr. Egerton, described it as a hanging court.

Mr. Lloyd: He described the Bill as a hanging Bill.

Mr. KNOX: I do not intend to dwell on that. If that is their view I want to make it quite clear that the idea of appointing commissioners is not to take anything away from the Industrial Court, but rather to give strength to conciliation, which is what the legislation places the accent upon.

The CHAIRMAN: Order! I am trying to follow the hon. member very closely to determine whether he is speaking about Clause 7, which deals with the division of the Industrial Court, because I do not want him to make too many references to other phases of the Bill.

Mr. KNOX: Let me refer to an article quoted by the Leader of the Opposition when he was referring to this clause. He pointed out that in his article Dr. Sykes made certain observations which suggested he was critical of this move. But the proposal he

put up is countered somewhat by what Dr. Sykes says at the end of his article. Dr. Sykes says—

> "Broadly speaking, the effect of the Bill, as originally framed, is to create—
>
> (a) A 'lawyer's court' where legal representation is permitted and appeal therefrom to the Supreme Court is allowed; and
>
> (b) A 'layman's tribunal' dealing with matters of dispute settlement and wage and hour fixation where lawyers will not appear.
>
> "Control of the latter tribunal if it goes wrong would be purely by the 'lawyer's court', and not by any outside body such as the Supreme Court.
>
> "In fact, the position of the Supreme Court as the legal 'watchdog' in arbitral matters where issues of jurisdiction is concerned, is taken by the Industrial Court.
>
> "There is a good deal to be said for this technique.
>
> "One of the results is that it lets the lawyers and the ordinary courts in more extensively in one field but keeps them out more efficiently in the other."

I think that quotation from Dr. Sykes can be used to support this move for Clause 7 rather than some suppositions that Dr. Sykes put up in order to examine the effect of this clause.

Mr. Sherrington: Are you saying that he could not make up his mind?

Mr. KNOX: No, I am not saying anything of the sort. We are making this move to speed up conciliation and to say, as has been suggested by the Leader of the Opposition and others, that the award-maker in those circumstances cannot interpret his own award is quite erroneous. The situation exists at present where the award-maker cannot interpret his own award. That happens all the time in the Industrial Courts in Australia.

Mr. Houston: Not in Queensland.

Mr. KNOX: It is not intended to exclude legal men because in sub-clause 2 of Clause 125, as hon. members will see later, it is possible to have legal counsel by consent or at the discretion of the President. It has been suggested by the Opposition that there is to be an entirely new court in which the President can sit alone. The hon. member for South Brisbane said that a ridiculous situation will occur with the President, a legally qualified man, sitting alone with two lay advocates before him. That is exactly the position that exists under the Act. I read sub-section 7 of Section 6 of the existing Act and ask hon. members to check it. It reads—

> "The President or any other member sitting alone shall constitute the Court and except as in this Act or any Rules of Court otherwise provided, all the powers and jurisdiction of the Court may be exercised by the President or any other member sitting or acting alone."

Mr. Hanlon: "Or any other member."

Mr. KNOX: Exactly.

Mr. Hanlon: That is the difference.

Mr. KNOX: It is possible, and it has been on numerous occasions under the Act, that the President has sat alone with two lay advocates before him. That is not a new situation at all and it is not to be used as criticism of Clause 7 of the Bill.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (2.58 p.m.): I have been rather interested in this debate. I have taken a few notes and I have a few comments to make. The first matter to which I should like to refer is Clause 7. It is headed, "Part II—Industrial Court." and it deals with the Industrial Court, constitution, its membership, the salary of its members, their terms of office, judicial functions, powers and duties of the President and even with the matter of the seal. That is to be found in the marginal notes.

In fact, this debate has revolved around the desirability of retaining or removing sub-clause 4 of Clause 125 dealing with legal representation in court. It has dealt with penalties and also with matters of conciliation and the benefits of conciliation versus arbitration, and even with the question of certifying barristers. No doubt it is a broad clause and I suppose it is perfectly legitimate that all those points should be brought in under Clause 7. I make it quite clear that I am not questioning that but I also want to make another point quite clear. I make the further point that specific clauses in the Bill deal with each of the matters I have mentioned.

Clause 125 (4) covers representation by counsel. All the other matters are covered in detail in other clauses and as we go through the Bill we will be able to speak to each of them. Although they are dealt with in other clauses, however, they can be raised under Clause 7. As hon. members opposite have traversed many matters that are covered by subsequent clauses, I trust that I will be permitted to answer them even if in doing so I go beyond the clause under discussion. I shall be doing so only by way of reply to the points that have been raised.

The Leader of the Opposition referred to the general opinion on this matter. He said it was the general opinion that counsel should not be permitted to appear in the court. I acknowledged and I still acknowledge that there is a very wide general opinion about Section 125 (4), that is, the appearance of counsel. Wide discussion has taken place about it. But I will not concede for a moment that there has been the same general discussion about division of the Industrial Court into the Industrial Court and the Industrial Conciliation and Arbitration Commission.

Very little has been said in opposition to the division, and I think it will be conceded that what has been said has been as much in favour of the division as against it.

The Leader of the Opposition continues to chide me because of my complete frankness. I do not want to reiterate my earlier statement, but he has chided me again for giving my opinion. I said quite frankly that in my personal opinion it would be better to allow legal representation, when a person is subject to punitive action. I still say it; I still think it.

Mr. Houston: You have still got it in the clause.

Mr. MORRIS: We can discuss that when we come to Clause 125. At the moment I am answering points raised by hon. members opposite. I was not dogmatic about it. I accepted the general opinion.

I do not take his chiding seriously, although it is not a good thing if hon. members try to devise means to prevent others from being absolutely frank in their discussion of a Bill. I am chided for expressing my personal opinion. Those who do that sort of thing should be a little ashamed of themselves. That is all I want to say about it. I have no doubt I will be saying more later.

Mr. Mann: The franker you are the better we like it.

Mr. MORRIS: See if the hon. member likes the next matter. The hon. member for South Brisbane said the Bill reduces the status of Parliament to an absurdity, that legal opinion is that the Bill is a joke, and that the Bill is causing a great deal of amusement in the legal world. He used the separation of the Court and the Commission as the pre-eminent example to prove his point. Let us look at the question. I think hon. members should have the opportunity of hearing a letter that I have had in my possession but which I have not read before because I believed there was not much need to do so. I remind the Committee that the hon. member for Nundah has quite clearly pointed out that Dr. Sykes's article may be construed to give a certain amount of support for the division of the court. The article is not totally opposed to the division. I thought it was a very good and thoughtful article. It did not agree with my views in every case, but it was an interesting article. No-one could say that there was a clear denunciation of the division of the court in that article. To the best of my knowledge, that has been the principal background for publicity on this matter.

There have been letters in the Press. I will quote one in a moment, but I will refer first of all to a letter that I received from the Queensland Law Society dated 20 March, and signed by the secretary. I will read the relevant part. It says—

> "My Council is greatly concerned by Press reports that the Government decided on representations made to it by certain sections of the community to delete from the Bill Section 125 (4)."

The rest of the letter deals with that subject, but I shall not read it now. I will read the balance of it when we come to the clause itself because I think hon. members will be very interested to hear it. However, I wish to emphasise that it is a letter from the Law Society dated 20 March, and there is not one word in it criticising the division which makes a court and a commission.

Mr. Hanlon: They have a vested interest.

Mr. MORRIS: The hon. member's friend over there says that the legal world is laughing at this Bill because of the creation of a court and a commission.

Mr. Hanlon: They may not have referred it to the rank and file which you state the unions should. That may be the explanation.

Mr. MORRIS: It is the legal opinion of Queensland and they have expressed themselves quite clearly.

Mr. Hanlon: Did they have a ballot on it?

Mr. MORRIS: Maybe the hon. member's friend can answer that.

Mr. Hanlon: He may be speaking as an executive and not talking for the rank and file.

Mr. MORRIS: Before hon. members of the Opposition get too far into the soup, let me tell them one or two things that may prevent them from being silly enough to follow the lead given to them by one of their members. I remind the Committee that this letter deals with Clause 125 (4), so I will postpone the reading of the letter. However, the hon. member for South Brisbane dealt at great length with the certifying barrister. I thought the hon. member for Kedron would fall into the hole dug by the hon. member for South Brisbane, but he most astutely sidestepped it, and I was very glad that he did. He will be glad himself.

Mr. Lloyd: I cannot follow you sometimes.

Mr. MORRIS: The hon. member will follow in a moment.

The hon. member for South Brisbane insinuated that we have now created the position of certifying barrister. His words were very pointed, and in the course of his remarks he insinuated, and these are the words he used, "We all know who is going to be the certifying barrister that is provided for in this legislation."

Mr. Lloyd: I believe you are studying law.

Mr. MORRIS: This would not make me very fat.

The hon. member went on in that strain for quite a while, and like oil covering water, there was the insinuation, throughout his words, that there was something sinister in it. He went on to say that we are making

provision for a barrister—and he knows who it is to be—who will make a fortune out of certifying the rules of a union. He says that is why we include the provision. I wish the hon. member were here listening to me. Always when I am proving how stupid his statements are he runs out of the Chamber. He ended by saying that the certifying barrister will earn tremendous fees. That is the sum of the matter—that we are providing for the appointment of a certifying barrister, who will earn tremendous sums, and the hon. member knows who it is to be. We know what he means.

Mr. Houston: What does he mean?

Mr. MORRIS: The hon. member knows. He insinuated that a friend of the Government's will be given the opportunity to earn huge sums.

Mr. Houston: Isn't that right?

Mr. MORRIS: I have seen too many examples of this sort not to know how his mind works. I point out to the Committee that the provision for a certifying barrister has been in the Act since 1915.

Mr. Lloyd: They needed one then.

Mr. MORRIS: Maybe they did, but there is still exactly the same provision for a certifying barrister to certify the rules of a union. Let me make it quite clear that we are not creating a new position; we are merely continuing it.

Mr. Houston: Who does the work at present?

Mr. MORRIS: For many years the late Mr. Jack Hutcheon filled the position, and filled it with dignity. Now Mr. Philp does it—not Sir Roslyn Philp, but a junior. Would hon. members like to know the fees he earned?

Mr. Dufficy: That is under the Act. We are talking about the Bill.

Mr. MORRIS: The Bill is just the same as the Act on this.

Mr. Dufficy: The same words exactly?

Mr. MORRIS: No different in this regard. I will give the Committee the sums that have been paid. In 1957-1958 the certifying barrister earned the tremendous sum of £22 1s. In 1958-1959 he earned the colossal sum of £13 13s. I wonder how many nights he had to work to do that. In 1959-1960, when, of course, money values were different, he again earned the colossal sum of £13 13s.

I have gone to some trouble to give these details. I have shown how this debate has spread over a wide field—and no doubt there will be further opportunity to discuss the matter on a subsequent clause, probably justifiably—but surely the facts I have given show what little reliance can be placed on the case presented in the Chamber by, I am sorry to have to say it, a member of the legal profession.

The CHAIRMAN: Order! The Minister has drawn my attention, by his speech, to the fact that I have allowed the debate to get beyond the scope of Clause 7. I considered that they were all tied in with the appointment of a judge. However, the debate on Clause 7 must be confined to the headings appearing beside each paragraph.

Mr. HART (Mt. Gravatt) (3.15 p.m.): The first point that I wish to take is this: I said I thought the Commonwealth legislation was brought down before the Boilermakers' case was finally determined.

Mr. Bennett: That was wrong.

Mr. HART: I have checked that during the adjournment. Apparently the hon. member for South Brisbane is quite unaware that the case went to the Privy Council and the judgment was affirmed by the Privy Council in March 1957.

Mr. Bennett interjected.

The CHAIRMAN: Order! I ask the hon. member for South Brisbane to cease interjecting.

Mr. HART: The Boilermakers' case was decided in 1956, and the law was altered in 1956—I have checked this—before the matter was finally determined. My point was that the Commonwealth Government had been tending towards conciliation in the Act of 1950, and probably even before that, and certainly before the judgment in the Boilermakers' case was given. Before that matter was finally determined, and when it was still before the Privy Council, the Commonwealth Government decided to split the court into two parts.

Mr. Bennett: That was after the High Court's decision.

The CHAIRMAN: Order!

Mr. Bennett: That was after——

The CHAIRMAN: Order! I am warning the hon. member for South Brisbane a first time that his interjections are disorderly. I will warn him a second time, and after that I shall apply Standing Order 123A.

Mr. Mann: He is only trying to help.

The CHAIRMAN: Order! There is no need for the hon. member for Brisbane to interfere in what I am saying. I have allowed the hon. member for Mt. Gravatt to refer to this Commonwealth legislation as an answer to what has been said. Now I hope he will continue with the heading of the clause.

Mr. HART: Yes. I merely dealt with those points because they were raised against me and some rather nasty insinuations were made.

The CHAIRMAN: Order! The hon. member has now answered them.

Mr. HART: The next point raised by the the hon. member for South Brisbane, as I understood him, was that this division in some way reduced the status of a judge of the Supreme Court because he has to arrange the duties of the commissioners. I have never heard such a ridiculous suggestion in my life, because one of the main duties of a Chief Justice is the arranging of business. This really preserves the position of the judge of the Arbitration Court. He is the man who directs the commissioners. Clause 36 of the Bill states that if there is an industrial dispute, the commissioner has to take immediate steps to settle it. If the whole five commissioners went, chaos would prevail.

In some way or other the hon. member for South Brisbane seemed to suggest that I had said there were no conciliation provisions in the Act. I never made such a foolish statement. What I did say was that this Bill puts the emphasis on conciliation.

The Leader of the Opposition took the point—quite properly if I may say so—that the commission will have no power to censor its own awards, and he cited the judgment of Judge Foster. If we look at the Bill we see that the commission has power to say what its awards mean. I refer the House to page 8 of the Bill, the definition of "Industrial matter".

The CHAIRMAN: Order!

Mr. HART: It is directly relevant to this clause, Mr. Taylor, because the debate is really whether there should be a commission or not. The Leader of the Opposition put it forward on the ground that, under this clause, the commission had no power to interpret an award. I am pointing out that such power exists. On page 8 "Industrial matter" is defined as follows:—

> " . . . the interpretation and enforcement of an industrial agreement or award except as otherwise provided . . . "

The CHAIRMAN: Order! The hon. member has already directed attention to the clause. There is no necessity to read it all.

Mr. HART: The commission has full power to decide these matters. I refer to Clause 11 (1) on page 20 and Clause 12 (1) (j.) on page 24. Those provisions make the position quite clear.

The hon. member for South Brisbane brought up this business about the Trade Union Act. The Minister has dealt with that matter. "Certifying barrister" is referred to in many Acts.

The CHAIRMAN: Order! That does not come under the clause. The Minister has already pointed out the different subjects to be discussed in the debate on the clause.

Mr. HART: The final point I wish to make is that the hon. member for South Brisbane complained about the President determining questions of law without counsel. The Bill makes it quite clear that in those difficult cases he can get counsel.

Mr. Bennett: He cannot.

Mr. HART: Of course he can!

Question—That Clause 7, as read, stand part of the Bill—put; and the Committee divided—

AYES, 41

Mr. Anderson	Mr. Lonergan
,, Armstrong	,, Low
,, Beardmore	,, Morris
,, Bjelke-Petersen	,, Müller
,, Campbell	,, Munro
,, Chalk	,, Nicklin
Dr. Delamothe	Dr. Noble
Mr. Dewar	Mr. Pilbeam
,, Evans	,, Pizzey
,, Ewan	,, Rae
,, Fletcher	,, Ramsden
,, Gaven	,, Richter
,, Harrison	,, Row
,, Hart	,, Sullivan
Mr. Herbert	,, Tooth
,, Hiley	,, Wharton
,, Hodges	,, Windsor
,, Hooper	
,, Houghton	*Tellers:*
,, Hughes	Mr. Carey
,, Jones	,, Smith
,, Knox	

NOES, 24

Mr. Baxter	,, Inch
,, Bennett	,, Lloyd
,, Bromley	,, Mann
,, Byrne	,, Marsden
,, Davies	,, Melloy
,, Dean	,, Newton
,, Donald	,, Sherrington
,, Dufficy	,, Thackeray
,, Duggan	,, Wallace
,, Graham	
,, Gunn	*Tellers:*
,, Hanlon	Mr. Burrows
,, Houston	,, Tucker

PAIR

Mr. Roberts	Mr. Davis

Resolved in the affirmative.

Clauses 8 to 11, both inclusive, as read, agreed to.

Clause 12—Provisions as to awards—

Mr. INCH (Burke) (3.29 p.m.): I move the following amendment:—

"On page 22, line 27, after the word 'the' omit the words—

> 'economy and the value of the labour of any classification of employee but in so doing it shall not award bonus payments. Bonus payments shall be a matter for negotiation between employee and employer and the President shall, if the parties so request, make available a Commissioner for the purpose of mediation in relation to such negotiations:
>
> Provided that any bonus payment provided for by an award or industrial agreement in force immediately prior to the commencement of this Act shall continue in force until the circumstances in which it was awarded shall have so altered.'

And on page 23, lines 1 to 5, omit the words—

> 'as to require the reduction or abrogation thereof and the Commission shall have jurisdiction from time to time to reduce such bonus payments or to abrogate them accordingly;'

and insert in lieu thereof the words—

> 'calling or industry and the value of the labour of any classification of employee'."

I move that amendment because several facets of this clause, I am quite sure, do not meet with the wishes of the Australian Labour Party or the workers whom we represent. I shall refer particularly to the word "economy". It is a very vague and indefinite form of terminology and it must produce conflicting interpretations as to its meaning unless the Minister is prepared to enlighten us, and more especially the members of the Court, on the meaning of the phrase. We entertain very grave doubts about the actual meaning of the phrase and we suspect that it has been inserted at the behest of the employers in order to place the unions at a very distinct disadvantage in their applications to the Commission for increases in wages or improvements in conditions. To date applications have been based and could be established on the prosperity of a calling. I submit that was a fair and reasonable method of apportioning to workers in industry some semblance of a just return for their labours.

The CHAIRMAN: Order! There seems to be a little confusion about the hon. member's amendment. The hon. member may move an amendment in respect of words before line 33 on page 22, but not beyond line 33. I think the hon. member went further than that with his amendment. Notice has been given of an amendment by the Minister to line 33. If the hon. member wishes to move an amendment before line 33 he may do so.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (3.32 p.m.): The hon. member will need a little time to clarify his amendment. While he is doing that I should like to point out to the Committee that this matter is the one that we discussed earlier. I gave my thoughts on it then and they are unchanged. I have studied the amendment and as it would change the idea of the Bill I am unable to accept it.

I am afraid I must protest now at the fact that notwithstanding my earlier comments hon. members on the Government side still have not got a copy of the Opposition amendments. It is entirely unfair that that position should persist. None of my colleagues has a copy of them.

The CHAIRMAN: Order! We do not want any confusion on this point. It is the responsibility of the Government or the Opposition to see to the distribution of their amendments. It is not the responsibility of officers of the House. The customary thing is to give the amendments to the Parliamentary Draftsman who may order them to be printed. That is not the responsibility of the officers of the House.

Mr. HANLON: I rise to a point of order. Can we have it from you, Mr. Taylor, whether it is the Opposition's responsibility to provide 78 copies of an amendment so that hon. members like the hon. member for Windsor, who complained about it before, may each have a copy?

Mr. CHAIRMAN: I do not think the hon. member should be facetious.

Mr. Hanlon: I am not.

The CHAIRMAN: At least it is the responsibility of the person submitting the amendment to give a copy of it to the Chairman. The assistant clerk has one, but the Chair has not.

Mr. LLOYD: I rise to a point of order. Seven or eight copies were distributed yesterday and this morning. There is no reason at all why all responsible officers of Parliament should not have a copy.

The CHAIRMAN: Let us come back to the amendment. Has the hon. member for Burke been able to clarify his amendment? If I may help him, could I suggest that he move his amendment on page 22, lines 27 to 33, to omit the words—

> "economy and the value of the labour of any classification of employee but in so doing it shall not award bonus payments. Bonus payments shall be a matter for negotiation between employee and employer",

and insert in lieu thereof the words—

> "calling or industry and the value of the labour of any classification of employee"?

Is that the substance of the hon. member's amendment?

Mr. Davies: On page 22, line 27——

The CHAIRMAN: I shall not allow the hon. member to go beyond line 30. I am trying to help the hon. member. If a decision cannot be reached, we cannot delay the Committee.

Mr. Inch: Down to the word "employee" on line 32.

The CHAIRMAN: Order! I cannot allow the hon. member to go to line 36, which is the end of the paragraph.

Mr. Davies: It is page 22, lines 27 to 32.

The CHAIRMAN: The hon. member wants to go to line 32?

Mr. HART: I rise to a point of order. The hon. member can go only to the word "employer" on line 32.

The CHAIRMAN: I have given the hon. member an indication of the amendment that will be acceptable.

Mr. LLOYD: I rise to a point of order. I am not trying to be unco-operative in any way, but as I understand the Rules, an amendment by the Opposition takes priority over any amendment which has not been moved by the Government——

Mr. MORRIS: It cannot be moved until the Opposition's amendment is dealt with, which is an earlier one.

Mr. Lloyd: It is rather a strange ruling. I am not trying to be unco-operative. There is no amendment before the Committee. All that we may consider at the moment is the Bill before the Committee.

The CHAIRMAN: Order! It must be realised that the rights of all hon. members must be preserved. The Minister has already submitted a proposed amendment on line 33, and I cannot go beyond that line. I am allowing that amendment to come in.

Mr. Hanlon: Mr. Taylor——

The CHAIRMAN: I do not want to argue.

Mr. Hanlon: We might want to argue.

The CHAIRMAN: Order! It is not competent to argue with the Chair.

Mr. Hanlon: We can disagree with you, Mr. Taylor, and we will.

The CHAIRMAN: Order! The hon. member has his rights in the Chamber, and he may exercise them.

Mr. Hanlon: We will, too.

The CHAIRMAN: I have indicated the amendment that the hon. member for Burke may submit, which will be accepted, and he may speak to it. I think it embraces all that he wants to say.

Mr. HANLON: I rise to a point of order. An amendment has been moved by the hon. member for Burke, who seeks to delete certain words that the Minister has a later amendment on. I should like to know under which Standing Order the Minister's proposed amendment takes precedence over an amendment that comes before his.

Mr. MORRIS: It doesn't. It does not take precedence.

The CHAIRMAN: Order! I tell the hon. member for Burke, if it will help him, that on the amendment proposed by the Minister, he may debate the whole clause.

On the Clerk of Parliament's recommendation, and with his help, I will put the amendment as I think the hon. member intends to convey it. The question was that Clause 12, as read, stand part of the Bill, and the hon. member proposes an amendment to the Bill by omitting on page 22, lines 27 to 33—

> ". . . . economy and the value of the labour of any classification of employee but in so doing it shall not award bonus payments.
>
> Bonus payments shall be a matter for negotiation between employee and employer."

The hon. member then proposes to insert these words in place of them—

> "calling or industry and the value of the labour of any classification of employee."

That seems, I think, to make clear what the hon. member intends.

Mr. MORRIS: It is making two legs of the amendment.

The CHAIRMAN: The hon. member may talk on the whole clause on that.

Mr. Davies: At a later stage can he move the second part?

Mr. MORRIS: Of course he can move it.

The CHAIRMAN: Yes.

Mr. Inch: Thank you Mr. Taylor. I understand I can go ahead from there? I will recapitulate a little.

The CHAIRMAN: The hon. member can speak on Clause 12, and he is moving this amendment to that clause.

Mr. Inch: All right, Mr. Taylor. On your suggestion I move the amendment in the following form—

> "On page 22, lines 27 to 33, omit the words—
>
> 'economy and the value of the labour of any classification of employee but in so doing it shall not award bonus payments.
>
> 'Bonus payments shall be a matter for negotiation between employee and employer'
>
> and insert in lieu thereof the words—
>
> 'calling or industry and the value of the labour of any classification of employee'. "

I submit that the method of determining bonus payments was a fair and reasonable way of awarding to the workers in industry at least some semblance of a just return for their labours in industry. The clause divests the commission of the authority to award bonus payments and is designed to operate to the detriment of workers in industries whose margin of profit would allow bonus payments to be made. Over the years the trade unions and the employers have been able to submit their case to an independent tribunal, the Industrial Court, for decision whenever any dispute arose on the payment of wages or bonuses or any conditions on which the parties failed to agree.

The Court has proved very effective in dealing with such matters and, on the evidence submitted to it, has meted out justice to all parties concerned. As the Court has handled such matters impartially, we on this side see no reason why it should not continue to exercise its authority to deal with bonus payments. But it is quite evident that bonus payments to employees, or any system or formula that has been devised or evolved by the Court to enable the employee to receive them, or to participate on a profit-sharing basis in the wealth he has helped to create throughout the industry by his labours, proves to be a thorn in the side of the employer. There have been numerous applications to the court at various times for the reduction of such payments.

The clause cuts right across the principle of arbitration because it says that the matter of bonus payments must be one between the employer and employee or the employee's representative. In a sense, the employer more or less becomes the sole arbiter, for it will depend on his attitude towards the negotiations just how successful or how abortive they will be. I have yet to see the employer who, if given the sole prerogative of deciding whether a bonus payment should be paid to his employees, would not decide in his own favour regardless of the profits he has made or of the merits of the claim submitted by the union. The clause, if it becomes part of the legislation, will lead to unrest and dissatisfaction amongst employees with a consequent loss in production and, in turn, loss of profits and dividends to the shareholders.

I want to make it perfectly clear that we of the Australian Labour Party have no intention of looking for the abolition of bonus payments but we contend that the granting of bonus payments should be left to the court and not to negotiations between employer and employee. If the Bill is not amended as suggested, we could reach the stage where employees, for various reasons such as a fear complex or weak character or perhaps poor education, could be induced or prevailed upon to accept a lower payment, or payment at a lower rate, than that which the true prosperity of the industry could provide. The divesting of the court's power to award payments is a scathing indictment of the capacity of the court officials to carry out their job, and it is in line with the usual practice of Tories and Tory Governments of reducing wages and destroying conditions in industry. It could lead to the disintegration of prosperous mining towns in the Far West, because the people there are dependent to a large extent on the amount of bonus they receive to help overcome the high cost of living in those areas. If the bonus payment is reduced or done away with, there will be a great exodus of workers and their families from western towns. I maintain that bonus payments should be left to the discretion of the court, because in that way both the employer and the employee will receive a fair deal and people will be able to remain in the industry and in the towns where they have provided homes for their families.

If the Minister and the Government are sincere in their assertions that they are striving to create an attitude of trust and good faith in all parties connected with industry, I suggest that they will agree to the amendment that I have submitted.

Hon. J. C. A. PIZZEY (Isis—Minister for Education and Migration) (3.47 p.m.): The Government oppose the amendments because we believe that bonus claims should be a matter of negotiation between the employer and the employee, or his representative, the union. I think a subsequent amendment is foreshadowed to bring the representative of the employee into it. In Queensland we have only two awards—those relating to Mt. Isa and Mary Kathleen—under which the court has fixed bonus payments. A bonus payment is paid at Mt. Morgan, but that is negotiated between the employer and the employees.

If we look at the definition of "Bonus payment", we see that it is—

> "A payment by way of the division of the profits of an industry or undertaking, being a payment in excess of a just wage including all proper allowances such as are ordinarily and usually prescribed by an award or industrial agreement."

If we are to have bonus payments and the court is to be asked for them on every occasion that an industry becomes extremely efficient, are we also to ask the court to come in when an industry is up against it and shows a loss? It does not now. Are we going to ask the employees to share the losses in an industry as well as the profits?

Mr. Houston: They do. They get the sack.

Mr. PIZZEY: They do not. What incentive is there for management to become more efficient if every time they prove they can be more efficient and make higher profits if the profits have to be compulsorily shared by the employees? In no other State that I know of are bonus payments a compulsory decision of the court.

Mr. Hanlon: You do not accept arbitration.

Mr. PIZZEY: It is not a question of arbitration. We do not believe that it should be within the jurisdiction of the Commission to ascertain a company's profits and distribute them amongst the employees. That comes strangely from a party that has been opposed to bonus payments and the issue of shares to employees. The hon. member for Burke had much to say about destroying the incentive to go out West to work. I always thought that "equal pay, equal work" was a Labour principle.

Mr. INCH: I rise to a point of order. I did not say that it would stop men from going out West at all. I merely said that it would bring about the disintegration of western towns.

Mr. PIZZEY: I accept the hon. member's explanation, but I do not know what the difference is. A town can disintegrate only by the population moving away. Take the case of two men living side by side in Mt. Isa, one working for the Railway Department, one working at the mines, but both doing identical work. Are hon. members opposite quite happy that one of them should get £8 a week more than the other simply because he happened to be working in the mines instead of for a Government instrument? How would they apply bonus payments to the Government as an employer? The Government are the largest employer in the State. Are they going to give a privilege to one section but deny the same privilege to a much larger section of the community?

Opposition Members interjected.

The CHAIRMAN: Order! I ask hon. members to refrain from this continual heckling. They can ask reasonable questions, but at least ask them one at a time and give the Minister an opportunity to expound his point of view.

Mr. PIZZEY: Many tens of thousands of employees of Government departments, semi-Government instrumentalities and local authorities would be doing just as good a job, and in some cases a tougher job, than many of the workers in the Burke electorate. Do hon. members opposite think provisions should be written into awards whereby they can share in the profits, if any, of the local authorities? These are matters over and above the jurisdiction of the Commission, and they should be left to the good judgment of the company and the employee. Because it would destroy incentive and because we do not think it belongs to the jurisdiction of the court the Government are opposing the amendment.

Mr. LLOYD (Kedron) (3.53 p.m.): The Minister for Education and Migration is apparently deputising for the Minister for Labour and Industry, who, I understand, is preparing some notes. He has exposed completely the intention of the Government in deleting bonus payments from arbitration. He said that it would destroy incentive to leave it in the Act. Incentive for what? It is because of what I mentioned in the first place about companies like Amoco and Comalco. A gentleman's agreement has been made between the Government and those companies that this will be done so that employees will not be receiving their rightful share of the high profits made by mining companies and oil companies.

The CHAIRMAN: Order! The hon. member is drawing a long bow on something that is not related to bonus payments.

Mr. LLOYD: I was merely commenting on what the Minister for Education had said. He said that it would destroy incentive. It is rather hard to understand his attitude towards the amendment when he says that it will destroy incentive. Incentive for what? As it is apparently intended to delete bonus payments from the arbitration system, is it being done to enable industries to come to Queensland to operate under more favourable wage-level conditions? I do not think that any working man, or company with the interests of its workers at heart, would accept that attitude. It is obvious that since 1931 this principle has been developing within the arbitration system in Queensland. It has been based on the fact that the old Act provided that when making its decision the Industrial Court should consider the prosperity of the owner or industry. It would not consider the prosperity of the economy of the nation as a whole, but would take into consideration the fact that an industry was making tremendous profits, and then would adjudicate on any application before it as to the level of wages that should be received by people employed in that industry.

After all, we must recognise that principle. If we do not, we are going back to the days of 1915 that have been quoted time and again during the last few days by the hon. member for Mount Gravatt, when people were not considered to be entitled to an equitable share of the profits of any calling or industry. Our request on this occasion is that instead of the Commission taking into consideration the whole of the economy of the country we should revert to the position under the present Act, that the industry or calling itself should be the criterion on which the level of wages is fixed. The people who work in an industry are just as important to its successful operation as the capital that is put into it in the first place, much more important. It is important that those men should receive an equitable share in the distribution of profits by a system of wages and bonuses. That is the system that has operated at Mount Isa for years and now operates at Mary Kathleen, and it may be said also operates in the shearing industry and in the meat industry in the form of loadings. The State Industrial Court has interpreted "bonuses" to include such loadings.

No doubt the Court will also include in its interpretation of the meaning of the word "bonus" those payments made particularly in the metal trades industry that are over-award payments. As is indicated by the definition, they are bonus payments. What sort of a position will there be in relation to workers in industry if the court has no power to take into consideration the prosperity of the calling or industry itself and cannot declare that the employees in the industry should receive any payment over and above that operating in all the awards for the entire State?

In other words, if one industry shows a much higher profit than any other industry in a similar calling, why should not the men employed in that industry receive the

full award rate paid to employees working in similar industries plus an over-award payment? They are the people who make the profits available. They are the real basis of the wealth of that company.

During the past six months the attitude has been adopted by employers' associations that they can stifle conciliation completely by refusing to meet employees' organisations or trade unions in conference. One case has already been mentioned—that of Commonwealth Engineering Company at Rocklea—where the employers, for two years, refused to meet the union.

The CHAIRMAN: Order! This clause applies to bonus payments.

Mr. LLOYD: I realise that and, in accordance with the definition of "bonus", bonus payments also include over-award payments. It includes any payment over and above a just wage. That could include allowances normally paid over awards. It is any bonus payment or loading or allowance that is normally within the awards of the State. Therefore, any wage that is over and above that must be included in the definition of "bonus". In addition, the court has already determined that the loadings in the shearing industry and the meat industry are included in this category. The court has not heard anything under the provisions of this Bill yet, but I am quite sure that it would interpret "bonus" to mean any over-award payment.

Over and over again we have seen these anomalies being created in Bills and amendments have to be brought forward to correct them. In this case, some anomalies are being rectified although the Bill was considered to be completely fool-proof when the legislation was introduced. The intention of the legislature was that all workers should be entitled to long-service leave.

The CHAIRMAN: Order! I trust that the hon. member is not going to deal with long-service leave.

Mr. LLOYD: I am not going to develop that argument; I am merely pointing out that amendments after amendments of the industrial law of Queensland have had to be introduced because of the interpretation of the law by the Industrial Court. We have the definition of bonus payments, but what will be the court's interpretation of the term? If we can be guided by previous interpretations of the Industrial Court, it would appear that all loadings will be regarded by the court as bonus payments. The principle can be extended even further. The court could decide that it was entitled to award to employees only the basic award wage, and that anything above that wage was a matter for negotiation between employers and employees. I hope we do not reach the stage when the court has no power to take into account the prosperity of a particular industry or company. If a company refuses to distribute its profits, the union and employees should be entitled to go to the court and ask for a ruling and decision.

The Minister for Education in his presentation of the Government's case indicated that it is not the intention of the Government to allow profits to be distributed amongst employees. He was critical of the suggestion that they should get a share of the profits and in support of his case he said that if in a subsequent year losses were made, employees would not be prepared to make any contribution to cover them. I have never heard of a company that operated at a loss year after year. If a company did, there would be one reason only—taxation purposes. The hon. member for Ithaca would not continue to operate his business unless it showed a profit. The purpose in the establishment of a company is profit-making and the declaration of dividends, and, although capital is important to the establishment of a company and its successful operation, the labour of employees who help to create the profits is equally important, and therefore the Industrial Court in future, as in the past, should be able to award bonus payments.

Under the present system conciliation is possible before arbitration. I can mention a case in point. It is doubtful whether in that case the Industrial Court will hear the application for an increase in the bonus payment to employees at Mt. Isa.

The CHAIRMAN: Order! I ask the hon. member not to mention the case presently before the court.

Mr. LLOYD: Then take a hypothetical case. Assume that subsequent to the implementation of the legislation an application is made for increased bonus payments to a section of employees. The court will rule that it cannot hear the application, that bonus payments are a matter for negotiation between the employer and employees. If the experience of the union is the same as experience in the past and the employers refuse to meet the union or accede to its wishes, what should the union's attitude be? Is it to say, "The men will have to go back to work. The employer will not meet us. We know the company is making £3,000,000 or £4,000,000 a year and, although we are entitled to some of it, the employer just will not pay it"? Are the men exepected to return to work peacefully and tamely, in the full knowledge that they are entitled to a fair share of those extra profits and that the company has refused to pay them? The Bill envisages that the Industrial Commission will step in, that it will conciliate, but it does not allow the Commission to arbitrate. It can issue instructions to the union to get the men back to work, and the union is forced to accept the direction. That state of affairs could have very serious repercussions in industry. We must remember that our major industries employ the greatest number of employees in the State. They are

the mineral, meat, shearing and engineering industries. If they are taken out of Queensland, there is very little industry left in the State, and in the majority of those industries this section will be effective. In other words, if at any time an employer refuses to conciliate, there will be industrial unrest in the State. At the present the unions can go to the Court and arbitrate on points on which they have been unable to reach agreement with the employer. If this provision is included the employees will not be able to go to the Court and secure arbitration on bonus payments.

Hon. P. J. R. HILTON (Carnarvon) (4.6 p.m.): I rise to support the amendment. The provision was fully debated during the introductory and secondary stages of the Bill. When the Minister intimated to the Committee that he was not prepared to accept the amendment. I regret that he did not take the trouble to remove the obscurity that definitely attaches to the words "prosperity of the economy." I think it is all-important that we should know exactly what the Government mean by that term. We could interpret it as meaning the economy of the State, or the overall economy of Australia, and of course, we could interpret it as meaning the economy of any particular industry. There is a wealth of argument that could be adduced without going into elaborate details on the basis that in the past many awards have been granted because of prosperity in the calling or industry. When the awards were granted they were considered to be fair and equitable. Wages have been fixed on that basis in various callings and industry. Does this provision mean that when fixing a fair and just wage, these aspects of a particular industry on which the commission will grant an award are to be entirely eliminated, and the only consideration that will apply will be the overall economy of the State? This amendment will bring clarification of the point and at the same time it will continue the very sound practice that has been pursued in the past. I do not intend to enlarge on that point at the moment because I do not want to indulge in tedious repetition.

I refer now to bonus payments. In addition to the prosperity of the calling or industry, there are other matters on which it should be competent for the Court to make a determination on this all-important matter. We can visualise that there are many factors which, in all justice, should be taken into account when an award is being determined for employees in a particular industry. Mount Isa Mines and Mary Kathleen have been referred to. Can anyone argue that overall the conditions that obtain there have not been for the good of those industries and the employees engaged in them, that they have not been designed to promote good relations between the management of the companies and the employees? It will be a very retrograde step if action is taken now that will destroy something that has been of undoubted value in the past and is still of great value. I repeat, as I said during my second reading speech, this provision will tend to create feelings of great dissatisfaction and great concern among the employees in these industries. For those reasons I support the amendment.

Mr. HOUSTON (Bulimba) (4.9 p.m.): I support the amendment and urge that it be incorporated in the Bill. I am sorry that the Minister for Education and Migration has left the Chamber because in his position he is held in a certain degree of high distinction. However, he is completely lacking in knowledge of industrial matters. He knows nothing of the operations of bonus payments, their purpose or their origin. He is completely offside. I have always had a high regard for his honesty and never before has it been so welcome. In a very few moments he gave us the complete answer to all our fears and worries about the Government's intentions on bonus payments. We know conclusively now from his own words that he does not believe in bonus payments; he does not think it right that they should be given. In fact, he went on to say, "Is it wrong that some sections in Mount Isa should get them while others do not?" He made further comparisons between those who get them and those who do not.

This idea of bonus payments is not new. It has been going on for many years; it has proved very advantageous to all concerned.

Mr. Bjelke-Petersen: He said you people were not in favour of bonus payments.

Mr. HOUSTON: He did not say that at all.

Mr. Bjelke-Petersen: Yes, he did.

Mr. HOUSTON: In that case it shows how completely wrong he is. Apparently what he does not know, and what the hon. member for Barambah does not know, is the difference between bonus payments and incentive payments, which is a great difference. That is where the Minister went wrong.

The Minister went on to say that, if an employer shows a loss, his employees should perhaps help recompense him, and he based that contention on our claim that employees should participate in excess profits. How ridiculous that is. What happens in fact? If a business looks like going down, the employer sacks his men. So the employee certainly loses his incentive; he also loses his job. What is most important in a man's life? Once you take away his means of earning a livelihood, you strip him bare. The employer, in his endeavour to keep what he has and to hold his business together, has no hesitation in taking away the livelihood of his employees. What happened with the credit squeeze recently? What

happened in the motor industry? What happened with the public works, the main roads, the railways and elsewhere? Have not the Government and private employers sacked men? Have they worried about their economic position? Have they worried about the things the men worry about—keeping their families and so on. Of course they have not! The Government have simply said, "The money is not available." Private enterprise has simply said, "If we hold these men here we will go broke." So what do they do? They sack them. So the men themselves, and women too, are entitled to receive a share in the profits they help to create. When a firm or an industry makes a profit, what brings that profit about? First of all, it is the market, the price received for the commodity. The main bonuses paid in Queensland today are those paid on metals, which in the main are sold outside Australia, and at least the price is governed by influences outside Australia.

Mr. Bjelke-Petersen: Do you mean that every industry that shows a profit should pay a bonus?

Mr. HOUSTON: Once you get to a particular point, yes.

Mr. Pizzey: Most of them pay it voluntarily and you know it.

Mr. Hanlon: When did Mt. Isa voluntarily pay it?

Mr. HOUSTON: I do not know it and the hon. gentleman knows it is not true. They do not pay it voluntarily. There is no question about that. The only time they pay it is when they are forced by industrial action to do it, knowing full well that the present legislation allows the Industrial Court to handle the matter. The Minister and his colleagues now seek to take that power away from the Industrial Court. In 1937 the bonus was granted by the Industrial Court.

To return to the hon. member's question—I do not want to let that get away in "Hansard" so that it may be misquoted at a later stage—the point is this: naturally the employer is entitled to a certain return on the outlay of his capital. Once he gets over that just and fair return, we believe that everyone who helps to make that profit should share in it.

Mr. Pizzey: What do you say is a just and fair return?

Mr. HOUSTON: Is the Minister referring to percentages?

Mr. Pizzey: Yes.

Mr. HOUSTON: I think if I answered that question the Chairman would rule me out of order. I will keep it till a later stage in the debate when I intend to raise several other points.

The Minister also said that Queensland was out of step with the other States. For many years, until this Government came into power, it was recognised that Queensland was the leading State in the Commonwealth in its industrial conciliation and arbitration machinery. We led the way.

Mr. Bjelke-Petersen: Not in secondary industries.

Mr. HOUSTON: Again the hon. member is lost. He is still out in the bush. Our supply of electricity in Queensland is developing, and I hope it will develop still further. Tell me one other State in the Commonwealth where electricity is sold as cheaply as the Brisbane City Council sells it in Brisbane.

Mr. Bjelke-Petersen interjected.

The TEMPORARY CHAIRMAN (Mr. Dewar): Order!

Mr. HOUSTON: Let Queensland stay in front.

The Minister indicated in his introductory speech that industrial legislation in Queensland was superior to similar legislation in any other State. Now he is making it far inferior to the legislation in all the other States of the Commonwealth.

The Minister for Education and Migration said that it would be wrong to give an incentive to people. Are not the public servants given certain incentives? They get three weeks' holiday a year.

Mr. Pizzey: I did not say it was wrong.

Mr. HOUSTON: The hon. gentleman did.

Mr. Pizzey: It is for the Court to decide.

Mr. HOUSTON: Who decided that public servants should get extra holidays? Who decided that public servants should get three months' long service leave after 13 years when workers in outside industry get it after 20 years?

The TEMPORARY CHAIRMAN: Order! We are not interested in long service leave. We are interested in bonus payments.

Mr. HOUSTON: It is only a question of interpretation of the word "bonus"—whether it is a bonus or whether it is not. Perhaps the Minister might tell me whether he thinks those things are bonuses and that actual cash awards are not bonuses. I believe they are bonuses, and I believe they should come before the Court and be decided by it.

When we reach the stage where the employer and employee cannot agree on the bonus, where do we go? According to the Minister for Labour and Industry, this legislation has been brought down to settle strikes. I make no apology for saying that I hope it does. No-one wants industrial trouble. We want the people of this country to be happy as employers and employees, but this type of legislation will not bring that about. I know that the hon. member for Ithaca would be quite content to negotiate with his

men in regard to bonus payments, and if he thought they were demanding too much, he would tell them so and refuse to give it to them. I am sure he would agree with what I have said. By the same token, if his offer was too low, he would expect the men to say, "We don't want it." Where do we go from there? The unions would take action of some sort and the provisions of the Act would be brought into effect, provisions that have been criticised and will be criticised again.

Let us have another look at this question of bonus payments. I hope the Minister for Labour and Industry is interested in the speeches that will be made by hon. members on this side of the House and that he will take heed of them. If he does not, time will prove that what we say is correct. What is a bonus? It is a payment made to employees after a profit has been shown. It is most important to remember that. A bonus is not paid till the Court has facts and figures showing that an industry has made a particular profit and is likely to continue making that profit in the foreseeable future. In other words, it is paid on results.

An incentive payment is an entirely different matter. It is a payment that is used to try to make people work harder or longer. Consequently, it is open to abuse. I hope the Minister does not confuse the two. If he speaks, knowing full well that there is a difference, he will be trying only to confuse the Committee by going on in that way.

There are other parts of the legislation with which I wish to deal but I will have an opportunity to speak about them when the Minister moves further amendments.

Mr. CAMPBELL (Aspley) (4.20 p.m.): I am indebted to the hon. member for Bulimba for clearing up the confusion that seems to exist in the minds of some of his colleagues. It is quite apparent from the attitude of the hon. members opposite that they cannot see the difference between loadings, over-award payments, marginal payments and incentive payments awarded by the Court, which are a charge on industry, and bonus payments made by a company to its employees.

Mr. Lloyd interjected.

Mr. CAMPBELL: Perhaps I am not as dull as the hon. member for Kedron thinks. The hon. member for Bulimba spoke quite clearly; there is no need for me to repeat his explanation. What he did not mention was that in determining its net profit for the year a company has not only to consider the payment of bonuses but also the payment of interest, the amount it is going to put to reserves, the amount that is required for replacement of plant. Surely the allocation of a bonus to employees is the perogative of the company. The allocation and determination of bonus payments must be made in conjunction with the determination and allocation of dividends, plant replacement costs and reserves. From the arguments adduced by hon. members opposite one would imagine that only companies like Mary Kathleen and Mt. Isa Mines are paying bonuses. They know that hundreds of thousands of pounds are paid in bonuses each year by countless companies.

Mr. Newton: Ten bob a week as against £8. It is a big difference. That is what we are worried about. Get over that one! You can't.

Mr. CAMPBELL: I repeat that each year hundreds of thousands of pounds are being paid by companies to their employees without the necessity of compulsion by the Court or determinations by the Court. If hon. members opposite are so keen to ensure that any profit in excess of £X made by a company is paid to its employees, why have they not in all these years introduced legislation to cover such payment? They have had plently of opportunities to do it in the past.

Mr. Houston: Do you want an excess profits tax?

Mr. CAMPBELL: The hon. member for Bulimba was very clear in his exposition on this point in the past. I am sorry that his judgment has deteriorated. Why is that when hon. members opposite had the opportunity to write provisions into the Act to make it obligatory on any company to make a bonus payment when its profits were in excess of a certain amount, they did not do so?

Mr. Hanlon: We had more confidence in the Court than you.

Mr. CAMPBELL: It is quite obvious that hon. members opposite are not aware of the situation. I repeat that bonus payments are being made irrespective of any judgment by the Court. For that reason I oppose the amendment.

Mr. DAVIES (Maryborough) (4.25 p.m.): The debate on this clause has certainly been an amazing revelation. It merely proves to the Opposition that their claims and suspicions that this Bill opens the way for a wage-reducing campaign are justified. It is quite evident that this is an Employers' Paradise Bill. In 1929-1932 we had a ringbarking Bill hurriedly brought down by the Moore Government and punctually executed and today we have something that, for diplomacy, rivals the accomplishments of the great diplomats of the 15th and 16th centuries. The Government are endeavouring to cover up by claiming that the Bill is 90 per cent. of the old Act, but every new clause is a clause directed at opening the gate to a wage-reducing campaign in this State. Therefore, I am wondering if it is not suspect—and I believe I am right in my suspicions—in regard to bonus payments.

The House should remember that the Mt. Isa Company is particularly interested in this bonus question. The Company employs

some 3,000 employees and I am sure the hon. member for Burke will shortly reply to certain statements and points raised by members of the Government that emphasise our suspicions on the matter. I want to touch on the matter very briefly. With on exception, the Mt. Isa Company has never approached its employees with an offer of a bonus payment or an increased bonus payment, despite the fact that no other company in Australia is as happily situated financially as this company is. It is almost financially embarrassed when its representatives enter a court to argue against increased wages or increased bonus payments for its employees. Every increase in bonus payment that has been gained from the company has virtually been forced out of it.

The hon. member for Burke told us that the Mary Kathleen Company made a certain bonus payment and that, after going to the court it was increased by many pounds. I have the details here but I shall leave it to the hon. member for Burke to deal with them.

Is that why this Bill has been introduced? Has pressure been applied to the Government to introduce it? It seems like it. If it is, then it is not difficult to presume what will happen in a round-table conference. Imagine a round-table conference between the Mt. Isa Company at one end and the union representatives at the other! Who will have the big end of the stick in the final decision? The company says, "No increase." The men say, "We feel we should have a greater share and we demand an increase in the bonus payment." If they take any action in the matter they will have the severe penalties in the Bill imposed upon them. Suppose they do take action and gain some increase. Immediately, the company has the right to go to the court and ask it to reduce the amount. The court cannot grant an increase but it has the right to make a reduction.

The subject of the prosperity of the economy has already been discussed. We think that opens the way for a general reduction of the standard of living. In the Commonwealth sphere the Government and employers succeeded in keeping down the standard of living by a cessation of quarterly adjustments in the basic wage. They argued that the economy of the country justified their action. In the result the Commonwealth basic wage is far below the State basic wages.

The TEMPORARY CHAIRMAN: We are not dealing with basic wage matters. The amendment deals with bonus payments.

Mr. DAVIES: I respect your opinion, Mr. Dewar, but the clause deals with the prosperity of the economy. I am dealing with the effect of that subtle phrase on living standards.

I am not going to dwell on it, but Professor Copland in the Commonwealth Court recently claimed that the abolition of the quarterly cost of living adjustments in 1953 was an injustice to basic wage earners. Yet we find that the employers claim that such action was warranted by the state of the economy. Professor Copland went on to say that if the basic wage was increased in proportion to production it would be worth £5 16s. 2d. in 1939 currency. The union's claim for a basic wage of £16 5s. would represent only £5 4s. 8d. in 1939 currency and was therefore below that amount. Those who claim that the economy of the country cannot stand an increase are opposing the union application.

We know that several years ago Mr. R. G. Casey, as he then was, Minister for External Affairs, suggested as a means of overcoming our economic difficulties that every worker be required to work an additional five hours a week without any additional pay.

Sir Malcolm Ritchie, former President of the Liberal Party, recommended a 52-hour working week without any additional pay.

Sir Thomas White, the former Liberal Party member for Balaclava in the Commonwealth Parliament said it would be better if the basic wage provisions of the industrial awards did not operate till the age of 23 or 25 years. At the same time he said the frills of arbitration awards might be laid aside.

If the amendment is not accepted, the Industrial Court no longer will have the right to award bonus payments in centres such as Mt. Isa. The Government have admitted that no union in the State has been more responsible in its approach to industrial matters than the Australian Workers' Union. What is the opinion of the Australian Workers Union? It is—

> "The intention to take away the right of the Court to grant bonuses will cause indecision, chaos, and disruption."

The union's opinion is that the Government are doing every thing possible to create chaos and disruption in the industrial world.

The opinion of the Australian Workers' Union is further expressed in these words—

> "The Communists and their supporters are decrying arbitration. This gives them further opportunity, and will only have the effect of driving those good supporters of arbitration into the law of the jungle, and will serve only the best interests of the Communist Party who are behind the move to destroy arbitration."

How can the Minister say that the Bill is in keeping with the pamphlet he flourished during the debate on the Bill, entitled "Queensland's Development and Prosperity depend on productivity." It would be better if the Government, instead of introducing the Bill, introduced ways and means of overcoming the unemployment situation.

The TEMPORARY CHAIRMAN: Order! The hon. member cannot make a second reading speech. The clause relates to bonus payments and I ask the hon. member to keep to the amendment.

Mr. DAVIES: I am speaking of the economy of the country and I am suggesting that the amendment should be accepted by the Minister, so that the Court in its consideration would be restricted to the matters set out in the amendment. The clause as it stands gives the opportunity for expression of opinions I mentioned earlier in my speech. It will lead to a general reduction in the living standard. The Minister said—

> "Let us take as our objective the developments to the ultimate of the manpower resources of this great State, so that we may continue to grow great with a largely increased population of happy and healthy people enjoying the fruits of their labours as well as benefiting from the development of the vast resources and potentialities of Queensland."

Under the clause as it stands the Court will not be able to award bonus payments to employees in those areas where bonus payments have been paid over the years. Bonus payments have become part and parcel of the life of employees in the area represented by the hon. member for Burke. He, no doubt, will amplify the various matters that I have raised. This right is being taken away from the court by another pressure group that has arisen because of the court's action in insisting that Mt. Isa Mines should pay many pounds above the £5 that it offered prior to the Mary Kathleen dispute. I leave it to the hon. member for Burke to add to my remarks.

Mr. HART (Mt. Gravatt) (4.36 p.m.): I think the answer to this question was given by the hon. member for Bulimba in his speech yesterday, or the day before. We all desire prosperity in this country; we all desire development of industry; and we all desire to see as much money as possible in the pockets of the workers, and everybody else. I submit that the only way in which we may become prosperous is through the development of industry. Does anyone think that industry will develop in this State, compared with other States, if we are the only State that compels industry to divide its profits?

Mr. Houston: Isn't it developing now?

Mr. HART: The hon. member for Bulimba, just a while ago, said that this State was the most advanced State, industrially, in the Commonwealth. He cannot mean that our secondary industries are greater than those in other parts of the Commonwealth, because they are not, and he should know it. We do not have such secondary industries, as yet, but they are coming here under our government. However, we have compulsory bonus payments that no other State has. As a result the average wage in New South Wales is £25 a week, and the average wage in Queensland is £21 a week. These are the figures given by the hon. member for Bulimba. That is the complete answer. We must attract industries here, and when they come they will bring their wealth with them. When the wealth is here everyone can get some of it.

The hon. member for Maryborough said that the bosses wield the big stick in every case. I do not belive that they do. My own personal view is that in this community capital and industry are completely dependent on each other.

Mr. Melloy: Have you worked under awards?

Mr. HART: Yes. I have worked under awards, if the hon. member wants to know.

In our country, industry and capital are completely dependent on each other, and each one, if it wishes, can disrupt the other. We must have a working arrangement between the two and that is the whole purpose of the Bill. If we bring in bonus payments we will not attract industry and we will not be able to pay the wages that are paid in New South Wales.

Mr. NEWTON (Belmont) (4.38 p.m.): I have listened to this debate, particularly the contributions from hon. members on the Government side, and I am amazed that they should have failed to absorb the facts that we have tried to impress on the Government about bonus payments. I have made it clear already, and I make it clear again, that the main thing that concerns me about bonus payments is that once they have been granted by agreement—and it is true that some have been——

Mr. Morris: Very few.

Mr. NEWTON: Yes, very few, of course, and they are low, too—10s. and less in most industries in Brisbane. The hon. member for Nundah is shaking his head. He has not been associated with these industries so he does not know, but I do, and I know that what I say is correct. As I said previously, I am concerned with what happens when bonus payments are granted by agreement with the employer and it is not written into the award. If there is a quarterly adjustment of 3s., the bonus payment drops to 7s. and if we ask for better working conditions we lose the 7s. altogether. If the prosperity of industry can afford to make a bonus payment, it should be written into an award.

My next point concerns me greatly—and it indicates why we are moving these amendments. I think there will be a rush of applications to have over-award payments and prosperity loadings taken out of awards. I see that the Minister for Education and Migration shakes his head and I certainly hope he will be proved right. He trusts the employers more than I do. I have been in the court against them. Their attitude is no different from that of the unions. We try to get all that we can and they try to take from us all that they can. I have experienced that.

Mr. Pizzey: I don't think you are reading the definition correctly.

Mr. NEWTON: I am reading it as it is in the Bill, with the amendments, and what concerns me is the protection that should be given to bonus payments. If the workers are paid a bonus and they ask for some improvement in their award, or there is an increase in the quarterly adjustment, it should not be taken out of their bonus payment.

The Government's intention is very clear. The court lays down what it considers to be a fair day's pay for a fair day's work and, under the Bill, the court will not have any opportunity to do anything about wage increases beyond that point. In other words, the Bill takes away what has been won by employees and what they have had written into their awards in the way of above-award payments. The Government are getting completely on-side with the employers in protecting them so that employees in industry will no longer be able to get bonus payments.

Mr. INCH (Burke) (4.42 p.m.): The Minister for Education and Migration asked if employees would be prepared to accept a reduction in the lead bonus if the company showed a loss or reduction in profits. I point out that, under the court judgment, the bonus payment is on a sliding scale. Therefore, if the price of lead dropped, thereby reducing the profit of the company to a certain extent, the company would apply to the court for a reduction in the lead bonus and the court would grant it. There can be no argument about that.

At the present time Mt. Isa Mines Ltd. is enjoying prosperity. Though the price of lead may have dropped, the production of the mine is so high that it can maintain the same profit as it has made over the years.

Mr. Pizzey: You firmly believe in your own heart they would still pay the bonus even if it were not ordered by the court.

Mr. INCH: It is only through activity on behalf of the unionists at Mt. Isa that the bonus is being paid by the company. It was not given by them willingly. Make no error about that. It had to be forced out of them by the action of the unions.

Mr. Pizzey: The company operated for many years at a loss.

Mr. INCH: Quite so. At the same time, it must not be forgotten that, while they were operating at a loss, the union accepted a lower basic wage rate under the Mt. Isa Miners' Consolidated Award than prevailing throughout the rest of Queensland. It has never been changed from that day to this.

Mr. Lloyd: They share the losses too.

Mr. INCH: Yes. The price of lead increased from about 1937, and the Court gave a ruling that the company would have to show a dividend of 7 per cent. before a bonus would be paid to the employees at Mt. Isa. Over the years its profits have risen to 25 per cent., and they have been of that order for a number of years. There can be no disputing the prosperity of a company that can pay the lead bonus and still show a profit of £2,500,000 a year.

The Minister for Education and Migration drew attention to the difference between the Mt. Isa mine workers and the Mt. Isa railway workers and said that if the Mt. Isa mine workers reiceived a bonus, so should the railway workers. The point is that the Railway Department is not showing a profit. It has been showing losses ever since this Government came into office, so the Minister cannot make that comparison. At present the Postmaster-General is paying post office workers at Mt. Isa a disability allowance to compensate to a certain extent for the difference between their wages and the wages of the workers receiving the lead bonus.

Admittedly a £5 bonus was granted at Mary Kathleen, but that was by agreement between Mary Kathleen and the Australian Workers' Union. It was not granted voluntarily by the company; it was obtained by industrial strife and unrest. At a later date the unions took the question to the court, and the court saw fit to grant an increase from £5 to £10 in that bonus because the company was showing a profit of between £3,500,000 and £3,750,000 a year.

Mr. Richter: You would not call that an incentive, would you?

Mr. INCH: The hon. member would not know. All that hon. members opposite can talk about is incentives. The only incentive they have is to break down the wage rates of the workers.

The CHAIRMAN: Order!

Mr. Thackeray: They are known as slashers of wages.

The CHAIRMAN: Order! I point out to the hon. member that he can answer interjections and then return to the clause.

Mr. INCH: The bonus payments, as I said, were not given voluntarily by the company. They had to be won by union activity. If they are to be reduced in any way, there will be unrest on the fields out there.

The hon. member for Aspley spoke of the reserves for interest and depreciation that these companies have to make. I should like to tell him that Mt. Isa Mines Limited makes provision for interest and depreciation and also for over-taxation. The reserve it makes is approximately £1,500,000, which we could really class as a hidden profit. They are trying to put it aside on the excuse that they want to make provision for any future demands that may be made on them by the Commissioner of Taxation. The hon. member said that in his opinion it should be the

prerogative of the employer to make bonus payments. I violently disagree with him. As I said before, if the employer is to be given the sole prerogative in that direction negotiations will never be successful. It would be like putting £50,000 into a man's pocket and then sending another man to ask him for £15 or £20 as a bonus payment. He would be told quick and lively where he could go. The same thing will happen with the employee. There will be no chance of any conciliation in that direction. If the workers can show the court that by their efforts they have been responsible in no small measure for an increase in the company's profits I see no reason why they should not be allowed to share in that prosperity.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (4.52 p.m.): I realised, of course, that the clause would be a somewhat contentious one. That is why I made quite sure that I explained it both at the introductory and second reading stage. I have never hesitated to say where we stood because I knew I was expressing my own view and the view of my colleagues. I say quite frankly that I accept the fact that hon. members opposite are sincere in their advocacy. I will not question that, but if they are sincere in their advocacy, as I believe they are, I do not think that they truly understand the phrase "conciliation and arbitration" as it works in Australia. Conciliation and arbitration in Australia operates under a system where we have a court. It is quite different from the system operating in the United States of America, the United Kingdom or anywhere else in the world. Under the Australian system authoritative people sit on a bench and take into consideration all relevant factors for all types of employment. They take into consideration all the difficulties and conditions of employment—isolation, whether employees are required to work in rain or unpleasant dirty surroundings, seasonal work.

Mr. Newton: They are penalty rates, not wages, and you know it.

The CHAIRMAN: Order!

Mr. MORRIS: When considering seasonal occupations the court takes into consideration the normal period of occupation in the industry as being so many months in the year. The wage is loaded accordingly. It is still a wage—it is a loaded wage.

Mr. Newton: A penalty for a particular kind of work.

Mr. MORRIS: The hon. member gets every chance to speak when he is on his feet.

Mr. Newton: You have to be corrected.

The CHAIRMAN: Order!

Mr. MORRIS: The hon. member should learn to listen when somebody else is talking. In his short speech yesterday he used the personal pronoun "I" over 100 times. That is the way in which his mind works. Finally, there is the salary or wage as determined by the authorities in this field. Nobody can say that an employer or employee is prevented going to the Court to vary awards if they are unfair. That is the system in this country. Many people in the United States of America and the United Kingdom say they believe that our system is the best in the world. I believe it is.

Of course, in Queensland we have a provision that is unique in the world. I repeat that because it is very important. Over and above the determination of a fair wage there has been for some years a provision by which the Court can demand an inspection of the books of an employer. This inspection is carried out according to the law. Then the Court has the authority to say, "You have made X amount of profit and, irrespective of circumstances, having paid the award rate, and even over-the-award rate"—as many of them do—"You must pay this additional amount." That, I repeat, is unique in the world.

Mr. Lloyd: It is a good principle.

Mr. MORRIS: It is a bad principle, a principle that will hurt this State more than anything else. Now we are amending the Act, improving it, to bring it more into line with what is really the true spirit of arbitration and conciliation.

When I hear the hon. member for Maryborough, with his soap-box oratory, talk such silly nonsense as wage-smashing campaigns and that sort of thing, I cannot believe that he means what he says. Quite a number of hon. members opposite and many people in the electorates do not believe in bonus payments. We have heard some hon. members opposite say that they do not believe in bonus payments.

Mr. Hanlon: Incentive payments.

Mr. MORRIS: It was very clear. By interjection, I queried it and I was told again, "Yes, we do not believe in bonus payments," but, for the purposes of argument they utter this soap-box oratory knowing in their hearts that they are bitter opponents of bonus payments.

Now, let me remind hon. members opposite of something else. The hon. member for Maryborough said, "We have had a revelation today of this principle in the Bill." A revelation today! Why, they have had this Bill in their hands for three weeks.

Mr. Houston: You denied it.

Mr. MORRIS: I did nothing of the sort. I defy any hon. member to show anywhere where I have ever denied or attempted to hide this principle. I suggest, if they have any such thought, that they do as I have done and consult the leaders of many unions. I repeat what I said earlier, the A.W.U. and

other unions—I think all unions—are opposed to what we are doing here but they are under no illusions about it. They know exactly what this clause means. They knew exactly what it meant 24 hours after the Bill was printed. Hon. members opposite are talking about something that has become clear to them only today, three weeks after the introduction of the Bill. If what the hon. member for Maryborough said is right, it is perfectly evident that he has not studied the Bill. He discovered only today a principle in the Bill that is as clear as a pikestaff.

I rather dislike the suggestion by the hon. member for Kedron of a shirt-tail agreement. I think those were the words he used. If they are not, he used words with a similar implication.

Mr. Lloyd: I said "a gentlemen's agreement."

Mr. MORRIS: I believe what he said was, "You have some arrangement with some new companies," or something like that. The suggestion is not worthy of him. I must keep on repeating that this principle is unique in the world.

Mr. Houston: What is wrong with it?

Mr. MORRIS: Quite a lot. If the hon. member will listen, I will tell him what is wrong with it. Let us consider the matter realistically. At Mt. Isa a varying bonus is paid.

Mr. Houston: What is it now?

Mr. MORRIS: About £8.

Mr. Houston: The present bonus?

Mr. MORRIS: Yes. Does the hon. member not know that?

Mr. Houston: I will reply later.

Mr. MORRIS: It varies. At Mary Kathleen a higher bonus is paid, but for the moment leave Mary Kathleen aside. An application has been before the court for the lifting of the Mt. Isa bonus from £25 to £29. I want hon. members opposite to use their common sense. The products of the company have to be sold on the world market. Opposition members know perfectly well that such an application could not be granted and that the court would not grant it. They know equally well that if it was granted the product of that organisation would not be saleable, because of the economic disadvantage under which the company would be operating. Hon. members opposite should know enough about economics to realise that that would be so. They should know perfectly well that on an economic basis the principle is without justification.

It has been said by some hon. members opposite that very few bonuses are being paid. Indeed, I think it was said that Mt. Isa would not be paying a bonus but for the fact that it had been forced to do so by the court. In saying that, hon. members opposite are doing less than justice to the company. They know perfectly well, or at least they should know—if they have been active union officers—that hundreds of organisations are paying bonuses, and I could enumerate them. I could mention an organisation that was negotiating last week on the payment of a bonus, and it will be a very satisfactory one. I should like to be able to tell the story—hon. members opposite may know of it—but I cannot do so as I would be breaking a confidence. All these things are known to hon. members opposite. I do not blame them for trying to get a little political propaganda out of the clause.

Mr. Lloyd: We are worried about it.

Mr. MORRIS: That is not so.

They have said that the removal of the existing provision will drive people out of industries. The argument is very faulty. The logic of the argument is very faulty, too. I repeat that this is the only State in which such a provision is contained in the industrial law. The other States do not have it and they get along quite well without it. In my opinion, we must be on the same basis as the other States. I make no apology for this clause. I think it is a very good one.

Mr. LLOYD (Kedron) (5.5 p.m.): It is necessary to reply briefly to the Minister because he has made some obviously wrong statements and wild accusations. He said that it was stated from this side of the Committee that very few bonuses were paid. I wish the Minister would listen to the speakers on this side of the Chamber who are endeavouring to make valuable contributions to the debate. We understand that bonus payments are paid throughout industry and there are a number of different types of bonus payments. The Minister has tried to quibble and get around bonus payments, which are payments made annually. That is the impression we gained when he introduced the Bill. However, before the Bill was printed he was queried from this side of the Chamber as to the definition of bonus payments, but unfortunately he was not able, at that stage, to define what was intended by the words "bonus payments." We mentioned that it could cause considerable industrial unrest if this provision was excluded from the Bill. The Minister made the statement that we on this side did not understand conciliation and arbitration. That is the whole reason for our present opposition to many of the clauses in the Bill. From the Minister's description of the Bill it is patently obvious to us that he cannot understand the division between conciliation and arbitration. He has admitted at one stage that what is contemplated for the future of the Court is conciliation, whereas at another time he announced it was to have only a judicial function. As we know it in the past, conciliation takes place in an industrial dispute between the parties and when conciliation

fails the dispute is referred to the Court for adjudication and a decision is given by way of arbitration. The Minister said that this principle was being maintained and it may be. We may agree with him. He said that we have an Industrial Court. The very introduction of this provision destroys the effect of the Industrial Court. There is no power for the Industrial Court to make a decision on an increase in bonus payments, although the Minister has given the Court the power to reduce or abrogate bonus payments. The distribution of profits in industry, and the gaining by the employees of an equitable share of profits is being brought down to the American system of collective bargaining.

The Minister has risen on a number of occasions during this debate and told us that the Industrial Court system in Queensland is the best in Australia. One statement that the Minister made should be brought very clearly to the attention of the Committee because it shows the intention behind the Bill and this clause. The Minister said that in a survey of what has been happening there has been a demand on the employers, by the Court, for an inspection of their books and on inspection of the books the Court has decided that the company is making excess profits and that rightly it could share them with its employees. The Minister said that was a bad principle. That, in itself, is sufficient indication that the Minister does not agree with the principle that the employees engaged by a company should share in the excess profits made by a company through the labours of the men in the industry. When the Minister calls it a bad principle, he shows a complete disregard of the ordinary humane principles of our industrial legislation that have operated over a great number of years. He made many other wild statements, some of them too wild for us to discuss.

The hon. member for Burke moved the amendment on a very sincere principle—that the present method has been in operation for some years and that it has worked satisfactorily, certainly for the employers, though the unions have not always been satisfied. But they are satisfied with the way in which the Court has adjudicated on the matter. If that power is taken from the Court there will be industrial unrest.

Mr. RICHTER (Somerset) (5.11 p.m.): I believe bonus payments should be the subject of negotiation between employer and employee or the union. In New South Wales, for instance, they are negotiated between employer and employee, and the court interferes only when there is a complete deadlock. The court mediates then. That provision is contained in the Bill now before us.

I do not know what the Opposition mean, whether they have changed their opinion, but a prominent member of the Australian Labour Party had this to say when he seconded the Address in Reply motion in 1953—

> "Our late beloved Prime Minister, Mr. Chifley, himself an economic and financial expert, and above all one of Labour's greatest leaders, repeatedly urged the necessity for hard work in our endeavours to get back to a stable economic and social basis. I believe that incentives, allied with the establishment of joint consultation committees, offer a direct and powerful means of increasing productivity and real wages, and reducing unit costs and prices. But the trade-union movement as a whole indicates that it is afraid of incentives."

A little later he said—

> ". . . it is advisable for a lead to be given by the employers in the establishment of joint consultation committees at the factory, in industry and on a national level. Employees have a natural right to participate in the control of industry, and the restoration of a sense of responsibility to the worker must be the first objective. Once the worker gets an effective say in the control of an industry, or a firm, he is in a position to obtain justice. The arbitration system has given the worker great benefits, but the ideal is to go closer to the centre of activity, that is, the firm. For instance, it is generally admitted that special financial, and indirect, rewards are a real stimulus to greater output."

He advocates negotiation between the employer and the employees or the union. Earlier it was said here that bonus payments are very rare in industry. Most businesses, if they can afford it, pay bonuses.

Mr. Houston: At the end of the year.

Mr. RICHTER: Yes.

Mr. Houston: But not weekly.

Mr. RICHTER: What has that got to do with it?

Mr. Houston: A lot.

Mr. RICHTER: They pay bonuses, and they pay very substantial bonuses. They must pay bonuses to hold their men. And I believe Mt. Isa will continue to pay bonuses to hold its men, but it should be by negotiation between Mt. Isa Mines and the union, or between the employers and the employees or their union. When Mt. Isa began giving bonuses, it did it by negotiation with the men. Later it became a part of the Court's judgment. If it is good enough for the other States——

Mr. Houston: It is not good enough for us, for a start.

Mr. RICHTER: Why should it not be good enough?

The CHAIRMAN: Order! I must ask the hon. member for Bulimba to contain himself. If he wants to make a speech he will have the opportunity of making it. If he takes exception to any of the remarks of the hon. member for Somerset, I suggest that he write them down on a piece of paper and include them in his speech. I ask him not to continue to make interjections.

Mr. Mann interjected.

The CHAIRMAN: Order! The hon. member for Brisbane ought to know that he is not entitled to make interjections, either.

Mr. Mann: I am sorry, Mr. Taylor, but I found it very hard to contain myself.

The CHAIRMAN: Order!

Mr. RICHTER: This system of bonuses coming under the jurisdiction of the court has extended from Mount Isa to Mary Kathleen and Mount Morgan, and it gives every indication of extending still further. We must remember that if it becomes an established practice it will have a grave effect on industry generally. I believe that overseas companies and firms and companies and firms from the South will hesitate to come to Queensland because of it. Unless an employer knows that he can negotiate with the employees or with the unions for a reduction in bonuses when things get a little bit tough, he is rather hesitant about granting them. If he knows he can negotiate with his employees, he will grant bonuses gladly, as employers do now in other places. If the employer experiences a bad period, he knows he can go to the employees and say, "I just cannot pay the bonus." All we are asking is that bonuses be granted after negotiations between the employer and the employee. This amendment aims at deleting that provision.

Mr. Sherrington: What if they cannot agree?

Mr. RICHTER: If they cannot agree, provision is made in the Bill for the Commissioner to meet them, as is done now in New South Wales and in other States.

As I said in my second reading speech, I do not believe that this is the green light to Mount Isa Mines Limited or any other company that is now paying bonuses simply to stop paying them.

Mr. Tucker: What if they do that?

Mr. RICHTER: I do not think that position will arise, because they know that they must keep their employees. I do not think they would dare to take advantage of such a provision in the Bill.

We must safeguard the interests of any company or firm coming to Queensland and starting a new industry. If it believes it is going to be hit to leg by a provision giving the Court power to fix bonuses regardless of what it thinks, it will hesitate to come here, and that will do the State a considerable amount of harm.

Mr. HOUSTON (Bulimba) (5.18 p.m.): The hon. member for Somerset made it quite clear that the Government believe in negotiation, and I think he also made it quite clear that he knows that we believe in conciliation. He has not answered the question asked by hon. members on this side—what happens when negotiations break down? That is one of our main worries.

It is true that the Bill provides for a commissioner to be made available for the purpose of mediation. That is all right; but although he can be there, he cannot do anything about it. If the parties cannot agree, where do we go from there? The management will refuse to pay a bonus, and the unions will tend to take action. I believe that is only ordinary common sense.

Mr. Richter: Will you answer this: what do they do in the other States when that happens? What do they do in New South Wales when that happens?

Mr. HOUSTON: They have never enjoyed in the other States the conditions and bonuses that we have enjoyed here. As a result of this provision we will not enjoy them in future.

Mr. Richter: How do they get over the problem that you have raised?

Mr. HOUSTON: This Government say, and have said on many occasions, that they do not believe in interfering with the Court. In fact, when an amendment to the Act was proposed in 1952, the Premier had this to say—

> "We do object very strenuously to any Government's directing the court as to what it should do."

They disagree with any direction to the court, but what is the Minister doing in the Bill? He is directing the court that it shall not interfere, or arbitrate on bonus payments. The debate has clearly indicated to me that the Government are frightened of the Industrial Court. Apparently they have no confidence in the court. If they had they would allow the court to make a decision when the two parties disagree. When the parties agreed the court would only have to ratify the agreement. But when the two parties do not agree the court is prohibited from taking action. In other words, it is directed that it shall not make a decision which it considers just to all parties concerned. The Minister and his colleagues say that the existing provisions stop industry from coming here. Was that one of the baits the Minister used to get the oil company to come here? Did he tell them that they would get an open go? Maybe he will be able to answer that at another stage. It is interesting to note that this Bill is being brought down immediately after the Amoco legislation that

was forced through so quickly. If the court had these powers it would not stop industries from coming here, unless the Minister believes that the court would give decisions that would not be to the liking of the companies concerned. That is the only opinion I can form of what it means. I suggest that the Minister is talking with two tongues on this matter. He says in one instance that he believes in the court and that directions should not be given to the court. Yet in another instance he says that if we leave it to the court we will stop industries from coming here, which shows his complete lack of faith in the commission that he has created.

Dr. DELAMOTHE (Bowen) (5.23 p.m.): Mr. Taylor——

Mr. Bennett interjected.

The CHAIRMAN: Order! I have warned the hon. member for South Brisbane once.

Dr. DELAMOTHE: The Minister gave very valid reasons for the deletion of the provision under which the court determined bonus payments. In supporting the Minister's statement I point out that the Queensland Industrial Court has had this power since about 1932. The power has been in existence and it has been exercised often enough to prove its value to the other States but they have not seen fit to write it into their legislation. Even though over that period the Governments of the various States have not all been of the same political colour as this Government, the value of this power of the Queensland court has not been such in their opinion that they were prepared to include it in their own industrial laws.

On my second point I offer some little solace to my friends on the other side.

Opposition Members interjected.

The CHAIRMAN: Order!

Dr. DELAMOTHE: They are all my friends.

Mr. Thackeray interjected.

The CHAIRMAN: Order! I warn the hon. member for Rockhampton North that if he continues with irrelevant interjections he too will be dealt with.

Dr. DELAMOTHE: Thank you for protecting me, Mr. Taylor. Hon. members opposite have missed a very vital point in this clause and that is that existing bonuses cannot be reduced or abrogated by unilateral action by an employer. Certain industries in the West, Mt. Isa and Mary Kathleen, are paying bonuses now and hon. members opposite fear that when this Act comes into operation, those bonuses will disappear. Their fears are wrongly based because there is written into the Bill a clause that prevents them from being reduced or abrogated except by the Commission in the face of changed circumstances.

Question—That the words proposed to be omitted from Clause 12 (Mr. Inch's amendment) stand part of the clause—put; and the Committee divided—

AYES, 39

Mr. Anderson	Mr. Morris
,, Armstrong	,, Müller
,, Beardmore	,, Munro
,, Bjelke-Petersen	,, Nicklin
,, Carey	Dr. Noble
,, Chalk	Mr. Pilbeam
Dr. Delamothe	,, Pizzey
Mr. Dewar	,, Rae
,, Evans	,, Ramsden
,, Ewan	,, Richter
,, Fletcher	,, Row
,, Harrison	,, Smith
,, Hart	,, Sullivan
,, Hiley	,, Tooth
,, Hooper	,, Wharton
,, Hughes	,, Windsor
,, Jones	
,, Knox	*Tellers:*
,, Lonergan	Mr. Campbell
,, Low	,, Hodges
,, Madsen	

NOES, 26

Mr. Adair	Mr. Houston
,, Bennett	,, Inch
,, Bromley	,, Lloyd
,, Burrows	,, Mann
,, Byrne	,, Marsden
,, Davies	,, Melloy
,, Dean	,, Newton
,, Diplock	,, Sherrington
,, Dufficy	,, Thackeray
,, Duggan	,, Tucker
,, Graham	
,, Gunn	*Tellers:*
,, Hanlon	Mr. Baxter
,, Hilton	,, Wallace

PAIRS

Mr. Roberts	Mr. Davis
,, Herbert	,, Donald
,, Gilmore	,, Walsh

Resolved in the affirmative.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (5.33 p.m.): I move the following amendment:—

"On page 22, line 33, after the word 'employer' insert the words—

'or an industrial union or industrial unions on their behalf'."

The Federated Clerks' Union and the Australian Workers' Union have represented to me that it should be made quite clear that organisations responsible for the welfare of their respective members may negotiate bonus payments on their behalf.

This is a well-established practice and it will continue. There is no intention of placing any obstacles in the way to prevent that practice from continuing. However, as these organisations that I have mentioned think that the amendment will make the position clearer, I am happy to accede to their request.

Amendment (Mr. Morris) agreed to.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (5.34 a.m.): I move the following amendment:—

"On page 22, line 36, after the word 'negotiation' insert the words—

'and any bonus so negotiated may be registered with the Commission.' "

The view has been expressed that if arrangements could be made to have a bonus payment registered with the Commission it would give it more standing.

It is not intended that such bonuses should be registered as an industrial agreement.

I have been asked to amend the clause in this respect. There is something to be said for the suggestion. I do not think it is absolutely necessary, but perhaps it will improve the provision in the eyes of those who are interested in it.

Hon. P. J. R. HILTON (Carnarvon) (5.36 p.m.): I understood the Minister to say that any such negotiation in regard to a bonus would not be registered as an industrial agreement. I believe the Committee should pay a great deal of attention to it, because as the amendment now stands it reads—

"and any bonus so negotiated may be registered with the Commission."

It does not say "shall." There is no force of law behind any such negotiation, therefore the amendment is absolutely useless. It has no force of law. It is not compulsory for it to be registered. I make this observation because I do not believe the Minister should mislead anybody in this matter by agreeing to put this in, if he knows in his own heart and soul that it means nothing.

Mr. Morris: I made it perfectly clear that it had no force of law.

Mr. HILTON: It means nothing to the employees at all. Let us assume that certain bonuses were negotiated with a company and the company was "taken over" six months, or twelve months, thereafter. The employees would be left absolutely high and dry. I plead with the Minister to give force to any industrial agreement, to insist that it shall be registered, otherwise it is only deceiving the employees. I think it will destroy the principle of negotiation and conciliation for bonus payments, unless they are given the force of law. Does the Minister think that unions should bother their heads by negotiating for bonuses that may be paid quarterly, half-yearly, or yearly, when at the same time it is left open to the employer to snap his fingers at them and leave high and dry the employees who have given honest service for 12 months, and so exclude them from the bonus payment that has been negotiated? If the negotiation was registered and had the force of an industrial agreement, then obviously the Commission would be the only authority to alter it. That is where the work of the Commission would come in.

If such an agreement has not the force of law with the proposed Commission, it is not worth the paper it is written on. I submit that it would induce unscrupulous employers to "kid" to their employees that they were to get the bonus at the end of three months, six months, or twelve months and then leave them high and dry. It would induce unscrupulous employers to create great discontent in industry. If it is competent for a bonus payment to be negotiated, why not set out the basis of the bonus, in the instrument of negotiation? Why not set out the measures on which it may be arrived at, and give it force of law in the Industrial Court, or in the Commission, as it will be called in the future? I think the Minister is wrong in intimating to union representatives that as a result of representations that have been made to him, these agreements "may" be registered with the Commission, and at the same time indicating that they will not be worth a tuppeny damn to the union or the employees.

I plead with the Minister to be honest and fair in this matter. I do not see any argument against giving a reasonable negotiation the force of law. If it is to be altered, let the employer or the employees make the approach. If that is not done, it is just a lot of eyewash, and I do not think that the Minister is fair in trying to "kid" to this Committee that there is some merit in the amendment he is moving. I urge my friends in the A.L.P. to sink their teeth into this, because it is very important, and I plead with the Minister to accept my suggestions.

Incentive payments have been mentioned. We may find that this carrot is dangled in front of employees to get them to work harder in the hope that they will get a bonus that is promised to them but it may never be paid.

Amendment (Mr. Morris) agreed to.

Hon. P. J. R. HILTON (Carnarvon) (5.41 p.m.): I move the following amendment:—

"On page 22, lines 41 and 42, and on page 23, lines 1 to 5, omit the words—

'until the circumstances in which it was awarded shall have so altered as to require the reduction or abrogation thereof and the Commission shall have jurisdiction from time to time to reduce such bonus payments or to abrogate them accordingly;'

and insert in lieu thereof the words—

'but the Commission shall have jurisdiction from time to time to vary such bonus payments;'."

The way the clause is drafted, it indicates to the Committee and to the unions and employees that the Government were not game to interfere with existing bonuses except in respect of the variations that are usually made from time to time by the present

Industrial Court. It could be interpreted in two ways. The relevant paragraph of the clause says—

> "Provided that any bonus payment provided for by an award or industrial agreement in force immediately prior to the commencement of this Act shall continue in force until the circumstances in which it was awarded shall have so altered as to require the reduction or abrogation thereof and the Commission shall have jurisdiction from time to time to reduce such bonus payments or to abrogate them accordingly;".

That could be interpreted to mean that, once circumstances developed that would warrant the alteration of any bonus payment, the Commission could cancel it or alter it as it thought fit, even though the circumstances might not warrant such cancellation or alteration. Then you would immediately have to revert to negotiating a bonus payment that would not have the force of law, according to the Minister's statement a while ago. I repeat what I have said before and what others have said—that the Government will cause a great deal of trouble if they make provision for the cancellation of the bonuses or the abolition of the method of granting them that has worked so satisfactorily down through the years. If the Minister is sincere in writing into the clause the provision that any bonus payment provided for by an award or industrial agreement in force immediately prior to the commencement of this measure shall continue in force, he should accept an amendment that would give the Commission power to vary it according to the circumstances, from time to time, as the court does now. He should not give the Commission the right to cancel it altogether immediately any circumstance arises warranting some alteration in the payment of the bonus. I am not going to indulge in tedious repetition, but if it is the intention of the Minister that bonuses should be cancelled and that future bonuses will not have the force of law, the industrial trouble that will arise at Mt. Isa and Mary Kathleen, and I think in other places, too, because of the snide practices that can be engaged in, will be worse than anything that has happened in this country for a long time.

I appeal to the Minister to accept the amendment. It will give the commission power to vary existing bonus payments, but it will not give it power to wipe them out altogether.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition (5.46 p.m.): I rise to support the amendment. I do not think it is necessary for me to recapitulate the arguments that were used previously, because the amendment now moved by the hon. member for Carnarvon has the same objective as the earlier amendment moved by the Opposition. We agree with it, and we will support it.

Amendment (Mr. Hilton) negatived.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (5.47 p.m.): I move the following amendment:—

> "On page 24, line 34, omit the words—
>
> 'particular union or organisation'
>
> and insert in lieu thereof the words—
>
> 'industrial union'."

The provisions of the preference clause in the Bill, which are identical with those in the present Act, make it possible for the industrial tribunal to award preference to members of a deregistered union or oganisation that is not registered as an industrial union. It is considered that this preference should refer only to industrial unions registered with the Court, and the amendment now moved is to this effect.

Amendment (Mr. Morris) agree to.

Clause 12, as amended, agreed to.

Clause 13—Power to declare general rulings—

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (5.49 p.m.): I move the following amendment:—

> "On page 25, line 40, omit the word—
>
> 'or'
>
> and insert in lieu thereof the words—
>
> 'and/or'."

The provision in the Bill refers to a basic wage for males or females. The provision in the present Act refers to a basic wage for males and females. It is considered that the Court should have complete discretion in this regard and that the suggestion of the Federated Clerks' Union that the provision should refer to a basic wage for males and/or females will give this discretion. It is proposed to adopt it.

Amendment (Mr. Morris) agreed to.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (5.50 p.m.): Before we have any general discussion on the clause I should like to direct some questions to the Minister. It is true that in Clause 13 (1) the provisions of the old Act have been re-enacted but something additional has been included in lines 26 to 30 regarding the notifying of parties about the intention of the court to have a hearing for the purpose of making general rulings relative to any industrial matter in order to prevent a multiplication of inquiries on the same subject. I should like to know why that alteration has been made to the old Act. There has been some apprehension in the Labour movement generally that this clause could enable the Court to abandon its present policy of making quarterly declarations on the movement of the basic wage. We have no objection, of course, to the Court's carrying out these powers and having these investigations to prevent a multiplicity of inquiries into the same matter. That seems to be only sensible. But there is a genuine fear of what might happen because of the action

of the Commonwealth authorities in pegging the Federal basic wage for more than a year now. I have mentioned previously the substantial wage differential between State and Federal Awards. At a time when costs are rising it certainly would provoke a major industrial upheaval if the State Industrial Court abandoned its present practice of making quarterly adjustments. If the tendency were in the opposite direction, and prices were tending to decline, perhaps we would not attack this with the same vigour as if there is a likelihood of the quarterly adjustments being abandoned. There is very real cause for concern on the part of the industrial movement because after all, the quarterly basic wage declarations are supposed to make provision for rises in prices. But after the examination of the "C" series index, or the adjusted index that might be used in future determinations, there is always a time lag. The information that is available to the court at the end of the quarter covers the previous period. By the time the court makes up its mind and promulgates the order the worker, under the present system of rising prices, finds that he is chasing higher prices with lower wages the whole time. Naturally there will be an intensification of unrest and uneasiness in the minds of unionists generally if there is any suggestion of abandoning the present principle of quarterly adjustments.

As this fear has been expressed very strongly by the industrial movement I feel that there is an obligation on the Minister to inform the Committee just why the clause has been so worded. What is the purpose behind it? If he is able to give the Committee a satisfactory explanation about that, together with a general assurance that it is not the policy of the Government to be parties to the abandonment of the quarterly adjustment of the basic wage, we shall have no particular desire to argue about the subclause. If we cannot get that we think that there may be strong grounds for the fears that have been expressed. I do not want to canvass the general advisability of the clause at the moment. If the Minister can help to reduce the need to debate the matter I shall be quite happy to resume my seat in a moment or two. If not, he must realise that the debate can be and probably will be widened very considerably because it is a critical matter to the wage earners. The Minister must realise the problem. If there is any indication of the stabilisation of wages at the present time, when there has been no action to stabilise profit and price levels, naturally it is going to provoke a great deal of industrial discontent in the community. In order to give the Minister an opportunity of indicating his general views on this matter I now invite him to do so. If he can give a satisfactory explanation it will avoid much unnecessary debate.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (5.55 p.m.): The hon. member is quite right. I have been approached on this matter by quite a few unions. They have asked me the basis of this variation and I have told them that in the past it had been the practice of the court to give general rulings even without giving the interested parties an opportunity of giving evidence. That provision is now varied, and those words are inserted to permit all parties to appear before the court should they so desire. It will avoid automatic variations.

Mr. Hanlon: Does that apply to quarterly adjustments of the basic wage according to cost-of-living variations?

Mr. MORRIS: Yes, it applies to all general rulings. I assume that there will be, on this basis, a case prepared for variation and it will be arguable before the Commission.

Mr. HANLON (Baroona) (5.57 p.m.): I would be loth to deprive anyone of the right to a hearing. That is a fundamental principle to which everyone is entitled. But the point raised by the Leader of the Opposition was on the question of hearings for quarterly adjustments of the basic wage in accordance with variations in the cost of living. Up to the present time it has been the practice of the Queensland court to declare each quarter except in very rare circumstances, an adjusted basic wage in accordance with variations in the cost of living reflected in a certain index. It is quite easy to foresee that, in certain circumstances, if it is obligatory now on the Commission before doing that to advise the parties, some party will require to be heard on the matter and the matter will be debated at length before the court. Perhaps one party might apply for an adjournment in order to call evidence and the principle of quarterly declarations could develop more or less into a farce. The court might declare its intention of adjusting the basic wage in January according to the position reflected by the index for the quarter ending in December. If it advises the employers that it is going to do so and they apply for a hearing on the matter, it might drag well into March before the evidence is heard and a decision given. If lengthy argument is involved the Court frequently reserves decision.

It could be well past the March quarter with the March adjustment still pending before a decision is given on an adjustment for the quarter ending in December. That is why we are suspicious of the insertion of these words that were not previously in the clause.

There has always been the opportunity, to my way of thinking, for a union or the employers to make application for a hearing at any time. For example, the court did not vary the basic wage according to the cost of living in one quarter——

Mr. Morris: I do not think there has been that opportunity.

Mr. HANLON: I can recall one occasion following, I think, a sharp rise in the prices of potatoes and onions, some years ago. I cannot quite remember the incident, but a union did make an application in relation to the failure of the Court to act on the index on one occasion.

Mr. Morris: I cannot deny that. I have no recollection of its having taken place, but I cannot deny it. You might be right.

Mr. HANLON: I do not think the Minister has quite answered the point yet on whether quarterly adjustments are going to be absolutely automatic in future if employers wish to thwart them.

Mr. MELLOY (Nudgee) (7.15 p.m.): When I first read sub-clause 13 (1) I was considerably disturbed about the reference to declarations of general rulings by the court. At the same time I was prepared to a certain degree to give the Minister the benefit of the doubt, but after listening to his evasive reply to the remarks of the Leader of the Opposition I am more disturbed than ever. The Minister completely begged the question.

Mr. MORRIS: I rise to a point of order. I do not mind a lot of things that are said about me because often I think they are said in the heat of the moment, but I object to an hon. member's saying that I used evasive tactics. I did nothing of the sort, and I ask not only that he accept my denial but that he refrain from saying that sort of thing.

The CHAIRMAN: Order! I ask the hon. member for Nudgee to accept the denial of the Minister.

Mr. MELLOY: I accept his denial. Perhaps I should have said his statement was rather indefinite. The clause causes me concern because it would appear that there is to be an abandonment of automatic quarterly adjustments of the basic wage. The Minister has not given a clear indication that that is not the intention of the clause. The Leader of the Opposition tried to get from the Minister an assurance that it was not so, and that is why I say the Minister's reply was indefinite. He did not say it was not the intention to abandon automatic quarterly adjustments. The Court itself has indicated that it is not too sure in its basic-wage decisions. On the last revision of the basic wage it decided to split the difference. If we are to have what could be a general hearing on the basic wage every quarter, following an alteration of the index, we will be deprived, I should say, of quarterly adjustments, because we can rest assured that if employers sense any possibility of an abandonment of adjustments of the basic wage they will marshal every possible scrap of evidence to prevent an adjustment. As a consequence the unions will marshal every scrap of evidence they can obtain to present to the Court. Those actions of course can lead only to protracted court proceedings.

Mr. Hanlon: And it is very doubtful if the decisions will be made retrospective.

Mr. MELLOY: That is true, and we will be lagging perhaps three months in the declaration of an adjustment.

The Bill provides that the Court may allow legal representation of parties who think that their cases would be presented better by counsel. The Court is given the right to grant permission for counsel to appear.

The CHAIRMAN: Order! I think the hon. member is going beyond the details of this clause.

Mr. MELLOY: I should like some indication from the Minister as to the effect of this clause on quarterly adjustments of the basic wage.

The CHAIRMAN: Order! There is nothing in the clause regarding quarterly adjustments.

Mr. MELLOY: Cost-of-living adjustments are mentioned in the clause, and I should like the Minister to say whether the clause envisages the abandonment of such quarterly adjustments.

Mr. NEWTON (Belmont) (7.21 p.m.): This clause deals with quite a number of matters. Firstly, the court will take into consideration the cost of living. My main concern is that the cost of living could be the ordinary quarterly adjustment——

The CHAIRMAN: Is the hon. member dealing with Clause 13?

Mr. NEWTON: Yes. It deals with cost of living and the standard of living. I should like the Minister to say whether it is the intention to change the present method, to do away with the "C" Series index, perhaps with the idea of introducing a new index. I should like some clarification from the Minister of (a) the cost of living, and (b) the standard of living. The first creates the impression that it has to do with the quarterly adjustments, and the second with a new index for the quarterly cost-of-living adjustments. The third one deals with the basic wage for males or females.

The hon. member for Baroona pointed out to the Minister that three or four years ago the Industrial Court decided not to grant a quarterly cost-of-living adjustment and it was necessary for the unions to file an application with the court and fight for that adjustment. They had to prove to the court that a quarterly adjustment was justified. That was at a time when the price of potatoes soared to about 1s. 6d. a pound. After the unions had made their application

to the court and proved that it had a bearing on the increased cost of living, the quarterly adjustment was granted. I should be interested to hear from the Minister if the present procedure is to be continued, because if it is not, it will have a serious effect on the workers of the State. We have no price control, and the quarterly adjustment is the natural way for the pay packet of the worker to catch up with any increases in any quarter that are reflected in the cost of living. If the cost-of-living adjustment is compiled some time in the middle of a quarter, it means that when the adjustment is made, it is behind the actual cost of living, and so it goes on. We should like to have this clause made clear for the rank-and-file members who are affected by cost-of-living adjustments.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (7.25 p.m.): I very much dislike being accused of using evasive tactics, because, only an hour or two ago, I was castigated for being too frank. It appears that, whatever I do, I cannot please hon. members opposite so obviously it is not worth my trying. As I told the Leader of the Opposition before, the clause has no bearing on the retardation of adjustments, as he will see if he reads the two provisions carefully. The only variation is that the Bill provides—and very wisely, too—that no general rulings shall be made without the parties having an opportunity to appear before the court. Surely that principle cannot be opposed.

Mr. Melloy: It has not been necessary up to now.

Mr. MORRIS: The hon. member who interjects said earlier that there will be a great many postponements because the Bill permits legal representation before the court and he went on with a long rigmarole. I do not know whether he deliberately attempted to mislead the Committee but, if he will only study the Bill and read Clause 125(3) in conjunction with Clause 13, he will find, first of all, that this has to be decided by the commission, not by the court at all. The only way any party can be represented before the commission by counsel is with the agreement of all concerned. That shows how stupid his statements are.

The hon. member for Belmont asked if the clause meant a change in the present method of assessing the basic wage. It has no bearing on it at all, any more than the section of the Act has, because the power of the court, now in the commission, is retained in the corresponding provision. Let me make it quite clear. I do not want to be misunderstood. Whether in fact the court might at some future time decide to use another index is something that the court might be able to answer. I cannot. I never have been able to, nor has any other Minister, because the discretion is left to the court, both by the existing Act and the Bill.

Clause 13, as amended, agreed to.

Clause 14—Directions to be observed by the Commission—

Mr. TUCKER (Townsville North) (7.30 p.m.): I move the following amendment:—

"On page 27, line 14, omit the words—'employees in rural industries'."

In the Industrial Conciliation and Arbitration Act we find this provision—

"Provided that (notwithstanding the foregoing provisions in paragraph (a) hereof) for employees in the callings following, namely, railway gatekeepers in the employment of the Commissioner for Railways, employees on coastal, river, and bay vessels, musterers and drovers of stock, employees on farms engaged in feeding or attending to stock or such other necessary services as the Court in its discretion may determine, and employees engaged in domestic service, the Court in its discretion may determine the maximum number of working days and hours in any one week:"

Clause 14 of the Bill begins—

"(1) Save as hereinafter provided, every award shall be deemed to contain provisions to the following effect, or provisions not less favourable to employees, save in the callings mentioned in the proviso to paragraph (a) of this subsection:—"

and then goes on to say—

"Provided that (notwithstanding the foregoing provisions of this paragraph (a)—

(i.) for employees in the callings following, namely station mistresses and female gatekeepers in the employ of the Commissioner for Railways, gatekeepers in the employ of the Department of Main Roads or a Local Authority, employees on coastal, river, and bay vessels . . ."

The proviso is the same up to that point, but the Bill then says "employees in rural industries." It completely leaves out certain words in the Act. That leaves a great doubt in our minds as to the true meaning of the new provision. What does it really cover? That is why we ask that it be excluded.

The Act excluded certain specified workers such as musterers, drovers of stock, and employees engaged in feeding or attending to stock. It certainly restricted the Court in the granting of working hours in excess of 40 a week to other rural workers. It also provided that employees could not work on more than six out of seven consecutive days, and a similar provision is contained in the Bill. The term "employees in rural industries" includes workers in the sugar industry, the shearing industry, the wheat-growing industry, and station hands. This blanket cover cannot be justified under any circumstances. No-one could argue that the sugar industry and the wool industry are not prosperous, and no-one could logically

argue that employees in those industries should not enjoy a 40-hour week in common with employees in other industries.

I think the words "employees in rural industries" were included in the clause to exclude certain employees under the Station Hands Award. I mentioned that last year, and I think it was the hon. member for Condamine who said that the 40-hour week had not improved relations between employer and employee. We know that considerable pressure has been exerted on the Premier and other Ministers by the U.G.A. and by individual graziers. As I previously mentioned, not all graziers subscribe to that view, but quite a number do. Many of them were only waiting for an opportunity to do away with the 40-hour week which they dislike so much. As the A.W.U. pointed out to the Court it was the prerogative of the station hands to be allowed to work a 40-hour week either in five or six days. We know that pressure has been brought to bear to deny station hands the full protection of the Court and to deprive them of the 40-hour week. As an example of the outside dictatorship to the Government, the hon. member for Fassifern stated that these people rolled down to Parliament House——

The CHAIRMAN: Order! The hon. member will confine his remarks to Clause 14.

Mr. TUCKER: We freely admit that musterers and drovers of stock, and employees engaged in the feeding of stock, because of the nature of their employment perhaps should be excluded. We can see the reason for that. Because of their particular calling they could, and should, be excluded. But the blanket provision covering all rural employees is unrealistic and very vicious.

Mr. RICHTER (Somerset) (7.38 p.m.): The previous speaker referred to the taking away of the 40-hour week. What a lot of tommyrot! The provision gives the Commission discretionary powers to make awards and determine conditions for employees in rural industries. That is all it does. The previous provision read—

> ". . . musterers and drovers of stock, employees on farms engaged in feeding or attending to stock or such other necessary services as the Court in its discretion may determine . . ."

The Industrial Court always considered that they had discretionary powers in this matter. They considered that they had power to determine the hours of work for employees in the pastoral industry, but in a recent judgment it was claimed that they did not have it. It caused a great deal of confusion. The fixing of a 40- or 44-hour week did not come into it. They merely claimed that they did not have the discretionary power. All the clause does is to give them that power. It makes it quite clear that they have power to deal with all rural workers. It does not take anything away, it merely places the power in the hands of the Commissioner to do the job. Any suggestion that we as a Government, or the graziers, are asking for the abolition of the 40-hour week is just tommyrot. In the pastoral areas working hours have to be staggered. It is a very awkward problem. Very few men out there work 40 hours a week. They are quite happy with their conditions; they very seldom work an average of 40 hours in a week. There are times when they may have to work a little more; at other times they work considerably less. All we are doing is giving the Court discretionary power to deal with rural workers. We are not telling the Court what to do and any suggestion that we are trying to interfere with the 40-hour week is just tommyrot.

Mr. DUFFICY (Warrego) (7.40 p.m.): In introducing this Bill, both at the introductory and the second reading, the Minister went to some pains to say that it was re-enacting about 90 per cent. of Labour's legislation. He did not tell the Assembly—nor has he done so yet—that an important provision of the original Act was being deleted. In Clause 14 of the Bill a most important provision now in the Act has been deleted, and in its place there is a complete blanket clause.

The previous speaker obviously did not know what he was talking about when he said that the deletion from the Act of musterers and drovers and employees engaged in feeding stock and the substitution therefore of the phrase "employees in rural industries" did not alter the clause at all. Might I ask him what is a rural industry?

He spoke about station hands and what had occurred in connection with a recent decision of the court. Surely the hon. member is not going to suggest to the committee that the only rural workers in Queensland are stationhands? Would not one suggest that sugar workers are rural workers? Would not shearing industry employees be rural workers, and employees engaged in the tobacco industry, or the wheat industry for whom awards of the court are operating?

Mr. Richter: You don't interfere with the hours of shearers, do you?

Mr. DUFFICY: Fortunately for the people of Queensland the hon. member will not be charged with the responsibility of interpreting this Bill if it becomes law. Let us consider the Bill as it is, not as it is interpreted by the hon. member. Sub-clause (1) (a) of clause 14 says—

> "Employees shall not be worked on more than six out of seven consecutive days, and the time worked by them within any period of six consecutive days shall not exceed 40 hours."

That is clear enough, surely!

The CHAIRMAN: Order! We are not dealing with the clause in general at the moment. The hon. member's remarks must be specifically applied to the paragraph on page 27.

Mr. DUFFICY: I am speaking of the deletion of the words "employees in rural industries" in relation to the hours provided for them in paragraph (a) because, if I do not refer to that, on what am I to speak?

The CHAIRMAN: Order! On the omission of the words "employees in rural industries."

Mr. DUFFICY: Exactly, and the omission of those words has direct relation to subclause (1) (a) of Clause 14. If the deletion of those words has no application to subclause (a), there is no virtue in the amendment. We must relate the words sought to be omitted to the matter of hours that employees may be worked. Sub-clause (a) places a restriction on the hours of work of employees and the number of consecutive days on which they may be worked, but the proviso includes "employees in rural industries". That is a blanket description. Why did the hon. member for Somerset pick out station hands. He picked station hands for the obvious reason that the provision was inserted to deal with station hands. Unfortunately the clause will cover not only station hands but also employees in every other rural industry in Queensland. If I was arguing the matter on behalf of employers in the Industrial Court—I have argued cases on behalf of employees and I know something of the court's approach to such matters—I would argue that obviously it was the intention of the Legislature to exclude all rural workers from the restriction to 40 hours. I think my legal friend on this side of the Chamber would agree with me, even if the legal members on the other side would not, that the court takes into consideration the intention of the Legislature. The intention obviously is to exclude all rural workers from the restriction to 40 hours.

Mr. Richter: You are quite wrong. You have not read the Bill.

Mr. DUFFICY: I have just read subsection (a) which imposes a restriction on the hours that employees may be worked and the number of consecutive days on which they may be worked.

Mr. Richter: The commission will have discretionary power.

Mr. DUFFICY: That is not the position. The proviso excludes certain employees, namely, station mistresses, female gatekeepers in the employ of the Commissioner for Railways, gatekeepers in the employ of the Department of Main Roads or a local authority and employees in rural industries. Those employees are excluded from the provision placing a restriction on the number of hours that employees may be worked. If the hon. member contends that the court has power to grant a 40-hour week in any rural industry, I will agree with him. I am going to agree that the court has the power to grant a 40-hour week in the sugar industry, the shearing industry and under the Station hands' award. I am admitting that, but I am saying that the court would have to take into consideration the intention of the Legislature. The Legislature is the highest authority in the State and the court would take notice of the intention of the Legislature. It is obvious from the clause that the Legislature intends specifically to exclude all rural workers from the provisions of sub-clause 14 (a). That is how I would argue if I were appearing on behalf of the employers. Under the previous Act certain people engaged in the rural industry are excluded where it would be very difficult to restrict their hours. Included in that category are musterers, drovers, and people engaged in the feeding of stock. It would be very difficult to include those people because of the nature of their employment.

Mr. Ewan: Would you agree if musterers or people tending stock, were specifically stated?

Mr. DUFFICY: They are under the Act.

Mr. Ewan: Would you agree if they were specifically stated in the Bill.

Mr. DUFFICY: Yes, I would agree with that. I would agree with the section in the Act.

Mr. Richter: You think they deserve a 40-hour week?

Mr. DUFFICY: I ask the hon. member to let me make my speech.

I would be prepared to agree with what is in the Act, because it is almost impossible to have fixed hours for musterers, drovers, and people engaged in feeding stock and so on, but I am not prepared to agree to a blanket clause designed to exclude all employees in rural industry from the protection given to all other industries mentioned in sub-clause (a) of Clause 14. That protection is granted to all other industries but it is not granted to station mistresses and female gatekeepers employed by the Railway Department and gatekeepers employed by the Main Roads or local authority. The Bill will not provide protection for stationhands. As soon as the Bill becomes law it will not provide for shearing industry employees, sugar industry employees, or any other employee working under an award that covers a rural industry. That is completely unfair. Surely nobody would suggest that the shearing industry is not in a reasonable state of prosperity and well able to give its employees a 40-hour week, and surely no-one is prepared to argue that the sugar industry is not in a reasonable state of prosperity. Unless the Minister can convince me to the contrary, I feel sure that the blanket clause covering employees in rural industry excludes not only the stationhands referred to by an hon. member, but also excludes every employee in Queensland working under an award covering a rural industry.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (7.54 p.m.): The hon. member for Warrego has argued, quite correctly, that this sub-clause excludes certain sections of the community. He referred to employees in rural industries, station mistresses and gatekeepers employed by the Main Roads Department and local authorities. His argument is quite correct. The sub-clause does exclude those categories from the provisions of sub-clause (a) of Clause 4 (1). He argues that the wording of the clause is different from the wording of the Act. As the categories are stated differently, of course it is different. I agree with him there, but that is where we start to differ, because the burden of his argument moves on. He says that as they are excluded from the operation of Clause 14 (1) (a) ipso facto they must be worked more than 40 hours a week. He went on to say that surely in the sugar industry rural workers, as of course they are, should have a 40-hour week. We agree with that, but he argued on entirely wrong premises when he forecast that the people he enumerated would be on anything other than a 40-hour week. Admittedly there is a variation in the setting out of the categories, but it is quite wrong to say, or even to suggest, that the workers in the sugar industry will be required to work more than 40 hours a week. That is not inherent in the Bill.

Mr. Duffey: I did not say that, either.

Mr. MORRIS: No. I am only explaining it. What is inherent in it is exactly the same as was believed to be so under the Act for years and years.

Mr. Richter: That is the point.

Mr. MORRIS: That is the point. For many years it has been believed that many workers in certain rural industries——

Mr. Duffey: How many industries?

Mr. MORRIS: The hon. member has read them all. I take it he does not want me to read them again. I certainly will if he wants me to.

Mr. Duffey: Be honest about it. In the Station Hands' Award.

Mr. MORRIS: The parts of the section that the hon. member read were correct and if he wants me to go over the ground again I will.

Mr. Duffey: No, I do not want that.

Mr. MORRIS: The Act sets out—

". . . employees in the callings following, namely, railway gatekeepers in the employment of the Commissioner for Railways, employees on coastal, river, and bay vessels, musterers and drovers of stock, employees on farms engaged in feeding or attending to stock or such other necessary services as the Court in its discretion may determine,".

For years it was believed that the Court had the power to vary not necessarily the 40-hour week but the starting and ceasing times, and the hon. member knows perfectly well that the Court's decisions over the years have recognised that discretionary power. He knows perfectly well, too, that very often a judgment of the Court on one matter affects many others not previously thought to come within its ambit. I cannot remember the particular case I have in mind, but hon. members know it because they watched it as I did. When that case was heard the Court said, "Well, for years we believed we had discretionary power for these people. According to that judgment, evidently we have not," and they were then circumscribed.

We are simply doing two things. Firstly, we are ensuring that the Court has the discretionary power that we all believed it had, and, secondly, we are simplifying the clause. The mere fact that we are simplifying the clause should not lead any hon. member opposite to assume that, when the Bill becomes law, the Court will suddenly say, "We will wipe out the 40-hour week in the sugar industry" and all the other industries that the hon. member mentioned. I repeat that the clause does the very thing that we wanted it to do.

Mr. Duffey: To give the Court discretionary power?

Mr. MORRIS: Yes.

Mr. Duffey: All right.

Mr. MORRIS: Exactly, that is what I wanted to do.

Mr. Duffey: I agree with that to an extent.

Mr. MORRIS: It does that and that is all it does, and it does not bring, shall I say, close to realisation the apparent fear of the hon. member that for any of the categories he mentioned the 40-hour week will be thrown overboard. That is just an argument that could be advanced to give a person an opportunity to argue. It is certainly not advanced because any hon. member opposite really believes that it will happen.

Mr. DUFFICY (Warrego) (8 p.m.): I was particularly interested in the Minister's reply, because he said he was anxious to give the Court discretionary powers.

Mr. Morris: Quite right.

Mr. DUFFICY: It is rather unfortunate that the same principle did not apply to bonus payments. The Minister was not very anxious to give discretionary powers there.

The CHAIRMAN: Order!

Mr. DUFFICY: That is only by the way. Getting back to the clause, the Minister spoke about the Court's discretionary powers and what it thought it could do and could not do. Neither the Minister nor myself is

going to interpret this Bill when it becomes law. It will be the Court's duty to interpret it. I suggest to the Minister that his interpretation might be no more sound than mine or anybody else's.

Mr. Morris: That is always on the cards.

Mr. DUFFICY: I am suggesting that his interpretation is not very sound. Let us get down to fundamentals. The Court has no discretion in regard to hours in secondary industries, because paragraph (a) simply lays down that "employees shall be worked"——

Mr. Morris: "shall not."

Mr. DUFFICY: "employees shall not be worked on more than six out of seven consecutive days, and the time worked by them within any period of six consecutive days shall not exceed forty hours". That is definite?

Mr. Morris: Quite definite.

Mr. DUFFICY: Consequently, irrespective of what the Minister might say about it, the Court has no authority to alter the Act and it has no discretionary power in any application on behalf of employees——

Mr. Morris: Yes it has. It has not got discretion to work them more than six out of seven consecutive days or more than 40 hours, but it has a discretion on the other aspects of the Bill.

Mr. DUFFICY: Wait till I finish my sentence. The Court has no discretionary power to write into an award a provision enabling employers to work employees in secondary industries more than 40 hours a week or more than six days in any consecutive seven. The Minister will admit that?

Mr. Morris: Yes, I will.

Mr. DUFFICY: But we are giving the Court discretionary powers not only in respect to station hands, about whom hon. members opposite are so concerned—I know the pressure that has been exerted on the Government, but I will not go into that—but in respect to every employee in Queensland who is working in a rural industry.

Mr. Morris: That is quite right. I have not argued against it.

Mr. DUFFICY: Then, what is the Minister's explanation of this? Employees working for Brown and Broad Ltd., sawmillers, for instance, have a statutory right to work not more than a 40-hour week and not more than six out of seven consecutive days.

Mr. Morris: Exactly.

Mr. DUFFICY: But an employee in a a sugar mill in North Queensland or an employee in a shearing shed in Western Queensland has not that statutory right. The Minister says, "The Court has a discretionary power." I am not stupid enough to deny that. But why give a discretionary power on the one hand and write into the Bill a statutory right on the other? How is the Minister going to justify that? If he wants to exclude certain employees working in rural industries because of the nature of their employment, if he thinks it is justified, why does he not do that? Why write into the Bill a blanket clause that denies, I suppose, 40,000 or 50,000 unionists of a statutory right to a 40-hour week? That is what he is doing.

Government Members: No.

Mr. DUFFICY: If he is not doing it, I do not know what the Minister has been talking about. I am saying that that is my interpretation. At least I am as capable of interpreting the Bill industrially as any hon. member opposite. I have had 22 years' experience of handling the old Industrial Conciliation and Arbitration Act. I have argued under that Act before the Court on very many occasions. I am suggesting now that if I was an advocate before the Industrial Court I would state exactly what I am stating here. I would stand on the provisions of Clause 14. I would say that under the Bill passed by Parliament all employees in secondary industries had a statutory right to a 40-hour week to be worked in not more than six days out of any consecutive seven. I would also say that because of the special exclusion of employees in rural industries—gatekeepers and others as provided in the proviso to the clause—that all employees engaged in rural industries irrespective of what branch of rural industry they were employed in, had no statutory right at all. How can the Minister justify the exclusion of 40,000 or 50,000 unionists who are covered by that blanket clause, from a statutory right that he is giving to employees in secondarv industries and every other industry in the State?

Hon. K. J. MORRIS (Mount Coot-tha—Minister for Labour and Industry) (8.8 p.m.): The hon. member for Warrego tells us that he has been an advocate before the Industrial Court. May I say to him in all good humour that if I was wanting somebody to represent me before the Court I do not think I could choose a better advocate.

Mr. Dufficy: I couldn't represent you because you would never have a case.

Mr. MORRIS: All right. I was trying to say something nice. At any rate, I will say that the hon. member is a very good advocate.

Mr. Dufficy: I didn't say that.

Mr. MORRIS: But I did. Had I not got copies of the Bill and the Act before me he would nearly have convinced me. But let me show him where the fault in his argument lies. The Bill condenses the provisions of the Act; it does not use nearly as many words. The hon. member says that because of that 40,000 or 50,000 people will not now have a statutory right to a 40-hour

week. He is quite wrong in his statement. I hope that he has a copy of the Act with him so that he can follow what it says. I shall refer only to the part dealing with the rural industries because I do not want to confuse the issue. It states—

> ". . . musterers and drovers of stock, employees on farms engaged in feeding or attending to stock . . ."

Then come the words in the old Act that are supplanted by the words "employees in rural industries" in the Bill. They mean exactly the same thing. The Act continues—

> ". . . or such other necessary services as the Court in its discretion may determine . . ."

Mr. Duffy: Will you answer one question?

Mr. MORRIS: Ask it when I have finished this. Here is the situation. In it, we say, "All right, that category and that category and that one are the only categories that do not come within the statutory provisions."

Mr. Duffy: That is right, but they are wider.

Mr. MORRIS: The hon. member agrees, but he says they are wider. I accept that for the purposes of argument. He says that those are the specific occupations that do not come under the clause. In the Act there were certain specified employees but the court, by the wording of it, could have, had it chosen to do so, not made it 40,000 or 50,000 that would be affected, as the hon. member says, but 140,000. It could have done that if it had wanted to do so, under the clause that says "all such other necessary services as the court in its discretion may determine." If the court had wanted to be silly or unreasonable or to act without judgment it could have said that members of Parliament or anybody else would be covered. It could have brought anybody in. In the Bill we specifically enumerate the people and the Court cannot go outside the people who are enumerated.

Mr. Houston: What about subclause (2)?

Mr. MORRIS: I daresay this is a somewhat technical argument and neither the hon. member nor I are, in fact, legal men; but, I am perfectly certain that this clause is more restrictive than the section in the Act. I do not want to sit down before I answer the hon. member for Warrego's question. What was the question?

Mr. Duffy: If you say that the Act was exactly the same and that it gives the court the freedom that this Bill gives, can you explain why the court held that it could not do other than grant a 40-hour week to certain employees under the Station Hands' Award.

Mr. MORRIS: Yes, I can. The judgment in the case to which we referred a while ago and of which I still cannot remember the name was based on words that are outside those that both the hon. member and I have used.

Mr. Duffy: The court held that those employees were entitled to the 40-hour week as a statutory right, and it implemented it in the Station Hands' Award, but has the Court statutory right under the Bill?

Mr. MORRIS: Let me put it in a different way.

Mr. Duffy: You cannot put it in a different way. That is the answer.

Mr. MORRIS: I am trying to answer the point raised by the hon. member. The court believed it had a right to give it to those other sections by virtue of those words but the bearing that other parts of the clause had on those specific classifications was such that it was ruled by the court last year that it did not have such discretionary power. We are giving it now.

Mr. Duffy: It did not hold that it had a right to do it; it held that it had a statutory compulsion to do it.

Mr. MORRIS: No, the hon. member is a little bit wrong there.

Mr. Duffy: It decided that it could not do anything else under the Act. That is what it held.

Mr. MORRIS: I repeat what I said before. The court held as a result of that judgment that its discretionary right was circumscribed much more than it had been believed in the years that preceded it. We are restoring to the court the discretionary right that it thought it had for a long time. That is all it is.

Mr. BENNETT (South Brisbane) (8.15 p.m.): I have listened to the hon. member for Warrego, and, on reading Clause 14 I am satisfied that his fears and trepidations are well founded. Clause 14 preserves the 40-hour week for employees covered by Clause 14 (1) (a). In the implementation of the authority granted under Clause 14 (1) (a) the Court has a discretion, but it cannot in the exercise of its discretion impose conditions less favourable than a 40-hour week or prescribe that employees shall be worked on more than six out of seven consecutive days, or more than eight hours a day. Within the confines of that limitation the Court has a discretion to improve the conditions of employees covered by that sub-clause, if it sees fit to do so on an application made to it, but the proviso specifically excludes from that provision the categories of employees mentioned therein, including employees in rural industries, which is a very wide field. In that regard also it has a discretion, but in the exercise of the discretion given under sub-clause (1) (a) (i) it is bound by the spirit of the legislation as well as the terms of it. The words "rural industries"

cover a wide category of employees who earn their livelihood by working on the land. In determining awards for employees in rural industries the Court under the Bill may impose conditions that are less favourable than a 40-hour week, with work on more than six consecutive days for more than eight hours a day. That is what the Bill says. The Court is told that it can make rural employees work more than a 40-hour week, make them work on seven consecutive days and for more than eight hours on any one day.

The Minister has said the provision is the same as the Act in specifying musterers and drovers of stock and employees on farms engaged on feeding or attending to stock. The employees specifically mentioned in the Act are performing essential services for the preservation of animal life. They were excluded from the statutory protection under the Act because obviously the Court would hold that such employees on some occasions and under certain conditions would have to work outside normal working hours in order to attend to stock. When drovers are in charge of stock, they might have to stay with the stock for a fortnight without relaxing. They obviously could not work a 40-hour week. The Act then mentioned employees on farms engaged in feeding stock. It did not refer merely to employees on farms. It is obvious that employees engaged in feeding stock would have to work outside the the normal working hours to feed and water the stock. In effect the Act covered necessary and emergency services and employees engaged in those services. The provision of the Bill extends widely the category of employees who are excluded from the protection of a 40-hour week and all that goes with it. The Bill refers to employees in rural industries. The provision means what it says and the Court will be bound to interpret it in that way.

Recently the Court made a Station Hands' Award. It did not meet with the approval of some sections of the community Obviously they have been smarting under that award ever since it was made. I believe it was made by Mr. Justice Brown. I was rather interested in the statement by the hon. member for Warrego. He said he did not care to make any reference to the pressure that had been exercised, and that aroused my interest. I was wondering if he had in his mind the same thought that came to my mind concerning the deputation that waited on the Premier at Barcaldine after that award was made.

The CHAIRMAN: I can only interpret the remarks of the hon. member as indicating that a deputation brought pressure to bear on the Premier. It will not be allowed.

Mr. BENNETT: I was wondering if the marked alteration in the scope of the exception in the Act has crept into the Bill because of the antipathy of the grazing section of the community, who were hostile because the category of workers under their jurisdiction at long last had received some industrial justice. As the Minister has rightly explained to Parliament, we cannot presume or assume what awards the commission or the Industrial Court will make under this legislation. We can only know that it has a wide discretion to exercise, and that it will exercise it. Whilst we are not in a position to assume or presume too much, we may be satisfied that it has a distinct power—and it is an impending possibility—to remove from the award that advancement that has been gained under the Station Hands' Award whereby station hands are entitled to a statutory 40-hour week. The court could not do this under Section 10 of the Industrial Conciliation and Arbitration Act but under the Bill, if the court sees fit, under Clause 14 (1) (a) (1), it is entitled to include a 48-hour week in an award. According to the provisions of the Bill the present President of the Industrial Court, who is a Supreme Court judge, may be transferred to ordinary duties in the Supreme Court, and be replaced by another Supreme Court judge who may place a different interpretation on the meaning of this clause.

The CHAIRMAN: Order! These suppositions of the hon. member hardly relate to the amendment.

Mr. BENNETT: We are dealing with a discretion that may be exercised under this clause and I think you will agree with me, Mr. Taylor, that each individual exercises discretion in a different fashion. For instance, I might think that a 35-hour week is absolutely justified at the present time and, no doubt, if the Minister had his way when exercising his discretion, he would have a 52-hour week at the present time.

The CHAIRMAN: Order! The hon. member is presuming too far.

Mr. BENNETT: I am dealing only with the discretion that is allowed under the clause, and what may be done in the exercise of that discretion.

The CHAIRMAN: Order! The hon. member is citing instances of his imagination.

Mr. BENNETT: With the utmost respect, I do not think that insult is justified because, the word "discretion" is used in the clause. On many occasions it has engaged the attention, not only of the ordinary courts, but also of the Industrial Courts, and may I say, with respect, that I argued the meaning of "discretion" before the present Industrial Court, and received a very lengthy judgement from the President of the Industrial Court containing what he considered to be his interpretation of the meaning of the word "discretion". If I were to get a judgement from the Supreme Court, perhaps I would get a different meaning from the different

judges who may apply their minds to the meaning of the word. So when we are considering giving in a particular statute a discretion to the court, we must surely take into consideration the possible personnel of the court who will be exercising that discretion. I have no hesitation in saying that, in the exercise of that discretion, what might be termed reasonable by one body of men sitting in the industrial jurisdiction might be widely different from what might be determined to be a reasonable award in the exercise of the discretion by a different body of men. When we as legislators are inserting a provision of this nature that means so much to the welfare of the community and to the working conditions of men, we should so fix our legislation that a court has not so wide a discretion that it may be able to deprive workers of conditions that have been won over many years.

Question—That the words proposed to be omitted from Clause 14 (Mr. Tucker's amendment) stand part of the clause—put; and the Committee divided——

AYES, 37

Mr. Armstrong	Mr. Low
,, Beardmore	,, Madsen
,, Bjelke-Petersen	,, Morris
,, Campbell	,, Munro
,, Carey	,, Nicklin
,, Chalk	Dr. Noble
Dr. Delamothe	Mr. Pilbeam
Mr. Dewar	,, Pizzey
,, Evans	,, Rae
,, Ewan	,, Ramsden
,, Fletcher	,, Richter
,, Harrison	,, Smith
,, Hart	,, Sullivan
,, Hiley	,, Tooth
,, Hodges	,, Windsor
,, Hooper	
,, Hughes	*Tellers:*
,, Jones	Mr. Anderson
,, Knox	,, Row
,, Lonergan	

NOES, 24

Mr. Baxter	Mr. Lloyd
,, Bennett	,, Mann
,, Burrows	,, Marsden
,, Byrne	,, Melloy
,, Davies	,, Newton
,, Dean	,, Sherrington
,, Dufficy	,, Thackeray
,, Duggan	,, Tucker
,, Gunn	,, Wallace
,, Hanlon	
,, Hilton	*Tellers:*
,, Houston	Mr. Adair
,, Inch	,, Bromley

PAIRS

Mr. Gilmore	Mr. Walsh
,, Gaven	,, Diplock
,, Roberts	,, Davis
,, Herbert	,, Donald
,, Hewitt	,, Graham

Resolved in the affirmative.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (8.33 p.m.): I move the following amendment:—

"On page 29, line 1, omit the words—

'subject to the last preceding paragraph'

and insert in lieu thereof the words—

'subject to this sub-section'."

As hon. members know, we have spent some time debating this principle. This amendment clarifies the position.

Amendment (Mr. Morris) agreed to.

Mr. SHERRINGTON (Salisbury) (8.34 p.m.): Sub-section (3) of Clause 14 deals with payment for certain holidays, and it reads—

"All work done by any employees on Good Friday, Labour Day (the first Monday in May or other day appointed under 'The Holidays Acts, 1912 to 1954,' to be kept in place of that holiday), Christmas Day, the twenty-fifth day of April (Anzac Day), the first day of January, the twenty-sixth day of January, Easter Saturday (the day after Good Friday), Easter Monday, the birthday of the Sovereign, and Boxing Day . . ."

It further provides that any work performed shall be paid for at the rate of double time. A little later the clause states—

"Unless the Commission in its discretion otherwise determines, for the purposes of this sub-section, where the rate of wages is a weekly rate 'double time' shall mean one day's wages in addition to the prescribed weekly rate, or pro rata if there is more or less than a day."

The reaction of the Minister for Labour and Industry is just the same as that of the Minister for Education and Migration when he said, "That is exactly what is in the old Act." I am not going to dispute that for one minute. If the Minister for Labour and Industry is patient I shall tell him why I am referring to that part of the clause.

To a certain extent this so-called "double time" is a misnomer. If an employee has the advantage of enjoying a holiday on any of the days mentioned he receives a full day's wages. But an employee who is called upon to work on any of these days receives one day's pay in addition to the weekly rate. Although it is regarded as double time, the wages for the time he actually works, are paid at ordinary rates. It has been a bone of contention for many years that when employees are called upon to work on a public holiday they are told that they are to receive double time when, in effect, they are working on the public holiday for ordinary time. I do not think that it encourages employees to give away a day's holiday if they are to be paid only at ordinary rates. There is the additional anomaly that if an employee works time in excess of the normal working times on those days he receives what amounts to double time on double time, yet the time for which he actually works during the normal working hours in effect is only paid for at ordinary rates. If the Minister is sincere when he says that he wants to do something for the rank-and-file, if he wants to play the role of grandfather to the trade union movement in Queensland, this is an opportunity

for him to be forthright and show his sincerity. Let him clarify this point to ensure that when an employee works on a public holiday he receives double time for the work he performs.

There is a provision that when an employee works a portion of any of these days he shall receive four hours' pay. I do not think that that is a very good provision because to some extent it penalises the workman who is called upon to work. His holiday is ruined. His travelling time to and from his place of employment, plus the time he works, eats well into the day. Most trade unionists have considered that to be an injustice in the past. Workers should not be penalised to the extent that though they lose the benefit of the day's holiday by working portion of it, they are paid only for the portion that they work. When they are called upon to work a portion of the day they should be guaranteed a full day's wages. I should also like to deal with sub-clause (7) which states—

> "Any employer who dismisses or stands down any employee with the intention of avoiding any obligation imposed upon that employer by this Act or any award or industrial agreement in respect of the payment of that employee for any holiday or leave due or accruing to that employee by way of annual holidays, sick leave, or long service leave, shall be guilty of an offence and liable to a penalty of not more than Two hundred and fifty pounds."

I think this clause, with others, will become redundant. I say quite frankly, from a long experience of employers who wish to flout working conditions, that no employer is going to place himself in a position in which it can be proved that he dismissed or stood down an employee to avoid any provision of the Bill, particularly this clause. An employer has only to offer an excuse that his employee is unsuitable and he protects himself.

I cite one instance of an employee who was employed by a company for 16 years and he was dismissed, I say quite frankly, because of his union activities. The excuse offered by the company was that the employee was not suitable for the position he had occupied for 16 years. I cannot see the value of this clause because, as I say, no employer would be foolish enough to place himself in the position of standing an employee down or dismissing him and allowing it to be proved that he did so to avoid the payment for holiday or sick leave. I think this clause was inserted because it will seldom react against an employer, but it will justify the penalties that are being imposed on employees for breaches of the Act or the award. That is the only reason that this clause is in the Bill. It was to sugarcoat the penalty clauses pertaining to breaches by employees.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (8.43 p.m.): There is no amendment to this clause but I should like to make one or two comments on what has been said. I think the hon. member will realise and agree that this Bill has very considerably strengthened the powers for ensuring that no employee is treated unfairly because of his union activities. The hon. member spoke about double time, and apart from that he mentioned that someone was dismissed allegedly for unsuitability but, in fact, for his union activities. The real point is that there is less possibility of that happening under the Bill than there was under the Act.

I draw the hon. member's attention to another section of the Bill that is interesting in relation to this clause. It is a very long clause and could be debated for hours but I should like him to take particular note of pages 30 and 31 of the Bill. I refer him to sub-clause (4) and suggest that he read the eight or nine lines at the bottom of page 30 and then on page 31 he will see in the first line the word "work". At that stage I pause and tell him that I had a particularly strong request from the Trades and Labour Council to remove all words after the word "work". I did not think it would be fair to the employee to do it, so I have not done it.

Mr. Davies: What group requested it?

Mr. MORRIS: The Trades and Labour Council, in writing, in July of last year. I merely refer that matter to the hon. member. I think he will agree that it would have been an injustice to an employee. The clause bristles with difficulties, and I mention that matter for his later consideration.

I move the following amendment:—

> "On page 29, line 33, after the word 'Gazette' insert the words—
>
> 'or the Queensland Government Industrial Gazette.'"

As hon. members know, legislation was recently passed covering the publication of a Queensland Government Industrial Gazette. This is merely a machinery amendment to provide for it.

Amendment (Mr. Morris) agreed to.

Mr. WALLACE (Cairns) (8.46 p.m.): I move the following amendment:—

> "On page 31, line 7, omit the word—
>
> 'December'
>
> and insert in lieu thereof the word—
>
> 'November'."

This part of the clause was sufficient protection for workers until recent years, but with the advent of mechanisation employers have shown an ever-increasing tendency to deny employees their entitlements. The period between dismissal and re-employment should be extended so that the employees, especially employees in seasonal industries, will get the protection of the clause. They are to all intents and purposes permanent employees because they have to hold themselves in readiness and are at the beck and call of the employer. They should get

the benefit of statutory holidays that fall during the Christmas period. The provision is particularly necessary for employees in the sugar and meat industries. I admit that employees in the sugar industry are perhaps not as harshly exploited as employees in the meat industry. However, circumstances beyond the control of employees can arise and because of the constant battle to make ends meet on the domestic front and with a constant deterioration in the employment position, full advantage of which is taken by employers, the opportunity and temptation are always present for the employer to dismiss his usual employees and engage casuals during the period in which he would be responsible for the payment of statutory holidays, that is, during the Christmas period. I believe that action should be taken to ensure that ample protection is provided for employees who are likely to be constantly under the shadow of dismissal. Knowing the Minister as I do, I feel sure that he will laugh off any suggestion that these things may happen, but I have worked in this industry. Latterly, of course, I have been asociated mainly with the meat industry. I am fully cognisant of the methods adopted by the meat industry employers to filch from employees as many conditions and privileges as they can on every occasion. I say it can, and does happen, and this Bill gives every encouragement to the employers to breach the award with impunity. Knowing this, I must fight for the employees in industry affected by this clause, to obtain protection and justice. Until the advent of this Government the Act gave union representatives the privilege, at all times, of entering the jobs and keeping a close watch on the employer. By doing that we were able to keep an eye on them and catch them out in many of the anomalies that affected the employees. However, with the advent of this Government that protection has been withdrawn, and the employer now has an open go to exploit the employees in any way he desires. I say that emphatically because I know what happens in the meat industry. I suppose the Minister again will object to any suggestion that exploitation takes place.

I draw the attention of the Committee to the operations of the meatworks at Queerah, by Amagraze. The company made application to the court to operate under the Commonwealth award. The change to the Federal Court was gained on completely false premises, and the workers in that company have been exploited to no end since then. When Amagraze applied for the transfer from the State Court to the Federal Court they presented evidence to the Court showing that they wanted to do it because they were operating on a month-to-month basis over a 12-monthly period. They told the Court that they were working their employees for 12 months in the industry and they were covered by the State Export Award. That was completely untrue, because never at any time in the history of Queerah has the company operated on anything like a 12-monthly basis, and it will be many years before that can happen. We have heard a great deal of talk about the things that may happen in the meat industry.

The CHAIRMAN: Order! I think the hon. member has gone a bit beyond the amendment in his illustrations.

Mr. WALLACE: I am speaking of the exploitation of the people, and I have just about finished. I mentioned the meat industry because of my close association with it. It is perfectly clear that what I have instanced as happening in this industry, is happening in other industries. From what I have heard from my colleagues, particularly the hon. member for Belmont and the hon. member for Salisbury, who have been closely associated with their industries right up until they came into this Chamber, it is clear that the same thing is happening in many industries throughout Queensland. These breaches will occur with statutory holidays unless some protection is given to the workers. My suggestions further strengthen our contention that this clause should be amended, and, in the main, we request at least in regard to what should be an inherent right in so far as statutory holidays are concerned there should be complete protection and immunity from exploitation. I move the amendment.

Hon. K. J. MORRIS (Mount Coot-tha—Minister for Labour and Industry) (8.55 p.m.): I cannot accept the amendment. The provision is not new; it has been in the Act for many years.

Mr. Hanlon: We told you that.

Mr. Wallace: It is a change in the time.

Mr. MORRIS: I ask hon. members to wait till I finish and not interrupt. Had it been considered desirable over the years to amend the provision, I think we should have had some record of its consideration.

The hon. member for Cairns said and more or less based his argument on it—that up to the advent of this Government the employees had a reasonably good run.

Mr. Wallace: I said we had protection because we could get our representatives on to the job.

Mr. MORRIS: I accept the hon. member's words but he said, too, that since the advent of this Government, the employers have had an open go to exploit employees to their heart's content.

Mr. Wallace: That is true. We have been denied the right of having our representatives on the job except during meal hours.

Mr. MORRIS: I say without equivocation that there has been no relaxation in the protection of the rights of the employees since the advent of this Government.

Mr. Wallace: That is not correct.

Mr. MORRIS: I should like it to be well noted that, if the officers of the department before the advent of this Government were able to take action under any section of the Act—which has been the same right up to the present time—that provision is still there. If the hon. member knows of one case of exploitation——

Mr. Wallace: We could give you a hundred but you would not take any notice of them. Our people are not allowed on the jobs.

Mr. MORRIS: Mr. Taylor, I think I have a perfect right to resent that statement. The hon. member says he could give us a hundred examples of exploitation. On behalf of the officers of my department, I challenge that because I know it is not true.

Mr. Wallace: Well, it is true. We are denied the right to send our people on to the jobs to report on these breaches.

Mr. MORRIS: If it is true, the hon. member who talks about representing the employees is failing in his duty because he has not reported them to my office. I say dogmatically that there is not one case——

Mr. Wallace: You have taken the right away from the employees' union representatives to go on to the job to protect them. When you came into office you immediately took steps to keep them out. You did it deliberately.

The CHAIRMAN: Order!

Mr. MORRIS: Mr. Taylor, the only thing that prevents me from calling the hon. member a liar is parliamentary procedure.

Mr. Wallace: I will quick smart call you something.

The CHAIRMAN: Order!

Mr. Wallace: It is just what I think you are.

The CHAIRMAN: Order! The hon. member for Cairns must contain himself, and I ask the Minister to withdraw the word "liar."

Mr. MORRIS: I do so. I am sorry I used that word because it is unparliamentary.

Mr. Wallace: Nothing to what unparliamentary words I could use about you.

The CHAIRMAN: Order! If the hon. member for Cairns does not cease his continual interruption I will have to deal with him. He has made his speech and I ask him to listen to what the Minister has to say.

Mr. WALLACE: I rise to a point of order. As a member of this House, I am entitled to have my say and I am entitled to listen to the speakers from the other side of the House. I am also entitled to protect myself, and if the Minister or any member of this House insinuates that I am a liar, I will protect myself in more way than one.

The CHAIRMAN: Order! The hon. member has a certain time in which to speak. He has not exhausted that time; he has a further 10 minutes at his disposal. If he will only contain himself and make notes, in that 10 minutes he can reply to the Minister.

Mr. MORRIS: I say very emphatically that I resent the statements that were made, and I resent them not on my own behalf but on behalf of the officers of my department. Since this Government came into office, my departmental officers in this field have had no restrictions placed on them. The hon. member might growl because we have stopped, in certain instances, union officers travelling with officers of my department. We did that quite deliberately. But the officers of my department are working as assiduously—if possible, more assiduously—in carrying out their duties today for the protection of employees as they have at any stage in the history of this State.

I go further and say that the Act now gives protection to the employees of Queensland, and that the Bill, when it becomes law, will give even more protection. If there is any man at all, particularly any man who is a member of this Chamber, who knows of injustices and does not report them to my officers, he is falling down on his job.

Mr. Burrows: And if he does report them, you call him a liar.

The CHAIRMAN: Order! I ask the hon. member for Port Curtis to withdraw that remark. The word "liar" is an unparliamentary expression and I will not allow it to be used.

Mr. Burrows: I withdraw the word "liar" and accuse the Minister of not telling the truth.

The CHAIRMAN: Order! That remark is offensive to the Minister and to the Chair. I ask the hon. member to withdraw it, also, and to apologise to the Chair for having made it.

Mr. Burrows: I do not quite understand what remark I made.

The CHAIRMAN: Order! I ask the hon. member to apologise to the Chair for saying that the Minister was not a liar but he could not tell the truth.

Mr. Burrows: I am quite prepared to apologise to you for any transgression I might have made.

Mr. MORRIS: I gave the House some figures yesterday relating to the amount of wages that has been collected on behalf of employees in a number of financial years,

and I repeat categorically that, if anybody knows of any injustice, he is failing in his duty if he does not report it to one of my officers, or to my department somehow.

Over the years I have become heartily sick of receiving letters from various quarters complaining in a general way about the exploitation of employees, or something of that sort. Having received a letter, I have then written to the complainant and said, "Please give me one example of the general statements you make," and almost invariably he cannot do it. I say that the hon. member was failing in his duty if he did not report his charges to my department. If he did report them and they were not attended to I challenge him to give me one case.

Mr. WALLACE (Cairns) (9.5 p.m.): I take the opportunity to reply to the Minister's allegations. First of all let me say that as a member of Parliament I have no obligation to report anybody for a breach of any award or agreement. But I take the opportunity to let the Committee know that employees throughout Queensland are represented by the union officials. I repeat that until the advent of this Government employees in Queensland had the right to be represented by their officials on the job at any time that work was in progress. It is true that down through the years when Labour were in office and that privilege was granted to officials of the unions to protect employees by going onto the job to catch up with defaulting employers, the employees in Queensland had a reasonably good go. I am not trying to kid anybody that they got everything to which they were entitled. Even though I have been an honorary official of my own union I am not going to kid anybody, nor would I be foolish enough to try, that we got everything we were entitled to down through the years. But since the advent of this Government employees in Queensland have had no rights whatever because the Minister denies them the right to place their union representative on the job.

Mr. Dewar: Nonsense.

Mr. WALLACE: It is not nonsense, it is true.

The CHAIRMAN: Order! The hon. member has been allowed to make his explanation in reply to the Minister. I ask the hon. member now whether he has anything further to add on the question of whether the word "December" should be deleted and the word "November" inserted? I ask the hon. member not to repeat what he has already said.

Mr. WALLACE: I wish to put the rest of the amendment, but I seek your protection because you have allowed the Minister to castigate me. I did not have the right to reply to him. I consider I am entitled to your protection to answer this charge.

The CHAIRMAN: Order! The hon. member has been given an opportunity to answer it.

Mr. WALLACE: I have not been able to answer it at all.

The CHAIRMAN: Order! I am just as much concerned about the welfare of the hon. member as any hon. member in the Committee. Consequently I have allowed the hon. member to reply to what the Minister said. Anything further would be beside the point of whether "December" should be altered to "November".

Question—That the word proposed to be omitted from Clause 14 (Mr. **Wallace's** amendment) stand part of the clause—put; and the Committee divided—

AYES, 37

Mr. Anderson	Mr. Madsen
,, Armstrong	,, Morris
,, Beardmore	,, Munro
,, Campbell	,, Nicklin
,, Carey	Dr. Noble
,, Chalk	Mr. Pilbeam
Dr. Delamothe	,, Pizzey
Mr. Dewar	,, Rae
,, Evans	,, Ramsden
,, Fletcher	,, Row
,, Harrison	,, Smith
,, Hart	,, Sullivan
,, Herbert	,, Tooth
,, Hiley	,, Wharton
,, Hodges	,, Windsor
,, Hooper	
,, Jones	*Tellers:*
,, Knox	Mr. Richter
,, Lonergan	,, Hughes
,, Low	

NOES, 26

Mr. Adair	Mr. Houston
,, Baxter	,, Inch
,, Bennett	,, Lloyd
,, Bromley	,, Mann
,, Burrows	,, Marsden
,, Davies	,, Melloy
,, Dean	,, Newton
,, Donald	,, Thackeray
,, Dufficy	,, Tucker
,, Duggan	,, Wallace
,, Graham	
,, Gunn	*Tellers:*
,, Hanlon	Mr. Byrne
,, Hilton	,, Sherrington

PAIRS

Mr. Gilmore	Mr. Walsh
,, Gaven	,, Diplock
,, Roberts	,, Davis

Resolved in the affirmative.

Mr. WALLACE (Cairns) (9.15 p.m.): I move the following amendment:—

"On page 31, line 20, after the word 'aforesaid' insert the proviso—

'Provided that through no fault of his own, or because of circumstances beyond his control the period of slack extends beyond the recognised December-January period, the foregoing conditions shall apply.' "

Amendment negatived.

Clause 14, as amended, agreed to.

Clause 15—Annual holidays—

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (9.16 p.m.): I move the following amendment:—

"On page 32, line 6, omit the word—
'three' and insert in lieu thereof the word—
'four'."

This provision deals with the period of annual holidays that may be granted. My purpose in moving the amendment is to give all hon. members the opportunity of affirming their belief in three weeks' leave in industry generally. From the remarks we hear from time to time it should be conceded that the economy is such that industry generally can accept the principle. It operates in the Public Service, in the newspaper industry and in clerical sections of industry. We think this would be an appropriate time to give statutory recognition to a principle that has now gained general recognition throughout the State. The 1947 policy speech of the Liberal Party, of which the Minister was a very prominent member, referred to this principle. According to that policy speech provision was to be made for three weeks' annual leave. In the policy speech of the Australian Labour Party during the last election we not only affirmed the desirability of this reform but also indicated that if returned to power we would implement it. The opportunity is now available to the Government. In view of the general employment situation, increasing mechanisation of industry, the impact of automation and all the other factors that have operated to an increasing and accelerated degree in recent times, action must be taken to implement the principle. With productivity of industry increasing at such a great rate and with less labour involved very often in the production of these articles, we must recognise the desirability of progressively reducing the working week and making provision for a greater degree of recreation for workers generally.

I do not know that I am called on to speak at length on this matter because industry generally is cognisant of the attitude we adopt, and as those in industry are cognisant of the desirability of introducing this industrial reform, all political parties should take the opportunity now of indicating whether they believe in the principle or not. The onus is on the Minister to accept the amendment. If he is sincere in his desire to pass on to workers the alleged benefits of his administration as Minister for Labour and Industry, he should be very happy indeed to accord the amendment his support.

Mr. Hughes: Do you think the economy can stand it?

Mr. DUGGAN: We felt in 1957 that there was the opportunity of giving effect to this principle and if there has been this so-called unprecedented prosperity since the Government came into power and the economy of the State has been improved to the extent claimed by the Government during the last three or four years, there is added reason why we should have unanimity on this occasion. I do not wish to make a long speech on this amendment. As I have indicated previously we have made our stand crystal clear on this question and for those general reasons, and because I believe that there will be general acquiescence by all enlightened employers to give effect to this proposal, I have very much pleasure in moving the amendment.

The CHAIRMAN: As the proposed amendment would impose a charge on the Crown not covered by the message from His Excellency, I am of the opinion that it is out of order. Consequently it is ruled out of order.

Mr. DUGGAN: I have a very profound respect for your knowledge of the Standing Orders, Mr. Taylor, and though I think sometimes they should be contested, on this occasion I bow to your ruling and I will not move my next amendment.

Hon. K. J. MORRIS (Mount Coot-tha—Minister for Labour and Industry) (9.22 p.m.): I move the following amendment:—

"On page 34, line 1, omit the word—
'worker'
and insert in lieu thereof the word—
'employee'."

This is a purely machinery amendment. I want to omit the word "worker" and insert the word "employee." The amendment is made so that we may use the correct word; there is an error in the wording.

Amendment (Mr. Morris) agreed to.

Hon. K. J. MORRIS (Mount Coot-tha—Minister for Labour and Industry) (9.23 p.m.): I move the following amendment:—

"On page 34, line 3, omit the word—
'worker'
and insert in lieu thereof the word—
'employee'."

Amendment agreed to.

Mr. SHERRINGTON (Salisbury) (9.24 p.m.): I move the following amendment:—

"On page 34, lines 11 and 12, omit the words—
'fourteen days'
and insert in lieu thereof the words—
'three months'."

This sub-clause deals with the period of time that an employer must give to his employees as notice for the taking of their holidays. If we are to insist that an employer be given the power to order his employees to take their holidays within 14 days, we are completely out of step with modern-day practices. I say this because the express purpose of annual leave is so that the employee may recuperate from his year's labour. Ninety per cent of employees avail themselves of this opportunity by

visiting the various holiday resorts. These days it is completely unreal to expect an employee to be able to arrange accommodation at such short notice. We all know that, for the Christmas period in particular, it is necessary to book up to 12 months or even two years in advance. It is a very unsatisfactory state of affairs that an employee can be called on within a fortnight to take his holidays. An employer, to suit himself could instruct his employee to take his holidays without taking into consideration the fact that the time would be must unsuitable for that employee. Fourteen days' notice is far too short. Some awards contain provision for at least 28 days' notice of holidays. I do not for a moment concede that 28 days is enough notice. In many cases even three months would not be enough, but it would be quite an improvement on 14 days. Some employers make up a roster from year to year to enable their employees to arrange holiday accommodation and many give them notice 12 months in advance.

The provision is completely unreal and, as the Minister has said he will accept amendments that will not alter the structure of the Bill, I think he could let his head go and accept this one.

Mr. KNOX (Nundah) (9.28 p.m.): Any attempt to increase the period of notice for holidays may create difficulty for the employee. I appreciate the point the hon. member for Salisbury has made about giving enough time to make arrangements for accommodation. At the same time, if the employer is compelled to give three months' notice or more, it will make it extremely difficult in many industries for a change of holidays should somebody subsequently wish, as is often the case, to have a particular week or a particular fortnight, or whatever period it is, for his holiday.

In many callings it is necessary for people to roster their holidays. If three months were fixed as a rigid minimum time of notice, the small employer in particular would have to ensure that he conformed with the Act on notice, and it would make it extremely difficult for the employee to have any flexibility in change of dates.

Mr. Hanlon: If the employee agrees, it can be arranged.

Mr. KNOX: In many industries—the retailing industry is one—it is not possible to give the notice in a rigid form too far in advance.

Mr. Houston: Why? Tell us the reason.

Mr. KNOX: Let us say it was three months. If it were, the effect would be that, three months in advance all the way along the line, the employer would be able to say to employee A, "All right, you go off for two weeks at the beginning of the month," and he would be able to say to employee B, "You can take such-and-such a two weeks", and so on. Once the employers have given holidays by agreement, they will find it impossible to alter them because of the time factor.

Opposition Members interjected.

The CHAIRMAN Order!

Mr. KNOX: In New South Wales——

Mr. Sherrington: We are not in New South Wales.

Mr. KNOX: Let me deal with the problem. In New South Wales, seven days' notice is given, and it would be farcical to suggest that three months' notice should be given in many callings in New South Wales. Hon. members will compel an employee, once he has accepted the arrangement, to take his holidays at the time fixed by the employer. Instead of giving the employee flexibility, they are forcing the employer to roster the holidays, and, having made the roster, it is impossible for him to alter it.

Mr. HOUSTON (Bulimba) (9.32 p.m.): Those remarks show that the hon. member for Nundah has never worked in industry, or, if he has, he has been fortunate enough to have an employer who gave him a certain amount of latitude. I should say that the great majority of employers play the game on holidays.

Mr. Smith: What industrial experience have you had?

Mr. HOUSTON: I shall answer that at a later stage.

The CHAIRMAN: Order! The hon. member for Bulimba will continue with his speech.

Mr. HOUSTON: Most employers do the right thing, and, as the hon. member for Salisbury said, 12 months' notice is quite often given to various employees.

Mr. Knox: Under awards.

Mr. HOUSTON: Yes, under awards. In the Public Service, for example, most public servants know from year to year approximately when their holidays will fall. We are interested only in those employers who will not do the right thing.

The CHAIRMAN: Order! I am warning the hon. member for Maryborough for doing what I have spoken to him about before—speaking across the Chamber when an hon. member on his own side of the Chamber is speaking. If he continues to do it, I shall have to deal with him. I ask him to consider this a first warning.

Mr. HOUSTON: The only employers we have to consider are those who will not do the right thing by their employees. I do not want to go over the ground covered by the hon. member for Salisbury, but with only two weeks' notice it is virtually impossible for the employee to select where he wishes to go for his holidays. He has first to write away

to the particular seaside resort or town, and by the time he receives a reply saying "Yes" or "No" to his inquiry, a week could have passed, and if he is requested to take his holidays in a busy period, he might have to write a second letter. I know of many instances where employees belonging to my union have been forced to stay at home because they did not have sufficient time to book into the place to which they wanted to go. It is a pity that the Minister for Transport is not in the Chamber, because he could substantiate that at certain times of the year it is impossible to book rail travel within a fortnight in Queensland, and I know from my own experience that it is impossible to book interstate travel within a fortnight.

Mr. Rae: When the A.L.P. was in power it was impossible to book under three months.

Mr. HOUSTON: At least you have a better chance in three months than three weeks.

The hon. member for Nundah said that if the time were increased it would be most difficult for the employee. I cannot understand his reasoning at all. If an employee knows three months beforehand when he is to take his holidays at least he has the opportunity to book ahead. If the employer is a good employer, as the hon. member for Nundah tries to make out, and circumstances arise so that the employee wants to change the time of his holidays, I am sure the employer would let him do it. I do not think we need have any fear about that.

Mr. Smith: How many employers have you worked for?

Mr. HOUSTON: A substantial number—for some of them much to my regret. But the point is not whether I get any holidays or three months' notice of holidays, but whether the workers outside do. I am not worried about the hon. member for Windsor. He gets 12 months' holidays.

Mr. Rae: Have you always been a good worker?

Mr. HOUSTON: A far better worker than the hon. member. He might be able to catch a few horses, but that is all!

Let us be realistic about this. In small firms with only one or two employees it is usually mutually agreed upon between the employer and the employees when they should each go on holidays. Very often, particularly in the engineering field, the employer closes his factory down, especially over the Christmas period, and sends all his staff on holidays except, perhaps, the maintenance staff.

Mr. Pizzey: What notice does he give now?

Mr. HOUSTON: It varies with the awards. Under the Engineering Award it is 28 days.

Mr. Morris: What is at present in the Act?

Mr. HOUSTON: I could not answer that. I do not think it is fixed. I could not find it when I went through the Act. I know that the various awards provide different periods so I thought that probably there would be no overall section. I was not particularly worried about that part of it. I do not want to waste time but for the personal happiness of the employee and his family a period of 14 days is too short. If the Minister thinks that three months is too long I ask him not to reject the amendment completely. If he thinks that three months is too long I ask him to consider the fact that two weeks is too short. Perhaps like one of his colleagues he might make a compromise. I reserve any further comment until after the Minister replies.

Mr. HART (Mt. Gravatt) (9.40 p.m.): The hon. member for Salisbury has been calling out across the Chamber that the Act provides for 14 days. He is wrong. There is no time mentioned in the Act at all. I draw your attention, Mr. Chairman, to the way this clause reads—

> "Unless the employee shall otherwise agree the employer shall give the employee——"

There is nothing to stop them from agreeing to a much longer period.

Mr. Houston: Do you contend the good employer would agree?

Mr. HART: Yes.

Mr. Houston: Would the bad employer agree?

Mr. HART: Let me tell the hon. member that something has been given by this Bill that was not there before. We have given something, and the A.W.U. asked for this amendment. They asked for reasonable notice and mentioned the N.S.W. Act which provided for seven days. Seeing that it has been asked for by that great union and they having been given a little more than they asked, the Opposition should take it with thanks.

Mr. WINDSOR (Ithaca) (9.41 p.m.): In our industry we ascertain from our employees when they would like to take their holidays. Families with children going to school generally like to take holidays when the children are on school holidays and they arrange any time within that six weeks to take them. In places like ours we cannot shut down entirely; we have to keep the maintenance staff on and those who have no children or whose children are off their hands carry on during the Christmas period and roster their holidays during the rest of the year. It is more or less mutually agreed. But we like to know who is going, some months ahead, and so do they. It is more or less settled then and they know when they are going, within a day or two.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (9.42 p.m.): This matter has been fairly thoroughly covered but I should like to deal with one or two matters because I think it is very

important to get this matter in its proper perspective. When my colleague mentioned seven days in New South Wales there was quite a howl from the other side. Apparently some hon. members disagree with any investigation of the history of these provisions, but we like to look at the history. There is no provision for any notice in the Act, and I must confess that there are not many awards in which a stated period appears. Had it not been for some representations to me, I admit freely that it is quite likely the matter would not have been included. Because of our policy of writing to all the unions for suggestions we got this one.

As the hon. member for Mt. Gravatt told us, we got a suggestion from the A.W.U. The A.W.U. suggested that some provision should be made in the Bill so that a minimum could be laid down. They referred to the New South Wales Act and, again as my colleague explained, pointed out that New South Wales provided for seven days.

Let us look a little deeper into the background. I would not be able to say exactly the percentage, but the overwhelming percentage of the people in Queensland do know when their holidays will be taken, long before the time is reached. I listened with considerable interest to the hon. member for Bulimba, who said, "Well, give us something, even if you cannot give us three months." I appreciate the spirit in which he said that. He said he would like to get longer notice, but we must not lose sight of the clear facts—and I am only expressing an opinion in saying this—that over 90 per cent. of employees today do know a reasonable time ahead, within a day or so of when they will have their holidays. Very few do not. So we say that while we recognise that the overwhelming percentage are advised by their employers, at least we are going to see that the few who are not get at least a fortnight's notice. I think we are doing the right thing in making it a fortnight. It could be quite damaging to insert an arbitrary period, whether it was three months, two months or one month. I cannot recall anything to suggest that anybody has ever raised this matter at all, apart from the advice from the A.W.U.

Let us recognise that we are at least doing something. If we see the need to go further, there is always another day. I should not like to go further, because even those closely associated with the matter have not asked us to do it.

Mr. HOUSTON (Bulimba) (9.46 p.m.): The Minister, although not deliberately, is misleading the Committee.

Mr. Morris: No.

Mr. HOUSTON: He is, in that he said that his officers did not know of any request along those lines. That is not right. I give his officers more credit than that. They know the awards applicable to various industries, and they know that the provision in the Engineering Award—State, is for 28 days' notice.

Mr. Morris: I said it was in some awards.

Mr. HOUSTON: And the Minister's officers would know that. He said the A.W.U. approached him and asked for 14 days. I do not deny his statement.

Mr. Morris: Seven days.

Mr. HOUSTON: Whatever it was. Years ago the E.T.U. did not have any specified time in its award. I am only using that instance as an example. Some contractors would not give their employees notice of the date of annual holidays. While they have a lot of work ahead of them they will not give the men holidays but as soon as they run out of work or strike wet weather and cannot work for a couple of days they say to their employees, "You had better take your holidays." That went on for a considerable period.

Mr. Morris: And the Court corrected it.

Mr. HOUSTON: That is right, but what did the Court decide? How many days did it give? The case was decided after argument was heard from the trade-union movement and employers. Taking all those factors into account the Court decided on 28 days.

Mr. Morris: That does not deny anything I said.

Mr. HOUSTON: The Minister worked merely on a sugestion put to him; he has not considered the arguments of the employers and the unions before coming to a decision. He selected a period and is hoping it will fit the bill.

Mr. Morris: I asked every employer and employee organisation to make suggestions, and to the best of my knowledge, and I am sure I am right, the only one I received was from the A.W.U.

Mr. HOUSTON: My union did not make a suggestion because it assumed that as the Act provided for 28 days——

Mr. Morris: It is not in the Act.

Mr. HOUSTON: In the award, and the Minister's officers would know that.

Mr. Morris: It is still in the award.

Mr. HOUSTON: I am quite aware of that, but what I am worried about is that it will be reduced. The Court will see that Parliament has decided that 14 days is enough. The Court made a decision that it should be at least 28 days in certain industries. Now it will find that Parliament has decided that 14 days is sufficient.

Mr. Morris: We have not.

Mr. HOUSTON: We are saying that 14 days is to be the minimum.

Mr. Morris: The minimum.

Mr. HOUSTON: And the Court has said that 28 days is to be the minimum. If that is not a reduction in the minimum I do not know what it is. It will be competent for an employer to go to the Court and stress the provision in the Bill, and I venture to suggest that the Court will agree in regard to some industries to a reduction in the period of notice, and the employers will get their way. We are not asking the employers to give extra money. All we are asking is that the Court be told legislatively that we consider three months should be the minimum. The legislation also lays down that the employer and employee may come to an arrangement. The hon. member for Ithaca said that most of his employees have more than that length of notice.

Mr. Morris: I said 90 per cent. of them.

Mr. HOUSTON: That is what I say, so why should we protect those who are not doing the right thing? Let us protect those who are doing the right thing by law and tackle those who will not do the right thing.

Mr. Morris: Don't you think these words, "Unless the employee shall otherwise agree", are an indication that probably this is protecting the employee as much as the employer?

Mr. HOUSTON: No. Just because I was in the teaching profession for a few years I do not want hon. members to think I have not been around in industry.

Mr. Morris: I never suggested that.

Mr. HOUSTON: I know the Minister did not.

My knowledge and experience in industry and with unions tells me that that happens, and that is why we had to go to the court to have it increased.

Mr. HART (Mt. Gravatt) (9.52 p.m.): In subclause (2) it says that every employee shall be entitled to not less than two weeks' leave. There is nothing to stop the court from giving him more and the court has given more upon occasions.

Mr. Sherrington interjected.

Mr. HART: If the hon. member will just listen, I will explain it. In subclause (7) it says he is entitled to at least 14 days' notice. Again, there is nothing to stop the court in an award saying that an employee is entitled to 28 days' notice.

Mr. KNOX (Nundah) (9.53 p.m.): The later the hour the more foggier some members are going to be in their thinking.

It was pointed out by the hon. member for Mt. Gravatt that it is the minimum requirement. Perhaps it might be safer if we adopted the hon. member for Bulimba's suggestion and did not mention it at all.

Mr. Houston: I did not say that.

Mr. KNOX: He is trying to suggest that by inserting these words, we will force a reduction in the number of weeks notice that is given under many awards. The Australian Workers' Union asked specifically for seven days' notice. It knows full well that there are many awards and industrial agreements, to which the A.W.U. is a party, that provide considerably more time for notice for annual holidays. The Australian Workers' Union has a wide coverage, the pastoral industry, the shop assistants in North Queensland, the transport workers, and people in factories and refineries, and it knows that if we had inserted in the Act a lengthy period as the minimum requirement—and this is getting back to the point I made earlier—an employee who wished to change, and found he could not make the bookings in the time given to him, may find he could not do so because there would be such an inflexible rule regarding the time for holidays. It would be found that in certain industries it would limit, rather than extend, conditions for the employee. The Industrial Court in awards and agreements has ruled a minimum period of notice for the annual holidays in the different callings and different industries so hon. members opposite should not be at all frightened by anything we might put in this Bill.

Mr. SHERRINGTON (Salisbury) (9.54 p.m.): I wish to reply briefly to the Government members who have spoken. The theme they have adopted is that because 90 per cent. of the people are protected and know their holiday times we should not worry about the other 10 per cent. However, as we are a democracy, we have to cater for 100 per cent. I agree that 90 per cent. of the employees would probably know. I also know that if an employer finds business a little slack, it is common practice for him immediately to advise his employees to take their holidays. We must protect the employees against such employers. I should be foolish if I did not recognise that most employers give due notice. It is quite an accepted fact that many employees have an understanding that a certain period of the year shall be the close-down period. I am not concerned about that. It is just as important to protect the rights of the 10 per cent. who do not know the exact date of their holiday.

The hon. member for Nundah is completely at sea when he speaks about flexibility.

Mr. Rae: Have you seen the picture, "I'm all right Jack"?

Mr. SHERRINGTON: Yes. I was going to refer any interjector to the advertisement of that picture so I am glad the hon. member tumbled into it.

The hon. member for Nundah tried to suggest that, once an employee has been notified, he must take his holidays. The Bill provides that employer and employee can

agree but we seek to protect other employees against exploitation, particularly from the type of employer who says in a short period of slack, "You had better take your holidays," thus denying his employees the right to arrange accommodation to recuperate after their year's labour.

Amendment (Mr. Sherrington) negatived.

Clause 15, as amended, agreed to.

Clause 16—Sick leave—

Mr. MELLOY (Nudgee) (9.57 p.m.): I move the following amendment:—

"On page 35, line 1, omit the word—
'promptly'

and insert in lieu thereof the words—
'as soon as practicable'."

The purpose of the amendment is to give reasonable time to any employee stricken with sickness to ascertain the nature of the illness and to give the doctor time to assess how long the employee will be off work. The word "promptly" does not give much leeway. It could mean any time, whereas the phrase "as soon as practicable" gives enough time for the doctor to observe the employee, to diagnose his illness properly and to give some indication of how long he will be absent from the job. If the employee is not possessed of that information, he could, under the Bill, be deprived of payment for the period of his absence from work. The word "promptly" leaves it to the employer to say what the period of time should be and he might decide it should be only one or two days.

I do not think it is necessary to speak at any length on this amendment because the intention of it should be perfectly clear to the Committee.

Mr. Hart: May I ask a question? What is the difference between "promptly" and "as soon as practicable"?

Mr. MELLOY: "Promptly" could be any time. It gives no consideration to the time the doctor may require.

Mr. Hart: When the word "forthwith" is used in an Act, the court can construe it as meaning as soon as practicable.

Mr. MELLOY: That is what we suggest. What would the hon. member suggest is the proper term?

Mr. Hart: "Forthwith" is construed as meaning within a reasonable time, and I think you would find that "promptly" would be construed in the same way.

Mr. MELLOY: In that case, there should be no argument about inserting the words "as soon as practicable," because, as the hon. member for Mt. Gravatt has pointed out, that is what should be in the Bill.

I ask the Minister to consider the amendment seriously, because it gives a little more time to the person who is ill to convey the necessary information to his employer. The employee might have an invalid wife, or there could be other circumstances that would prevent him from communicating the information to the employer promptly, and the amendment would give him a little more time. Our main reason for moving the amendment is that the doctor might have difficulty in diagnosing the illness and assessing the time that the employee would be absent from work. It might be a week before the doctor knew for certain just how long the employee would be confined to bed or hospital.

In fairness and justice to the employee, we think the words "as soon as practicable" should be inserted.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (10.3 p.m.): When I received this amendment I went into it as fully as I could, just as I did with all the others. I am satisfied that the word "promptly" is a better way of stating what is meant than the words "as soon as practicable." Therefore, I cannot accept the amendment.

Amendment (Mr. Melloy) negatived.

Dr. DELAMOTHE (Bowen) (10.4 p.m.): I wish to deal specifically with sub-section 4 of clause 16 in continuation of a subject that I dealt with sketchily during the second reading.

I draw the attention of the Minister and other hon. members to the fact that the Bill provides that sick leave equal to seven weeks may be taken at the one time and that a very much longer period may be taken with the agreement of the court or by an industrial agreement. Under sub-section (2) of the clause, the minimum period of sick leave to which a man becomes entitled after a year's service is one week. Those two sub-sections show that there is provision in the Bill for making extra sick leave available to employees generally in many ways. As I said earlier, that is extremely necessary. Illnesses and incapacity from accidents sometimes necessitate long absences from work, and when a man is entitled to only a week's sick leave it can, and in my experience it does, become a very onerous and worrying state of affairs. I should like to draw attention to the various ways in which employees and industrialists generally have met the problem. No doubt hon. members opposite who have mixed in union affairs will be able to acquaint me with various schemes. I should be very happy for them to do so. The meatworkers union has a sick-and-accident fund into which the employees pay a regular amount and from which, under certain circumstances, payments are made. That only partially meets the problem because £3 a week from the sick-and-accident fund does not go very far towards alleviating the financial worry consequent upon a casualty if a worker has a wife and five or six children to support.

Let me draw attention to a scheme in operation in the Queensland police force. Hon. members opposite probably know about it because it is operated as an industrial agreement. It is a scheme worthy of consideration when dealing with a large number of employees. The Queensland police force has what is termed a "sick bank." Every member in the police force pays, as it were, a day of his annual leave into the bank. Any member of the force who is off sick or because of an accident that is non-compensatable, draws full pay from that sick bank for the full period he is off work.

Mr. Sherrington: Is that subsidised by the Government?

Dr. DELAMOTHE: No.

Mr. Hanlon: That means that the employee is sacrificing one privilege in order to get another.

Dr. DELAMOTHE: No. Every member of the police force sacrifices one day. It is a very good form of insurance. For example, Police Constable Hanlon would pay into the bank each year one day of his annual leave, from which in any one year he could draw three months' sick pay. It is a form of insurance that has been registered in the Industrial Court as an industrial agreement. It is worthwhile studying the scheme even as a starting point. With that as a foundation perhaps with a combination of ideas from union members a better scheme could be evolved. Certainly a worthwhile scheme has to be devised to meet what has become a serious financial and psychological problem. I wanted to take the opportunity to speak on this clause because, as a medical man of long experience, when medical matters are relevant to the debate I consider I should give any help I possibly can.

Mr. HANLON (Baroona) (10.10 p.m.): I raised this matter at the introductory stage as something to be considered by Government members. It is very important. I am pleased that it has had some results because the hon. member for Bowen has apparently given it some thought.

I agree with what he said. I pointed out at the introductory stage that sick leave operated very unfairly to the employee and that it resulted in absenteeism. When workers know that they are not entitled to more than a certain amount of sick leave and one of their members deliberately takes sick leave as it becomes due so that he will not miss out on it, he has an advantage over the honest worker, who carries on year after year and takes a day off sick only when he is genuinely ill.

I am pleased that the hon. member for Bowen and other Government members are taking an interest in the matter, but, unfortunately, we have heard the same old views that we always hear from hon. members opposite. The hon. member for Bowen and the Minister in the second reading stage mentioned this scheme of the Police Union and that of one other union that has a sickness-and-accident fund. Those schemes are more or less forms of private insurance arranged amongst the members but they are not sick-leave schemers as we suggest. I deplore the idea put forward by the hon. member for Bowen. If the Police Union is of the opinion that its scheme is necessary—and I can understand that it is—the members have obviously decided that as they get no sick leave entitlement under the Act they should contribute a day's leave to a fund to be drawn upon when necessary. That is to their credit, but I am certain that the Police Union would much rather see the responsibility accepted by the employer under this Act. That is one problem that will be given attention by a Labour Government of the future.

Mr. Ramsden: They have never given it attention in the past.

Mr. HANLON: I admit that, but every Government has to keep on amending Acts. If this Government will not do anything about it, I am sure a Labour Government will. The Police Union and any other union that may have a sickness-and-accident fund of this type would much rather have a scheme of leave credits such as operates in England, I understand, where the employer is compelled, along the lines of workers' compensation, to pay a certain premium into a fund. When a worker transfers from one employer to another, the leave credit goes with him to his new employer and in that way sick leave is accumulated up to any length of time. When it is necessary for the employee to take his sick leave, it is there for him to take, just as there would be benefits under workers' compensation. It becomes a form of entitlement to him so long as he is genuinely sick.

To suggest that an employee in order to earn something like that, should have to sacrifice a privilege he already has, by devoting one of his annual holidays into a fund, is merely robbing Peter to pay Paul, I deplore the attitude of the hon. member for Bowen in trying to institute such a form of sick benefit rather than sick leave.

Mr. HOUSTON (Bulimba) (10.13 p.m.): Unfortunately, going through this legislation and selecting amendments I missed one point. I ask the Minister to give it consideration, if not on this occasion, certainly the next time the Act comes up for review.

Mr. Morris: Where is this?

Mr. HOUSTON: It is on this clause, at the bottom of page 35 and it reads—

> "If that accumulated sick leave exceeds four weeks, that excess shall not be so taken into account."

The position briefly is that apprentices, while they are apprentices, will have two weeks' sick leave a year, and two or three weeks' before the end of their apprenticeships they

have accumulated 10 weeks' sick leave. Earlier in the clause there is a provision that reads—

> "In this subsection the term 'accumulated sick leave,' in relation to an apprenticeship, means the difference between the following periods of time, namely:
>
> (i) two weeks for each completed year of the apprenticeship."

In other words, just at the end of the apprenticeship an apprentice is entitled to ten weeks accumulated sick leave. If he is not sick during the next two weeks and completes his apprenticeship, his entitlement of sick leave drops to four weeks only. He has been in the employ of his employer not for four years but for five years. If a tradesman, a labourer or any other employee commenced work at the same time as the apprentice and had not claimed sick leave, he would have accumulated sick leave not for four years but for five years. The apprentice at the end of five years is at a distinct disadvantage compared with a person who has not served an apprenticeship.

I now refer to a practice that Parliament cannot condone, that is, the use of sick leave for the purpose of getting a holiday. An apprentice in his last year should be devoting the whole of his time to his final studies and practical work. This practice does not apply to the majority of apprentices, but it applies to a few. Some apprentices, knowing full well that they are going to lose six weeks' sick leave within a short period start to take odd days off from work. The hon. member for Bowen knows what I am talking about. The good lad will not do that sort of thing. The type of apprentice I am worried about is the one who cannot afford to miss college and employment at the critical period of his apprenticeship. I think the Minister understands the message I am trying to convey. I regret I have not an amendment to put forward at this stage, but I ask the Minister to give consideration to the matter.

Mr. Morris: I will.

Clause 16, as read, agreed to.

Clause 17—Long service leave—

Mr. HOUSTON (Bulimba) (10.17 p.m.): I move the following amendment:—

> "On page 42, line 40, omit the words—
> 'be inclusive of'
>
> and insert in lieu thereof the words—
> 'not include'."

This is a simple amendment. If an employee goes on long-service leave for 13 weeks, the long-service leave should not include any statutory holidays that fall in the period. The employer loses his employee's services for three months, but pays the employee for the equivalent of 13 weeks less the payment for statutory holidays in that period. Long-service leave should be in the same category as annual leave. The legislation provides that after 20 years' of continuous and loyal service an employee is entitled to long-service leave. Annual leave does not include statutory holidays. If a man takes long-service leave during the Christmas period he loses payment for Christmas day, Boxing day, New Year's day, and Australia day. If he takes his long-service leave over the Easter period he loses payment for two days. At other periods of the year he would be paid for a full three months. The Minister will be able to say that the provision is in the Act. I am not denying it, and I could not understand why it should be so when the legislation was first introduced, but as the provision is now being amended we should ensure that an employee gets 13 weeks' long-service leave exclusive of any statutory holidays within the period of 13 weeks.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (10.20 p.m.): I explained during the introductory and second reading stages that this is a re-enactment of the Act. This clause has been taken over exactly as it appeared in the Act. I looked at this amendment when I received it but I do not think it is a desirable or justifiable one. It is not acceptable.

Amendment (Mr. Houston) negatived.

Mr. RAMSDEN (Merthyr) (10.21 p.m.): If I may be permitted I should like to make a few short comments on lines 18 to 23, on page 46. I wish to draw the Committee's attention particularly to the words in this paragraph because it contains the celebrated onus of proof principle. At another stage of this debate, I am quite sure that we will hear the principle of the onus of proof debated very vigorously. This paragraph is in Subclause (16) of Clause 17. The principle of the onus of proof depends entirely on the circumstances. If the facts, or the knowledge of those facts, are open to be sought and investigated then I submit that the usual principles of British justice should be followed, that is, that a person is innocent until such time as he is proven guilty.

Mr. Davies: Did you bring this up in caucus?

Mr. RAMSDEN: The hon. member can give his views on it when I have put mine.

On the other hand, when the facts, or the knowledge of those facts, are known only to a certain party, and because of that, the truth of those facts cannot be proven, it has ever been a practice of the British system to place the burden of proof on the party in whose knowledge the facts lie, for he, and he alone, is the only person who knows the truth as it exists. As in another clause, in the case of a union leader, whose members are indulging in an illegal strike, the real facts are known only unto him, and the onus of proof is laid upon that union leader, so too, here, in this Sub-clause (16) of Clause 17 we have an example of the onus of proof being placed on the employer.

Mr. Sherrington: Two wrongs make a right?

Mr. RAMSDEN: No, it is nothing like two wrongs making a right.

This is done because of the principle I have just enunciated. In a case where the union or employee avers that there has been a transmission of a calling, whether by transfer, assurance, conveyance, assignment, or succession, the employer has the onus of proof put upon him to prove that the union is wrong and there has been no transmission. All that is necessary for the employee or the union to do is to aver that there has been such a transmission and the onus of proof to the contrary is placed upon the employer. We believe this is the sort of instance in which it is correct to shift the burden of proof. It means simply that an averment by a union would establish the fact of the transmission unless the employer produces evidence to the contrary which will satisfy the Court (or the Commission).

Mr. HOUSTON (Bulimba) (10.24 p.m.): I cannot see where this principle of the onus of proof comes into the case where one body corporate is a subsidiary of another, or is a subsidiary of any body corporate which is that other body's subsidiary. In other words, it is only establishing the relationship between one body and another. It has nothing to do with the other clause that the hon. member mentioned. A man's liberty is not at stake.

Mr. Ramsden: His long-service leave is at stake.

Mr. HOUSTON: If a person claims his long-service leave, he is entitled to it and it is for somebody else to prove he is not.

Mr. Ramsden: Which sub-clause are you arguing on?

Mr. HOUSTON: Sub-clause (17).

Mr. Ramsden: I am sorry, but you are right off the beam. I was arguing on Sub-clause (16) of Clause 17—the last paragraph of (16).

Mr. HOUSTON: That is right, Sub-clause (17).

Mr. Ramsden: No, the sub-clause before that.

Mr. HOUSTON: I heard the hon. member speak and his point about long-service leave was not the same, in any shape or form, as the sub-clause later in the Bill.

Clause 17, as read, agreed to.

Clauses 18 to 23, both inclusive, as read, agreed to.

Clause 24—Industrial magistrates—

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (10.28 p.m.): I move the following amendment:—

"On page 53, after line 23, insert the following paragraph:—

'(b) notwithstanding the provisions of section eight of this Act, proceedings for offences, including a second or subsequent offence, against the provisions of sub-section one of section one hundred and thirteen, section one hundred and fourteen, or section one hundred and thirty-four of this Act;'."

Clauses 113 (i.) and 134 deal with certain penalties regarding the baking industry. They provide for a maximum penalty of £250 for second or subsequent offences.

Clause 114 provides a similar penalty for a third or subsequent offence concerning garages and service stations. I have to explain these clauses because they have a bearing on the one we are dealing with.

As the provisions in the Bill at present stand, as these penalties are in excess of £100 it would mean that the proceedings in connection with such penalties would have to be heard before the Industrial Court. This could be a means of delay and considerable expense if the offences concerned occurred in remote parts of the State and would necessitate either the Industrial Court proceeding to that locality or the defendants concerned being brought to Brisbane.

It is considered that the industrial magistrate is quite competent to deal with such offences and consequently the proposed amendment will bring such proceedings within the jurisdiction of industrial magistrates notwithstanding the fact that the penalties exceed £100.

Amendment (Mr. Morris) agreed to.

Clause 24, as amended, agreed to.

Clauses 25 to 35, both inclusive, as read, agreed to.

Clause 36—Industrial dispute or situation to be heard and determined promptly by Commission or industrial magistrate—

Mr. HANLON (Baroona) (10.30 p.m.): This clause appears to be a re-writing of Section 21A of the Act, but I think there are some differences in it, particularly in regard to penalties.

Clause 36 says—

"(1) Subject to this Act, 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 this section or not, immediately ascertain the parties to the industrial dispute or situation . . . "

and so on. Paragraph (b) of sub-clause (1) says that the Commissioner—

"may exercise the powers of the Commission under section one hundred and two of this Act without any application as mentioned therein and without any summons for directions and shall have full power to make an order in the nature of an interim injunction ex parte."

Clause 102 provides for penalties of up to £500 to be imposed on an industrial union or body corporate, and I think the penalty is up to £50 for an individual.

Section 21A of the old Act provided more for conciliation. It enables the court or a member of the court, upon notice of a dispute or a likely dispute, to call the parties together, and get them into conference and see if the matter can be ironed out before the dispute becomes serious.

The re-written Clause 36 appears to me to be a different kettle of fish, because a commissioner, without having been informed, can enter into the dispute and make an ex parte injunction, which carries with it, under a later clause, very severe penalties. Under Section 21A of the Act, I think penalties for failure to answer a call to such a conference were up to £200; under this clause they are up to £500. Those penalties could apply also if a union disobeyed an order to return to work.

We point out here, as we shall point out later in regard to Clause 98, the clause that purports to give the right to strike—I say that is dubious under the Act and even more dubious under that clause of the Bill—that as soon as a commissioner hears that a union is taking a strike ballot to see whether it will be authorised by the members, that will be an indication to him that an industrial dispute is pending. Obviously, if a union is taking steps to ascertain the feeling of its members about whether they should strike, that would be a good indication that a dispute was developing. Under this clause, the commissioner could then move in, while the ballot was in progress, and perhaps before it even got under way, and make an ex parte order, and a failure by the union to obey that order could result in a penalty of £500.

I think the Minister should not allow this clause to pass. I know it is very late but I think that he should give us an explanation of the variations in the clause. We realise that the Act must contain penalties. It is no use anybody saying that we should abolish all penatlies in industrial conciliation and arbitration, because obviously an Act of this type will not function unless it provides for penalties, and if there are to be penalties on one side, there must be penalties on the other. We say that there are fair penalties and appropriate penalities, but that there are also unfair penalties and penalties that will put such a strain on this Act that the whole system might collapse, as have some systems of international law.

We are very doubtful about the validity of this clause as it is framed at present because of the very severe penalties it imposes. I should like the Minister to give us an explanation of the changes that have been made.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (10.34 p.m.): This is one of the bases on which we say there will be a speedier approach to these problems. I am going to leave the matter to one of my colleagues at this stage. If there are any further questions, I will deal with them later on.

Mr. HART (Mt. Gravatt) (10.35 p.m.): The hon. member for Baroona was quite right in raising his points. The first point he took concerns the increase in penalties from £200 to £500. He will remember that in the debate on the Criminal Code the other day his leader agreed that it was right to raise the amount of penalties because of the depreciation in the value of the £1. I do not think £500 today represents as much as £200 in 1932.

Mr. Hanlon: You cannot make the Criminal Code analogous with the Bill.

Mr. HART: These are penalties and the alteration is based on changed money values. The penalty of £200 in 1932 was far greater punishment than £500 would be now.

The principle of these clauses is exactly the same at is was before. Clause 36 is the old Section 21A, the only difference being that now the Commissioners have to go in and endeavour to fix it up as soon as they hear there is trouble. Other than that, the position is exactly the same as it was before. Clause 98 is the old Section 51. Clause 102 dealing with the injunction is the old Section 55A.

Mr. Hanlon: I do not see any power under Section 21A to invoke Section 55A, but in Clause 36 there is power to invoke Clause 102.

Mr. HART: The Commissioner would have that power; there is no doubt about it.

Mr. Hanlon: That is the point.

Mr. HART: They have the power. The position is exactly the same. The only thing is that he goes in more speedily. I realise that the hon. member has a genuine fear that while unionists are holding a strike ballot they will be ordered back to work. But any Commissioner who interfered with their right to hold a strike ballot would be extremely foolish. Clause 99 which is the old Section 51A, encourages the Commissioner to hold the ballot himself if it is not being held properly. There is a plain hint to the Commissioner that if people are holding a lawful ballot to strike he is to help them. One of the things he has to do is to define the district for them. In view of the similarity of the new clauses and the old sections the hon. member's fears are groundless.

Clause 36, as read, agreed to.

Clauses 37 to 43, both inclusive, as read, agreed to.

Clause 44—Registration of industrial union of employees—

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (10.38 p.m.): I move the following amendment:—

"On page 63, line 11, after the word 'union', insert the words—

'of employees'."

Clause 44 (1), which deals with the registration of industrial unions of employees, at present provides that the Registrar may on application, register as an Industrial Union of Employees any trade union. With the amendment previously moved to omit the words "of employees" from the definition of "trade union", it is essential to relate the provisions of Clause 44 to Trade Union of Employees, the registration of which it is intended to cover. It is a formal amendment consequent upon the amendment to the definition of "trade union", but still it is quite an important one.

Amendment (Mr. Morris) agreed to.

Clause 44, as amended, agreed to.

Clause 45—Registration of industrial union of employers—as read, agreed to.

Clause 46—Determination of application—

Mr. NEWTON (Belmont) (10.41 p.m.): I should like briefly to mention one or two points in connection with this clause, particularly in reference to paragraph (c). The position in regard to a person desiring to join a union of skilled members needs some clarification. The paragraph contains some big words towards its end that would be out of place in relation to some unions covering the skilled trades.

There would not be any trouble about joining a semi-skilled union. Employees are simply required to make application within 14 days to join the requisite union. But, with a skilled union it is necessary for an applicant to prove that he has either served his apprenticeship at the trade, is a post-war trainee and has his certificate, or has attended some college and done something towards learning the trade. If he has not done one of those three things then it is necessary to call him before the executive of that trade union and give him a trade test. It is a theory test, not a practical one but it is given to see just what he knows about the particular trade.

We are concerned about this because the words at the bottom of the paragraph to which I previously referred could be wrongly used in relation to the skilled unions. It would not be a question of standing over a member or of deciding whether he should join the union or not for a reason other than his lack of skill. Skilled unions have to consider the industry and the employer as well as the union. Any new member admitted to our union is admitted in the hope that he will do his best for the industry to which he has been admitted. In the building trades, if he was a carpenter we would not admit him to our union because he had been working for John Brown who thought he was a good carpenter.

Mr. Hughes: Years ago you could get a ticket in the Carpenters' Union simply by walking through the Trades Hall. I had men working for me and that is the way in which they got their tickets. I do not say all of them are like that, but some are.

Mr. NEWTON: In reply to that interjection, I am most concerned because I think it is dangerous in its present form. As I said, any person who wants to join a skilled union must produce evidence that he has learned his trade. I voice opposition to the clause as it is worded at present.

Mr. HART (Mt. Gravatt) (10.45 p.m.): I do not quite appreciate the hon. member's point but I do not think he need worry about it in the way that he seems to be concerned. I do not think that there is, in the words he is complaining about, anything to stop a skilled union refusing to admit a member if he is not skilled. The hon. member can verify what I am saying by looking at Clause 47 which shows quite clearly that a skilled union need not admit a man who has not the appropriate qualifications.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (10.46 p.m.): I move the following amendment:—

"On page 65, line 31, after the figures '(ii.)' insert the words—

'If it be a union of employees'."

As was said a moment ago Clause 46 deals with determinations of applications to register, as an industrial union, employer and employee organisations.

Clause 46 (1) (ii.) as it presently stands refers to both employer and employee applications. The intention of the amendment is to ensure that the registrar can satisfy himself that applications received from unions of employees are bona fide in the interests of employees and not in the interests of an employer or employers.

I realise it is highly unlikely that the application would be in the interests of employers, but if an attempt should be made to form a union of employees for some reason other than the benefit of the employees the provision would be necessary. The amendment gives added protection to employees. It will not be possible to form a union of employees, unless the union is in the interests of employees.

Amendment (Mr. Morris) agreed to.

Clause 46, as amended, agreed to.

Clause 47—Persons entitled to membership of union—

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (10.48 p.m.): I want to make only one brief but fairly

important statement on this matter. Yesterday when the Bill was under discussion the Minister was apparently in a somewhat challenging mood. He said he doubted very much indeed whether 50 per cent. of the membership on this side of the House were members of any union. His challenge was accepted by me and I made it my business yesterday afternoon to ascertain the position of hon. members on this side of the Chamber. Of the 25 A.L.P. members, 24 are financial members of an industrial union. The 25th was prevented from being a member of a union only because of his previous association. He is not eligible for admission to his union or to any other union which is available to other hon. members who were in a profession different from his.

Mr. Morris: Would that make you and me equal?

Mr. DUGGAN: No. As a matter of fact, I have been a financial member of the Shop Assistants' Union, since I was about 17 or 18 years of age and I am still a financial member of the union. The Minister had something to say about this matter. I inform him that I was Secretary of the Toowoomba Trades and Labour Council at 21 years of age. I was Secretary of the Trades Hall Board, Toowoomba, at 21 years of age, and president of the Toowoomba Branch of the A.L.P. at 21 years of age.

Mr. Chalk: Is that how you won the plebiscite?

Mr. DUGGAN: The Minister for Transport speaks about plebiscites. If it was not for the fortuitous circumstance that the present Minister for Labour and Industry came to Toowoomba the Minister for Transport may now have been in the Federal Parliament as the member for Darling Downs. His initial contact with the Minister for Labour and Industry was not a very happy one for him because the Minister brought a carload of members of the Liberal Party Executive from Brisbane and they all voted against him in favour of Mr. Swartz. The Minister for Transport had the voting power to keep himself out of the Federal Parliament.

The CHAIRMAN: Order!

Mr. DUGGAN: I am sorry, Mr. Taylor, but the Minister challenged us on this matter, and for the record I have given an answer to his accusations.

Clause 47, as read, agreed to.

Clause 48—Resignation from membership of an industrial union—

Mr. BROMLEY (Norman) (10.51 p.m.): I move the following amendment:—

> "On page 67, line 9, omit the word—
> 'or'
>
> and insert in lieu thereof the word—
> 'and'."

This is a rather a small amendment and it would be used in conjunction with the foreshadowed amendment of the Minister. My amendment is to omit the word "or" and insert the word "and," so that it will read—

> "A member may resign his membership of any industrial union—
>
> (a) if he accepts employment in an industry other than that represented by the industrial union; and
>
> (b) on giving one month's notice and the payment of all dues to the date of his resignation."

Under this clause the member has the choice of resignation and can do so if he accepts employment in an industry which is represented by a union other than his industrial union. Sub-clause (b) is as outlined in the Act, and under the proposed clause a member does not have to conform with (b), and vice versa. It is a rather simple amendment and I feel sure the Minister will accept it. It will give an assurance to union members and it will not interfere in any way with the preference clause.

We ask for this amendment because we believe that if it is agreed to, sub-clauses (a) and (b) would then be more complete. There is no doubt in my mind that the authenticity of the claim for preference and clearances is a well accepted axiom of the Trade Unions Act. I think I should explain it for the benefit of those persons outside the trade union movement. It will be fair to the worker and the union concerned. I do not think the Minister can object to the amendment. I might mention in connection with this clause a particular trade union's rules concerning clearances. Firstly, I will deal with the resignation of members. The rule says—

> "Subject to the provisions of any Act, any member desiring to leave the union, shall give three months' notice in writing, of his intention to do so, to the Secretary of the Branch to which he belongs," etc., etc.

Then the rule continues—

> "A clearance may be issued on behalf of any financial member who is leaving a calling covered by the Constitution of this union to work at a calling covered by the Constitution of another organisation, providing that the clearance is issued only to the organisation under whose jurisdiction, the member is to be employed."

I think those two clauses give strength to the amendment.

Hon. K. J. MORRIS (Mount Coot-tha—Minister for Labour and Industry) (10.54 p.m.): As we did with each other amendment as it came forward, we examined this one. I am quite certain if I accept it it would restrict the freedom of the employee. He would have to give three months' notice; he has a second leg if we accept the amendment.

I do not think it is desirable to restrict the freedom of the individual members of the union in this way. I can see no value in the amendment. I must confess I have seen a certain amount of value in some of the amendments, but I can see none in this one. Therefore I cannot accept it.

Mr. HANLON (Baroona) (10.55 p.m.): There is just one point on which the Minister has not answered the hon. member for Norman. The clause says that a member may resign his membership (a) if he accepts employment in an industry other than that represented by the union, or (b) on giving one month's notice and the payment of all dues to the date of his resignation. Does that mean that, if he accepts employment in an industry other than that represented by his industrial union, no compulsion is being put on him to pay the dues that he owed at the date of resignation? There seems to be a differentiation there. I do not mind so much his having two courses open to him but why legislatively apply the demand that he should bring his dues up to date with his resignation if he gives one month's notice while not applying it if he adopts the course set out in paragraph (a)?

Mr. Morris: You know, do you not, that we deal with the question of payment of dues and so forth in another amendment? I will deal more completely with that there.

Mr. HOUSTON (Bulimba) (10.56 p.m.): One other point the Minister has forgotten is that, if a member of a union secures employment in another calling, his financial membership in his "parent" union carries on in his new calling. In other words, suppose an electrical labourer in the E.T.U. leaves the electrical industry and takes a job with the City Council where he comes under the A.W.U. His financial position in the E.T.U. would carry him on for the three months and then he would normally join the A.W.U. at the end of his financial period. So the amendment will not restrict him from leaving one calling to go to another. All unions have that arrangement, so that a man is carried on for as long as he is financial in a union. In fact, many employees take out annual tickets and they do not have to pay anything to the union covering their new calling until the end of their financial year. With the clause in the Bill as it stands, a man could be perhaps two or three years unfinancial. Unfortunately, there are quite a few in that category. Such a man could leave his employment under paragraph (a) and take up his new employment without paying his back dues. I do not think the Minister or anyone else wants to leave that loophole for those who will not do the right thing by the trade union movement, or by any other association for that matter, whether an employer organisation or not. That is why the amendment is moved, with the full knowledge that, with the common practice, the employee is automatically covered by carrying his financial status into his new union.

Again, an electrician may desire to leave his employment and go contracting. He may have paid his dues for the full year but at the end of the first quarter he may desire to go into business on his own. He is entitled to a refund, so there is no holding back, no infringement of his personal liberty.

Mr. Morris: If a man transfers from one calling to another, will the new calling admit him to union membership if he is unfinancial in the union he is leaving?

Mr. HOUSTON: Under the Act I believe they would because, after all, it is compulsory unionism. I am subject to correction on this but I think that, as long as he paid his joining fee and paid his first quarter to the new union, he would be admitted. Then he could stay on and be unfinancial for another period of two or three years and again decide to change.

Mr. Nicklin: The union he is joining do not ask for a clearance from the union he is leaving?

Mr. HOUSTON: Yes, they ask for the clearance.

Mr. Pizzey: Like the sign-on of cane-cutters?

Mr. HOUSTON: Yes. He gets a clearance all right. If he is, say, a financial member of the E.T.U. and he goes to the A.W.U., he will get a clearance to say that he is a financial member till the end of the year and the A.W.U. will not claim any dues from him until the next year.

Mr. Nicklin: You are not concerned about the man who has paid; you are concerned about the man who has not paid?

Mr. HOUSTON: Yes. He gets away scot free.

Mr. Hilton: Could you not bring a claim for payment of arrears under another section?

Mr. HOUSTON: That is possible, but we must be realistic about this. The average union dues are about £4 or £5 a year, and it might cost the union £20 to get the arrears.

Mr. Morris: Under your amendment, what would happen to a person in industry who took an executive position?

Mr. HOUSTON: If he took an executive position, he would ask for three months' leave. He would give three months' notice of resignation, and it would be accepted, provided he was financial.

Mr. Morris: I do not think it would, under your amendment.

Mr. HOUSTON: Yes, because it would apply. At the present time it is one month's notice, but I understand the Minister will move an amendment bringing it to three months. I am quite happy about that.

Mr. Morris: Under the clause it could be; but under your amendment it could not, because he has to do both.

Mr. HOUSTON: Let me put it this way: because a man is a member of a union, that does not mean that he works under that union's award. There are men in the public service holding quite high and responsible engineering positions who are still members of the ordinary craft unions they joined as apprentices.

Mr. Morris: Suppose he did not want to remain a member. He could not get out of it.

Mr. HOUSTON: All union dues are paid either quarterly, half-yearly, or yearly. If he gave three months' notice on 1 January, for instance, he would have to pay his quarterly dues. If he gave notice at the end of February, he would have to pay dues for the next quarter because he would have paid for only one quarter. The day on which he put his resignation in would be the day on which he started his new occupation. The Minister suggested that it would be a salaried occupation.

Mr. Morris: I see what you mean, but I really believe that the clause does what you want to do better than the amendment would.

Mr. HOUSTON: No. The weakness of the clause as it stands is that it does not cover the man who is not financial.

Mr. Hart: Could not the unions fix their rules up if they do not make provision for it at the moment?

Mr. HOUSTON: Unfortunately, there are men who are unfinancial. Under the clause as it stands, once they leave the industry they can say, "I am not going to pay my back dues."

Mr. Hart: Cannot the other union insist on his being a member of that union?

Mr. HOUSTON: No, of course it cannot.

Mr. Hart: They could include it in their rules.

Mr. HOUSTON: I do not wish to refer to other clauses, but it is a fact that, if a man works in a calling, he has to join the union covering that calling, and the union has to accept him in the first instance——

Mr. Morris: Under certain conditions.

Mr. HOUSTON: Provided he pays his joining fee and his fees for the first quarter. If he is working under an award, he is covered by a particular union. Is that right?

Mr. Morris: Yes.

Mr. HOUSTON: The only difference between the Minister's Clause 48 and our amendment is that the amendment enables us to catch up with the man who is unfinancial. If he wants to leave and take an executive position, he does so, and he is then virtually in a position where he does not work under an award of a particular union. Irrespective of what he is doing, he is not under the control of the union.

Take members of Parliament. As the Leader of the Opposition said, 24 of us are still members of industrial unions, but there is no way in the world that we are covered by their awards. We are still entitled to go to their meetings and to hold office, and so on, but we are not in any way controlled by the industrial conditions of the union. We are controlled by the ordinary rules associated with their membership. The members of the party and the trade union movement have given it very careful consideration. As it is now we consider that there is that loophole. The hon. member for Norman has quoted the rules of his union. I could quote the rules of mine, and many other hon. members on this side could quote the rules of their unions. I have no doubt that the overall position would be virtually the same.

Mr. KNOX (Nundah) (11.6 p.m.): The point made by the hon. members for Norman and Bulimba is not very convincing but it has sufficient appeal to warrant examination. Union rules must be examined before they are registered. Once they are registered, of course, they must be observed by union members. Rules have been read which would indicate that a clearance must be given before a member can resign from a union. But the purpose of the clause is to allow a person the opportunity to get employment. A man might be laid off his job for some reason or other, following which he wishes to get work in some other calling or industry, but before doing so he would have to join another union. Take the case of a member of the Shop Assistants' Union in Brisbane. If he lost his job here he might be able to get work in North Queensland. But if he wants to be a shop assistant in North Queensland he has to join the A.W.U. I think it would be very unwise to have a clause to say that he has to pay back dues before he can resign from one union and join another.

Mr. Houston: Why shouldn't he?

Mr. KNOX: I am not saying that he should not. There is another clause that deals with his obligation to the union, if the union rules are in order. But surely he should not be prevented in the meantime from getting another job. If he is out of work he may be hard up for money. If he can get work in North Queensland as a shop assistant, as a member of the A.W.U., he should be entitled to take that job. He might then be in a position to pay his back dues to the Shop Assistants' Union in Brisbane. Clause 48 allows a union member to accept employment.

Mr. Burrows: Re-employment has nothing to do with back dues to another union.

Mr. KNOX: It has everything to do with it. He has to join a union wherever he gets work. If the rules of a union say that he has to have a clearance it means that he cannot resign from that union. He is still a

member of the Shop Assistants' Union in Brisbane, but he is also a member of the A.W.U. in North Queensland. The clause has exactly the same wording as the Commonwealth Act.

An Opposition Member: That does not justify it.

Mr. KNOX: I am not saying that that justifies it, but the provision in the Commonwealth Act has been tested on the very point I have raised. I think it is a matter that should be kept in mind.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (11.10 p.m.): Whether he accepts it or not I should like the hon. member for Bulimba to know that truly I am quite sympathetic with his ideas on this clause, but I am perfectly certain that if I accepted his amendment it would not in fact give us what we want. It is known to all hon. members that I have had much discussion with union representatives in the past three weeks and this clause was one that was discussed fully. It is a small clause and I am going to move an amendment on line 10 when this one is disposed of. Having discussed it so thoroughly I am quite sure that the clause as it now stands is better than it would be with the hon. member's amendment.

I asked my departmental officers for a reference which I had but did not have with me here and I have confirmed my recollection of the discussion I had with the people who came to see me. As I say, I am sure that if I accepted the amendment it would spoil the clause from the hon. member's own point of view. Therefore, I am sorry I cannot accept it.

Mr. NEWTON (Belmont) (11.11 p.m.): I understand the amendment that the Minister intends to move. It was suggested by the unions and it is really necessary. However, let us look at the position fairly. I will explain some of the matters that have been raised in the debate up to the present time. Because of recessions in industry that no-one here can help, it is true that people are forced to find employment elsewhere. A person in a particular union might desire to give his calling away and try something else. In most unions, tickets are issued either half-yearly or yearly. Most unions have yearly tickets but a number at present issue half-yearly tickets and, with a union that does issue half-yearly tickets, allowing for the three months for resignation it would mean that a member could write to a union asking for a clearance from it or tendering his resignation. If he was financial his resignation would not be held up in any way. Should he decide to try a different calling because of recession in his own trade and in the meantime his trade came good, and he came back within three months he would not be charged a readmission fee to that union. That is a point that must be looked at. I have never known any member who has left a trade because of recession who has been refused a clearance from that union to join another and I have had a wide experience with this particular problem. In most cases unions help one another.

The apprenticeship for the vehicle builders' trade and for the furnishing trade is very similar to that of a carpenter. We have transferred men from one union to another where there has been a recession in a particular industry. All that is done is that we transfer the member to the Federated Furnishing Trade Union and if he is unfinancial that union is responsible for collecting his arrears and sending them to us. They then issue him a ticket and he is not charged any membership fee at all.

It is true that some unions do demand transfer clearances. The Waterside Workers' Union, which is registered in the Federal Arbitration Court, demands a clearance from the employee's previous union within 14 days, but they do not prevent him from being employed. Most preference clauses in awards provide for that. If I was to leave the carpentering industry and go to some other industry covered by another union I would be given 14 days to become a financial member of the new union. That is in accordance with the preference clauses in awards.

When I was discharged from the Army I was a member of the A.M.I.E.U. I happened to become involved in the great dispute in 1946. I was not in it on strike. I was chairman of the board of control and I was dismissed a week before the strike took place. I found another job and I wanted to join another union. I got a clearance from the A.M.I.E.U. because I thought it was my responsibility to do so. I joined the Builders Labourers' Union while waiting for my ex-service man's post-war training course to be approved. Eventually it came through and I got a clearance from that union. If a member gets a clearance, the union does not continue to charge him fees. Different unions have different methods of recording financial and unfinancial members. In my union a member may be unfinancial for a couple of years. The records show he is unfinancial. Union officials endeavour to get members to make themselves financial, but some members take time to do it. Although some unions do ask for clearances they do not stop workers from getting employment. I cannot see anything wrong with getting a clearance from a union. If an unfinancial member wants to join another union, he is given time to pay off his arrears. The union he wants to join does not tell him that he cannot join the union.

I am mainly concerned about the period of three months, having regard to the unemployment situation. During a period of recession a man may be forced to go into another industry, but within a short period of time the industry in which he normally

worked may recover. I have seen that happen on many occasions in the building industry within a period of three months. Members return and apply to join my union, but we do not charge them an admittance fee. The union rule is that a new member pays £1 admittance fee and a contribution of £4. That is a fairly big sum for a worker. The member pays for three months, which means that he must be financial when he leaves the union. If he leaves in December, he will be financial until March. If he returns in that period of time he is not charged an admittance fee or the £5 union fee. All he pays is the next amount of £2 when it becomes due and he is financial till March of the following year. The adoption of a period of three months would be a benefit to rank-and-file union members.

Mr. HART (Mt. Gravatt) (11.18 p.m.): It would be quite impossible to accept the amendment. The clause reads—

> "A member may resign his membership of any industrial union."

That includes an industrial union of employers. If the amendment was adopted, how would the employer get another job?

Mr. Lloyd: Would the employers' association be really worried about this?

Mr. HART: An employer at some time or another may get out of the employers' union. Provision must be made in the Bill for such a circumstance. The speech of the hon. member for Belmont seems to bear out completely what was said by the hon. member for Nundah.

Mr. CAMPBELL (Aspley) (11.19 p.m.): I think Opposition members have missed the point. The clause states—

> "A member may resign his membership . . . if he accepts employment in an industry other than that represented by the industrial union."

The clause continues—"or on giving one month's notice".

I maintain that if it is changed to "and", a person who is a member of a trade union organisation who takes up a calling under which he is not obliged to continue trade union membership he cannot resign.

Mr. Hanlon: He would not be represented by the union any longer.

Mr. CAMPBELL: He cannot resign because he has to do two things. In order to resign he has to accept employment in another calling. To demonstrate it, I will take my own case. I was a member of the clerk's union many years ago, and I took up the vocation of poultry farmer, where I was not obliged to join any union. It is stated here that before he can resign from a union he must accept employment under another union.

Mr. Hanlon: You would no longer be covered by the clerks' union, so you would qualify under (a).

Mr. Morris: As the clause is, that would be the position, but it would not be so if the amendment was accepted.

The TEMPORARY CHAIRMAN: Order!

Mr. CAMPBELL: I am of the opinion that my point is valid. It says a member may resign—

> "if he accepts employment in an industry other than that represented by the industrial union"

Mr. Hanlon: You accepted employment.

Mr. CAMPBELL: No, I did not accept employment.

Mr. Houston: As a poultry farmer you could join an employers organisation.

Mr. CAMPBELL I was not an employer at that time.

Mr. Houston: You could have joined a poultry farmers organisation.

Mr. CAMPBELL: I have done my best to clear up the confusion in the minds of hon. members opposite.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (11.22 p.m.): I wish to make it quite clear that I am sympathetically disposed towards this amendment. We have argued its merits for a long while and I am completely certain that it is better the way it is and that it should not be changed.

Mr. LLOYD (Kedron) (11.23 p.m.): A lot of discussion has taken place on this subject. The Minister has reacted quite sympathetically to the amendment. It is strange that the clause was inserted in the legislation. There may have been some anomalies in existing union rules, and perhaps it would have been better for the Government to have stipulated that the Registrar should insist that some provision be inserted in the standard or statutory rules covering this matter. It seems that this has been included because it is in the Commonwealth law.

Mr. Morris: That is not the reason for it.

Mr. LLOYD: We will accept that, but it seems it may cause some dissension in the trade-union movement. I can understand the position as outlined by the Minister. However, I think he should consider (a) and (b), together with the word "and" as something that could happen somewhere. In other words, there could be circumstances where a man has accepted employment in another industry. That includes even the hon. member for Aspley, for he has undertaken employment in another industry. At the same time as he accepts employment in another industry he has three months in which to tender his resignation from the union which covered him previously. During the time that he accepts employment in the other industry he is entitled to the preference clause of another union, and, at the same

time, he has three months in which to make up any arrears for which he may be liable to the previous union. I think that is quite reasonable. I cannot see that there could be any great objection to it. The unions should be protected against members who are prepared to become unfinancial and remain so—and there are many of them in the trade-union movement. Unfortunately the clause lets them forget their arrears. If the amendment is accepted, a man has three months from the date of commencing in a calling to resign from the other union and pay his arrears. He is not restrained from taking up new employment.

Dr. DELAMOTHE (Bowen) (11.26 p.m.): I should like to clear the confusion in the minds of the Opposition.

Mr. Lloyd: Not again! This is the tranquilliser back.

Dr. DELAMOTHE: Yes, I should like to tranquillise them, as the Deputy Leader of the Opposition said. I want to point out where the confusion lies. In certain circumstances a man could be chained to a union and made liable for the payment of union fees for the whole of his life. By the amendment he has to do two distinct things to get out of a union. He has to pay his back dues and to be financial and he has to take another job whether as an employer or as an employee. He might not want to. He might want to retire. By inserting the word "and" you stop a man from retiring and taking no other job for the rest of his life because, under the amendment, if he does that he still cannot get out of the union, so he is liable to pay union fees for the rest of his life. He is forced to do two things, one of which he may not want to do.

Amendment (Mr. Bromley) negatived.

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

"On page 67, line 10, omit the words—
'one month's'

and insert in lieu thereof the words—
'three months' '."

I do so at the unanimous request of all the unions who interviewed me.

Amendment (Mr. Morris) agreed to.

Clause 48, as amended, agreed to.

Clause 49—Disallowance of rules—

Mr. HANLON (Baroona) (11.29 p.m.): By paragraph (b), the Court may, upon its own motion, or upon application made under this provision, disallow any rule of an industrial union which, in the opinion of the Court, is tyrannical or oppressive either in its operation or as to the manner in which it former member for Bowen, Mr. Paterson, a was made or adopted. I raise this because during the second reading debate the hon. member for Nundah mentioned—and I would say it is quite true—that some unions have a particular clause in their rules that prohibits members of the Communist Party, I think it is, from holding official positions. I think he mentioned the Shop Assistants' Union as one, and I think the Australian Workers' Union is another in which that rule applies. I am sure that if a ballot were taken of the members of the A.W.U. and the Shop Assistants' Union—I do not know of any other union with a similar rule—that rule would probably receive the backing of those members.

While it remains a matter for the individual unions and is not interfered with by a clause in the Act, I think it is quite a logical domestic rule, although there could be some argument as to whether or not it is fair. Under the clause, which the Minister is introducing from the Commonwealth legislation, we are bringing the court into it to decide whether these things are fair. In other words, after the members have decided that it should be included in the rules of the union, it then comes up for consideration not so much in regard to the appointment of Communists as in regard to whether it is tyrannical in its operation.

The hon. member for Nundah, in endeavouring to score off the A.L.P., told us that we should try to get such a rule inserted in the rules of all unions and that it would prevent Communists from holding official positions in the unions. He said that the A.L.P. would then be representing the unions, not the Communists. The inclusion of this clause raises the question whether some member of the Communist Party who might be denied the right of contesting a position or being elected to a position in a particular union can now approach the court, with the assistance of the Minister for Labour and Industry and the hon. member for Nundah, and ask the court to rule whether such a rule debarring a member of the Communist Party from holding office in a particular union is tyrannical or oppressive in its operation or as to the manner in which it was made or adopted. I simply could not care less about trying to help any member of the Communist Party to secure a position. I am only too pleased to see unions where Communists are not holding official positions. But, once the matter comes before the court, I suggest it is going to be a little bit embarrassing for the court if it has to give judgment on a rule such as that. At present there is no law that says the Communist Party is illegal.

Mr. Burrows: We allow them to be elected as members of this Parliament.

Mr. HANLON: That is correct. They are allowed to nominate for election. It is very rarely that they are elected, but a member of the Communist Party, was elected to this Parliament.

If a person does go to the court under the clause that the Minister is introducing in the Bill and ask the court whether it is

tyrannical and oppressive, I think the court is going to find it difficult to say that it is not. If we acknowledge that the Communist Party is not illegal in Australia and that members of that party can be elected to this Parliament, standing as members of the Communist Party and not as individuals who have an association with the Communist Party, as they stand in unions, what is the court's position? If the court upheld the principle in regard to the Communist Party, it would find itself in a similar position—I admit it is unlikely —if such a rule were introduced in any union prohibiting a member of the Australian Labour Party, the Liberal Party, or the Country Party from holding office in a particular union.

I suggest that the hon. member for Nundah's suggestion to the Australian Labour Party that it should have this rule included in the rules of all unions has more or less backfired on him.

Mr. Knox: No.

Mr. HANLON: I am saying that this clause is going to be of much assistance to any Communist in unions such as the Australian Workers' Union or the Shop Assistants' Union. If I were a judge of the Court I would hate to see a clause like that unless I were a pro-Communist. I would feel that I could rule no other way than that it was unfair. Legally it would have to be held as being oppressive and tyrannical inasmuch as it bars a person from nominating and securing a position in his union because of his political beliefs. As the hon. member for Mt. Gravatt would agree, a judge simply cannot let politics or religion enter into his judgment. He cannot take sides politically any more than he can take sides religiously. Consequently he would have to rule on principle. We have seen a member of a prominent union recently taking court action and to a degree he has been successful in upsetting union rules. Hon. members opposite talk about defeating Communism but by interfering too much in the domestic affairs of a union and trying to write in legal technicalities to protect the members of the union, rather than defeat Communism the Minister, the hon. member for Nundah, and the others who have sponsored the inclusion of the clause, are likely to help Communists to secure positions in unions where they have previously been barred because the members have decided democratically by ballot that they should not be accepted.

Mr. KNOX (Nundah) (11.38 p.m.): I appreciate the desire of the hon. member for Baroona to see that Communists remain out of office, but the argument he put up was very weak. As he said himself, the words are the words included in the Federal Act.

Mr. Burrows: Is that your catechism?

Mr. KNOX: The hon. member has been very quiet during the debate. We should like to hear a speech from him if he has anything to contribute. The Australian Workers' Union has a condition that no official shall be a Communist.

Mr. Duffey: A condition in what?

Mr. KNOX: In its rules.

Mr. Duffey: Make it clear, please.

Mr. KNOX: I said that. Its rules are registered in the Federal Court. They have been examined.

Mr. Duffey interjected.

Mr. KNOX: If the hon. member listened to what I am saying he would realise that I am speaking of special circumstances where these words exist already in an Australian Act, namely the Commonwealth Conciliation and Arbitration Act. The rules of the A.W.U. are registered in the Commonwealth Court.

Mr. Duffey: And the State Court.

Mr. KNOX: That is right.

Mr. Duffey: Is that not true?

Mr. KNOX: It is quite right, but the words we are talking about do not exist at the present time in the State Act. Under the provisions of Clause 46 a union's rules must be examined. They are examined by the registrar to see whether they are tyrannical or harsh.

Mr. Lloyd: The registrar is not the Court.

Mr. KNOX: The hon. member should wait until I finish. The hon. member for Baroona has suggested that this could be interpreted as being tyrannical and harsh.

Mr. Hanlon: Or could be.

Mr. KNOX: Or could be interpreted. Under the Commonwealth Act rules have been disallowed as follows:—

"Empowering the secretary to interfere unduly with members' employment opportunities.

"Empowering a committee to impose fines and to expel members in the absence of any right of appeal:

"Empowering a Federal Committee of Management"——

Mr. Lloyd: That is not the court.

Mr. KNOX: It is the court.

Mr. Lloyd: That is the Registrar.

Mr. KNOX: It is the court. Further rules disallowed were—

"Empowering a Federal Committee of Management to disband a branch:

"Prohibiting divulging union business under penalty of expulsion:

"Stifling criticism of the union executive:

"Prohibiting issue of literature in favour of a candidate for union election without prior approval of the executive:"

Mr. Hanlon: That is the one you told us about.

Mr. KNOX: Yes, I mentioned that in regard to a particular election.

Mr. Hanlon: It has no bearing so far as membership of a political party is concerned.

Mr. KNOX: No.

Mr. Hanlon: It has not been ruled that way so far.

Mr. KNOX: Some of the rules have not been appealed against, such as—

"Provision for removal from office after a special meeting has so resolved even though country members have no opportunity to attend and may not vote by post:"

And there are others. I only mention those to show that the wording in the Federal Act has not prevented the Australian Workers' Union rules from being registered in that court. They are being examined and I believe the same attitude will be taken by the State court.

Mr. Lloyd: You cannot make a decision until the challenge is made.

Mr. KNOX: It is obvious that the hon. member has not read the Bill. He makes these statements without even reading it, because the very primary words of Clause 49 say—

"The Court may, upon its own motion or upon application made under this section, disallow any rule of an industrial union . . . "

The Registrar may bring those to the court's notice.

Mr. Lloyd: Has there ever been a case in the Commonwealth court on that basis?

Mr. KNOX: Yes, there has been. That is what I have been telling you. I submit that the words should remain in the clause.

Mr. DUFFICY (Warrego) (11.43 p.m.): I seem to be slightly confused about this. The speech made by the hon. member who has just resumed his seat had a tendency not to confuse me but to confuse the Committee because he is completely confused himself. It is true that, under the original Act, any union that wishes to insert provisions in its rules debarring Communists from holding official positions would be registered under the State Act. I cannot for the life of me understand why we are arguing about the Federal Act at the present time. It seems to me that the Government, and particularly the hon. member for Nundah, are so concerned about the Commonwealth Act, that he cannot get it off his mind. Tonight, we are considering not the Commonwealth Act but the State Act as it will be when this Bill passes through Parliament. I do not think the Minister can tell me that under the original Act a union could not debar Communists under its rules.

Mr. Morris: They could but did not.

Mr. DUFFICY: Of course they did. The A.W.U. did it under its rules. The A.W.U., in rules registered under the State Act, debarred any Communist from holding an official position in the union. Why we should go to the Commonwealth Court to get additional powers, I would not know. Those powers were in the original Act and nothing in this clause adds to them, although the clause contains certain other objectionable features.

Mr. Morris: In regard to the rules?

Mr. DUFFICY: No, not the rules, the procedure.

I draw attention to sub-clause (2) of Clause 49 which reads—

"The Chief Industrial Inspector or any member of an industrial union may apply to the Court for the disallowance of any rule of the industrial union on any of the grounds in sub-section one of this section."

The rules are set out in sub-section (1). Under the Act the Chief Inspector would be the Chief Inspector of Factories and Shops. I think that is right.

Mr. Morris: That is right.

Mr. DUFFICY: What special qualifications are possessed by the Chief Inspector of Factories and Shops to entitle him to apply to the court for the disallowance of a union rule? His knowledge of industrial matters might be completely nil.

Mr. Morris: Not for all practical purposes. He is usually the man who knows more about it than anybody else.

Mr. DUFFICY: The Chief Inspector of Factories and Shops may have a fairly comprehensive knowledge of industrial awards, but what knowledge would he have of industrial matters and the rules of industrial unions? He is not expected to have that knowledge; he is expected to have some knowledge of awards and the ability to interpret them. Why the Minister provides that the Chief Industrial Inspector should have the right to appeal against certain rules of the union or to insert something in the rules of a union or even to apply to the court in connection with the matter, I will never know. This provision amounts to an unwarranted interference in the domestic affairs of unions. Would the Minister give the Chief Industrial Inspector the same right to interfere in the domestic affairs of the United Graziers Association? It is a party to the relevant award.

Mr. Morris: Its members are members of a union.

Mr. DUFFICY: It is an industrial union. Would the Minister give the Chief Industrial Inspector the right to interfere in the affairs of the cane-growers' association, or the millers' association? It would be completely absurd to do so. The Chief Industrial Inspector would know no more about the affairs of the United Graziers Association than he would about the affairs of the Australian Workers Union or any other industrial organisation. If the clause provided that a member of an industrial union may apply to the court for the disallowance of any rule of an industrial union on any of the grounds specified in subsection (1), there might be some virtue in it.

I should like the Minister to explain what special qualifications are possessed by the Chief Industrial Inspector that qualify him to interfere in the domestic affairs of an industrial union, the United Graziers' Association, the Cane-growers' Association, or any other association of employers or employees in Queensland. If the Minister thinks he has that special qualification I want him to prove it to me. I do not think he has. If the Minister argues that the Chief Industrial Inspector is entitled to interfere only in the domestic affairs of an industrial union and is not entitled to interfere in the domestic affairs of employers' organisations——

Mr. Morris: I did not tell you that. He has an equal right.

Mr. DUFFICY: How has he an equal right?

Mr. Morris: Because they are registered unions.

Mr. DUFFICY: Are they?

Mr. Morris: Yes.

Mr. DUFFICY: They are registered under the Act?

Mr. Morris: Yes.

Mr. DUFFICY: It will be very interesting for me to see the Chief Industrial Inspector interfere in the domestic affairs of the United Graziers' Association. I will be very interested to see that. The Minister is giving the Chief Industrial Inspector, an employee of the Crown, the right to interfere in the industrial affairs of unions of employees and employers, and might I suggest that the Chief Industrial Inspector is directly under the Minister's control. Being an employee directly under the Minister's control, might I suggest that he will interfere with the industrial affairs of any association or union, at the Minister's discretion.

Mr. Morris: Don't you believe it.

Mr. DUFFICY: After all, he is under the Minister's control. Will the Minister suggest to me that an officer under his control may take any action he likes while the Minister is the head of the department? If the officer can, I will be surprised, and if he can, it is completely wrong in principle, because I look to the Minister, as the head of the department, to control the officers under him. The Minister will be putting an officer, who is directly under his control, into a position where he may appeal to the Court for the disallowance of a rule.

Mr. Morris: As an individual.

Mr. DUFFICY: The Minister says, "As an individual." I do not believe him, because as the officer will be under the Minister's control, he will control him. I think that is an objectional feature of the Bill. If the Minister is to allow anybody to make an appeal under this Bill, for goodness' sake, let him give that privilege to someone who is not subject to the dictation of the Minister for Labour and Industry as this officer is.

Mr. HART (Mt. Gravatt) (11.54 p.m.): I do not think there is any need for the hon. member who has just spoken to worry about this clause. He is questioning the qualifications of the Chief Industrial Inspector and he says, in effect, "What has he to do? What does he know about union affairs?" The Chief Industrial Inspector merely sets the machinery in motion, and the Court decides it. The Court looks at the rules and decides whether it is oppressive or not.

Mr. Houston: Why bring this clause into the legislation?

Mr. HART: The clause that the Opposition are objecting to has been in the Commonwealth legislation since 1928. None of these dreadful predictions of the hon. member for Baroona about declaring them invalid have taken place. The A.W.U. has had the rule and it has never been declared invalid because it keeps Communists out.

Mr. Hanlon: If that question was put to you as a legal man, on principle wouldn't you agree you would have to uphold the view that if you could disqualify Communists you could also disqualify members of the A.L.P. or the Liberal Party?

Mr. HART: No, I would not, because what is here is not a rule that prevents any man from getting a job. It is a rule that prevents from holding an executive position in the union a man who has sworn to destroy the way of life in this country as we know it, and to undermine our Constitution. I cannot see anything tyrannical or oppressive in stopping such a man from securing an important office in a union where he could in part wreck the country and cause irresponsible strikes such as the one last Wednesday.

Mr. Hanlon interjected.

Mr. HART: I would not. A union such as the A.W.U. has a right to protect itself against people who would destroy our society as we know it and I cannot see anything tyrannical or oppressive about its having such a rule.

The hon. member for Baroona says that he, as a fair-minded man, would consider that rule of the A.W.U. tyrannical and oppressive.

Mr. HANLON: I rise to a point of order. I never at any stage said that I as a fair-minded man would consider that rule to be tyrannical and oppressive. I merely said that on principle a judge in a court could not distinguish between any political parties if that question was put to him. That is why I said it should be left to the individual union and it should not go to the court.

Mr. HART: I am just giving my view that it would not be tyrannical or oppressive of a union to adopt such a rule.

Mr. Hanlon: Or for the Liberal Party or the A.L.P.?

Mr. HART: I have no doubt that the union has adopted that rule because it does not approve of people who are trying to destroy our social life as it now exists.

Mr. Lloyd: Give a legal opinion, not a political opinion.

Mr. HART: I think that is a fair opinion. Another point about these rules as to preference clauses is that they remain in, and quite rightly. If the preference clauses are in there, they should not be able by tyrannical or oppressive means to keep people out of their union. All properly-qualified people of good character should be able to become members.

My view is that the provision has beeen there for a very long time and it has not produced any of the dire results predicted by the hon. member for Baroona.

Mr. HANLON (Baroona) (11.58 p.m.): It is obvious that hon. members opposite have been stunned at the realisation that they are actually introducing a provision that could help Communists. They have their backs to the wall a bit on this. They are now trying to turn the argument to say that we are putting forward a case that the rule held by the A.W.U. and the Shop Assistants' Union that a Communist cannot be an official of the union is unfair and tyrannical. At no stage did we say that. We did say that, while it is a matter for the members of the union to decide, it cannot be challenged, because the union conducts its own affairs.

As the hon. member for Warrego said, under the old Act there was no possibility of anyone challenging the validity of a rule that said that no Communist could be an official of the A.W.U. or the Shop Assistants' Union but, under the provision taken from the Commonwealth legislation, I consider that there is a possibility of a Communist going to court and asking a judge whether it is tyrannical and oppressive, not that a member of the Communist Party should be debarred but that a member of a political party should be debarred from holding office in a union because he is a member of that political party. When I put the question to the hon. member for Mt. Gravatt, who is a Q.C. and who, as a leading member of the Bar could at some time be considered for a judgeship, he says, "That would not worry me at all. If that question was put to me as Judge Hart I would say, 'No, the Communist Party is dangerous . . . '"

Mr. Hart: No, I didn't say that.

Mr. HANLON: He said something like that. In speaking in that way, the hon. member for Mt. Gravatt missed the point, because the question would not be put to him as Mr. Hart, or to you, Mr. Taylor, as Mr. Taylor, if you were a judge; it would be put to you as a judge who would have to look at the question without any political bias one way or the other. If it were put to me personally, I would say, "It is a bad thing for a Communist to be an official of the union. I can see dangers in such people as officials of a union," But, looking at it from a legal point of view as a Judge and from the point of view that we do not debar Communists from standing as candidates at State elections and Federal elections, and even from entering this Parliament, no judge could say, "You can nominate for election as a member of the State Parliament, the Federal Parliament, or the local council, but you cannot nominate for a position in a union." According to the hon. member for Mt. Gravatt, the Premier of the State is far less important and can do far less harm to the State, if he sets out to do it, than a minor official of a trade union.

I have given the Committee our argument, and on those grounds we say that the Minister and the Government, in introducing this clause, are helping the Communist Party.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (12.2 a.m.): I remember reading several times that the hon. member for Baroona has won quite a number of prizes in the debating society of his own party, and I congratulate him on his achievement. May I say that I have seen this evening an example of the very wonderful case he can put up without much foundation, and I can now understand how he won those contests. He has given us a very entertaining argument and I must confess that I listened to it with considerable interest; but I think he knows in his own heart, as I know in mine, that he is arguing a case that has no foundation.

I have given quite a lot of thought to this clause, and a later clause, with the intention of including in one of them the provision that is in fact contained in the rules of the Shop Assistants' Union, because I believe it is a good way of overcoming this problem that many of us regard very seriously. However, I decided not to recommend its inclusion to my colleagues because I think that the unions will be able to take action themselves when this Bill becomes law.

Mr. Burrows: You are frightened to take action for fear of offending Gerry Dawson.

Mr. MORRIS: If anyone has demonstrated the complete fallacy of that argument, I think I have. As a matter of fact, there are very few people who have so consistently spoken their mind against these people as I have, and, as you know, Mr. Taylor, I have had to take a few kicks as a result.

Let us pass on. I know that the problem raised by the hon. member for Baroona is not really a problem in his own mind, and I now come back to the argument raised by the hon. member for Warrego. We seem to be arguing on quite a few points in Clause 49, and the hon. member challenged the desirability of the chief inspector's having the right to apply to the court for the disallowance of any rule. I do not understand his argument.

Mr. Dufficy: I knew you could not when I was putting it up.

Mr. MORRIS: No, and I shall tell the hon. member why.

Mr. Bromley: It is because you won't.

Mr. MORRIS: The hon. member will see the logic of it if he reads on—

> ". . . or any member of an industrial union may apply to the Court . . ."

His argument is that if someone is appointed to the position of Chief Industrial Inspector he should be defranchised from being a member of a union.

Mr. Dufficy: He should not get any special privilege.

Mr. MORRIS: The hon. member is arguing that he should have no right.

Mr. Dufficy: Of course not, he is under your jurisdiction.

Mr. MORRIS: This is a very important office in the department. The person filling it is usually a man highly qualified and experienced in the industrial life of the State—indeed, he has to be qualified for that office. He would not be there if he were not so qualified. The hon. member wants to deprive him of his ordinary rights as a trade unionist, and in addition to that he would say that the Chief Industrial Inspector is even less qualified than any member of the union. It is just sheer bad logic. I cannot see how the hon. member can tolerate such bad logic. I cannot understand why he is desirous of arguing points on the most flimsy basis when there are other clauses that would serve him much better for argument. The hon. member is raising bogies that have no foundation.

Mr. DUFFICY (Warrego) (12.7 a.m.): I was particularly disappointed with the Minister's reply. He said I was endeavouring to deny the Chief Industrial Inspector his rights as a unionist. His rights are certainly safeguarded as an industrial unionist by the continuation of that clause. But surely he is not exercising his rights as an industrial unionist, but his rights given to him by the Bill, as the Chief Industrial Inspector? We are not denying him any rights as an industrial unionist but we say he should not exercise those rights simply because he happens to be the Chief Industrial Inspector.

I am not taking away his rights as an industrial unionist. I cannot do that under the Bill, nor can the Minister. But the Chief Industrial Inspector may or may not be a member of an industrial union. Because he occupies that office and is directly under the control of the Minister for Labour and Industry he has the right to apply to the court for the disallowance of any rule of the industrial union on any of the grounds specified in sub-clause 1 of Clause 49. Subclause (1) of that clause takes in a very wide field. I am not going to read them all, but let me read the last one—

> "Imposes unreasonable conditions upon the membership of any union or upon any applicant for membership of a union."

Why should the Chief Industrial Inspector have that privilege? I think the Minister is particularly unwise to insist on this. I think the Government are unwise to insist on it because this particular person is employed by the Minister and obviously—and the Premier will appreciate this—no member of the Public Service, whether he happens to be the Chief Industrial Inspector or anyone else, is going to intervene in any matter of this nature unless he first gets the permission of the Minister, who is the head of the department. I think the Premier will agree with that.

The plain facts are that the Minister is apparently using the Chief Industrial Inspector to cover his intervention in the domestic affairs of an industrial union because, if he ever does intervene in a matter of this kind, everybody, whether on this side of the Committee or in an industrial union will know that this public servant, who is head of a department under the direct control of the Minister for Labour and Industry, has intervened in a matter only because he obtained the permission of the Minister to do so.

If the Government want to accept that responsibility it is O.K. with me, but do not let us gloss it over; let us be honest about it. Any attempt to intervene by the Chief Industrial Inspector is intervention by the Government.

Clause 49, as read, agreed to.

Clause 50—Direction for performance of rules—as read, agreed to.

Clause 51—Financial assistance—

Mr. NEWTON (Belmont) (12.13 a.m.): I oppose this clause as it stands in the Bill. Members of the Opposition are concerned

at the possibility of heavy expenditure of public money under this clause. It clearly allows a disgruntled member of a union to take action against the union because he disagrees with certain rules. In the first place, a ballot of the whole of the membership of a union would be taken to alter any rules, and, if that ballot was carried, the next step in the procedure under the present Act would be that the rules must be submitted to the Court for registration. Before the rules are registered by the Industrial Court they are submitted by the Court to the Solicitor-General for his opinion whether they should be registered or not. If after the Solicitor-General's opinion has been obtained and the rules have been registered by the Court certain union members find they cannot get what they desire, they can challenge the rules that have been registered with the approval of the Solicitor-General. Under the clause the Minister may make finance available to a member for the purpose of fighting for an alteration of the rules. The Minister can rest assured that a union in those circumstances will dig its toes in and go the full distance in legal spheres on the ground that its rules were inspected by the Solicitor-General, approved by him, and registered by the Industrial Court.

The clause provides that the Minister may grant financial assistance. Judging by the attitude of the Minister in this and other debates, it is evident that he has a grudge against certain union officials, irrespective of their political affiliations. He has attacked some members of the Australian Labour Party who hold high positions in the trade-union movement. If a member of any of those unions approached him, I am sure the Minister would act quickly in order to get revenge and without considering the facts or getting any guarantee from the person making the complaint. From time to time we come across disgruntled members. Generally speaking we find that those persons have endeavoured to gain official positions in unions, have nominated for official positions, have contested ballots, have been very active in the affairs of the union and have a full knowledge of the rules of the union. At times they have held executive positions and have attended delegate conventions. They become disgruntled because they cannot get where they want to get under the rules of the union. It is this type of individual who will be applying to the Minister for financial assistance. Having regard to the fact that rules are the subject of ballot and have to be registered by the Court, I cannot agree to the inclusion of the provision. I cannot agree to a clause that will allow public money to be used just because an individual member is disgruntled. If we are going to give assistance to disgruntled members of unions, why not give the same assistance to disgruntled members of employers' organisations?

Mr. Morris: We can do exactly the same for them, and you know it.

Mr. NEWTON: The clause does not say so. I do not know why it should not be provided specifically in the clause if that is the position. The clause does not say that financial assistance can be given to disgruntled members of employers' associations.

Mr. Hart: He said that about a member of an industrial union.

Mr. NEWTON: The Minister says an industrial union is an industrial union of employees or employers. If we look at this in its proper perspective we see that there are either industrial unions, or there are, in most cases, employers' associations. As I have said all the way through the discussions on the Bill, it is quite easy to disguise the picture, but we are not in such a condition that we cannot see it properly. For the life of me I cannot see how this clause will assist union members to get financial assistance against an employer. If we follow up the debate on the two previous clauses, it is quite clear what it all revolves round. It revolves round some disgruntled member making an attack on his union.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (12.21 a.m.): I do not mind if the hon. member for Belmont is vindictive towards me and says all sorts of nasty things about me. They have nothing to do with the Bill. He has shown a complete disregard of an understanding of the clause under discussion. He overlooks completely that financial assistance will be available to a person so that he might take action to ensure that the rules of a union are observed. He either did not know it or he overlooked it, or deliberately left it out, to deliberately mislead those who do not understand the Bill. It is obvious that he is trying to find something to object to and he has misrepresented the situation. I do not think there is any validity in his argument against the clause. I have heard some pretty poor arguments tonight but his was the poorest of them all.

Mr. LLOYD (Kedron) (12.23 a.m.): We cannot accept the Minister's brush-off. The Minister was drawing the long bow when he said that this applied to employers' organisations. This has been planted in the Bill because it is in the Commonwealth law. It could give an opportunity to a political cell in an industrial union to say that some feature of the rules of the union concerned are irregular. For some political reason, perhaps, the Minister will grant that cell financial assistance to take this union—as has happened—right through to the High Court of Australia. We could have a recurrence of actions of men in a union taking the union through to the High Court and the legal cost would be borne by the Minister or the Government. It could cost the Government thousands and thousands of pounds before a final decision was reached. We have to read this clause in relation to Clauses 49

and 50. The argument adduced by the hon. member for Baroona on Clause 49 was in relation to the exercising of the Minister's prerogative under Clause 51. Clause 49 was dismissed as being of no importance. I submit it is of great importance.

Mr. Morris: I did not dismiss it as being of no importance but your colleague dismissed Clause 50 as being of no importance.

Mr. LLOYD: Clause 49 has two clauses opposing it because some rule is considered by a member of a union to be tyrannical or oppressive or to impose unreasonable conditions on a member of a union. Those two clauses can be regarded as being in the interests not of the union or its members but of an individual member who thinks he has a grievance. I do not think it is the responsibility of the Minister or of the Government to cater for such a person. The rule may have stood the test of time in the union but a court may decide that, because of its political operation or some other feature, it is oppressive or its imposes hardship on a member of the union. It may provide that the union executive could rule the man's nomination for office completely out of order. And it may be that the legal interpretation, the abstract judicial finding on hardship, is that it does in fact, in law and in accordance with democracy, impose some hardship upon the union member although the registrar and the court had accepted those rules over many years. In that case the Minister has the power to help him financially to go before the court and sue the union so that he might be given the full rights of membership, political or otherwise.

It is a very important point when you refer that to the remarks of the hon. member for Baroona on Clause 49. It shows that very little consideration has been given to the full impact of the clause. It could be an attempt by whatever Government are in power, or by the Minister if he is mischievous in this regard, to encourage the growth of cells within the trade-union movement and to create strife within a union. Any such strife created within the domestic affairs of the union could have serious repercussions on it, on industry and the community generally.

Mr. SHERRINGTON (Salisbury) (12.28 p.m.): As the hon. member for Belmont pointed out, union rules are the subject of scrutiny by the Solicitor-General, but the Government are prepared to waste Public money on contesting them. On the other hand, where a union official has the onus of proof cast upon him and his liberty is at stake, they are not prepared to grant him financial assistance to preserve that liberty, but, on the other, they are willing to waste Public money merely because one disgruntled member wishes to contest a union rule.

Mr. Ramsden: What would make him disgruntled with his union?

Mr. SHERRINGTON: One thing that would make him disgruntled would be listening to the likes of the hon. member.

The CHAIRMAN: Order! I ask the hon. member for Salisbury to apply himself properly to the debate and not to make frivolous remarks such as he has just made.

Mr. SHERRINGTON: I quite frankly want to apply myself but, after all, it is also the duty of hon. members opposite to stop these continuous, inane interjections.

Mr. RAMSDEN: I rise to a point of order. I asked the hon. member a sensible question. He asserted that members would be unhappy and mentioned one disgruntled member. I asked him quite seriously what would make him disgruntled.

The CHAIRMAN: Order! Will the hon. member for Salisbury please continue his speech?

Mr. SHERRINGTON: If we wish to do something concrete, this provision could be applied more aptly where the liberty of the subject is at stake. I think it is a waste of public money, because we are not making this financial assistance available to a union to prosecute an employer. The Minister says it is an industrial union, but everyone knows that these so-called employers' unions are only a joke and are merely covers for the fact that they are associations. The provision is not only obnoxious but it will result in a waste of public money.

Question—That Clause 51, as read, stand part of the Bill—put; and the Committee divided—

AYES, 36

Mr. Anderson	Mr. Knox
,, Beardmore	,, Low
,, Bjelke-Petersen	,, Morris
,, Campbell	,, Munro
,, Carey	,, Nicklin
,, Chalk	Dr. Noble
Dr. Delamothe	Mr. Pilbeam
Mr. Dewar	,, Pizzey
,, Evans	,, Ramsden
,, Fletcher	,, Richter
,, Gilmore	,, Row
,, Harrison	,, Smith
,, Hart	,, Sullivan
,, Herbert	,, Tooth
,, Hiley	,, Wharton
,, Hodges	
,, Hooper	*Tellers:*
,, Hughes	Mr. Windsor
,, Jones	,, Lonergan

NOES, 23

Mr. Baxter	Mr. Houston
,, Bennett	,, Lloyd
,, Bromley	,, Melloy
,, Burrows	,, Newton
,, Byrne	,, Sherrington
,, Davies	,, Thackeray
,, Dean	,, Tucker
,, Donald	,, Wallace
,, Duffy	
,, Duggan	*Tellers:*
,, Graham	Mr. Marsden
,, Gunn	,, Inch
,, Hanlon	

PAIRS

Mr. Roberts	Mr. Davis
,, Armstrong	,, Mann

Resolved in the affirmative.

Clauses 52 to 55, both inclusive, as read, agreed to.

Clause 56—Register of members of union—

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (12.39 a.m.): I move the following amendment:—

"On page 71, line 25, after the word 'March' insert the following words:—

', or such later date as the registrar (who is hereby thereunto authorised) may allow,'."

It is realised that some large unions have difficulty in filing with the Registrar a true and correct copy of their register in the time provided. We are extending the time. The unions have told me that even with the extension of time it will still be difficult to have their records completed by the due date. So we say that if the union cannot, then the Registrar should have permission to authorise an extension of time. That is the purpose of the amendment.

Amendment (Mr. Morris) agreed to.

Clause 56, as amended, agreed to.

Clause 57—Register of employees—as read, agreed to.

Clause 58—Union to account annually to members—

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (12.41 a.m.): I move the following amendment:—

"On page 76, lines 1 and 2, omit the words—

'render to the members'

and insert in lieu thereof the word—

'compile'."

The purpose of the amendment is to set one or two people's minds at rest. I am perfectly certain that the words that are there do not require the posting individually of balance sheets to the members but there are some who say that that could be disputed and that it could possibly be so construed.

I repeat that I am certain it cannot but, to make the situation doubly certain, I move the amendment. I doubt if it will be opposed. I hope not.

Amendment (Mr. Morris) agreed to.

Mr. BROMLEY (Norman) (12.45 a.m.): I move the following amendment:—

"On page 76, line 33, after the word 'every', insert the word—

'financial'."

Mr. Morris: I accept the amendment.

Amendment (Mr. Bromley) agreed to.

Clause 58, as amended, agreed to.

Clauses 59 to 75, both inclusive, as read, agreed to.

Clause 76—Applications for inquiries respecting elections—

Mr. BROMLEY (Norman) (12.47 a.m.): I move the following amendment:—

"On page 85, line 31, after the letter 'a', insert the word—

'financial'."

The Minister has indicated to me that he intends to accept the amendment and a similar amendment on line 33.

Amendment (Mr. Bromley) agreed to.

Mr. BROMLEY (Norman) (12.48 a.m.): I move the following amendment:—

"On page 85, line 33, after the letter 'a',

insert the word—

'financial'."

Amendment agreed to.

Clause 76, as amended, agreed to.

Clauses 77 to 85, both inclusive, as read, agreed to.

Clause 86—Registrar to conduct elections upon request—

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (12.50 a.m.) I wish to take the opportunity afforded under this clause to reply to some of the remarks that attracted a great deal of publicity because "The Courier-Mail" this morning displayed under rather bold headlines some alleged irregularities regarding the actions taken by three industrial unions in this State concerning alleged intimidation. These are very serious allegations, and the hon. member for Nundah apparently thought this matter had some great political value because he asked that the information be tabled in the House. Today I had occasion to receive a deputation from the Amalgamated Engineering Union, which is greatly concerned about the wrong slant that has been put on this particular matter. I know full well that the hon. member for Nundah seems apparently well briefed in some of these matters, and because he is well briefed he used such information as he deemed expedient to use and did not give a fair picture of the matter. My first point is that the particular circular that the hon. member tabled here, dated 3 November, 1960, had no reference whatsoever to the operations of the union in Queensland. It concerned a ballot for the Amalgamated Engineering Union in Victoria. As a result the hon. member tried to make a great deal of capital out of the matter when, in actual fact, the Bill did not have any application to this union in this matter because it concerned a Federal ballot. The hon. member did not say that the purpose of this circular was to alert members of the Amalgamated Engineering Union to the practices that were operating in this State and indeed throughout

the Commonwealth, in court-controlled ballots. That letter followed on from another circular put out on 5 May, 1960, that reads as follows:—

"Court-controlled ballots.

"I refer to my circular of 17 February, 1960, with regard to the above-mentioned matter in which you were advised of the efforts of people in the Brisbane District to obtain signatures for a Court-controlled ballot in the A.E.U.

Attached herewith please find copy of letter received from Commonwealth Council which shows interference with the affairs of our Union in Rockhampton.

Committee requests that you call a meeting of members to inform them of the contents of the circular from Council so that members might be fully informed of developments in this matter and thus warned of the activities of people endeavouring to run the affairs of the A.E.U. without membership of the Union."

I will not read all the documents I have here, but I am prepared to table this information. If necessary, I will read it all. This letter is from the Amalgamated Engineering Union's Commonwealth Council. It reads—

"126-128 Chalmers Street,
Sydney.

Circular No. S. 379.

To:

Organisers and District Committees.

26th April, 1960.

Dear Sir and Bro.,

Following upon Commonwealth Council's advice re 'Court Ballot' petitions being circulated for the positions of Councilmen, Division numbers 1 and 2, and directing attention to the need for Officials and members to supply details of current material, i.e., date of circulation, name and address of persons seeking signatures and any other information that can be obtained, (Circular S.375), the material hereunder has been received by Commonwealth Council, who now forward copy of same for your knowledge and practical use. Similar material is at all time essential in order to protect our membership from impersonation and fraud, and Council trust that Officials particularly will continue to seek out such details.

To the Officers and members in Rockhampton who assisted in the collating of this material, Commonwealth Council commend them for their service to the Union in defence of the right to conduct their own affairs and in opposition to outside interference."

I should like to interpose at this stage that the whole of the activities of the Amalgamated Engineering Union in this matter aimed, of course, for a fair and proper inquiry into the affairs of their union and not in favour in any way to prevent proper and effective means being taken by those who wish to ballot for positions in that union. I quote from a judgment of the Federal Arbitration Court in this matter which says that they have a right to resent people who have no direct association with the union whatsoever endeavouring to interfere with the affairs of the union in a way that is prejudicial to the best interests of the affairs of the Amalgamated Engineering Union.

This is a report from the Rockhampton District Committee addressed to Mr. J. D. Garland—

"Dear Sir and Brother,

"I am in receipt of your letter JDG:RH of the 17th ultimo, in which you seek further information in regard to a petition for a Court Ballot that was circulating Rockhampton.

"This petition was taken around 'Central Queensland Motors, Corner Alma and William Streets, Rockhampton, by whom I have not as yet ascertained. Bro. E. H. Wells of Alexandra Street, North Rockhampton, was asked for his signature, on approximately 18th February, 1960, but before signing the petition, he checked with Bro. L. F. Baggett, a D.C. member who works in a garage down the street, regarding the Union's policy in relation to the petition. Bro. Baggett outlined the Union's Policy to Bro. Wells, who said that he would advise the men not to sign it in his shop. Bro. Baggett then notified me of the position by phone. I will notify of the name of the person who handled the petition immediately the information comes to hand.

"At the Quarterly Shop Stewards' meeting held on the 4th instant Circular S. 375 was read to the Shop Stewards, and discussed.

"During the discussion a newly elected Shop Steward from Hillman Motors, Denison Street, Rockhampton told the meeting that a petition for a Court Ballot had been through his shop, and had been signed by four members including himself, as they were not aware that it was contrary to Union policy. I would point out that Bro. C. Jones is the first Steward we have had in this shop. Bro. Jones was then asked who took the petition around, and we were told that it was Bro. A. R. Bryant. Bro. Jones stated that he would endeavour to ascertain from Bro. Bryant who had given him the petition.

"The following afternoon Bro. Jones visited me at my home and advised me that Bro. Bryant would like to see me. The following day the District President and myself visited Bro. Bryant who told us that he had been asked to take the petition through the shop by Mr. J. A. Dunn, 10 Medcraf Street, North Rockhampton, who is a State Public Servant.

"Mr. Dunn told Bro. Bryant that he belonged to an organisation which Bro. Bryant thinks was called 'The National Civic Council' and has been set up to fight Communism. This organisation runs

evenings at which films are shown, and tape recordings are played. Bro. Bryant was invited to one of these evenings, but did not go. However, he has learned from a person who did, that the films were all about communism, and the tape-recordings were speeches by Mr. Santamaria.

"After Bro. Moore and I had explained the Union's policy on Court Ballots to Bro. Bryant, he stated that he had been mislead and would disassociate himself from any further activities of this organisation.

"Another interesting point he made, and which I think further points to outside interference in our Union's affairs, is the fact that Mr. Dunn rang Bro. Bryant before the March Star Night meeting, and advised him to go along and vote for Bro. Burke in the Ballot for Secretary of Commonwealth Council.

"This petition was for the ballots of Councilmen, Divisions 1 and 2, and was taken through this shop on approximately the third of March, 1960.

"For the information of members the 'National Civic Council' as mentioned in the letter is the now national organisation of the Industrial Groups still under the guiding hands of Mr. B. Santamaria."

Mr. Ramsden: Quite a brotherhood there.

Mr. DUGGAN: That is the term used in that organisation and it has beeen for the last 75 years or so. Indeed, the term was used by the hon. member for Merthyr when he was operating in another sphere.

On the subject of these petitions, it is abundantly clear, according to the information furnished to me about the interference with the Amalgamated Engineering Union, that—

"The guiding and controlling force activating these people in various union elections is the National Civic Council headed by Mr. B. Santamaria, this organisation previously known as Industrial Groups. Our information is that a number of petition lists seeking signatures for Court ballots for the Commonwealth Council positions, Division 1 and 2 were in the hands of a Mr. Brown, formerly an Industrial advocate for the Ironworkers' and Transport Workers' Unions, but who is now a State organiser for the National Civic Council, and Mr. J. Dunn, who is a State Public Servant at Rockhampton."

The interesting point about these matters is that for the purpose of getting the requisite number of signatures to this petition, under the legislation they are entitled to come to Queensland for signatories but the people who sign the petition are not entitled to vote. To inflate the numbers to comply with the requirements of the Act, these matters are circulated. Despite all this talk by the Minister about the need for rank-and-file control and the eradication of Communism, the fact is that the A.E.U. perhaps has had more court-controlled ballots than any other industrial union. On the circular that went around the other day with a court-controlled ballot, the man who was elected, a man named Southwell, was a Communist. In a court-controlled ballot! In New South Wales a man named Wilson, a Communist, was elected by the membership of the union under a court-controlled ballot for the division in New South Wales. So I think it is most important that there should be some publication of these matters.

In addition, I should like to draw attention——

Mr. HART: I rise to a point of order. This is a debate on a clause of the Bill. We have listened to the Leader of the Opposition, and I think he has had a fair run on it.

The CHAIRMAN: Order! Clause 86 deals with "Registrar to conduct elections upon request." As far as I have understood the remarks of the Leader of the Opposition so far, he has been dealing with elections by ballot.

Mr. DUGGAN: Thank you, Mr. Taylor. This is what I think is manifestly unfair in these points of order. The hon. member did not take a point of order yesterday when the hon. member for Nundah quite unfairly presented a biased report, a slanted report, on this matter, that did not give the facts of the situation, and his reward for doing that was to get the headlines in "The Courier-Mail" yesterday morning. The secretary of the Amalgamated Engineering Union, Mr. Devereaux, came to see me. He is a member of the Queensland Central Executive of the Australian Labour Party, and he objects very much to this smear campaign against him.

It would be appropriate, I think, if I mentioned that, in the current issue of "The Bulletin" dated 18 March—I should like to record this because it is——

Mr. Ramsden: It is now "The Observer."

Mr. DUGGAN: This is the final edition of that paper. It is now, like some sections of the Act, in process of being buried. In an article headed "Apology" this appears—

"In an article headed 'Union Elections Coming Up' which appeared in the issue of 'The Observer' published on the 4th February, 1961, it was

(a) Imputed that ballots of the Amalgamated Engineering Union are faked; and (b) stated that the Chairman of the Commonwealth Council of the Union (Mr. A. E. Horsburgh) and the Secretary (Mr. J. D. Garland) were two sleeping A.L.P. men who are paid Union Officials.

"Mr. Horsburgh, Mr. Garland and the A.E.U. have claimed that the article imputed to Messrs. Horsburgh, Garland and officers of the Union whose duty it is

to conduct ballots, dishonesty and misconduct in the management and control of the Union's business.

"The article was never intended to convey any such imputations nor is 'The Observer' aware of any matters which would give rise to such allegations. 'The Observer' deeply regrets that any words considered by the A.E.U. to be capable of that construction should have appeared in its columns.

"'The Observer' apologises to the Amalgamated Engineering Union and to Messrs. Horsburgh, Garland and other officers of the Union for publishing such article."

I invite the hon. member for Nundah to get out of his coward's castle and go outside and say the things about this union that he has said in here. He will find himself either in the position of the editors of "The Observer," of publicly recanting and retracting, or in the position of being the recipient of a writ for defamation.

I should like to go a little further on this matter. I have in my possession a copy of a judgment of the Commonwealth Arbitration Court, "In the matter of the Conciliation and Arbitration Acts, 1904 to 1960. Between Colin Shearer——"

The CHAIRMAN: Order! I think I have allowed the hon. member a fair amount of latitude while he was dealing with court-controlled ballots. I ask him now to confine his remarks to the clause.

Mr. DUGGAN: I appreciate that, Mr. Taylor. I shall not develop this very much further, but this judgment says that there were no irregularities in the methods adopted by the A.E.U. in conducting their ballots and the court exonerated the unions from acting in any way contrary to the rules of the court. In all fairness to the A.E.U., I think I should make this statement: that I am authorised by Mr. Devereux to say that they have no objection to the closest possible scrutiny of their ballots and an investigation of any irregularities that may take place, or have taken place, and that they will give the utmost co-operation at any time to the parties to any such investigation; but they do object, and object very strongly indeed, to any interference in the affairs of their union by people who are not even remotely involved in their ordinary, everyday affairs. What justification was there for Mr. Dunn to act that way? I have met him. Even long before there was any division in the ranks of the Labour Party he was regarded as a fanatic. What right has he to tell people in the A.E.U. what they had to do? It is the actions of these people that bring about a feeling of resentment in unions about unwarranted interference in their affairs.

We have evidence here of Government vehicles having been used for the purpose of going from one Public Works job to another, hawking these petitions around members of the Building Workers' Union. I am not going to say that it was done with the knowledge of the Premier or that the Minister for Labour and Industry knew about it. But we have evidence of the numbers of the vehicles, even the names of people going around in the Government's time to the various jobs controlled by the Department of Public Works. Is it any wonder that unions are resentful of action being taken by the Government to unnecessarily intrude into their domestic affairs?

I appreciate your attitude, Mr. Taylor, but the judgment I should like to have read completely vindicated the A.E.U. Although I disagree with him, the hon. member for Mt. Gravatt is generally fair in his approach. He does not impute improper motives. I ask him to have a look at this judgment because it is tremendously interesting. I do not want to impose on your generosity, Mr. Taylor. I thank you for giving me the opportunity to make the statements I have.

Mr. KNOX (Nundah) (1.8 p.m.): Mr. Taylor——

An Opposition Member: Are you going to apologise?

Mr. KNOX: I hardly need to apologise seeing that I have never made any derogatory statement about the A.E.U. On the previous occasion when I mentioned a document dealing with court-controlled ballots, the contents of which I revealed in the House, I received a reproach from the A.E.U., but I think I was able to satisfactorily give them the information they required. Incidentally, it came from the Rockhampton branch of that union. I do not know who controls the Rockhampton branch but they queried the bona fides of the information I revealed. It was exactly the same document on that occasion that the Leader of the Opposition quoted from, but he quoted only the first half, not the last half.

The Leader of the Opposition tried to suggest that the document tabled yesterday is not related to the situation in Queensland. Of course, that is quite wrong. That document was sent from Room 34 of the Trades Hall in Brisbane. I have here a photostat copy of the original and it has the official stamp of the A.E.U. in Queensland. It concerns the Commonwealth Council Division No. 1, which covers a very big area. It is true that a Communist did win that Council district, but why should the Leader of the Opposition make excuses for it? When we are trying to improve thhe situation why should he make excuses for the election of a Communist? I know nothing of the circumstances that he spoke of in Rockhampton. But these people who are genuinely seeking a petition are hounded. The instructions in this letter are to find out the car numbers and any other information they can glean. They are to seek the names of the persons concerned and impound the petition.

Those are direct instructions from Brisbane. How is it possible for anti-Communists to get far in any union that employs such tactics?

Mr. Duggan: It is not their members who are involved. That is why.

Mr. KNOX: That is the hon. member's excuse. He is trying to defend Communism on every occasion.

Opposition Members interjected.

Mr. KNOX: Hon. members opposite make excuses for their being elected to office.

Mr. DUGGAN: I rise to a point of order. The inference made by the hon. member that I have used my time to defend Communism is offensive to me. My remarks were at no stage capable of being construed as a defence of Communism. I spoke on behalf of and at the request of Mr. Devereux, who is a very good friend of mine and a very good member of the A.L.P. Executive in this State.

The CHAIRMAN: Order! I ask the hon. member for Nundah to accept the explanation of the Leader of the Opposition.

Mr. KNOX: I do so. I too believe that Mr. Devereux is a good A.L.P. member and member of the Executive of the A.L.P. and that he is very highly regarded in trade union circles, but that still does not excuse this type of document being circulated in the trade-union movement.

An Opposition Member: It has nothing to do with you.

Mr. KNOX: Every legislator should be concerned with the contents of a document such as that with the imprimatur of the trade union on it. It threatens individuals; it threatens intimidation. Why should not hon. members on that side be concerned? Why do they make excuses?

Every hon. member of this House received a letter this afternoon from the Building Workers' Industrial Union. I have the original signed by Mr. G. M. Dawson personally. It is a letter delivered to me personally this afternoon by Mr. Dawson and he informs me in this letter that every hon. member of the House is to receive a copy of it.

Mr. Bennett: Is he a regular correspondent of yours?

Mr. KNOX: I should like to read from pages 1 and 2 of this letter. Mr. Dawson mentions in this letter on page 2, and hon. members can read it for themselves when they get their copies, that the convention of his union calls for the repeal of all State and Federal legislation giving a right to an outside organisation to interfere in the internal affairs of a union particularly in regard to union ballots. Do you agree with that?

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

Mr. KNOX: I am sorry. On page 2 he says—

> "We confirm the right of trade unions to conduct their own affairs in their own democratic manner. We further inform those who seek to have the enemies of the Trade Unions interfere in Trade Union Ballots that the right to vote, the right to organise, the right to belong to a trade union was won by the struggle of the workers and any attempt to take away or interfere with these rights will be fought by the Trade Unions.
>
> "Rule 10 Sub-clause 16 (d) of the registered rules of this Union states:
>
> > 'The State Delegate Convention shall, from time to time, determine the policy of the Union to be observed by the membership and by the S.M.C.' "

That is the attitude of this union.

An Opposition Member: What is wrong with it?

Mr. KNOX: The hon. member asks, "What is wrong with it?" This legislature tonight is introducing a Bill to allow rank-and-file members of unions to have access to the court, to appeal and apply for court-controlled ballots in their own unions. The official policy of this union, as I have read it, is dedicated to destroying this legislation and hon. members of the Opposition say, "What is wrong with it?" They support the very same principles that this union supports and that I have just analysed.

A.L.P. Members interjected.

Mr. KNOX: If hon. members opposite feel so strongly about this provision of the Bill, I challenge them to register their vote against it by division. We will then see how genuine they are.

I have always had admiration for the Leader of the Opposition, believing that he was truly fighting the Communist Party in his own party and that he would do all he could to assist members of the Australian Labour Party to obtain positions in their unions against Communist candidates, but what we have heard tonight and the apology he has tried to make for Communist trade unionists who wish to victimise a member of a union, whatever party he belongs to, indicate to me that he is trying to make excuses for these people in an endeavour to walk the tightrope he is walking in his own party.

The Leader of the Opposition refers to Mr. Devereux. I am not referring to Mr. Devereux. I am referring to the attitude of the Leader of the Opposition. He brought in all sorts of information about events in Rockhampton, which have no relation to the subject or the contents of the Bill.

Mr. Duffey: You were caught out in cheating and you don't like it.

Mr. KNOX: I have tabled the document, but the Leader of the Opposition is not prepared to table the document he referred to.

Mr. DUGGAN: I rise to a point of order. I indicated that I was quite prepared to make it available and if necessary table it. I now do so accordingly.

Mr. KNOX: The hon. member did not offer to table the documents. Initially he offered to show them to some other hon. members. He did not go to the extent of saying he would table the documents. He had to be goaded into doing so.

Mr. DUGGAN: I rise to a point of order! Seeing that my honesty has been challenged in this matter I should like to inform the Committee that today I asked the Librarian if he would give me two photostats for the express purpose of enabling me to table a copy.

Mr. KNOX: We still have not seen the copies.

Mr. Duggan: As soon as they come back from "Hansard" I will table them.

Mr. Davies: Do you consider the A.E.U. court-controlled ballot was a genuine ballot? Was there anything wrong with it? Was it a crooked ballot?

Mr. KNOX: I did not say it was crooked. I have no quarrel about the ballot that has just been conducted. I am quarrelling about the contents of this document that is against the law being introduced, and the intimidation of employees.

The Leader of the Opposition claimed that he was going to table these documents. He had them in his hand and he made no physical attempt to table them. I have nothing to apologise for. I have not attacked the union as a trade union and I have not attacked Mr. Devereux as Secretary of that union. He is highly regarded in trade union circles but I have brought to the attention of the Committee the contents of the document. I laid it on the table. The contents of it, I believe, are against the best interests of the trade union movement.

The CHAIRMAN: This discussion on Clause 86 started as a result of an article in this morning's newspaper. I gave the Leader of the Opposition a full opportunity to express his opinion, and I gave the hon. member for Nundah a full opportunity to reply. I think the Committee will be satisfied that this particular question has been reasonably debated. There may be other matters related to court-controlled ballots that hon. members wish to discuss. I appeal to hon. members to confine their remarks to the subject of the clause, that is, the registrar to conduct elections upon request.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (1.20 a.m.): Mr. Taylor, may I ask your indulgence? Have I your authority to table the photostats when they come down from "Hansard"?

The CHAIRMAN: Yes, the hon. gentleman may table them. I point out to hon. members that the tabling of documents does not mean a great deal because they do not become official documents.

Mr. Duggan: I knew that.

Mr. WALLACE (Cairns) (1.21 a.m.): While I should like to bow to your ruling, Mr. Taylor, in view of the scurrilous statement by the hon. member for Nundah about members of the Australian Labour Party relating to trade union ballots, I believe I should be given the right to reply.

The CHAIRMAN: I think the Leader of the Opposition has dealt with that point on behalf of his party.

Mr. WALLACE: I rise to a point of order and point out that the hon. member for Nundah has scurrilously attacked the Leader of the Opposition and the Australian Labour Party, and I crave your indulgence to allow me to go on.

The CHAIRMAN: Order! The Leader of the Opposition has five minutes left if he wishes to say something more about it, but I am appealing to him to close on this subject of the publication in this morning's paper. If he wishes to use the five minutes left to him I ask him to deal with matters relating to Clause 86.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (1.22 a.m.): I will not abuse your generosity, Mr. Taylor. You have been extremely helpful and co-operative. In the spirit of your appeal I will not engage in any recriminations or refutations of what the hon. member for Nundah has said, but I could well do so. I took the Committee completely into my confidence. I will be tabling the documents and they may be perused. I am aware that there is not a great deal of value in that, apart from the histrionic value of placing the documents on the table. However, Mr. Taylor, I was glad to hear your statement regarding the effectiveness and benefit of things of this nature. Those who know me must realise—and I take this opportunity to state that I indicated—that I was prepared to table them and I will do so. Anyone can see that they are photostats, because the copy that came to me this morning through Mr. Devereux, was the only copy in his office. I could not possibly table the originals here and have them retained, because he would not have a copy. I asked Mr. Gunthorpe if he would be kind enough, in the special circumstances, to photostat them and he was good enough to oblige. I

propose to table the copies when they come down from "Hansard." The hon. member should know where they are, because if he was observant he would have seen the messenger come to me to get the information for "Hansard." The hon. member was unkind enough to say that I was trying to be evasive, when the documents were in the hands of "Hansard." When they come down I will lay them on the table.

Hon. P. J. R. HILTON (Carnarvon) (1.23 a.m.): I do not know if there will be a division on this clause or not. I will not enter into an argument about it because of your ruling, Mr. Taylor. I support the clause. I do so because the principle was inaugurated for the first time in Australia by a Labour Government, in the Commonwealth sphere, to combat certain circumstances that arose in trade unions. Admittedly the principle, as introduced, has been enlarged from time to time. The principle was introduced into the statutes of this Parliament some few years ago and I supported it then. I do not think there is anything undemocratic about it. I make my position clear now in case a division is called. I support the clause in its entirety because it was inaugurated first by a Labour Government to offset the inroads of Communism into the trade union movement by nefarious methods.

Mr. HOUSTON (Bulimba) (1.24 a.m.): I think it is important that we should indicate the attitude of the Opposition to this clause. The Leader of the Opposition has taken advantage of this opportunity to reply to the attack by the hon. member for Nundah. We do not intend to divide the House, but we will put our arguments on this point.

Mr. Knox interjected.

Mr. HOUSTON: Do not tempt me too far, otherwise the debate could open up on other clauses. We have debated the principle fully in earlier discussions, and we will do so again when the opportunity arises.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (1.25 a.m.): I know that the hour is very late and that it is not desirable to spend a great deal of time on matters that can be avoided so I do not propose to say much at this stage. I will quite likely choose a more opportune time. I want to say, however, that there has come to my notice on quite a few occasions matters relating to efforts by the Building Workers' Industrial Union to secure the benefits of the secret ballot legislation and they were unsuccessful.

Mr. Newton: One person!

Mr. MORRIS: I do not know if it is one or if it is more but I do know that it was reported to me.

Mr. Bromley: He works at the week-ends and every night, this one person.

Mr. MORRIS: Evidently hon. members opposite know a lot more about it than I do. All I am saying is that it will be obvious to everybody now that there have been efforts in the Building Workers' Industrial Union for certain people to obtain a secret ballot. They were not able to do it. And it is not a very pleasant task for anybody to have to invite this sort of thing.

I believe the hon. member for Nundah has been not merely assiduous, but extremely courageous in pointing out the fact that indeed a secret ballot was sought and a secret ballot could not be obtained. That is a critical point in this legislation. For my part, I know that I have taken strong stands on this subject myself and I know the cost of it. My colleagues have known it, too. I admire the hon. member for Nundah in particular, who had the courage not only to point out this business that everybody knows about—and it cannot be denied—but to show by means of that illustration the very urgent need of a secret ballot. As a result of all this, it will be more easily available.

Mr. NEWTON (Belmont) (1.28 a.m.): I beg your indulgence, Mr. Taylor. I am afraid I have to come into this argument. The Minister has attacked my union. After all, I am a member of the Building Workers' Industrial Union and an official of it, and I am not going to sit in this Chamber and hear matters of this sort put over. The Minister has just accused my union of not having a secret ballot. I want to tell him that as long as I have been a member of the Building Workers' Industrial Union we have had a secret ballot every three years among the membership—a postal secret ballot where every financial member of the union has been given a chance to vote the officials in. And the members have voted them in. Of course they voted Gerry Dawson in as secretary, but that is not my fault or the fault of anybody else who took part in the vote. As they voted that way, Mr. Dawson is there as secretary.

Mr. Knox: Which candidate did you vote for?

Opposition Members interjected.

The CHAIRMAN: Order!

Mr. Davies: A secret ballot!

The CHAIRMAN: Order! I will allow the hon. member for Belmont to make his explanation as a result of the Minister's remarks, but I trust that no other hon. member will interject, so that it can be completed.

Mr. NEWTON: I will be very brief. I could go a lot further but I will keep it till later for the hon. member for Nundah. The only position I want to make clear is that, as far as my union is concerned, each and every financial member of the union is given a chance by ballot to have a secret vote on who its officials shall be.

Clause 86, as read, agreed to.

Clauses 87 and 88, as read, agreed to.

Clause 89—Industrial agreements may be made—

Hon. P. J. R. HILTON (Carnarvon) (1.31 a.m.): This clause deals with industrial agreements, and I seek some clarification from the Minister on this very important question. If the Minister retains the opinion that he expressed earlier this evening on another clause, I propose to move an amendment that I hope will receive his favourable consideration. The Minister said that, when a negotiated bonus payment is registered in the Court, it does not constitute an industrial agreement. If he still holds that opinion, I propose to move an amendment to this clause, but perhaps it may not be necessary to take that action.

Clause 89 (1) states—

> "Any industrial union of employees may make an agreement in writing with an industrial union or association of employers or some specified employer or employers for the prevention or settlement of an industrial dispute or relating to any industrial matter."

That is a very wide provision.

The definition of "Industrial agreement" is—

> "An industrial agreement made or deemed to be made under this Act."

The definition of "Industrial matter" is—

> "Any matter or thing affecting or relating to work done or to be done, or the privileges, rights, or duties of employers or employees, or of persons who may have been or intend or propose to be or may become employers or employees not involving questions which are the subject of proceedings for an indictable offence."

On page 8 of the Bill, we find that one of the specific matters that comes under an industrial agreement is—

> "any custom or usage as to conditions of employment, either general or in any particular calling, industry, enterprise or locality."

On page 8, one of the specific matters that can be the subject of an industrial agreement is—

> "any matter, whether industrial or not, which in the opinion of the Court or of the Commission has been, is, or may be a cause or contributory cause of a strike or lockout or industrial dispute."

As I see it, once, in accordance with the amendment that the Minister placed before the Committee, a bonus is negotiated it may be registered in the Industrial Court or the Commission. Obviously it is something that has been brought into being under the terms of the Act. I do not think anybody can deny that. Clause 12, as amended, provides for the negotiation of bonuses under the chairmanship of a Commissioner, so obviously bonuses are negotiated under the provisions of the Act. Therefore I submit that any bonus payment negotiated and registered in the Commission does constitute an industrial agreement. If the Minister, on the advice of his legal officers and departmental officers, still holds that a negotiated bonus payment registered in the Commission does not constitute an industrial agreement I propose to move the following amendment:—

> "On page 97, line 36, after the word 'matter', insert the following words:—
>
> 'including a bonus payment'."

I submit that it is most desirable in the interests of harmony and peace in industry that when employers and industrial unions negotiate an agreement that it should be given the force of law. It is an absurdity to include a provision in the Bill allowing such negotiation to be made, and allowing it to be registered in the Commission, or the Industrial Court as it is now termed, without its having any force of law at all.

As I said earlier, the amendment as moved by the Minister does, in effect, constitute a deception. I am only a layman but I think it constitutes an industrial agreement. I repeat that if something has been arrived at between both parties, why not give it the force of law? Why not make it an industrial agreement? I do not see anything wrong with that at all. If the employer and the employees or the industrial union agree on certain conditions or a formula, let us have a tidy Act, let us give the agreement force of law. I think that would meet with the approval of all sensible people. Certainly it would avoid a great deal of industrial trouble in the future. I will not pursue my amendment if the Minister now agrees that a registered negotiated bonus payment constitutes an industrial agreement. If he does not agree I will pursue it as far as I possibly can.

Mr. LLOYD (Kedron) (1.39 a.m.): We support the amendment moved by the hon. member for Carnarvon. Naturally we have our own attitude towards the subject of bonus payments, but we are prepared to accept anything that will give some force of law to an industrial agreement reached between the employer and the employee concerning bonus payments. There are certain weaknesses to it. For instance, it would only have force for a period of three years. It could be retired from by either party after the expiry of that time. But in view of the Government's rejection of our suggestion that the status quo should be maintained we are prepared to accept anything at all as being preferable to nothing. It is very important to thousands of workers that there should be some force of law applied to any agreement that exists between

employer and employees. Consequently we support the amendment. It might be only a temporary agreement. That agreement might be abrogated at any time by the employers concerned but with this amendment some effect would be given to bonus payments in that once they were registered with the Court they would remain in force and have the force of law. Such an agreement could not be overcome by any disagreement between the union and the employer and I suggest to the Minister that it would be at least some satisfaction to the workers engaged in the mining industry and under many other awards to know that that was so.

Mention has been made of awards in other States. I believe that all agreements in other States are, in fact, registered with Industrial Courts in those States and, once registered, have some force in law. That is my belief. Many of the agreements that have been reached are enforced by the fact that they are registered with the Courts.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (1.41 a.m.): The hon. member for Carnarvon said that if I agree with his interpretation he will not pursue the amendment. Whether I agree or disagree with his interpretation has no point in law. During the dinner break the hon. member and I discussed this matter and we then disagreed on the interpretation of it. My opinion was as it is now; I disagree with the hon. member's interpretation. I think there is no foundation for the claim that it is an absurdity to have an agreement unless it is registered in the Court.

Heavens above, it would be an absurdity to carry an amendment like this. There are throughout the industrial life of this State hundreds of agreements and they vary. They are agreements that, while not confidential in the sense of not being available to the knowledge of members of a particular firm, are very much confidential in regard to competitors. I know that and so do hon. members opposite. They simply would not make an agreement if it had to be registered in the Court.

Mr. Hilton: It is not compulsory for them to register under my amendment.

Mr. MORRIS: No.

Mr. Hilton: But once they are registered then they have the force of law. That is my submission.

Mr. MORRIS: I agree it is not compulsory under the Bill and I think it would be a tragedy to make it compulsory; it would be the biggest blow against what I might call voluntary bonus systems, which I suppose is as good a phrase as any. In the circumstances, therefore I cannot accept the amendment.

Question—That the words proposed to be inserted in Clause 89 (Mr. Hilton's amendment) be so inserted—put; and the Committee divided—

AYES, 25

Mr. Adair	Mr. Hilton
,, Baxter	,, Houston
,, Bennett	,, Inch
,, Bromley	,, Lloyd
,, Burrows	,, Marsden
,, Byrne	,, Melloy
,, Davies	,, Thackeray
,, Dean	,, Tucker
,, Donald	,, Wallace
,, Dufficy	
,, Duggan	*Tellers:*
,, Graham	Mr. Newton
,, Gunn	,, Sherrington
,, Hanlon	

NOES, 35

Mr. Anderson	Mr. Munro
,, Bjelke-Petersen	,, Nicklin
,, Campbell	Dr. Noble
,, Carey	Mr. Pilbeam
,, Chalk	,, Pizzey
Dr. Delamothe	,, Ramsden
Mr. Evans	,, Richter
,, Fletcher	,, Row
,, Gilmore	,, Smith
,, Harrison	,, Sullivan
,, Herbert	,, Taylor
,, Hiley	,, Tooth
,, Hodges	,, Wharton
,, Hooper	,, Windsor
,, Hughes	
,, Jones	*Tellers:*
,, Lonergan	Mr. Hart
,, Low	,, Knox
,, Morris	

PAIRS

Mr. Davis	Mr. Roberts
,, Mann	,, Armstrong
,, Walsh	,, Ewan
,, Diplock	,, Gaven

Resolved in the negative.

Clause 89, as read, agreed to.

Clauses 90 to 93, both inclusive, as read, agreed to.

Clause 94—Industrial agreement may be declared a common rule—

Mr. SHERRINGTON (Salisbury) (1.51 a.m.): I move the following amendment:—

"On page 100, line 5, after the word 'notice' insert the words—

'in writing and'."

This clause provides for the notification of interested parties when any industrial union or association of employers proposes to extend the operation of an agreement. The clause provides—

"or otherwise of its intention to extend the operation of such agreement."

We on this side of the Committee feel that this is a loose expression. By its vagueness it could result in a great deal of industrial turmoil. The parties interested in the agreement would not receive due notice.

Mr. Morris: Don't the parties you refer to get the industrial gazettes?

Mr. SHERRINGTON: That may be so, but perhaps that in itself would not be sufficient notice. We believe that before

any agreement is extended, or concluded, all interested parties should have an opportunity to attend and express an opinion—either oppose or agree. We believe that this should be tied up and made completely watertight. If we insert the words, "in writing and" we would ensure that all interested parties would have positive notice given to them and they would be notified of any intention. It would remove a great deal of the fear that industrial agreements are concluded in secrecy. This has been one of the bones of contention, for many years, amongst unions. We believe that this amendment will tie up the clause and ensure that all parties have due notice. It will go a long way towards dispelling many misunderstandings that have occurred in the past and on those grounds I commend the amendment.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (1.55 a.m.): By interjection I mentioned that this, in fact, will be advertised in the "Gazette." I do not think a valid case is set up by saying that the parties who would be interested do not get the "Gazette." It is almost their Bible. It is the most important journal that is available. For years and years it has been as it is, and it has been perfectly satisfactory.

We have already introduced legislation this session to bring out a regular and up-to-date industrial gazette, so the information that is now being supplied will be supplied in an infinitely more satisfactory way than before.

Mr. Lloyd: It is only after the agreement has been in force that it is advertised in the gazette.

Mr. MORRIS: Yes, but the point I am making is that it will be in the gazette. The amendment seeks to introduce something entirely new to the process whereas what we intend to do will be better than what has been done before. That should not meet with disagreement. I see no purpose in the amendment and I reject it.

Mr. SHERRINGTON (Salisbury) (1.56 a.m.): I realise that the Minister has tried to convey to the Committee that the information will be published in the gazette but the information that parties intend to enter into negotiation to conclude an industrial agreement will not be in the gazette. That will appear in it only after the agreement has been concluded. That is why I think the industrial gazette will not play any important part in notifying interested parties that there is to be an extension of any industrial agreement. If we are to preserve harmony we must give every interested person an opportunity to take part in the negotiations.

Mr. Morris: Has the lack of what you are asking for ever caused disharmony?

Mr. SHERRINGTON: I cannot cite one particular case but in the over-all picture it has led to a great deal of misunderstanding among unions. That is why we think that notification by letter to all interested parties that negotiations are about to commence would clear the matter up and remove any possible cause for misunderstanding.

Mr. NEWTON (Belmont) 1.58 a.m.): I will not delay the Committee long but this is very important and the Minister may need a little clarification on it. Over the past four or five years industrial agreements have become increasingly important. It is true that we know about them when they are published in the industrial gazette but that is after they have been registered with the Industrial Court. The Minister wants some indications of our reasons. The Industrial Court itself has made it quite clear that until the Act is amended, it has no alternative but to register these agreements.

I have in my hand an industrial agreement relating to a job being done at Gympie. The firm advertised for carpenters who could do boxing and shutter work. When the carpenters arrived on the job they were told that, although they were members of the carpenters' union, they would have to get another union ticket because the job was covered by an industrial agreement with another union.

We find also that where industrial agreements apply, there is a lowering of wages and conditions. When the carpenters went to this job they had to find accommodation in Gympie but the allowance under the agreement was only about 6s. or 8s. a night as compared with £6 6s. a week under the Building Trade Award—State—and of course they could not get accommodation for 6s. or 8s. a night. Eventually, after the men had talked to the management and pointed out that it was unfair for carpenters to come to this job and have to take out two tickets and receive a different rate of pay and a different country allowance, the company agreed to pay for the extra union ticket and to pay the country allowance provided under the Building Trade Award—State. These are the things we are concerned about, and they have only happened in recent years.

I think an industrial agreement should be dealt with no differently from an application by a union for an award. The Registrar should call all parties affected by the industrial agreement before the court to enable them to put their views before it is registered.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (2.1 a.m.): It has been said that this clause provides for action after the decision. On page 99 of the Bill the clause states that the Commission may do this and that, and on page 100 it says—

> "But before acting under this section the Commission shall . . .".

We say that they shall advertise, and I told hon. members that all determinations of the

Commission would be published in the gazette. The hon. member for Belmont might be correct when he says that it would not appear in the gazette until after the matter had been decided, but the clause goes on to say—

> ". . . the Commission shall give all parties, likely in its opinion to be affected, notice by advertisement or otherwise . . . ".

We have an obligation to give all parties notice before acting.

Hon. members opposite ask that it be in writing, and I say that I cannot accept the amendment because it does not improve the clause; in fact, it makes it much worse. If one party wants to hold up the agreement—this has been done in other cases—it can deny that it has the letter. The clause gives a positive approach; the amendment would pose all sorts of problems, and I cannot accept it.

Amendment (Mr. Sherrington) negatived.

Clause 94, as read, agreed to.

Clauses 95 and 96, as read, agreed to.

Clause 97—Wages to be paid in full in money—

Mr. SHERRINGTON (Salisbury) (2.4 a.m.): I move the following amendment:—

> "On page 102, line 18, omit the words—
> 'twelve months'
>
> and insert in lieu thereof the words—
> 'two years'."

The clause deals with the liability of the employer to pay wages in full in money. The application of it gives the employee, in effect, the right to claim any wages within six months, or such extended period longer than six months but not longer than 12 months. In this particular instance the breaches of awards or the Act are the sole responsibility of the employer. Any person who sets himself up as an employer naturally would be expected to familiarise himself with the amount of remuneration he should pay his employees. Therefore, the excuse cannot be offered that an employer paid less than award rates in complete ignorance. The clause throws the onus completely on the employer to familiarise himself with the relevant awards and to ensure that his employees are paid in full. The experience of trade union officials is that most of the claims come from districts well outside the metropolitan area, in the main from areas that are subject to only very infrequent visits by union officials and even fewer inspections by industrial inspectors. The Committee would realise that because of the limited number of union organisers available and the isolation of many callings it is very difficult to enforce award provisions. Therefore the full responsibility is on the employer to ensure that his employees are paid according to the awards. Because of remoteness and the infrequent visits of organisers and inspectors many cases are not brought to notice for many months—in some instances the time would exceed 12 months. Firstly, because it is the liability of the employer to pay award wages, and secondly, because this type of offence is prevalent in areas where it is hard to enforce award provisions, I am suggesting that the period should be extended so that claims can go back over a period of two years. The Income Tax Commissioner can go back many years in respect of unpaid income tax. It is very important to protect employees who have been exploited by their employers. If the Minister wants to protect the rank and file he will accept my amendment to give them the right to proceed at least two years later for recovery of wages not correctly paid.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (2.9 a.m.): When I say that a clause has been in an award for a long time I seem to evoke considerable derision on the other side of the Chamber. I do not say it idly that it is a very good yardstick if a clause has been operating for a long time, either here or elsewhere, and has proved by its operation to be a satisfactory one. To put it in ordinary language, "Better the devil you know than the devil you don't." The experience of time is a very good yardstick indeed. Here again this clause is identical with the clause in the Act. It has been a very satisfactory clause under which we have been able to recover a great deal of money. Indeed, so long as there is not a case of insolvency, I should say our recoveries are 100 per cent.

It is not that I think there is need for this type of clause in relation to many people who will not pay. It is in the Bill because many factors operate. I do not think it is necessary for me to mention them all because they are well known. The hon. member who moved the amendment said that this will put an obligation on the employer to know the award. Surely he does not think we need convincing on a point like that. He must realise that there are two parties to it, the employer and the employee. I cannot believe that any employee could go for 12 months and not know in that time that he was receiving under-award payments.

All hon. members know that it is obligatory that an award be tacked up in a place of employment. All those provisions are made today to ensure that employees know what their rates of wages are. I do not believe that there would be any employees who would be so dumb—because that is what they would need to be—as to draw under-award payments for 12 months. Even if one was dumb enough to do it we have industrial inspectors all over the State. I think this is a mischievous amendment, although possibly not conceived in mischief. I will give the hon. member the benefit of the doubt on that but, if it is included in the Bill it will be mischievous and make a bad law. I cannot accept the amendment.

Mr. SHERRINGTON (Salisbury) (2.13 a.m.): I am sorry if I have upset the Minister's digestion at this early hour. He said that this clause was in the Act and has been proved satisfactory. I know that such situation gives him a back door to escape an argument.

This amendment was not conceived in mischief. Members of the Australian Labour Party like to ensure that employees are catered for 100 per cent. There is no doubt in my mind that a situation such as this has existed and I pointed out clearly that it is not usual in the metropolitan area but it is something that occurs in remote areas of the State. We think employees in those areas should be given the protection of such an amendment.

Mr. DUFFICY (Warrego) (2.14 a.m.): I should like to mention one or two points in connection with this clause. I think that an employee who allows his wages to run on for six months without collecting them is not entitled to very much consideration. The employer who fails to pay an employee his wages over that period breaks the law and can therefore be regarded as an industrial criminal. Quite a number of employers in the State do not abide by awards. A significant feature of the Bill is that its penal provisions seem to be directed not against employers who fail to pay employees each fortnight, each week, or each month, or who allow the wages of employees to be in arrears over a period of six months, but against the unions. There does not appear to be as many penal clauses against employees who do not abide by decisions and awards of the court as there are against industrial unions. That is the only point I wish to make.

Amendment (Mr. Sherrington) negatived.

Mr. HOUSTON (Bulimba) (2.17 a.m.): At a later stage the penalty clauses will be discussed rather fully. They include a penalty of up to £250 for an employer who breaks award conditions. I fear that in practice the employer who breaches the award will be allowed to go Scot free. Last year, according to the information supplied by the department, there were 252 successful prosecutions for non-payment of wages, but the total amount of fines was only £1,164, an average of less than £5 a case. I should like the Minister to give some indication that under the proposed legislation the Court will consider these cases in their true perspective. As the hon. member for Warrego pointed out, such employers can be classified as being in the criminal field. They attempt to rob employees of wages and conditions in the hope that they will not be caught. When they are caught they should be made to repay the wages and in addition pay a fine far in excess of the average of £5.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (2.19 a.m.): If the hon. member thinks that I or any other Minister could give a blanket assurance that heavier penalties will be imposed, I cannot understand his reasoning. We have enough to do without being judge and jury. We make the law and others administer it. I am not going to tell those who impose penalties what they should do, or what fines they should impose, unless I do it by way of legislation. That is the only way that any Cabinet Minister would do it. I think that should be perfectly clear.

Clause 97, as read, agreed to.

Clause 98—Prohibition of strikes or lock-outs—

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (2.21 a.m.): I move the following amendment:—

"On page 104, lines 16 to 23, omit the words—

'A strike shall not be deemed to have been authorised until all the members of the industrial union of the calling concerned who are engaged in the project, establishment or undertaking in which the strike is to take place have had an opportunity of participating in a secret ballot taken at a meeting of such members, and a majority of such members have voted in favour of such strike:'

and insert in lieu thereof the following paragraph:—

'A strike shall be deemed not to have been authorised until all the members of the industrial union in the calling concerned in the district affected shall have had an opportunity of participating in a secret ballot taken at a meeting of such members and—

(a) a majority of all such members; and

(b) a majority of such members who are engaged in the project, establishment or undertaking in which such strike is to take place,

have voted in favour of such strike:'."

The intention of the clause is to prohibit unauthorised strikes and to set out the steps that must be taken to make them authorised. I believe this amendment is desirable.

Mr. Lloyd: Will you explain it a little?

Mr. MORRIS: Yes, I will. I do not know why the hon. member wants me to do that because I have explained it to him personally.

Mr. Lloyd: You did not explain it personally.

Mr. MORRIS: I will do it again because I want the hon. member to be quite clear on it. Without this amendment the law is quite correct, except for one thing. Without the amendment it would be possible for a group of two or three employees in one industry to precipitate a strike that would involve 500 or 600 other people. There may be two, three, or four specialists, such

as crane-drivers, who could conspire, if they so desired, to precipitate a strike. By this amendment, we are making sure that the decision to strike is made by a more representative, larger, and fairer group. That is the whole purpose of the amendment.

Mr. Houston: Who asked for the amendment?

Mr. MORRIS: I am afraid I cannot tell the hon. member that just now. I have not the record here showing who asked for it. This is the first time the hon. member has asked me for that information since earlier in the day. I will try to get the information for him. I am not particularly interested in who asked for it, because I have looked at the clause, and the more I looked at it, the more I realise that it is absolutely essential.

Mr. LLOYD (Kedron) (2.24 a.m.): Mr. Taylor——

The CHAIRMAN: Order! I think that there is an amendment to come from the hon. member for Belmont. I will put the amendment, and then the hon. member's remarks can be taken in conjunction with the amendment to be moved by the hon. member for Belmont.

Amendment (Mr. Morris) to omit words agreed to.

Mr. NEWTON (Belmont) (2.25 a.m.): I move the following amendment to the amendment:—

> "After the words 'a majority of all such members; and', insert the word—
>
> 'or'."

The new paragraph will then provide that a strike shall be deemed not to have been authorised until a secret ballot has been held and (a) a majority of such members, and or (b) a majority of such members who are engaged in the project, establishment or undertaking in which such strike is to take place, have voted in favour of the strike.

We could have a curious position the way the clause is worded without this small amendment. We do not know what is the real intention of the use of the word "district"—that has not been fully clarified—but we could have a position where the majority of members engaged on a particular project vote in favour of a strike on the project whereas, if it had to be put to a vote of all in the district, the majority of members in the district may not be in favour of the strike. So there could be a very bad position operating between the members of a particular union or workers in a particular calling. We think it is necessary to try to overcome that by making it quite clear either that there is to be a vote of all the members in the district on a strike in the project or establishment or that there is to be a vote only of the members on the project. That is why we offer the amendment.

Mr. LLOYD (Kedron) (2.28 a.m.): The Minister said that he explained this to me personally. I want it to be completely clear. I did talk to the Minister personally about it.

Mr. Morris: I did not say that you agreed.

Mr. LLOYD: No. If the Minister casts his mind back, he will remember that the hon. member for Wavell was on his feet at the time, and he said that he did not think it would assist the matter in any way, that he wanted to listen to the hon. member for Wavell, that he would reply to the suggestion I had made.

Mr. Morris: I believe that is so.

Mr. LLOYD: He never explained anything to me on this.

The amendment moved by the hon. member for Belmont will assist the Minister and the Government to prevent the spread of a dispute throughout a district. That is very important. I can understand the position the Minister was in on the original clause. There could be a key strike within one union which could force every man employed on an undertaking to come out because he could not work while the key men were on an authorised strike. But I cannot understand the position that has been reached now where the Minister's cure is to introduce an amendment stating that a strike shall be deemed not to have been authorised until all the members of the industrial union in the calling concerned in the district affected —and you have to read this in conjunction with the amendment he intends to move later—until a majority of such members engaged in the establishment, undertaking or project, plus a majority of all members within the district have voted.

I want to explain this very carefully and to use what I think is a very good example. Take the case of a sugar mill in any sugar district in Queensland. Say a dispute occurs between the management of the sugar mill and the employees and that, in the meantime, the Commission has declared a district that might include not only the sugar mill concerned but also six, or perhaps 10, other sugar mills. It is necessary for a strike ballot to be taken not only in the one sugar mill but throughout the whole district because a dispute exists in one mill.

The amendment moved by the hon. member for Belmont will have the effect of isolating the dispute, and I think it is desirable that the dispute should not be allowed to extend beyond the one establishment. Once a strike ballot is taken throughout the district, every unionist in the district will be on strike because of a dispute that concerns only one sugar mill. The Minister explained that two or three men could involve a whole factory or establishment in a dispute. Under the original Clause 98 not only could a strike by two or three key men bring all the men out, but, as I say, a dispute in one sugar

mill could cause the men in all the sugar mills in the district to be brought out on an authorised strike.

I do not know what the Minister's opinion is, and I do not know his intention, but I think it depends on the timing. If there is a dispute and the strike ballot has started, the conciliation commission can intervene and say, "You can take your ballot only for the one establishment or for the one district." But it might be too late, because the strike ballot might already have been taken for the whole district.

Mr. Morris: In fact, the whole qualification comes in the amendment that I have not yet moved.

Mr. LLOYD: I have that amendment in front of me. That is why we have moved our amendment.

Mr. Morris: We both agree on what is desirable, and my amendment gives what is desirable.

Mr. LLOYD: I fail to see that. I am afraid that I have to move forward a little here, but the amendment proposed by the Minister gives the Commission power to divide the State into districts. Then, when an authorised strike is to take place, it is necessary for a ballot to be taken of all members in the calling within that district. Once the ballot is taken, every member of a union covering a calling in that district is out on strike because of something that could have been isolated in one small pocket, in all probability. If a dispute covers a whole district, with the word "or" placed after the word "and", a ballot can be taken throughout the district on a particular dispute, or a ballot can be taken of people working within one establishment. Under the amendment, every person working in the particular establishment will participate in the ballot. The Minister's intention to isolate the strike is not affected by the inclusion of the word "or" after the word "and". We are pointing out a very grave weakness in the amendment moved by the Minister. I do not think it will get over the problem. He is going to allow not only a key strike within one establishment, but he will also permit the spread of the dispute throughout the whole district, however large the district might be that is declared by the commissioner. I know that the Minister is tired.

Mr. Morris: No, I am as fit as a fiddle. I am anxious to get up and explain it.

The CHAIRMAN: I think that the hon. member has fully explained his point and indeed gone over it again.

Mr. LLOYD: There is a certain feature of the clause and even the amendment moved by the Minister that I should mention. I refer to the complete redundancy of it. It will be almost impossible for any strike action to be taken by any union in the future because of the powers held by conciliation commissioners to overcome any possibility that unions might go on strike. Even if a union commences strike activity by way of taking a ballot the conciliation commissioner can immediately take over. On a threatened or existing dispute he can call the parties together to conciliate. Following conciliation he can arbitrate. After arbitrating, his decision is final and binding on both parties. The union could be ordered back to work right in the middle of a ballot that was being taken for an authorised strike.

Hon. K. J. MORRIS (Mount Coot-tha—Minister for Labour and Industry (2.38 a.m.): The hon. member got onto a second point after leaving the principal one that he had made. Let me deal with the principal one. This is one of the difficult positions where there is an amendment to an amendment, and then a subsequent amendment to the same clause. May I be permitted to touch on a future clause?

The CHAIRMAN: I am sure the Minister wants to clarify the position.

Mr. MORRIS: Thank you. Subsequently I shall be moving a further amendment which is in the hands of the hon. member. I draw his attention to the wording at the end of the amendment that has been circulated—

> "Subject to any such division or declaration an industrial magistrate may of his own motion and shall upon application of an industrial union or branch thereof declare the locality of the State which is the district for the purposes of this section with reference to any industrial dispute."

There is the key to the whole situation. The hon. member said that it was very desirable to isolate the strike to one organisation. I quite agree with him. The wording of that subsequent amendment is the basis on which that can be done. He gave an example of an area with three sugar mills. I take an easier example—the city of Brisbane with an abattoirs and two or three meatworks in fairly close proximity. I now recall the correctness of what the hon. member said. We had a talk about the matter, but we did not finish it. I went away and discussed the amendment with my legal officers because I was quite interested in the point that he made. I am advised, and I am quite sure correctly, that the word "locality" will isolate this problem to one industry. The certainty of that leads me to complete confidence that the amendment I propose to move next covers the situation that the hon. member has raised. However, suppose we were to accept the amendment from the other side designed to overcome this problem. It would not overcome it because it would defeat the object of the clause itself. The clause requires a majority of members in a declared district or locality as well as those in the establishment to vote. There is the opportunity for having as broad a district as may be needed. The problem may be associated with a particular district or on the other hand it may

be a problem associated with just one organisation. The wording permits whichever approach is the most satisfactory. That is the complete answer, and I am satisfied that with my amendment we will achieve the desired object. I am equally satisfied that if we accept the hon. member's amendment we will prevent our amendment from achieving that object.

Mr. MELLOY (Nudgee) (2.42 a.m.): Mr. Taylor, I should like your guidance as to whether I am in order in discussing the Minister's amendment or whether I am limited to the amendment moved by the hon. member for Belmont?

The CHAIRMAN: You are limited to the amendment on the question of the "and/or."

Mr. MELLOY: Thank you; that has been dealt with and I will not touch on that.

Mr. LLOYD (Kedron) (2.43 a.m.): I listened with interest to the Minister's remarks regarding our statements on this matter. I wonder if he is taking it for granted that it will be the members of only one union concerned in a dispute who may be voting on this matter. If there is more than one establishment in a district a dispute might concern the members of a number of unions within those establishments or within one establishment.

Mr. Morris: That has been very clearly recognised.

Mr. LLOYD: It may be of concern to any similar establishment in a district. I realise it is possible for the union to make application for a certain locality to be declared a district. If the Minister assures me that "locality" could mean a separate project or establishment in a particular locality, I would be in complete agreement with him.

Mr. Morris: I can give the hon. member a complete assurance that that is a ruling from our Parliamentary draftsman.

Mr. LLOYD: It is an interesting ruling. It is hard to understand why, in the circumstances, that was not explained. It is one of those legal matters that might be interpreted in more than one way.

Mr. Morris: Maybe I could enlarge on that. It was not only a ruling by our Parliamentary draftsman, but also by our assistant Parliamentary draftsman. Both Mr. Seymour and Mr. O'Callaghan gave me that ruling.

Mr. LLOYD: Those gentlemen are not always correct. There are certain difficulties in this and if the Minister's intention had been clearly established that the members of all unions within an establishment could participate in a strike ballot, instead of his declaring in his amendment that they should be members of an industrial union connected with the district, it may have cleared up the difficulty at once.

Amendment to amendment (Mr. Newton) negatived.

Mr. MELLOY (Nudgee) (2.45 a.m.): I strongly oppose the amendment. It is just another blow at the effectiveness of strike action. A strike is the last resort of workers when all other attempts to achieve justice have failed. The effectiveness of a strike depends upon the effect on the community. The amendment seeks to restrict a strike to a particular project or establishment. It will now be necessary for a majority of members in a district and in the project or establishment to vote in favour of a strike. That may be all right if the issue is a local one or a domestic matter, but union principles could be at stake. Eight or ten men may be employed in the establishment. Six of them may be opposed to strike action for reasons of their own. Their decision would prevent strike action by the union in the district. The effectiveness of the strike weapon will be destroyed. The trade-union movement would be most disturbed if the amendment was carried. I do not doubt that our opposition to it will be ineffective and that the amendment will be carried, but we must voice our protest at this further whittling down of the effectiveness of strike action.

Mr. Ramsden: Are you objecting to the districts?

Mr. MELLOY: Leaving districts aside, the amendment will affect strike action in that the decision to strike will be given by eight or ten men in a particular establishment. If union principles are involved, that would be a very bad thing. If a majority vote is not obtained in the establishment the union will be unable to take strike action in the district.

Mr. Knox: What do you mean by union principles?

Mr. MELLOY: Union principles as distinct from a domestic affair. The incident might start in a small establishment.

Mr. Knox: What sort of incident?

Mr. MELLOY: I would not go so far as as to name any particular union principle. Perhaps it would be better to call it an industrial principle. The trouble can emanate from a small establishment. Although the members of the district could be in favour of strike action, three of four members in a particular factory could prevent a strike throughout the district by voting against it.

Mr. Hart: No, they could not.

Mr. MELLOY: Yes, they could. It says—

> "A strike shall be deemed not to have been authorised until all the members of the industrial union in the calling concerned in the district affected shall have had an opportunity of participating in a secret ballot taken at a meeting of such members and a majority of all such members, and a

majority of such members who are engaged in the project, establishment or undertaking . . . have voted in favour of such strike."

Mr. Hart: If it applies to the whole district, it would be authorised.

Mr. MELLOY: It must be carried not only by a majority of all members in the district but by a majority of the members engaged on the project.

Mr. Hart: It has to be read in the plural because of the Acts Interpretation Act. All those words have to be read in the plural.

Mr. MELLOY: Yes, but the majority of the members in that district could vote in favour of the strike.

Mr. Hart: If the strike took place in the whole district, that would be the end of it.

Mr. MELLOY: No, it would not, because according to the Bill, not only must it be carried by a majority of the members in the district, but also by a majority of the members on the project. The members in the district could carry the motion, and then in the factory they may vote against it. There may be only eight members in the factory, and the strike would not be authorised, because it must be carried by all the members in the district and those in the factory.

The CHAIRMAN: I think the hon. member has established his point. The question of "and" or "or" has been determined already. The hon. member was beginning to repeat his statements.

Mr. MELLOY: Only because of the provocation of the hon. member on the other side.

The CHAIRMAN: That provocation has ceased.

Mr. MELLOY: I rest on that and express my wholehearted disapproval of the amendment.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (2.52 a.m.): I will set the hon. member's mind at rest. I give him a definite assurance that it is not the intention to whittle away the right to strike. The intention is to prevent the mischievous strike, not the genuine strike. Let me make it absolutely clear that there is no attempt at all to take away the right to strike.

Mr. Melloy: You cannot separate them.

Mr. MORRIS: Yes we can; indeed we can. That is the purpose of this portion of the Bill.

The hon. member objected to the use of the word "district". Let me say that the word "district" was in the Act. I am not quoting it as a good precedent here. I quote it as a bad one, for the simple reason that although the word "district" was there, it was not defined. It was left in the air and nobody knew legally, what the district was. The main purpose of the amendment that I will move next is to define the "district". All the loose things that have been in the Act are being tidied up in this Bill so that the purposes of the Act may be put into operation. The purposes of the Act could not be put into operation before. I emphasise that point because I believe it will set the hon. member's mind at rest.

Mr. Houston: Can you explain in simple terms how a strike ballot will be taken?

Mr. MORRIS: I never explain anything other than in simple terms. I should like to know what the hon. member means. Does he want to know how the strike ballot will be taken physically, or what.

Mr. Houston: Suppose that someone decides that he is not happy with the conditions and he wants to comply with the conditions of this strike ballot. What will be the procedure?

Mr. MORRIS: I am sure the hon. member is fully aware that it is absolutely impossible for me, or anybody else, to detail what the various procedures may be.

Mr. Houston: Give me one example.

Mr. MORRIS: No, I will not, because it depends entirely on the circumstances of the case, and I have not the circumstances of the case.

Mr. Houston: Because you cannot do it.

Mr. MORRIS: Surely the hon. member knows that if you want to solve a problem you have to be given the ingredients of the problem. He is asking me to give him a solution but he has not given me the ingredients of the problem. Goodness gracious me!

Mr. MELLOY (Nudgee) (2.55 a.m.): I should like to address a question to the Minister through you, Mr. Taylor. How would he define a mischievous strike and a genuine strike? I told him he would not be able to separate one from the other and he assured me he could. Can he explain how?

Mr. Morris: I think the Bill itself explains it.

Mr. LLOYD (Kedron) (2.56 a.m.): I again point out to the Minister that he has here a combination of two factors—the majority of the members within a district and the majority of members within a particular project or establishment. They must vote in favour of the strike before it is an authorised strike. I put to him again the case of a town like Ingham. Say there are four sugar mills and there is a dispute in one of them and the town of Ingham is declared a district by the Court. The conditions in the

other three mills are quite good. The Minister is asking the men in those other three mills——

Mr. Morris: Who said we are?

Mr. Melloy: It is in the amendment.

Mr. Morris: It is not.

Mr. Melloy: It is.

Mr. Morris: It is not.

Mr. LLOYD: I have explained the authority to declare a district. What concerns us at the moment is that the two factors are combined—a majority of members working in a particular establishment and a majority of members in a district declared by the conciliation commissioner. Say a district is declared in a town like Ingham with four similar establishments, all concerned with the same industry. He is asking all four mills to take a ballot whether to go on strike because the conditions in one mill are particularly bad and the union has no recourse but to conduct a strike ballot.

I think that is a very good example. If it were not relevant, there would be no need for the inclusion of both majorities in the provision. If the intention were to confine the dispute to one establishment, why put both majorities in? It would be a simple matter to stipulate the members of all the industrial unions in the callings concerned in the establishment, and confine the strike ballot to that establishment. It appears to us very strikingly, if I might use the term, that the intention of the clause is to force other people to vote on something over which there is no dispute in their establishment.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (2.59 a.m.): I must explain this again. I thought it was perfectly clear a while ago. The Act under which we are working at present is not flexible because there is no definition of the term "district." In my next amendment, which I have read, I am giving the people concerned the power to decide the locality in accordance with the circumstances of the case. There is not a set rule that, in all circumstances, this will be the district or that will be the district. It depends on the circumstances of the case. It makes it flexible, and that is very desirable.

Mr. MELLOY (Nudgee) (3 a.m.): I should like to direct a question to the Minister. He mentioned districts. Is it intended to create districts for only such time as the dispute exists, or are the boundaries to be permanent?

Mr. Morris: No. That is the point at issue. This must be flexible.

Mr. MELLOY: They are temporary boundaries?

Mr. Morris: Yes.

Amendment (Mr. Morris), to insert words, agreed to.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (3.1 a.m.): I move the following amendment—

"On page 104, line 44, insert the following paragraphs—

'The Commission may from time to time divide the State or any part of the State into districts for the purpose of this section or declare any locality to be a district for the purposes of this section.

'Any such division or declaration may be made by the Commission of its own motion either with or without reference to any industrial dispute.

'Any such declaration shall be made by the Commission with reference to an industrial dispute upon application by an industrial union or branch thereof and any such division or declaration may be made by the Commission without reference to an industrial dispute upon application by an industrial union or branch thereof.

'Subject to any such division or declaration an industrial magistrate may of his own motion and shall upon application of an industrial union or branch thereof declare the locality of the State which is the district for the purposes of this section with reference to any industrial dispute.' "

I have really gone over and over this. I am content to submit the amendment.

Amendment (Mr. Morris) agreed to.

Mr. HOUSTON (Bulimba) (3.3 a.m.): I tried by means of an interjection to save speaking on this clause, but unfortunately the Minister did not answer me. The Minister has certainly shown that he can sidestep issues that he either does not want to answer or cannot answer. He is a champion at it.

Mr. Morris: I wish I were.

The CHAIRMAN: Order!

Mr. HOUSTON: I will give the Minister an example in the hope that he can give me the solution. I am interested in this question, and I believe that many people in the trade union movement are interested in it, also.

As a hypothetical case, let us take members of the Electrical Trades Union working on the Barron Falls hydro-station.

Mr. Morris: How many?

Mr. HOUSTON: It does not matter, but more than one. If a strike occurs there, that will affect the supply of electricity to many thousands of people. I want the Minister to get the picture.

Mr. Morris: I have got the picture, but you must realise that I am not an industrial magistrate or a commissioner.

Mr. HOUSTON: I understand that. There is nothing in the Bill to say how a strike ballot can take place.

Mr. Morris: There are many things that are not in the Bill.

Mr. HOUSTON: I am trying to get the Minister to answer this question so that the unions will do the right thing and not bring on unauthorised strikes. There are means of going from the top of the cliff to the bottom of the gorge by a type of skip. The men have been objecting to it for quite some time. Promises have been made that a better contraption will be provided. It is possible that it will not be provided and the men may decide that they will not risk their necks going down any longer. If that happens they will notify the head office of their union in Brisbane by telegram that the management has refused to deal with their complaint, and that they want to take a ballot to stop work. What I want to know is, how would they go about conducting that ballot, because immediately the union knows that they want to conduct a ballot as a result of their unsatisfactory conditions, should not the Commissioner step in and try to stop the dispute by conciliation?

Mr. Morris: You are talking about a problem outside Cairns.

Mr. HOUSTON: Should not the Commissioner notify the Industrial Magistrate up there to take action to try to settle an industrial dispute? That should be the action, should it not? We have been told for the last three days that the idea is conciliation. Once the union have been asked to conduct a secret ballot, if they do the right thing, the union officers down here should notify the Registrar of the Commission that the trouble is pending. The Commissioner should come in and act immediately. Once he does they cannot conduct a strike ballot because conciliation is going on. If conciliation fails arbitration commences. How can the clause operate effectively?

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (3.7 a.m.): The hon. member is trying to tie me in a corner.

Mr. Houston: I am serious.

Mr. MORRIS: The hon. member is not. He wants me to give a thumbnail sketch of a quarter of the whole Bill. How ridiculous can he be? He wants me in a few minutes to give the pattern that will satisfactorily solve these problems. That is the purpose of the whole Bill. I am not a Commissioner, but I know that here we have an appropriate Bill to take care of all the different circumstances, whatver they may be. I am too old in the head to pretend to be able to set down a blueprint of how to solve all the problems in a few minutes. That is impossible.

Mr. HANLON (Baroona) (3.9 a.m.): The only reason the Minister has not answered the hon. member for Bulimba is because he cannot.

Mr. Morris: Can you?

Mr. HANLON: No. I agree that neither the Minister nor anyone else can answer it. Clause 98 sets out what is going to be an authorised strike. The clause goes back to the old Act to a degree. It provides for an authorised strike after a ballot is taken, but the weakness in Clause 98 is that nowhere does it provide protection for unions after a ballot is taken and the required majority agree upon a strike. Not one line of the clause says that the court shall not do this, or shall not do that after an authorised strike. All it boils down to is that it provides another bar to the strike. Instead of being a help to a genuine strike it becomes another bar against a strike because it requires that for an authorised strike there must be a ballot. If there is no ballot then the rest of the clause is taken up in dealing with the various penalties that can be imposed on a union if they strike without a ballot. If a ballot has been taken and even if 100 per cent of the members vote for the strike, there is then nothing to stop the Commission from using any of their punitive powers.

It comes back to a bar to a strike and the question that has been stated here repeatedly, that you cannot legislate against a strike.

Perhaps hire purchase to-day is a bar to a strike but is that a good or bad thing? All these administrative actions that the Minister introduces when he has not a good case are said by him to be something to help the unions. But he simply cannot answer the question put to him by the hon. member for Bulimba on what happens after a strike becomes authorised. If a strike becomes authorised—say the electricity has been cut off for the whole of North Queensland—then if the Court does not order the members to return to work the Government will probably declare a state of emergency and the result is the same.

Clause 98, as amended, agreed to.

Clauses 99 and 100, as read, agreed to.

Clause 101—Employer not to dismiss worker on account of application—

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (3.12 a.m.): Clause 101 commences with the following words—

> "An employer shall not refuse employment to any person or dismiss an employee, or injure him in his employment, or alter his position to his prejudice, by reason of the circumstances that the employee . . ."

and then certain qualifications covering one and a half pages are set out. But the whole basis of Clause 101 is one of protection for a union officer in many circumstances. I could

read all those circumstances but hon. members have the Bill in front of them and can see for themselves.

I repeat that the whole purpose of the clause is that an employer is not to dismiss a worker on account of all those various factors, the basis for those being that he is an official of the union. Therefore, we have used the words "officer," "delegate," "member," and so forth in qualification (a) and so it goes through the clause.

It may be said that I shoud have known union procedure better, but I thought a delegate was an elected union officer. I find now that that is frequently not the case; a delegate is frequently appointed by a group in the union on the actual job itself. That being the case the inclusion of the word "delegate" would defeat the very purpose I want to achieve. I want to be absolutely sure that a union officer has that protection. I do not want the clause to be framed in such a way that it is open to an incorrect interpretation. I therefore move the following amendments—

"On page 108, line 9, omit the word—
', delegate'."

"On page 108, line 24, omit the words—
'or delegate'."

"On page 108, line 34, omit the word—
', delegate'."

"On page 108, line 41, omit the word—
', delegate'."

Mr. DONALD (Ipswich East) (3.16 a.m.): The Minister said that a delegate may not be an officer of the union. A delegate from a union or from a branch of a union can be a very important officer. He may attend the annual, biennial or quarterly conferences of the union. He can be selecteed, and if he is selected he is elected. I should hate to see the clause amended and the delegate left unprotected.

Mr. Morris: The word "delegate" is removed because in some cases it is used for an official who is not an elected member of the union. We are trying to protect the elected members of the union.

Mr. DONALD: Under the Bill as it stands the delegate is protected.

Mr. Hart: If he is an officer he will still be protected.

Mr. DONALD: A delegate is an officer of the union and I do not know how the Bill will be improved by the deletion of the word "delegate". If it is deleted it will follow that a delegate is not going to be recognised as an officer of the union. I repeat that he is a very important officer of the union. He attends area meetings in the mining industry. He may be a delegate to the Q.C.E. He would have to leave his work once a month to go to the Q.C.E. meetings. An owner would be able to say to a delegate, "You are not going to the Q.C.E. monthly meeting because you are losing one day a month. I am going to dismiss you." If a delegate is not considered to be an officer of the union, he will have no protection.

Mr. HART (Mt. Gravatt) (3.19 a.m.): If a delegate is an officer of a union, that is to say, if he is a member of the Committee of Management of the industrial union or branch, or if he holds the office of President, Vice-President, Secretary, Assistant Secretary or other executive position, by whatever name called, he has the protection of the clause even if the word "delegate" is deleted.

Mr. DONALD (Ipswich East) (3.20 a.m.): The Minister has just said he decided to take out the word "delegate" because in some instances the delegate is selected by members. If he is selected, he is balloted for.

Mr. Nicklin: Not necessarily.

Mr. DONALD: He is. If a man is working in a factory and the employees in that factory select a delegate, he is selected by ballot. The Government persist in telling us how we run our unions. It is a pity they have not had the experience in industry like the members of the A.L.P. No man can become a delegate from his branch unless he is selected. Who selects him? The men on the job. If they select him, they ballot for him and no matter how he is balloted for he would be an officer. The Minister said that in certain circumstances a delegate is not an officer. I do not know how a man can be a delegate, and yet not be an officer. I believe that the delegate should be protected. I should like the Minister to come into the Chamber and give us his opinion. My objection would be dispelled if the Minister said that in no circumstances could a delegate be considered other than an officer of the union and that he will be given the same protection as all other officers of the union. A man may be a delegate without being paid and without being on the committee of management. He can still be a very important unit of the union.

Mr. KNOX (Nundah) (3.20 a.m.): If the delegate is an officer he is protected and if he is elected, as the hon. member suggests, he might be an officer, and then he has nothing to fear from this amendment because he is an officer. In sub-clause (d) of the definition of office we find—

> "Every office within the industrial union or branch for the filling of which an election is conducted within the industrial union or branch."

He has no fears if he is selected for the position in a branch. He has the protection of this clause in the Bill. The Minister was not confusing selection with election. He was using it rather in the context that might be used when delegates are appointed in some cases.

Mr. Houston: How do you appoint them?

Mr. KNOX: They are appointed by the executive or something like that. They are not voted for by the branch. If they were, there would be nothing to worry about.

An Opposition Member interjected.

Mr. KNOX: The hon. member has his own examples, and if he wishes he may give them.

Mr. HOOPER (Greenslopes) 3.22 a.m.): The definition of delegate as described by the hon. member for Ipswich East is a very desirable way to elect a delegate. However, in the Building Workers' Union, delegates have been nominated by the union, and not elected on the job. I refer to A. V. Jenning's job on the South Brisbane Hospital where no ballot was taken for delegate—no ballot whatsoever. The union organiser came to the job and said, "That is the delegate.", and he nominated the delegate. He was not selected by the men on the job. That has happened on several big jobs that I have worked on. How does that man become an officer of the union if he is nominated by the union organiser? This has happened on many occasions on construction jobs that I have worked on. I quoted A. V. Jenning's job because it came quickly to my mind. There has never been any ballot taken on any big construction job that I have worked on.

Mr. DONALD (Ipswich East) (3.24 a.m.): I know I am speaking for the third time, but I have not been able to make the Minister understand. I know that he will not deliberately keep it from me. Perhaps he will tell me now. We find this in paragraph (i) of Clause 101—

> "his absence was for the purpose of carrying out his duties or exercising his rights as an officer or delegate of an industrial union;"

If, as the hon. member for Greenslopes says, on some jobs the men have not appointed a delegate, they have been indifferent and have not interested themselves in it, it is the duty of the executive in such cases to appoint a delegate, because no organisation can allow its business to be carried on in an indifferent manner. If a body of men are so indifferent to their working conditions that they refuse to elect a delegate, for the protection of those men, the executive is forced to appoint a delegate. They, the executive, just cannot appoint any delegate they like. If the men on the job accept that delegate, they elect him unanimously by their silence, for they cannot upset the appointment.

Mr. Knox: That is a slight on the union.

Mr. DONALD: It is not a slight.

The CHAIRMAN: Order!

Mr. DONALD: If the Minister does not like the word "delegate," will he substitute "an officer or member" as he has done in (a)?

Mr. Morris: Which line?

Mr. DONALD: In line 24—(i.), the Minister proposes to omit the word "delegate."

Mr. Morris: Yes.

Mr. DONALD: If he does, all my fears will be allayed if he will do what he is doing with (a) on line 9. He is omitting the word "delegate" but leaving in the word "member." If he will do that on line 24, which will then read—

> "(i.) His absence was for the purpose of carrying out his duties or exercising his rights as an officer or member of an industrial union;"—

I will be quite happy, but I cannot be happy when in my mind there is some officer of the union, no matter how minor, left without protection. The Minister has said that in some circumstances he would protect the delegate while in other circumstances he would not.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (3.27 a.m.): I can, I know, quite adequately answer the question that has been raised. It will take a little time. I suppose in lumping the amendments together I did not explain perhaps as well as I would normally have done if circumstances had been a little different. Let us look at them. Clause 101 (1) reads—

> "An employer shall not refuse employment to any person or dismiss any employee, or injure him in his employment, or alter his position to his prejudice, by reason of the circumstance that the employee—
>
> (a) is an officer or member of an industrial union, or of an association that has applied to be registered as an industrial union;".

Therefore none of them can get hurt there.

Mr. Donald: That is quite so. I am quite happy.

Mr. MORRIS: Take the next step—

> "(b) is entitled to or has claimed the benefit of an industrial agreement or an award;".

So we are right, are we not?

Mr. Donald: Yes.

Mr. MORRIS: We take the third step—

> "(c) has appeared as a witness, or has given any evidence, in a proceeding under this Act;".

He is still protected. The hon. member agrees there?

Mr. Donald: Yes.

Mr. MORRIS: Take the fourth step. He is also protected if—

> "(d) being a member of an industrial union which is seeking better industrial conditions, is dissatisfied with his conditions;".

We are clear up to there, are we not?

Mr. Donald: Yes.

Mr. MORRIS: Having got that far, we come to an entirely different part of the clause. It reads—

> "An employer shall not refuse employment to any person or dismiss an employee, or injure him in his employment," etc.—
>
> "(e) has absented himself from work without leave."

See the point?

Mr. Donald: Yes, I see.

Mr. MORRIS: If he has absented himself from work without leave, then it is qualified by the next paragraph, which reads—

> "(i.) his absence was for the purpose of carrying out his duties or exercising his rights as an officer of an industrial union;".

Still O.K., are we not?

Mr. Donald: Yes.

Mr. MORRIS: Right. The reason for the deletion of the word "delegate" both in the first part and in this is that, in certain industries a delegate is not an officer of a union at all; he is a hybrid.

Let us take the case the hon. member for Ipswich East mentioned. I did not miss it. It was just that I was not here at the moment. The case he instanced was of a member of a union having been elected to represent his union at a conference. The hon. member will agree with me, I am sure, that when he does so, if he is an officer of the union he is all right, but if he is not he secures leave, does he not? It is invariably given to him. That is why the circumstances are different.

Coming now to sub-section (2), the circumstances are different again. Do not forget that the whole of Clause 101 gives protection to a union member in varying circumstances, and we have enunciated all the circumstances clearly.

If the hon. member looks at Section 53 of the Act, he will see that the word "delegate" is not mentioned; but the delegates are still protected. If he compares Section 53 of the Act with Clause 101 of the Bill, he will see that there is infinitely more protection in the clause where a person is participating in any of the things mentioned. I am sure the hon. member will agree with that. Sub-section (2) reads—

> "An employer shall not threaten to dismiss an employee or to injure him in his employment, or to alter his position to his prejudice—
>
> (a) by reason of the circumstance that the employee is, or proposes to become, an officer, delegate or member of an industrial union, or of an association. . . "

and so on.

Then we take the fourth and final step. Paragraph (b) says that the employer shall not threaten to dismiss him or injure him in his employment or alter his position to his prejudice—

> "with the intent to dissuade or prevent the employee from becoming such officer, delegate, or member or from so appearing or giving evidence."

I am afraid I have taken a long time to explain it, but I had to do so. The steps are all set out infinitely more clearly than they were before. If it were not for the fact that the delegate in certain industries is a hybrid —he is neither a member nor an officer nor anything else—in the hon. member's industry he may not be a hybrid, but——

Mr. Donald I want to protect the man who voluntarily undertakes to represent his workmates as a delegate. If I have that assurance from the Minister, I am quite happy.

Mr. MORRIS: That is why I wanted to refer particularly to line 20, because that is the part that is related to the word "delegate".

Mr. HOUSTON (Bulimba) (3.33 a.m.): I am afraid that the Minister has not convinced me.

Mr. Morris: I have convinced the hon. member for Ipswich East, and he is a pretty sound Labour man.

Mr. HOUSTON: It might be all right in his union, but we call our delegates shop stewards.

Mr. Morris: They are officers of the union.

Mr. HOUSTON: They are definitely not officers of the union, in the sense that they are not elected by all the members in the State. They are not elected at the normal triennial ballot.

Mr. Morris: Who elects them?

Mr. HOUSTON: They are elected by the men on the job. I will tell the Minister the procedure. If a new project commences and there are eight or nine men on the job, they want someone there to keep them directly informed of the directions of the State Executive and the State Council. They also want someone to go to with problems relating to the award, and so on, and this applies particularly outside the Greater Brisbane area. Those men write to the State Council asking that Mr. So-and-so be their delegate.

Mr. Morris: As you go on, will you tell me which of these four uses of the word "delegate" interests you?

Mr. HOUSTON: I am only interested in (e), which is the subject of the second amendment. The word "member" is included in the others, and I believe that covers any delegate. The delegate is elected by the people whom he directly represents. The State Council considers the request and, provided the man is of high repute, it endorses the recommendation of the men working on the job. If the man is not of high repute the members are notified accordingly and told to make a second choice. Fortunately in my many years' experience no-one has been nominated who was not acceptable to the Executive.

Mr. Morris: Does he want to absent himself without leave?

Mr. HOUSTON: There are occasions.

Mr. Morris: What does he do now?

Mr. HOUSTON: He leaves. So far, to my knowledge, on only one occasion did anything result from it. A shop steward was sacked. Unfortunately she was a married woman and she was deprived of quite a few rights.

Mr. Morris: When I was discussing this clause with my colleagues I said that of the whole Bill this would be the one that would appeal most to the Opposition because by it we are giving much more protection to unions than ever before.

Mr. HOUSTON: Originally, yes. It is not very often that we oppose an amendment to a clause because usually we are getting at least something out of it.

Mr. Morris: You are getting a pretty good lot!

Mr. HOUSTON: These men are not officers of the union by any stretch of the imagination. The vice-president of my union is working on the job in a big industry. He is an officer of the union.

Mr. Morris: He is covered.

Mr. HOUSTON: Yes, but he is not the shop steward. If the men want to know anything about the award they do not go to the vice-president. He was appointed just recently whereas the shop steward has been shop steward for 30-odd years. There is a case of a man who makes no decisions being protected, but the man who carries the whole weight of the decisions is not protected. The Minister is far better running the risk of including the word "delegate" there, even if some unions may not elect their delegates in the most democratic manner. Why sacrifice the genuinely elected man who is trying to do a job of work? Why take the protection away from him to stop giving the protection to someone who is not strictly elected? Had the position been the reverse, and I and the hon. member for Ipswich East had had the Minister's ear he would have been quite prepared to accept our suggestion that they should be covered.

Mr. Morris: Let me make it quite clear to you that in an overwhelming majority of industries the word "delegate" would be quite desirable, but in a few it is not. In clause 101 you will concede that we have gone a very long way further than has ever been done before in giving protection. I cannot accept the word "delegate" because of the other features I mentioned. You have a lot in Clause 101 and I think you ought to feel happy you have got it.

Mr. HOUSTON: The Minister will find that he is going to get many representations about this matter.

Amendments (Mr. Morris) agreed to.

Clause 101, as amended, agreed to.

Clause 102—Power to make orders for observance of awards and agreements or to restrain breaches of Act—

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (3.42 a.m.): I move the following amendment:—

> "On page 110, lines 13 to 20, omit the paragraph—
>
> '(6.) If the members of an industrial union or branch thereof to whom such order is directed, or a substantial number of such members, fail to comply with any such order the union or branch, as the case may be, and every officer thereof shall be liable to be dealt with as for a contravention of such order unless it shall be proved that it or he took all reasonable steps to ensure that the members aforesaid complied with such order.'"

I will not take up much of the Committee's time. I think the Minister might at this late stage help a bit by saying definitely and categorically—I appreciate his desire to co-operate—if he is going to agree or not. It will save argument on these small matters.

This matter concerns the onus of proof. I do not think it is desirable or proper that we should impart into an Act of Parliament a provision that the onus is on the accused to prove his innocence. It is a negation of the accepted canons of British justice. It has never been used previously and it seems to me that, with all the penal provisions of this Bill and the extent to which it is loaded against the unions and the officers thereof, this is one of the final blows the Minister is attempting to direct against union officials.

No doubt this will be circumvented, perhaps by devious practices. It will be found that all sorts of devices will be used by people who will see to it that the wishes of the rank-and-file are carried out through their officials. Whether it is done by a third party, whether it is done in code or by

methods that I have not explored, no doubt, the wishes of the union will be carried out through its executive officers.

I think it will be much better to do it in a straightforward manner. I remember when I first joined the Cabinet of the Hanlon Ministry there was a sudden desire on the part of the Police Department and the Public Service generally—I do not say this for any reasons of criticism—to make it easier to secure convictions on prosecutions. It was an increasing tendency to make it easier for them to carry out their duties but it is a negation of the whole system, as I said, of British justice and I think we should resist it, particularly in the industrial world.

In England there has been great agitation for similar movements and I am happy to say that there the tendency has been resisted. I do not think we should make it easier for the Crown or its agents, public servants, to secure convictions on the basis that the onus is on the accused to prove his innocence.

I could make a long speech on this matter as could many other hon. members but I now indicate that if the Minister will not show his attitude on the proposition, to show the attitude of the Opposition I intend to call for a division on it.

Before concluding I should like now to table the information that was in the hands of "Hansard", dealing with the Amalgamated Engineering Union.

Whereupon the hon. gentleman laid the papers on the table.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (3.46 a.m.): I wish I could meet the hon. gentleman in his very definite effort to try to cut down to some extent the effect of the provision. I should like to be able to accept his amendment, but unfortunately I cannot do so. The clause is a very important one. The amendment would have a considerable effect on several other clauses of the Bill and, although I would like to be co-operative, I am afraid I cannot accept it.

Question—That the paragraph proposed to be omitted from Clause 102 (Mr. Duggan's amendment) stand part of the clause—put; and the Committee divided—

AYES, 35

Mr. Anderson	Mr. Morris
„ Bjelke-Petersen	„ Munro
„ Campbell	„ Nicklin
„ Carey	Dr. Noble
„ Chalk	Mr. Pilbeam
Dr. Delamothe	„ Pizzey
Mr. Dewar	„ Ramsden
„ Evans	„ Richter
„ Fletcher	„ Row
„ Harrison	„ Smith
„ Hart	„ Sullivan
„ Herbert	„ Tooth
„ Hiley	„ Wharton
„ Hodges	„ Windsor
„ Hooper	
„ Jones	*Tellers:*
„ Knox	Mr. Gilmore
„ Lonergan	„ Hughes
„ Low	

NOES, 25

Mr. Adair	Mr. Hilton
„ Baxter	„ Houston
„ Bennett	„ Inch
„ Bromley	„ Lloyd
„ Burrows	„ Marsden
„ Byrne	„ Newton
„ Davies	„ Sherrington
„ Dean	„ Tucker
„ Donald	„ Wallace
„ Dufficy	
„ Duggan	*Tellers:*
„ Graham	Mr. Melloy
„ Gunn	„ Thackeray
„ Hanlon	

PAIRS

Mr. Roberts	Mr. Davis
„ Armstrong	„ Mann
„ Ewan	„ Walsh
„ Gaven	„ Diplock

Resolved in the affirmative.

Clause 102, as read, agreed to.

Clause 103—Contempt of Court, as read, agreed to.

Clause 104—Offences in relation to Commission—

Mr. WALLACE (Cairns) (3.43 a.m.): I move the following amendment:—

"On page 111, line 9, omit the words—
'or disturbs'."

This clause relates to offences in relation to the Commission. Paragraph (1) (a) reads—

"Any person who—
wilfully insults or disturbs a Commissioner when exercising powers or functions under this Act;"

I am not concerned about the words, "wilfully insults" because I do not think anyone ever does that, but I am very concerned with the words "or disturbs". It appears to me that a commisioner, or a judge, or any person in a similar position may not be his usual self at any given time. Because of various circumstances, perhaps tiredness and domestic worries, or even because of a night out, a commissioner may be in such a condition that he just would not be able to take it, and anybody coming before him may not receive the usual fair treatment. If some of the judges, or commissioners, were to be as disturbed as the Minister for Labour and Industry I can imagine that I, and many hon. members on this side of the Chamber, would not have much of a go if they were in the position of having to appear before him.

It really disturbs me to think that the Minister has allowed this Bill to come before us with those words in it. Everybody knows that I am opposed personally to penalties of any kind in relation to the conciliation and arbitration tribunal, but I am not silly enough to think that there should not be a set of rules to provide for its efficient and proper functioning. In the clause without the words I seek to have omitted, there is

sufficient machinery to deal with any person who flouts the tribunal. Members of the Opposition are very disturbed to think that an advocate before the court may, because of the disturbed mind of a commissioner or a judge, be subjected to a fine of £100 or imprisonment for 12 months, or both. The advocate may have said something not offensive to the opposing parties but, because of the condition of health of the Commissioner or Judge, it may be deemed by him to be offensive. The advocate may say something in reply to a remark by the opposition. He may come back not wishing to disturb anybody but he may still be mulcted of £100 and ordered to serve 12 months' imprisonment as well. I think the Committee will agree that the Minister would be wise to accept the amendment.

I should like to go back to the previous clause and tie it in with this one but I know that I cannot do that. Because of the lateness of the hour, I leave the matter at that.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (3.59 a.m.): There is a perfectly simple explanation for this and it is that the commission is not a court so it has not the protection of the contempt clauses that are provided for the court. It is isolated and therefore it is necessary to provide that certain conduct is an offence. If we did not, it would have no protection. There is nothing unusual in the provisions and no reason in the world for the hon. member to be distressed about the use of the words. I cannot tell the Committee now exactly the words that are included in ordinary court contempt, but I know that, even if someone interrupts, it can be classified as contempt. I do not know that from experience, thank God, but I know that it is so.

The Commission has not that protection; it is a normal type of protection. Therefore, I cannot accept the amendment.

Amendment (Mr. Wallace) negatived.

Clause 104, as read, agreed to.

Clause 105—Creating disturbance near court or commission—as read, agreed to.

Clause 106—Contempt by witness—

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (4.1 a.m.): I move the following amendment:—

"On page 112, line 15, omit the brackets and numeral—

'(iii.)'

and insert in lieu thereof the brackets and letter—

'(c)'."

This is purely a drafting amendment.

Amendment (Mr. Morris) agreed to.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry (4.2 a.m.): I move the following amendment:—

"On page 112, line 18, omit the brackets and numeral—

'(iv.)'

and insert in lieu thereof the brackets and letter—

'(d)'."

This is another drafting amendment.

Amendment (Mr. Morris) agreed to.

Mr. SHERRINGTON (Salisbury) (4.3 a.m.): I feel that I must rise to at least express resentment at this clause. My resentment relates particularly to the amended portion, where it states that if a person shall—

"(c) refuse to answer any question which he is required by the Court or the Commission to answer; or

"(d) refuse to produce any books or documents which he is required by the Court of the Commission to produce,"

he shall be guilty of an offence.

As I understand the Criminal Code, a witness can refuse to give any evidence that might tend to incriminate him, and I wonder whether the provisions in this clause conflict with the procedure under the Criminal Code. I know that, in courts of law, a person can refuse to enter the witness box and, in so doing, can decline to answer a question that might tend to incriminate him. Why should a union official not have the right to refuse to answer a question that might tend to incriminate him and also to refuse to produce books or documents that might tend to incriminate him? Mr. Justice Brown, the President of the Industrial Court, ruled only recently that a union should not have to produce books that contained evidence that might convict the union. I think this clause is a breach of the fundamental principles of British justice, and if an appeal were made to the Privy Council against the validity of the section I am sure it would be upheld.

The Minister might say that a witness would not be called upon to answer a question that would tend to incriminate him or to produce books or documents that would tend to incriminate him, but no reference is made to that in the clause. I should like the Minister to tell us quite clearly whether the fundamental principles of British justice will be protected by the clause.

Mr. HART (Mt. Gravatt) (4.5 a.m.): I think I can answer. Let the hon. member have a look at that line——

"without just cause proof whereof shall lie upon him."

If any questions tend to incriminate there is just cause not to answer.

Mr. KNOX (Nundah) (4.6 a.m.): If the hon. member looks at Clause 8 of the Schedule to the old Act he will see exactly the same wording.

Mr. SHERRINGTON (Salisbury) (4.6 a.m.): I have said quite frequently that the old Act provides a trapdoor for escape. But the Bill was supposed to be the be-all and end-all of all the State's arbitration worries. I am perturbed to know whether this is to be a breach of the fundamental principles of British justice.

Mr. Morris: You have had it all explained.

Clause 106, as amended, agreed to.

Clauses 107 to 110, both inclusive, as read, agreed to.

Clause 111—Incitement to boycott award forbidden—

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (4.7 a.m.): I oppose the clause.

Clause 111, as read, negatived.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (4.7 a.m.): I move the following amendment:—

"On page 115, insert as Clause 111, the following clause:—

'[111.] (1) Every person who, or industrial association or other body which is, directly or indirectly, concerned in the commission of any offence against this Act, or counsels, takes part in, or encourages the commission of any such offence, shall be deemed to have committed that offence, and shall be punishable accordingly.

(2) Any attempt to commit an offence against this Act shall be an offence against this Act punishable as if the offence had been committed."

I do not think that there was anything wrong with the clause that has been deleted from the Bill. But as there was such opposition to it I decided that I would withdraw it and re-enact Section 59 which has been in the Act for years. I do not think it is as good as the clause I had proposed. I do not think it is as well worded. But if it is going to make happy the representatives of the unions who saw me, I am quite prepared to re-insert Section 59.

Mr. HOUSTON (Bulimba) (4.10 a.m.): My main thought on this matter is that the Minister informed us that he discussed with Cabinet the various clauses and amendments before they were put in the Bill.

Mr. Morris: That is quite right.

Mr. HOUSTON: Then it seems to me that the Cabinet Ministers have different opinions on the same thing. Only two or three days ago I suggested to the Minister for Justice that if a criminal act was committed and not fulfilled the penalty should be the same as if it had been fulfilled. I was referring to the legislation on kidnapping that the Minister for Justice brought down. I was told on that occasion that it was a novel idea. The same principle is involved in this clause. I am not against the idea of saying that if someone attempts to commit a crime they should not be dealt with in the same terms as if they had been successful. But I do want it recorded that as far as I am concerned if one idea is novel surely the other is.

New Clause 111, as read, agreed to.

Clauses 112 to 117, both inclusive, as read, agreed to.

Clause 118—Powers of unions to recover fines, etc.—

Hon. P. J. R. HILTON (Carnarvon) (4.13 a.m.): I move the following amendment:—

"On page 122, line 20, after the word 'magistrates' add the following proviso:—

'Provided however that any levy imposed for political purposes must be clearly indicated as such by the Union imposing such levies to all members of the Union and members shall have the right to refrain from paying any levy so imposed'."

Since we have been now working so hard on this Bill, for approximately 17 hours, we might refresh ourselves by giving some thought to what is clearly a grand democratic principle that should be incorporated. I thing the amendment speaks for itself. Nobody argues against the right of a union to impose levies for political purposes, but, as has been mentioned before, I think that everybody should be given the democratic right, when it is in conflict with their conscience to pay to the funds of some cause or party to which they are politically opposed, of not being compelled to do so.

This particular clause permits unions to recover fines and levies imposed. I move this amendment so that, whilst clearly it may work in that direction, if a member wishes to refuse to pay a political levy he can notify the union and be exempted from doing so. It is not a new principle so far as the British Commonwealth is concerned. The very same principle known as "contracting out" has been incorporated in industrial legislation in Great Britain. It was introduced by a Labour Government there. The rights given by the amendment are the very essence of democracy. In spite of the very weak excuse the Minister gave at the second reading stage, I hope he has given the matter further consideration and that he will refresh us and regale us at this early hour of the morning by accepting the amendment. It will definitely give a more democratic flavour to the Bill and will appease the conscience of all people who believe in this vital principle of democracy.

Mr. HART (Mt. Gravatt) (4.16 a.m.): The Minister has asked me to state that for the reasons given by him at the second reading stage he cannot accept the amendment.

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

Resolved in the negative under Standing Order No. 148.

Clause 118, as read, agreed to.

Clauses 119 to 124, both inclusive, as read, agreed to.

Clause 125—Representation of parties at hearing—

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (4.21 a.m.): I move the following amendment:—

"On page 124, line 29, omit the word 'other'."

Clause 125 (1) follows the provision contained in the first paragraph of the present Section 70. However, I have been advised that there are some unions which do not follow the present provisions of that paragraph of that section, as on occasions certain unions appoint agents to represent them. It has been restricted before, but I cannot see why. I think it is quite fair and desirable to appoint agents in such a case, as required by the unions, and because it makes their work easier, I move the amendment.

Amendment (Mr. Morris) agreed to.

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (4.22 a.m.): I move the following amendment:—

"On page 124, lines 39 to 41, and on page 125, lines 1 to 3, omit subclause (4)—

'Notwithstanding the provisions of subsections two or three of this section, in proceedings under this Act for the recovery of moneys or in respect of an offence and on any appeal in relation thereto all parties shall have the right to be represented by counsel or solicitor.' "

Had this been some other part of the day, I imagine that probably I would have had a little more curry on this one. However, we all know what it is about. It has been discussed very fully during the debate. This is the clause that takes away the provision which provides for legal representation.

Amendment (Mr. Morris) agreed to.

Mr. SMITH (Windsor) (4.23 a.m.): I do not propose to argue the merits or demerits of the omission of this subclause. I propose to read to the Committee a letter written by Mr. H. T. Gibbs, Q.C., which appeared in the paper on 6 March. I think it is important that I should read this letter because there has been so much said about the court and the commissioners, and the functions of advocates before the court. A great deal has been overlooked particularly in regard to the trained persons who occasionally appear before the court. They do so, not only to earn fees, as has been suggested so glibly by our opponents, but also to assist the court. They discharge a most important function. I brought into the Chamber with me tonight a booklet written by Lord Denning who is a member of the House of Lords. Speaking about the functions of a lawyer and his duty, he made these very short comments, and I propose to read them as I think they should be included in "Hansard" at the time when a deletion such as this is made in a Bill. He said, speaking of a lawyer—

"He has a duty to his client no doubt: but he has also duty to the court which I take it to mean a duty to the cause of justice itself. He must never suppress or distort the truth. This essential qualification was never better expressed than it was in 1864 by Lord Chief Justice Cockburn:

And he quotes Lord Chief Justice Cockburn—

"An advocate must be fearless in carrying out the interest of his client; but I couple that with this qualification and this restriction that the arms which he wields are to be the arms of the warrior and not of the assassin. It is his duty to strive to accomplish the interests of his clients per fas, but not per nefas; it is his duty to the utmost of his power to seek to reconcile the interests he is bound to maintain, and the duty it is incumbent upon him to discharge with the eternal and immutable interests of truth and justice."

Further over, he refers to a high tradition and says of it—

"There is, moreover, a high tradition that a barrister must give of his best to his client without any thought of his private gain. If his opinion is sought, he must not let his views be influenced by the thought that, if he advises a fight, he will earn fees in the course of it. He must state the chances of success or failure without regard to his own position. In the past this tradition was supported by enlightened self-interest; because it increased his standing and reputation but with the coming of legal aid it needs strong reinforcement."

Those remarks as to legal aid do not apply in this country.

My reason for reading that flows from the fact that we had explained to us when we were sitting as a House that pressure was brought to bear on the Minister by the employers and employees and that he submitted to that pressure—a dual alignment, as it were, of forces that are naturally antagonistic to one another.

If it was a question of costs, if it were that those forces aligned themselves to reduce costs, why did they not suggest to the Minister the inception of some scale of costs?

We are now left in the position that a lay advocate can enter the Court without restriction, and we had these words from the hon. member for South Brisbane on the introduction of the Bill to the Committee—

> "If we have to consider the emoluments paid to barristers for appearing in court, let me assure the Chamber that many professional industrial advocates—not those from unions—charge considerably more than a practising barrister. That is well recognised and well known. Furthermore, many professional industrial advocates are qualified barristers who have not applied for admission to the Bar because they know that if they were admitted to practice as barristers they would be deprived of the right to appear before the Industrial Courts of Australia, and they know that their appearances in the Industrial Court are more lucrative than their appearances at the Bar."

If that is the case—and I have no reason to doubt it—it would seem that the employers and the employees have aligned themselves to keep out of that Court the more highly trained advocate.

So I read this letter now to conclude my remarks because it is a most important letter. It says—

> "It is reported (C.M. 4/3/61) that many employers and unions are concerned that, under the new Industrial Conciliation and Arbitration Bill, lawyers may appear before the industrial tribunals on prosecutions for offences, and on hearings of claims to recover money.
>
> Some employers, who are accustomed to be represented by paid, but legally unqualified, industrial advocates, may be concerned. But it is difficult to believe that this concern is shared by the majority of unions.
>
> There is much to be said for preventing lawyers from appearing on applications to make and vary awards, where no questions of law generally arise, and the function of the industrial tribunals is legislative rather than judicial.
>
> Proceedings to enforce penalties or recover moneys are quite different. It is fundamental that no individual should be punished for an offence unless he has been proved to have broken the law, or ordered to pay money unless, under the law, he is bound to pay it.
>
> The lawyer's role is simply to ensure that a defendant's guilt or liability is established in accordance with the law, and by proper and sufficient evidence. There is surely nothing technical or unmeritorious in this.
>
> The industrial tribunals are empowered to impose penalties that can be ruinous to all save the wealthiest employer or union. No desire by a party, employer or unionist, for a quick and easy victory against an alleged offender can justify depriving an accused person of a fair trial.
>
> "And without legal representation a fair trial (particularly by a court which may consist of a layman) cannot be assured.
>
> "One hopes that the Government will not be persuaded to whittle down the basic right which the existing provision in the Bill confers." (Signed) H. T. Gibbs.

Mr. DUGGAN (Toowoomba West—Leader of the Opposition) (4.31 a.m.): I think that one can sympathise with the position of a young and ambitious lawyer who is trying to make his way in politics, and it is a matter for regret, from his own personal point of view, that the hon. member for Windsor has failed to get his colleagues to affirm in Caucus the principle of legal representation.

I hope the Committee will now affirm the decision of Caucus on those particular principles.

Clause 125, as amended, agreed to.

Clause 126—Record to be kept by employer—

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (4.32 a.m.): I move the following amendment:—

"On page 125, after line 25, insert the following new subclause—

> '(3.) Where an award or industrial agreement does not prescribe a limitation of the daily or weekly working hours of any employee working thereunder, the provisions of subsection one of this section relating to times of starting and ceasing work do not apply in respect of such employee:
>
> Provided that where such award or industrial agreement prescribes that a time and wages book or other similar record shall be kept by the employer nothing in this subsection shall exempt the employer from complying with the requirements of subsection two of this section with respect to any particulars relating to times of starting and ceasing work prescribed by such award or industrial agreement to be contained in such time and wages book or other similar record'."

The clause requires an employer, among other things, to keep books showing starting and ceasing times. There are certain callings where there are no prescribed daily or weekly working hours—for example, the Commercial Travellers' Award and the Motor Vehicle Salesmen's Award—so obviously it is impossible to obey that provision in these exceptional cases.

Amendment (Mr. Morris) agreed to.

Clause 126, as amended, agreed to.

Clauses 127 to 135, both inclusive, as read, agreed to.

Clause 136—Power of inspection by union officials——

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (4.34 a.m.): I move the following amendment:—

"On page 134, line 4, after the word 'manner', insert the words—

'or has made vexatious, unreasonable or improper use of information obtained from inspection of any record made available to him pursuant to this Act'."

Clause 136 must be read in conjunction with Clause 126, which enables an officer of an industrial union to inspect a time and wages book or other similar record of employees. Clause 136 enables a Commissioner, the Registrar or an industrial magistrate to authorise in writing any officer of an industrial union to enter a place.

There have been occasions where complaints have been made that unscrupulous union officials have abused this privilege. It is considered that any information that a union official might obtain through the inspection of the time and wages book of an employer is confidential and should not be used in an endeavour to create disharmony amongst employees of his union in another establishment.

Amendment (Mr. Morris) agreed to.

Clause 136, as amended, agreed to.

Clauses 137 to 141, both inclusive, and First Schedule, as read, agreed to.

Second Schedule—

Mr. SHERRINGTON (Salisbury) (4.37 a.m.): I should like the Minister to indicate why throughout the Bill we have seen that "industrial unions" have included industrial unions of employers but when we come to the Second Schedule which sets out matters to be provided for by the rules of registered trade unions of employees we find that it appertains only to the industrial union of employees. Why has provision not been made for the same conditions to apply to an industrial union of employers?

Hon. K. J. MORRIS (Mt. Coot-tha—Minister for Labour and Industry) (4.38 a.m.): I think I have got through the Bill without being stumped, but I cannot answer that at the moment. I should say that the Second Schedule has been taken direct from the old Act. My first reaction is that the correct thing to do would be to omit the words "of employees" because that certainly is the intention. There may be some reason why the Second Schedule contains the words "of employees." It may be governed by the First Schedule. As I look through the First Schedule I can see no reason to differentiate. I am confident that it is merely an error. Therefore I move the following amendment:—

"Omit the words 'of employees' in the title to the Schedule."

Amendment agreed to.

Second Schedule, as amended, agreed to.

Bill reported, with amendments.

The House adjourned at 4.40 a.m.