

5. The Nicklin government's legislative program

Frank Nicklin led a conservative government that believed steadfastly in the power of the state and the responsibility of governments to govern. His governments undertook a relatively activist legislative program, which was maintained over four succeeding parliaments throughout the decade of his premiership, 1957–68. The government's legislative appetite generally increased with its tenure in office, reflecting perhaps increasing confidence in incumbency or the tendency for modern governments to resort to legislative solutions. Increased legislation was also part of modern society—in particular, the policy areas under the justice portfolio had large increases in legislation as more areas came under regulation and scrutiny. During its first term (1957–60), the government averaged 44 pieces of legislation per annum, then managed 54 per annum in the second term (1960–63), rising to 62 acts per annum during the thirty-seventh Parliament (1963–66). Even in his final year as Premier, Nicklin was responsible for steering 53 legislative measures through the Assembly.

In total, the Nicklin government passed 591 pieces of legislation. Of this total, the number of new acts was 192 (or about 17 per parliamentary session), with 394 pieces of amending legislation (approximately 100 per parliament or 36 per session). Over the Nicklin decade, five repeal bills were passed (see Table 5.1). As Table 5.2 indicates, the government's main legislative activity, judged according to the number of measures, was predominantly directed towards two areas: justice issues or measures under the Attorney-General's portfolio (107 acts) and Treasury and financial measures (103 acts). These were followed by legislation covering industrial relations (61), land and irrigation (52), works and local government (47), primary industries (47), the Premier's portfolio and general government (46) and state development (41). Collectively, more than half of all legislation was confined to four policy areas: the Attorney-General's area, Treasury matters, economic development and industrial relations (these were mostly administrative regulations). Enjoying relatively less attention were health and home affairs (40), education (20) and transport (16). Community and social policy areas were relatively insignificant while environmental or conservation measures were attached to works and local government towards the end of the period.

Table 5.1 Total number of acts passed in each parliament

Parliaments	Number of legislative acts	New acts	Amendment acts	Repeal acts
35th 1957–59	134	45	89	0
36th 1960–63	161	50	108	3
37th 1963–66	186	57	127	2
38th 1966–69	145 (breakdown below)	40	104	1
1st session	53	18	35	0
2nd session	57	13	43	1
3rd session	35	9	26	0

Notes: Premier Nicklin retired, Jack Pizzey died and Joh Bejlke-Petersen was finally selected to lead the government in the thirty-eighth Parliament. Hence, to assist with analysis, the tables in this chapter show the breakdown of legislation passed in the separate sessions of the thirty-eighth Parliament.

The above record represents a statement of the government’s priorities. They reflect the aspirations of the Coalition government to the extent that they were required, or felt it was necessary, to take proposals to the Parliament for statutory attention. In the main, the record indicates that the government was preoccupied with regulation and regulatory amendments, financial arrangements and developmental initiatives—especially enabling legislation for industrial projects, mines or developmental ventures. The Parliament was essentially conceived as a glorified boardroom where government ministers, performing like company directors, made strategic interventions to expand economic growth.

Other policy areas of concern to the community and consuming considerable budgetary resources nevertheless attracted slight legislative attention compared with these developmentalist areas. Even with strong ministers driving their portfolios such as Jack Pizzey and Gordon Chalk, the areas of education and transport were relatively devoid of statutory interest over the Nicklin years, attracting only 20 and 16 bills respectively in 10 years. Moreover, even such figures appear somewhat inflated and therefore misleading given that the legislation classified under this heading adopted a fairly liberal interpretation of education (*Record of Legislative Acts, 1957–58 to 1967–68*).

5. The Nicklin government's legislative program

Table 5.2 Break-down of Acts passed in different legislative areas

Parliaments	Premier & General Government	Labour & Industry	Education	Justice	Treasury	State Dev. & Main Roads	Lands Survey & Values	Health & Home Affairs	Primary Industries, Agriculture & Stock	Works & Local Govt	Transport	Police
35th 1957-59	14	15	4	26	19	13	11	5	14	8	5	0
36th 1960-63	11	14	4	35	40	10	18	7	8	11	3	0
37th 1963-66	16	21	6	29	21	26	11	15	18	19	6	0
38th 1966-68	15	6	5	29	18	14	12	13	7	22	4	0
1st session	2	4	3	6	10	3	3	9	4	9	1	0
2nd session	7	1	2	15	5	9	6	2	1	7	2	0
3rd session	6	1	0	8	3	2	3	2	2	7	1	0

Outlining the government's objectives and defending the record: the Governor's opening speech

The Governor's speech opened most but not all opening sessions of the Parliament. In the 1960s, the Governor (or Administrator as deputy governor) delivered the speech in person in the Legislative Council to an audience of Members of the Legislative Assembly (before 1962 the Assembly was used). As the Governor entered Parliament House, the Speaker would meet the Governor at the bar of the Assembly and escort the vice-regal representative to the dais in the council chamber. At the conclusion of the speech, the Governor would typically convey to members the hope that 'Divine Providence attend your labours' and that 'the blessing of Almighty God may rest on your counsels'. Thereafter, the Governor would leave the Chamber (and prepare to receive members and guests at the ceremonial garden party held on the parliamentary lawns). The Speaker accompanied by the other members would then return across the foyer to the Assembly and resume the ceremonial sitting only to move and carry a motion adjourning the day's proceedings to the next day. Members then joined the Governor for afternoon tea on the lawns. Conventionally, on the next sitting day, the Speaker would formally table a copy of the Governor's speech in the Assembly in order to incorporate the government's program in the official record of the Parliament—the *Votes and Proceedings*—as well as in the daily *Hansard*.

Most opening speeches in the late 1950s and 1960s were typically dry affairs. Their format remained little changed and stock paragraphs and phrases interspersed the text. The first paragraph in the early 1960s usually read:

You have been summoned to attend this, the...Session of the...Parliament of Queensland, to consider important business of concern to the people of this State which arose during the last Session of the...Parliament and to consider legislative proposals which my Ministers have prepared for submission to the present Parliament.

At other points in the speech, the Governor would inform the Parliament that 'my ministers inform me that for the first time in the...financial year, both receipts and expenditure actually exceeded' a particular figure, such as 'the £100 million mark'. Budgetary surpluses or deficits were a constant point of reference and precise expenditure allocations were often recorded as a sign of the government's commitment to a particular area of concern. Later, the Governor would list proposed legislation, which the forthcoming session would be asked to consider. For example, the proposed legislation for the first session of the

thirty-sixth Parliament in 1960 was to introduce measures to protect territorial waters from oil spills, to protect the general public from improper inducements over investments, amend the *Public Service Superannuation* and *Miners Pension Acts*, amend the *Oaths Act*, *Traffic Act* and *Harbours Act* and 'modernise' the procedures for the election of senators to the Federal Parliament. The list was often not spectacular, extensive or inclusive. Generally, the proposed legislation was introduced in the specified session and with only a single chamber to negotiate was usually passed within the session—although as will become evident below the fact that intended measures were presented in the Governor's speech was not a guarantee that legislation would necessarily follow.

The purpose and importance of the Governor's speech were to outline the government's achievements and defend its past record—a record that would then be debated in the Address-in-Reply debate from the whole Parliament. The precise content of the Governor's opening presentation was selected by the ministry (often the Premier) and the speech was written by government administrators, who without much flair for prose often presented the state of play rather like a dull statistics lecture to undergraduates. The main recurring themes of the speeches were typically the opportunities and difficulties of sustained development, the need for economic infrastructure, announcements of key projects to which the government was committed, migration and settler statistics and the recognition of some social areas of serious concern. The Coalition government gave many commitments to meet the costs of the reception, welfare and settlement of 'British migrants', who often numbered in excess of 42 000 per annum in Queensland alone (*QPD* 1960:vol. 227, p. 32). Always building on its record, doing more and going further, the government would announce commitments to major infrastructural developments (bridges, dams and water projects, harbours, rail improvements, public housing, electricity and prisons), which in the midst of perennial droughts or episodic economic recessions would help stimulate regional employment. The Coalition government often highlighted its intentions to provide special assistance to favoured industries such as mining, tourism, the timber industry and rural production, and regularly expressed its hopes for the further expansion of secondary industry. In short, state activism was relatively robust and the Governor's speech articulated the expanding responsibilities of government.

In 1957, the new government announced that its main priority was to 'attract to Queensland the huge capital investment necessary to fully exploit and develop the unparalleled natural resources of our State' (*QPD* 1957:vol. 218, p. 9). Deputising for the Governor, Sir John Lavarack (who was ill and due to retire), the State Administrator, Alan Mansfield, told the members of the new Parliament that his ministers 'propose a full-scale drive throughout the Commonwealth and abroad to publicise Queensland to potential investors'. They also intended to

encourage ‘the decentralisation of existing and prospective industries so that all parts of the State can share in the resultant expansion and prosperity’. To assist this drive, Mansfield informed members that the government had created a senior portfolio for development (ranked sixth in cabinet and initially held by Ernie Evans, CP). Mansfield further told the assembled members that

in accordance with their election promises, my Advisers propose to take as soon as practicable legislative action to entrench in the Constitution of this State certain provisions designed to protect and preserve the political institutions of the State, the basic political rights of the people, the freedom of the individual and the protection of his property, and to maintain an independent judiciary. (*QPD* 1957:vol. 218, p. 9)

Nothing came of this intention in the first session of the thirty-fifth Parliament. In the second session, the Governor announced that the Parliament would deliberate a ‘Bill to Amend the Constitution of Queensland so as to Secure the Blessings of Liberty to our People and our Posterity’ (*QPD* 1958:vol. 221, p. 5), but nothing appeared in that session either. Then, in August 1959, the new Governor, Sir Henry Abel Smith, announced the Nicklin government would enact a Bill of Rights for Queensland in the third session of the Parliament and before the approaching state election. This time a Constitution (Declaration of Rights) Bill (drafted with the assistance of a consultant, Dr Frank Louat, QC) was introduced to the first reading stage, at which point the Premier announced that the government intended ‘leaving the Bill before the people for their consideration’ (*QPD* 1959:vol. 225, p. 2007). The bill attracted various criticisms from members and even from the preliminary debate it was clear that the enunciation of constitutional principles would have far-reaching implications and perhaps unintended consequences. Three issues in particular attracted attention: the advisability of codifying electoral rights; the issue of binding future parliaments to particular provisions in the bill; and the issue of property rights (and the compulsory acquisition of property from such groups as primary producers under marketing arrangements). Provisions for the appointment of judges were condemned because they did not go beyond existing practice. The bill was not further debated in the last days of the third session in 1960. Finally, following its re-election at the state election of 1960, the government indicated a change of heart over the declaration of rights initiative and sought to allow the issue to lapse quietly. This tactic, however, did not save the government from criticism over its handling of this matter or from occasional embarrassing references to the rights bill by opposition speakers in subsequent parliamentary debates.

Box 5.1

The Constitution (Declaration of Rights) Bill 1959

The provisions of the 1959 bill included

- affirming the sovereignty of the Parliament as the representative authority of the people of the state
- limiting the Parliament's ability to bind its successor by restricting its powers to entrench legislation (not 'fetter its successors') but removing any impediment to its powers to repealing laws
- the Assembly would be composed only of members 'directly chosen by the electors' with the state divided into electoral districts from which 'one member and no more of the legislative Assembly shall be chosen', and the number of electorates not less than 75
- electorates would be derived by a quota 'subject to a margin of allowance', implying electorates would be roughly of equal proportions (one vote, one value); no electorate could exceed one-third of the quota or fall less than one-third; the quota would come from dividing the number of voters in the whole state by the total number of electorates
- any person (subject to some minimum criteria) could nominate for election to the Assembly (nominated by 10 electors) even if the nominee was not enrolled as an elector for that or any other electoral district; and the Parliament was prevented from adding further disqualifications in the future
- enrolment to vote was to remain compulsory, by secret ballot, with one vote only and 'it shall be the duty of every elector to record his vote'
- British subjects older than twenty-one years could vote if they had been in Queensland for six months or more
- electors were supreme and the Parliament could not diminish or take away the right of a person to claim enrolment and vote
- referendums were provided for, also with compulsory voting
- the judiciary was afforded a degree of independence—they would still be politically appointed by the Governor-in-Council but could be removed only by the same body after a vote from the Assembly
- people had basic civil rights associated with arrest, legal representation and release by the courts if detention was unlawful (*habeas corpus*)
- people had property rights and the Parliament's power to seize property 'shall not extend to authorise, by any law whether made before or after such commencement [of this act], the compulsory acquisition of property otherwise than on just terms'
- bill seeking to repeal, amend or be contrary to the provisions of the constitution was not to be presented for assent until the proposed bill had 'been approved by a majority of electors voting at a referendum'.

The proposed bill was deferred when the Parliament resumed in 1960 and was never reintroduced.

At the opening of the thirty-sixth Parliament on 24 August 1960, Governor Abel Smith used the occasion to remind members that Queensland had entered its second century. Taking the opportunity of the anniversary to reflect on the state's heritage, he became more adventuresome in his address, waxing lyrical on the past and speculating on the future:

The pioneers brought with them to this vast continent Western civilisation which rests on Christianity. They believed in individuality as an integral part of their faith, yet they realised that they were also members of a community who had received great privileges in the gift of this rich land, and therefore, it was their responsibility to develop its latent wealth for the benefit of mankind. These early settlers, together with the generations who succeeded them, have passed on to us a magnificent heritage. Our State is entering her second century; wide horizons lie ahead. (*QPD* 1960:vol. 227, p. 27)

The words, of course, were those of the government. Such confidence and 'state-boosterism' always seemed high and the government's appetite for pioneering challenges was keen. It had used the opportunity of the state's centenary (the so-called 'Triumph in the Tropics') to associate its own developmentalism with that of the pioneering past. Like most state governments at the time, the Nicklin ministry believed that governments fundamentally existed to do things and expand opportunities for those like themselves able to take advantage of the opportunities.

Citing its successes and administrative achievements, the government would resort to providing regular bulletins recording outputs or welcomed increases. The number of infrastructure projects (water supply, sewerage, railways, bridges) built each year was faithfully recorded as progress; additional migrant settlers, new schools, colleges, houses and health facilities were all signs of Queensland's steady growth. The construction and improvement of roads were perennial indicators of success, signalling not only the opening up of the state, but the provision of convenient public infrastructure to rural industries across the state. Each year the Parliament was informed of the magnitude of the road-building effort throughout the state (an effort due not only to the state government, however, but to the three levels of government acting in conjunction). Under the *Main Roads Act*, the government declared a construction target of an additional 20 000 miles (32 000 kilometres) of new roads to be completed in the period 1960–66. Each year the total funds expended on road construction was mentioned with some pomposity; in some years road fund expenditure was equal to about one-seventh of the total budget.

Despite the obvious pride with which road construction figures were presented, the government regularly admitted to being 'distressed' by the 'ever-increasing'

road toll throughout the state. It made frequent rhetorical undertakings to help reduce accidents and road fatalities. Often the remedy was to advocate more sealed roads (including the major undertaking of covering the Bruce Highway from Brisbane to Cairns with bitumen during the 1960s). Motor vehicle inspections, zebra crossings, railway crossings, traffic lights and one-way streets all regularly received mention, as did new police stations and praise for the 'excellent work' of the Queensland Police Force. Other remedies against drunk-drivers were, however, often resisted and measures such as random breath testing for motorists would have to wait until 1988—near the end of the conservatives' tenure in office.¹

Health announcements were also a prominent feature of the government's administrative and legislative agenda. Unlike other parts of Australia, Queensland had established a strong tradition of free health treatment at public hospitals and successive governments continued the commitment and basked in the credit. In 1961, the Governor told the Parliament that '[m]y Ministers inform me that the policy for providing free treatment for both inpatients and outpatients at public hospitals has been maintained' (*QPD* 1961:vol. 230, p. 6).

Commissioning new public hospitals was invariably a popular preoccupation and the government would frequently add new specialist facilities to existing public hospitals. For example, the state government implemented the Commonwealth's policy of compulsory chest X-rays in 1959 and within two years more than 250 000 people had been examined. In 1960, plans were made to integrate psychiatric services with general health services provided by public hospitals. The next year, the government planned to train and appoint 'teachers to tutor the sub-normal population of mental hospitals' (*QPD* 1961:vol. 230, p. 6). In other areas of health policy, the government regularly announced its intentions to reduce occupational accidents by establishing safety boards or creating specialised occupational health and safety units in departments such as labour and industry.

Occasionally, when outlining the government's intentions to a new session of parliament, some announcements seemed curious or quirky. Beginning its second term, the government announced that Aboriginal income and employment were to be developed by a 'native curio industry' (*QPD* 1960:vol. 227, p. 31). Another year, the government boasted that it had successfully developed the technology to remove 'weed taint from butter oils' (*QPD* 1961:vol. 230, p. 4). In 1963, it was felt important to record that 'a film of the State sponsored by a prominent Southern organisation covering industrial and tourist matters' was being produced and that 'Queensland was well represented by a pavilion at

¹ In the 1970s, breath testing for alcohol was permitted but not random testing. Police had to suspect a driver of driving under the influence or observe erratic driving behaviour. The limit then was 0.08.

the Sydney Trade Fair' (*QPD* 1963:vol. 235, p. 16). In the same speech, the Governor reported that 'a total of 233 new classrooms was provided at existing State High Schools' (*QPD* 1963:vol. 235, p. 18).

Address-in-Reply debates: meandering, roaming non-debates

Under parliamentary conventions, the Governor's speech was the catalyst to initiate the Address-in-Reply debate, which allowed the Parliament (and principally the opposition) to debate the government's record and the issues of the day at considerable length. The Address in Reply is conventionally the Parliament's reply to, and acknowledgment of, the Governor's speech, handed down from the British practice in which parliamentarians would humbly thank the monarch for his/her 'gracious speech' to the two Houses. In the early 1960s, the Queensland *Standing Orders* permitted the Address-in-Reply debate to run for seven sitting days (having earlier been increased from only four days in November 1950 by the then Premier, Ned Hanlon). Convention also allowed, however, two additional days for reply—the first of which was when two new backbench members from the government would open the defence highlighting their appreciation of government projects, and a second allowed the Leader of the Opposition to begin the opposition's response to the government's program; then seven further dates were 'allotted' with speakers from alternating sides of the House. Thus, between seven and nine sitting days per annum were designated to the Address in Reply and this constituted approximately one-seventh or 15 per cent of the available sitting days in a typical parliamentary session in the 1960s (sessions averaged 67 days throughout the 1960s). While not always the most important debate, the Address in Reply generally consumed the most amount of debating time.

In opening the Address-in-Reply debate, two new government backbenchers would move and second a standard motion expressing loyalty to the Crown and thanking the Governor for giving the speech opening the session. They would add:

The various measures to which Your Excellency has referred, and all other matters that may be brought before us, will receive our most careful consideration, and it shall be our earnest endeavour so to deal with them that our labours may tend to the advancement and prosperity of the State. (*QPD* 1963:vol. 235, p. 29)

The two novice backbenchers would then speak about their electoral concerns, providing a rundown of state development issues usually from the local

perspective. Incentives to local industries were important, such as sugar, cattle, fruit, timber or tobacco. The virtues of major local projects were extolled as governments helped develop 'the north' or 'the west'. Hence, when Henry McKechnie (CP, Carnarvon) rose to speak in his first Address in Reply in 1963, he concentrated on listing the government's achievements within Carnarvon (from Goondiwindi to Stanthorpe), but added for good measure what he felt were the urgent remaining needs of his electorate—principally, water provision, electricity and sealed roads. A certain flavour of the debates is conveyed in the following extract from McKechnie's speech:

Due to lack of water, the productivity and general confidence in the Inglewood irrigation area had gone into a decline, and in my election campaign I stressed as an emergency item that a major dam must be built on the Macintyre Brook. It was very gratifying that there was such a quick response from this new Parliament in that Cabinet approved the £2.4 million Coolmunda Dam to impound 61,000 acre-feet of water so that in the driest years 9,000 acres can be irrigated past Inglewood to Yelarbon. In his speech yesterday His Excellency said that this approval was subject to the acceptance of the landholders downstream, and that has now been obtained...Realising that water is the key to progress, the implementation of the Border Rivers scheme is ever in my mind. This scheme envisages a large dam on Pike's Creek, south-west of Stanthorpe and above Texas, to store 90,000 acre-feet in its first stage and increasing to 200,000 acre-feet in its second stage to yield an assured supply of 74,000 acre-feet per annum to irrigate 31,000 acres along the Dumaresq River at a cost of £6.5 million, and then, at a later stage a still larger dam to be built on the Mole River opposite this site in New South Wales to impound 430,000 acre-feet at a cost of £12.5 million to irrigate a further 63,000 acres of land...The Border Rivers project is being prepared in detail for the two State governments to present to the Prime Minister, and prospects look excellent for this project of national importance. (QPD 1963:vol. 235, pp. 30–1)

Hardly sensational stuff, but then again such extracts reflect the concerns of backbench government members on local development and progress. Later, other government members would contribute to the debate, often making their maiden speeches in the reply debates. They did not want to criticise their own administration, so much of the content of their addresses was reportage and routine; the speeches were essentially formulaic.

With somewhat greater latitude for political scope, the opposition's 'reply' could roam across policy, performance and politics. Its aims in the debate were usually to embarrass the government and force it to improve its performance, while presenting itself as a viable alternative government. In practice, however, the

opposition's reply debates meandered, with many opposition members straying from topic to topic seemingly at will. This practice meant that reply debates were often long, tortuous and scattered in their content. They occupied an important formal role in the proceedings of parliament but the real debates often lacked coherence and purpose, and not many topics were in fact 'debated'. The Address in Reply for the second session of the thirty-sixth Parliament in 1961, for instance, ran for nine sitting days between 22 August and 19 September, with the *Hansard* record of the debate extending to 245 pages (*QPD* 1961:vol. 230). Customarily, once the debate was completed, the Speaker dutifully presented the entire Address in Reply to the Governor for his edification; provision also existed for the Governor to answer the reply debate but usually this was merely a formal acknowledgment of receipt, reported back to the House by the Speaker.

General government business

Budgets, supply and financial affairs

The annual passing of the budget—authorising monies for proposed outlays—forms one of the main rituals of the parliamentary process. Under Westminster conventions, the Crown requests the Parliament (by message from the Governor) to authorise funds to provide for the executive government's requirements. Parliament is asked to impose taxes or expend public monies. Specific money bills provide '[t]hat there be granted to Her Majesty, for the service of the year [a particular financial year] a sum not exceeding' a certain stipulated amount for expenditure. Hence, all revenue measures and expenditure commitments require regular appropriation by the Parliament, which authorises grants to the Treasurer to pass on to departments and other public bodies. These grants—or 'votes', as they are known in parliament—are approved on an annual basis with provision to ensure the continuity of administration. To approve such financial measures, *Standing Orders* in the 1960s required the Parliament to meet as a committee of the whole house (in the Committee of Supply and Committee of Ways and Means). Once the Address in Reply was completed in the Legislative Assembly, the budget and supply debates ostensibly examined the government's proposed budget before eventually passing the appropriation bills. These annual debates in the 'budget session' conventionally lasted up to 17 sitting days—approximately one-quarter of a parliamentary sitting year.

The budget session of parliament generally began in the new financial year, usually in August. The Parliament was presented with estimates of expenditure for the year ahead, but because the government needed resources to operate while the Parliament was deliberating the supply, two separate appropriation bills were required to be passed each year (constituting 'votes on account'). The

Annual Appropriation Act No. 1 was passed at the start of the budget sitting in August and provided authority to draw funds for government services for the period September to November. The second appropriation bill (no. 2) was passed at the conclusion of the budget debates and authorised funds 'on account' for the next July and August to enable the business of government to continue while the Parliament was examining the budget. Both acts empowered the Treasurer to spend public monies from consolidated revenue (the public account), from trusts and special funds and to borrow any additional funds needed for approved purposes.

Treasurers introduced the government's budget (or annual financial statement) through the yearly budget speech, which highlighted the main points or provisions of the intended budget according to the government. Traditionally, the Leader of the Opposition would reply to this speech a few days later. Members then had six days to debate the general components of budgetary and economic policy. The remainder of the 17 supply days was then set aside for supply and departmental estimates with the House forming itself into the Committees of Supply and Ways and Means (with the Supply Committee considering departmental estimates and Ways and Means formally authorising appropriation). Revenue proposals were passed for consolidated revenue, trust and special funds, and for the loans fund. In the 1960s, departmental estimates were considered by the whole House (and not by a special committee) but only selected portfolios were subjected to detailed scrutiny. Each year cabinet would nominate the particular portfolios to be considered in detail and, after discussing these, the Parliament would pass the remaining estimates *en bloc* at the conclusion of the supply debates. Those selected for review were supposed to be chosen on a rotational basis, but the practice allowed the government to carefully nominate those portfolios they were most confident would survive scrutiny, while shielding others from detailed examination.

Compared with other Australian parliaments, in Queensland, the budget and supply debates tended to lack a certain interest because of its unicameral structure and tight two-party adversarial system. Because there was no upper chamber, perhaps with a different perspective or political composition, there was no other opportunity to scrutinise and authorise the money bills. The budget debates themselves did not have to be persuasive or comprehensive because at the end of the allotted time the government could always muster its numbers and authorise the required appropriations. The government could vote down any amendments proposed in the Assembly, whereas other state governments in Australia often had to expect compromises with a second chamber. This meant that in Queensland the character of the debates generally lacked a focus on detailed departmental expenditure estimates or on how effectively public money was spent. Frequently, the Commonwealth Government (also a Coalition-

led administration at this time) was used as a convenient distraction or scapegoat for any resource shortfalls or problems experienced with commitments. For instance, the Treasurer, Tom Hiley, had a significant argument with Robert Menzies in 1959–60 over the financing of the Townsville to Mount Isa rail line. As in the Address-in-Reply debates, members often used budget debates for matters entirely tangential to the question of supply or the budget proposals under discussion. Political opportunism and verbal attacks on the other side tended to dominate proceedings and from session to session patterns emerged closely related to particular members. Some ministers, government members and opposition members were conscientious in deliberating supply issues within a portfolio under discussion, keeping their comments focused and relevant. Others, however, strayed into esoteric or irrelevant topics, used the debates to launch political attacks or seized the opportunity to 'have another go' at a favoured topic of concern.

The chair tended to exercise little control over the range of issues raised while ostensibly discussing appropriations and financial matters. For instance, in 1961, during the debate on the general estimates, the topic of discussion eventually swung around to censorship and pornography. According to Clive Hughes (Lib., Kurilpa), the Queensland Literary Board of Review allowed 'raunchy novels to be sold', which poured 'filth into this country to the detriment of the minds and education of our young people'. Although Hughes was nominally discussing the estimates of the Education Department (totalling £19 191 118), which he generally felt was well spent, he believed young people were being put at risk by the availability of such 'dirty novels'. To the amusement of many present, he began to read into *Hansard* some assorted extracts and titillating passages from the 'obscene literature' approved by the Review Board (with lurid titles such as *Call Girl*, *Gutter Girl* and even the *Black Leather Barbarians*). He went on to admit that he had read 'dispassionately' the book *Call Girl* and, among other things, the 'unexpurgated version of *Lady Chatterley's Lover*'. Not all opposition members present entirely shared Hughes' concerns and some began to ridicule his statements. At one stage after Hughes had listed some of the 'dirty novels' he had read, one member interjected to ask him if he had ever 'read any decent books', and later whether he kept 'these books at Liberal Party headquarters'. When Hughes described the cover of *Gutter Girl*, Labor's Jack Houston asked hopefully whether such books were available 'in the Parliamentary Library', later adding 'no wonder we could not find any there; you had them all out' (QPD 1961:vol. 230, pp. 670–8). The temporary Chairman, Alex Dewar, was reluctant to intervene on the relevance of the speech, but did call the House to order saying that '[t]here is far too much levity in the Chamber'. Hughes was immediately followed in the debate by Harold Dean (ALP, Sandgate), who managed to return to the estimates, but questioned the wisdom of printing

Hughes' speech in *Hansard* because it would be 'distributed freely' and was likely to bring discredit on the Parliament. The next speaker, Joh Bjelke-Petersen (CP, Barambah), opened his speech by volunteering that he agreed

100 per cent with the attitude and action taken by the hon. member for Kurilpa. In my opinion it is very necessary to draw attention to the fact that these books are in circulation, so that those in authority may do something about them. I congratulate the hon. member on his speech. (QPD 1961:vol. 230, p. 682)

This interchange might illustrate the kind of topics parliamentarians of the day thought were important or it might also indicate that despite their formal significance the routine supply debates could be tedious and boring and a little light relief was welcomed. Over the years, the prospect of introducing more interesting topics often proved alluring.

Yet, parliamentarians themselves were sometimes critical of the effectiveness of budget debates and the way members performed. Sam Ramsden (Lib., Merthyr) claimed as early as October 1961 that budget debates tended to be misused by parliamentarians. He was not alone in his party in considering the budget debates somewhat wasted, often notoriously rambling and frequently degenerating into longwinded political diatribes. He called for a specialist public accounts committee in 1961, suggesting that such a committee was necessary to fulfil the Parliament's designated role of scrutinising the executive on financial matters (QPD 1961:vol. 230, p. 691). His call for a public accounts committee would remain dear to the hearts of the Liberal Party members, surfacing from time to time and ultimately becoming a catalyst for the eventual Coalition breakdown in 1983.

During the period of the Nicklin government, the state budget underwent steady growth, with expenditure from consolidated revenue dropping in only one year (in 1962/63), and even in that year an additional injection of spending from trust funds meant that total expenditure still rose. Interestingly for a conservative and avowedly 'low-taxing' government, expenditure commitments gradually increased ahead of the rate of population growth. On a per capita basis, expenditure increased from \$206.20 in 1957 to \$396.10 in 1968. The Nicklin government was not averse to using public expenditure deliberately to sponsor the various components of state development.

All recurrent outlays (expenditure on administration, salaries and operating costs) were funded largely from the consolidated account, with capital works expenditure (construction and major projects) drawn from loans funds. Before the change of government in 1957, the Coalition in opposition had been critical of the Labor government's failure to spend on services and Queensland's tendency

to fall behind the average Australian state standard (see Lack 1962:517). In government, Nicklin and Hiley were anxious to keep pace with the national average of spending and in some areas greatly expand expenditure, such as in education, where the number of schools and teachers rose substantially (admittedly from a low base). Expenditure on education tripled in the first 10 years of the Coalition government, from \$23 million in 1957 to \$71.7 million in 1968. In the same period, the state population increased by the lower figure of less than one-fifth (18.9 per cent).

Revenue and taxation issues were subjects of much controversy over the years in budget debates. Revenue receipts (from taxation, grants, borrowing and trust funds) increased at a regular rate although the government was often at pains to stress the low-tax status of Queensland. It was inevitably walking a fine line between being fiscally conservative and containing revenue take, and having sufficient expenditure to enable it to do what was required or needed. Making the state tax system more effective became a key issue at the outset of the Nicklin period. As a conscientious Treasurer, Tom Hiley was initially 'horrified that some State taxes were costing more to collect than they yielded' (*Courier-Mail*, 12 November 1957). Hiley conducted a review of all state taxes within his first 12 months as Treasurer (*Courier-Mail*, 17 June 1958).

To meet other shortfalls (and augment a 'poor tax effort'), the government looked to additional support from the Commonwealth. The Premier was determined to secure increased funds from the Commonwealth (rather than raise state taxes), arguing in his maiden speech to the Loans Council that from a Queensland perspective 'we need more' (*Courier-Mail*, 14 February 1958). A series of comparative statistics was read into *Hansard* illustrating that the Queensland government spent far less on services than other states—and also that Queensland received far less in per capita terms from the Commonwealth Government. In the supply debate after the introduction of Hiley's first budget, the Deputy Leader of the Opposition, Eric Lloyd (ALP, Kedron), congratulated the Treasurer on his budget and made the point that 'it is obvious that although Queensland has the greatest potential of any State in the Commonwealth and the largest area, it is given the smallest grant from the Commonwealth government on a per-capita basis' (*QPD* 1958:vol. 218, p. 380; see also Lack 1962:518). Both sides of the House shared a bipartisan view that Queensland was hard done by in its share of Commonwealth funding—and this was to remain a perennial feature of Queensland state politics. The Coalition government was later instrumental in convincing the Commonwealth Government to accept Queensland as a 'claimant state' qualifying for additional revenue assistance.

Debates about the state level of taxation did not all go one way. At times the government deliberately chose to run deficits and defend them publicly. The Coalition consisted of an amalgam of agrarian socialists and urban

interventionists. As a second-term backbencher, Bill Knox (Lib., Nundah) informed the Parliament in October 1961 that the Coalition government would not shy away from increasing taxes—something of a heresy in terms of later public representations from Queensland governments. Knox gave a lengthy defence of the government's spending commitments, stating 'we are spending to the limit of our capacity this financial year'. When challenged by an opposition interjection that this would result in a deficit, Knox continued:

If this is the defence of a deficit, I am not ashamed to defend it. We are trying to get on with the job of development. We will spend every penny that we can lay our hands on. We are spending to bursting point. We will do this rather than conserve funds and provide a balanced budget. (*QPD* 1961:vol. 230, p. 627)

Generally, however, Treasury and the Parliament placed considerable importance on delivering a 'balanced budget' with either a small surplus or a small deficit recorded. To achieve a 'balanced budget' in the consolidated revenue account, the government could draw funds from various 'hollow logs' and trust accounts, from Commonwealth sources or directly from increased borrowing. Hiley, in particular, was anxious not to have money sitting idly in 'hollow logs', preferring it instead to be used for practical purposes. In 1960, both revenue and expenditure exceeded £100 million for the first time while the government reported a comparatively small deficit of £164 675 for the previous financial year. In 1960, loan or trust fund expenditure on capital works represented almost one-third of outlays (£29 361 845 of the £100 million). By 1968, trust fund expenditure used largely for capital works was greater than recurrent outlays.

The proportions of expenditure allocated to particular functions or policy areas changed slightly in the decade of the Nicklin government. The allocation of outlays remained predominantly consumed by infrastructure and resource development, with far less provided for education, health services and 'social amelioration'. In 1957, the combined expenditure on railways, other state enterprises and development purposes was equal to 56.5 per cent of total expenditure (24.5 per cent alone was spent on the railways—the single largest item of expenditure). By 1968, this combined figure had fallen back to 47.8 per cent, largely because expenditure on railways had dropped to 14.8 per cent. Indeed, because of the associated costs, the state's railways constituted a significant imposition on the budget. Each year the Railways Department would report its activities to the Parliament, generally returning losses on its operations. Typically the Governor's speech would note the losses in passing. For instance, in 1958, the railways lost £1.46 million (*QPD* 1959:vol. 224, p. 2); in 1960, they lost a further £2.6 million from a turnover of £34.8 million; and in 1962, they lost only £500 000, which was much better than the previous

year, when £1.5 million had been lost (*QPD* 1963:vol. 235, p. 14). In 1964, the government announced with some pleasure that for the first time in nine years the railways had broken even.

In contrast with the amounts spent on railways and other developmental projects, the proportion of expenditure on social items (education, health and welfare) was low. Education consisted of only 9.1 per cent in 1957, rising to 13 per cent by 1968. Expenditure on health made up just 10.5 per cent in 1957 and had fallen to 9.6 per cent by 1968. Social amelioration consisting of relief assistance, child welfare, homes for the aged and Aboriginal welfare consisted of just 1.6 per cent in 1957 and 1.8 per cent in 1968. The breakdown for the various proportions of expenditure according to functions is shown in Table 5.3.

Table 5.3 Expenditure outlays by function, 1957–68

Policy function	1957 (%)	1968 (%)
General administration	4.1	3.8
Law, order, public safety and regulation of trade	4.0	5.9
Education	9.1	13.0
Health	10.5	9.6
Social amelioration and welfare	1.6	1.8
Business enterprises and railways	32.0	21.5
Development of resources, land, irrigation, infrastructure and housing	24.5	26.3
Local government	3.3	6.4
Debt charges	10.8	11.6

Source: *Queensland Year Book* 1959, no. 20; *Queensland Year Book* 1969, no. 30.

Finally, in the mid-1960s, a convention began of coining a particular label for each year's budget. The aim was to identify a name or theme that could be used in selling the budget. Gordon Chalk as Treasurer in 1966 labelled his first budget 'a push ahead' budget. This was followed by the 'march of progress' budget in 1968. The media, however, was less kind, referring to Chalk's 1966 budget as the 'little horror state budget' in reference to the 1951 federal 'horror budget' of Artie Fadden. The opposition also picked up on this theme retrospectively, labelling Hiley's last budget, of 1965, the 'dishonest budget' because of the pending 1966 election and then regarding Chalk's 1968 budget as the 'guilty conscience' or 'election jitters' budget (Houston in *QPD* 1968:vol. 249, p. 613).

Selected legislative policy areas

Political, legal and administrative

Having been kept out of government for such a long period, the Coalition had a lengthy backlog of political issues to address and legislative amendments to introduce covering administrative and legal areas. Amending the provisions of the electoral laws was one of the most pressing issues for the new government in its first term. In particular, the government was determined to make its own amendments before facing the people again in 1960. Neither side of politics had shown a commitment to one vote, one value and both continued the practice of dividing the state into zones to weight votes unequally (or represent some sections of the community better than others). Just as the outgoing Labor administrations had manipulated the electoral system to gain maximum benefit (to use Premier Nicklin's words), so the conservatives adopted a similar philosophy when proposing amendments to the *Electoral Districts Act* in 1958. Indeed, Nicklin told the Parliament that the new government was basing its amendments on the framework of the earlier 1949 *Electoral Act* introduced by Labor. The four zones created by Labor became three under the new legislation: metropolitan Brisbane with 28 electorates; provincial cities with 12 electorates; and the country zone occupying the rest of the state with 38 electorates. The legislation made provision for redistributions within zones (but not between them) and maintained first-past-the-post voting. The Premier regarded this legislation as providing a 'better distribution of electoral districts' and a more 'realistic approach to the rectification of anomalies which exist in the present distribution' (*QPD* 1958:vol. 222, p. 1616). He defended the bill on the grounds that it was more aligned with population growth and was fairer than the previous zonal arrangements that 'sprung from the manipulation of electoral boundaries by our predecessors'. He thought the new bill was fairer to Labor than the previous malapportionment, pushed through by Labor, had been to him. The opposition, however, was incensed by the changes and opposed virtually every clause. Labor opposed the addition of three extra seats to the Parliament (from 75 to 78) and the allocation of four additional seats in the Brisbane zone to only one extra for the country (see Chapter 6). Duggan even accused the Coalition parties of conspiring to fix the system, 'huddling' over maps and using Harold Richter (CP, Somerset) and Seymour Doug Tooth (Lib., Kelvin Grove) as a subcommittee to inquire into 'the best ways in which they could carve up the State to ensure the return of the present government' (*QPD* 1958:vol. 222, p. 1619). The government used its numbers to reject every opposition amendment and ensure that each clause of the bill was passed intact.

Electoral tinkering was not over, however, with the changes to the zonal system for partisan advantage. The Coalition again modified the electoral laws to secure

its position once it had comfortably achieved re-election and seen the demise of the QLP. After much soul-searching and dispute among the Coalition partners, the *Elections Acts Amendment Act 1962* reintroduced preferential voting as a way of shoring up support for the Coalition where two or more conservative candidates stood for election (but this time preferential voting was compulsory not optional). Compulsory voting on a preferential basis meant that voters had to allocate a numerical preference (1, 2, 3, 4, and so on) to all candidates standing for the seat for votes to be counted as valid. Failure to allocate preferences in order to all candidates (or all but the last) would render the vote invalid. The government argued that this change brought Queensland into line with Commonwealth practice on preferential voting and reduced the ‘wastage of votes’ (that is, those cast for all defeated candidates). The Country Party was, however, also increasingly aware that if it persevered with first-past-the-post voting then it risked losing seats where two or more conservative candidates stood or where renegade conservative independents split the vote. Compulsory preferential voting, together with a system in which each of the Coalition partners would ‘stake a claim’ on particular safe seats, seemed a far safer bet. As a result of the 1962 preferential voting amendments, however, the issue of which Coalition party ‘owned’ particular seats then became a controversial issue dogging relations between the party machines and within some local branches.

Political advantage in local government elections became an issue for the government in its second term. Changes to the electoral system for Brisbane were made in the *City of Brisbane Acts Amendment Bill 1960*. The bill intended to increase the number of Brisbane electoral wards by four (to 28) bringing council wards into line with the recently redistributed 28 state electoral districts in Brisbane. The four new wards were likely to be Liberal-held wards giving them a projected hold of 18 wards in total. Lloyd Roberts, the Minister for Works and Local Government, at the time introducing his first and one of his last bills, argued that this measure was necessary to allow council elections to use the state electoral rolls, which ‘meant a tremendous saving in cost’—despite the additional cost of providing for four additional aldermen (*QPD 1960:vol. 227, p. 420*). Labor criticised this measure because it felt that four additional wards would ‘bring about an over-abundance of electorates within the city of Brisbane’ (Eric Lloyd, Deputy Opposition Leader, in *QPD 1960:vol. 227, p. 439*). The Opposition Leader, Jack Duggan, accused the government of again seeking to tamper with the electoral system, asking whether the ‘reported horse-trading at last night’s meeting of the joint Liberal and Country Parties, by which the Liberals forfeited their one vote one value policy in return for the creation of an additional four metropolitan electorates, indicate[d] the Government’s conception of fair and clean procedures?’ (*QPD 1960:vol. 227, pp. 442–3*). The minister brushed aside any criticisms by responding that ‘there was a hue and cry this afternoon about gerrymandering. I am not going to deal with that

because nobody would know more about gerrymandering than hon. members opposite. They have had a lot of experience of it and have been absolute past masters at it' (*QPD* 1960:vol. 227, p. 455).

Ministerial salaries and additional payments to parliamentary officials were invariably controversial with representatives anxious to demonstrate their worth and the public concerned about the rising costs of political representation. Parliamentary salaries had emerged as a sensitive election issue in 1957. This did not prevent the government the next year from awarding large increases to the annuities paid to members under the parliamentary superannuation scheme (more than doubling the weekly rate payable), while raising the level of member contributions from £2 to £4. The *Public Service Superannuation Act* was also amended in 1958 to increase provisions for the compulsory contributors. Then in March 1961 the government introduced legislation that allowed the practice of paying *additional* salaries to ministers in Queensland, thereby bringing the Queensland government in line with other states. The *Constitution Acts Amendment Act 1961* was drafted after the report of an external committee of inquiry into parliamentary remuneration. To the disappointment of many members, the bill declared that the existing salary for ordinary members was sufficient and should not be altered (at £2501 10s.), but that Ministers of the Crown and officials of the Parliament would be provided with additional remuneration. The bill listed the additional amounts of salary to be paid to officers according to the then pecking order: Premier, £2700; Deputy Premier, £1600; ministers, £1350; Opposition Leader, £1000; Speaker, £750; the Deputy Opposition Leader and Chairman of Committees each received £250; and the whips of the government and opposition received £100. Interestingly, the Premier received double the increment of ordinary ministers and the Speaker received a little more than half the additional salary of a minister (*QPD* 1961:vol. 229, p. 2861). The Premier's salary was then £5201 10s. in total.

Parliamentary salaries were again increased by legislation in March 1964, when the Premier justified an increase for all members' annual salaries from £2501 10s. to £2650 on relativity grounds with other official positions (departmental secretaries). The Premier described the increase as 'moderate' despite the fact that the rise of £148 and 10s. was equal to 10 weeks' pay for workers on the basic wage. The new parliamentary salary was four times the basic wage. The additional payments to some ministers and other senior officials were also increased, lifting the Premier's salary now by £2750, the Deputy Premier's by £1800, the Speaker's by £900, the Deputy Opposition Leader's and Chairman of Committees' by £300 each and the whips' by £200. The additional salary increment of other ministers, however, and the Opposition Leader was left

unchanged. In a separate act, the Governor's salary was increased to £6500, bringing his annual salary in line with senior ministers and the Chief Justice (and almost 10 times the basic wage).

These increases were soon seen as insufficient and in 1965 the *Constitutional Acts Amendment Act* awarded further increases to members and other officials in the Parliament. Again the recommendations of a committee of inquiry were used as the basis for the rises. Ordinary members were given an increase in their salaries of £700, bringing them to £3350 per annum; ministers' salaries were increased by £1500 to £5500; the Premier and Deputy Premier were awarded a total of £7000 and £6000 respectively; the Leader of the Opposition received £4750 and the Speaker £4600. The act noted that the large increases in salary would be partially offset by some reductions in the allowances paid to members. Moreover, sensing public disquiet, the act allowed individual members to refuse in whole or in part any of the increases awarded. This provision could be interpreted cynically as a device to temper public outrage or discourage any hypocrisy from the opposition who might choose to attack the rise but still accept the increase.

The size of the ministry was expanded from 11 to 13 in September 1963 to spread the workload of the cabinet 'in the interests of good government'. A special act was required to create two new ministerial positions (the *Officials in Parliament Acts Amendment Act 1963*). By increasing the ministry, the Coalition government faced a dilemma. If they added only one position arguments would arise over which party should secure the job.² To smooth the way and avoid an inter-party brawl, the government chose to add two new ministerial positions, one for each party, which would preserve the relativities within cabinet (seven Country Party ministers to six Liberals, up from six–five respectively) and still provide promotion to a backbencher from each side. This was typical of Nicklin's style of handling the politics. Justifying the increase in the Parliament, Nicklin was unapologetic, saying that the 'field of government had widened tremendously'. He pointed out that in 1898 the ministry was set at eight; it was increased to nine in 1920 by Theodore; a tenth position was added by the Gillies government in 1925; and the eleventh spot was added by Hanlon in 1949. Thus, according to Nicklin:

[I]n a period of 43 years only two additional ministers have been appointed, although in that period the population of the State has more than doubled and State government expenditure from all funds has

² The Country Party would argue it deserved an extra position relative to the number of parliamentary members and that the Liberals should not be equal in cabinet. In contrast, the Liberals would argue for the position on the strength of their voting support and that they should be equal to the Country Party in cabinet.

increased more than tenfold, reflecting the development of the State and a consequent enormous increase in the scope and volume of ministerial responsibility. (*QPD* 1963:vol. 235, p. 204)

The opposition opposed the increase suggesting that no recent changes in circumstance warranted the increase and that Nicklin had himself opposed the last increase of only one position under Hanlon. Duggan was critical of Nicklin's arguments for the increase claiming that they were unconvincing and lacked logic. Indeed, there was no justification offered by the Premier to the Parliament as to why two positions suddenly had to be created. On the three previous occasions when an increase in the size of the ministry had occurred, it had been executed by majority Labor governments unconstrained by Coalition politics. Nicklin's solution of doubling increases to preserve party standing was not, however, followed when the ministry was next increased by the Bjelke-Petersen government in 1969; then only one position was created for an additional Country Party nominee.

A special bill was introduced in 1964 to exempt a particular member of the Assembly from disqualification due to holding offices of profit under the Crown simultaneously. The *Percy Raymond Smith Declaratory Act 1964* exempted Ray Smith (Lib., Windsor) from this clause in the constitution because of extenuating circumstances. Smith was a distinguished air force pilot in World War II and was asked to serve as a replacement Judge Advocate-General of the Air Force while sitting in the Parliament. The special act allowed him to accept this additional position under the Crown. The Parliament was assured that the Air Force appointment was not a form of permanent employment and that Smith would not be paid a formal annual salary for his services, but would be reimbursed only on a daily basis. The act gave Smith an exemption from the requirements of the *Officials in Parliament Act* and to some extent the constitution (*QPD* 1964:vol. 238, p. 208).

Beyond its own electoral and pecuniary interests, the government gradually addressed other concerns close to its own heart or those of its supporters. One such concern was over legislation affecting the legal community. On its return in the second term, the Nicklin government was eager to repeal the *Barristers Act*, a piece of Labor legislation passed in 1956 that had liberalised competition and thus angered local lawyers, many of whom were close to the Liberal Party. On largely parochial grounds, the government wished to disallow barristers and solicitors from other states from practising in Queensland. The Minister for Justice, Alan Munro (Lib., Toowong), introduced the repeal bill, arguing against the mutual recognition of qualifications because, he argued, it had resulted in 'only a one-way traffic of members of southern Bars to Queensland'. Munro told the Parliament that most of the major law firms in Australia were based in Melbourne and Sydney and with local access (and recognition of their rights to

practice) these firms could begin appearing before Queensland courts thereby bypassing local barristers or relegating them to junior roles. He also added that it was important to protect the local bar because it served as a training ground for future members of the judiciary. Munro expounded the view that it was 'in the public interest, to have a strong, independent and capable Bar in Queensland', but that subsequent to Labor's legislation there were 'indications that, if the practice under the 1956 Act was continued, it would have the effect of weakening the Queensland Bar' (*QPD* 1960:vol. 227, p. 224).

In a long parliamentary debate, the opposition accused the government of working for the interests of the Queensland bar and displaying hypocrisy in that it preached the virtues of competition and free markets except when its own vested interests were threatened. Jack Duggan, Ted Walsh, Col Bennett and Tom Aikens each took an active part in the debate, at one stage interjecting that the Queensland bar had 'asked' for the bill to protect its monopoly and that the government had acted despite evidence that only 'about a dozen' lawyers from interstate had in fact appeared before the bar in the four years since the act was passed. Other criticisms were that the repeal bill represented a regressive step, that the ban was discriminatory, would lessen the pool of available talent and that it was illogical that a Queensland barrister could travel a thousand miles north to take work in the state's provincial towns yet Brisbane clients would not be able to secure the services of a barrister a few hundred miles away across the NSW border. Aikens was his usual vituperative self, accusing the government of introducing a 'monstrous measure' that struck at the heart of liberty and protected a corrupt and incompetent legal monopoly. It was clear, Aikens felt, that the repeal measure was basically designed to erect a fence around the Brisbane legal 'fraternity'. He challenged the government to put a similar fence around the lawyers operating in his area of north Queensland, but his challenge was to no avail. This demonstrated to Aikens that the Coalition believed in 'free and unrestricted enterprise for everybody except margarine manufacturers and barristers'. Then, turning the debate towards one of his favourite sports—bashing the judiciary—Aikens attacked local Queen's Counsels as intellectual snobs with 'magic letters' after their names who took fees of 1000 guineas a day. He remembered that

when the original [1956] Act was introduced, some suggestion was made that Royal Commissions had been held in Queensland and everybody who wanted to employ a QC could not do so because there were not enough QCs available. Why they should want to brief QCs, goodness only knows; it is probably a question of intellectual snobbery. Someone suggested that one QC who was rather under the weather had been briefed to appear before the commission and another QC had given an assurance that he would keep him on his feet for the term of the

commission. These things were said in the House, and I believe there was some substance in them. [But] with the Government swinging the big stick and cracking the whip to bring members of the Government Parties into line, this Bill will become law. (*QPD* 1960:vol. 227, p. 230)

In the same year, the government introduced the *Police Acts Amendment Act*, which extended rights of appeal to serving commissioned police officers (except the most senior) against the decision of the Police Commissioner in cases of dismissal. In the debate on this bill, the Minister for Labour and Industry, Ken Morris, was forced to defend the reputation of the police after the opposition had used its time to criticise police administration. Labor's persistent complaints of police corruption (see Chapter 4) led eventually to the establishment of a royal commission (the National Hotel inquiry) in late 1963.

Economic and state development

The regulation of primary industries was a continual preoccupation of the Country Party government, as it had been of previous ALP governments. Many amending pieces of legislation were introduced to modify the terms of production, supply, marketing and forms of state levying of primary products. Acts were introduced to regulate trade, set prices and limit production quotas or areas of supply. Some acts intended to promote the consumption of farm products (such as dairy foods) and to 'fix and declare prices for milk and cream' so that the arrangements could ensure profitable returns to the farmer. Typically producer boards were maintained to fix prices and set the terms of production and trade, although these usually required the approval of the responsible minister before being published in the *Government Gazette* and becoming law. Farmers and stockkeepers were also given legislative protection to rid their properties of pests. The *Stock Routes and Rural Lands Protection Acts Amendment Act 1961* enabled pastoralists to control noxious weeds and destroy stray dogs. Later in 1964, this act was further amended to allow for the elimination of dingoes from the sheep-rearing areas of the state.

Other legislation governing agricultural industries allowed the government to levy charges on producers (by volume, weight, herd size, crop size or sales returns) in order to fund research and disease-control programs, usually administered by the Department of Agriculture. The *Swine Compensation Fund Act 1962*, for instance, provided for the establishment of a special fund to compensate pig farmers should their stock be destroyed in the event of the outbreak of swine fever. The fund was financed by the imposition of levies on all pig farmers—in this case, a stamp duty imposed on the point of sale initially set at a rate of 0.5 pennies per £1 of sale price achieved. Similarly, the *Tobacco Industry Stabilisation Act 1965* included Queensland in a national scheme to structure the market for locally grown tobacco. Under the scheme, three States

(Queensland, Victoria and New South Wales) shared an agreed national quota of 26 million pounds permitted to be produced; each state quota was then subdivided across the individual growers according to a two-year 'best-crop' formula. Entry into the tobacco industry was tightly restricted and growers faced substantial fines if they attempted to sell non-quota leaves (that is, surplus produce above their quota limit). For the Country Party members in the ministry, government was about social insurance, compensation and regulatory provisions—in short, agrarian socialism.

Not all protective legislation was, however, plain sailing. In December 1959, the Minister for Agriculture and Stock, Otto Madsen, introduced an Abattoirs Acts Amendment Bill 1959 designed to prevent suppliers from outside the Brisbane area sending meat to the Brisbane market. This response followed a piece of amending legislation passed in 1958 that had allowed abattoirs to supply markets beyond their local area. The 1959 bill, therefore, was essentially a U-turn and a restriction to trade aimed at protecting local suppliers in the urban market. The second amendment was tabled before the 1960 election ostensibly with the government's full support; but then somewhat surprisingly the bill was allowed to lapse and was not brought on for debate after the election when the next Parliament returned. According to the opposition, the bill was withdrawn because the government came under pressure from powerful vested interests outside the metropolitan area anxious to preserve their access to the lucrative Brisbane markets (*Courier-Mail*, 5 May 1960). Such incidents indicated the inherent complexities of politically regulating markets.

Queensland joined the national scheme for uniform business regulation in 1962 through the passing of the *Companies Act 1961*. This act originated from a series of intergovernmental agreements that required the various state parliaments to pass identical legislation bringing their codes of company law (and associated regulation of corporate affairs) into harmony. Drafting the new bill was problematic and very complex, as the minister, Alan Munro, admitted in a ministerial statement to the Parliament in 1961 (*QPD* 1961:vol. 229, p. 2256). The eventual act represented a massive legislative rewrite incorporating 361 sections and running to 420 pages. When debated in the House, the *Companies Act* received opposition support as a reformist measure. This episode indicated that on occasions the Queensland government was able to put aside parochial interests and cooperate with other governments in joining the national scheme. That said, however, once this act was passed many states, including Queensland, began passing their own amendments, which began to undermine the uniformity of the common code.

In response to the recessionary downturn of the early 1960s, the government in 1963 declared industrial development as the state's top priority (while assuring its own clientele that it would not neglect primary industries). State

development generally became the responsibility of the Premier while a separate portfolio for industrial development was created under a high-ranking minister: the Deputy Premier, Alan Munro. Because of a perceived need to promote secondary industry more specifically, the government introduced the *Industrial Development Act 1963*, which encapsulated the government's philosophy about securing industrial investment in Queensland. The new Minister for Industrial Development introduced the act with much fanfare, naming the key personnel he had recruited and outlining that the intent of the legislation was to provide financial assistance to any new industries prepared to establish in the state (QPD 1963:vol. 236, pp. 1502–8). According to the Premier, the special legislation was an 'outstanding act' that showed the government's foresight. A new Department of Industrial Development was established (from the old Electricity Supply Department, the Companies and Commercial Acts Office and the secondary industries section from the Department of Labour and Industry) with a mission 'to get new industries on their feet' (*Courier-Mail*, 25 January 1965). Munro was particularly interested in attracting overseas investors to Queensland (an issue that was becoming increasingly controversial) and undertook an overseas tour in 1964 to promote the state.

The government's plans were, however, soon frustrated. Within one year, the government had cause to amend the 'outstanding act' due to problems of administration. One particular reason behind this amendment was staff problems at senior levels in the department. The government had lured, at considerable expense, a highly regarded public servant (Sir David Muir, then Queensland's Agent-General in London) to head the department as Director-General of Industry. Muir initially accepted the appointment but resigned within a few months ostensibly because of ill health (although allegations were made in the Parliament about his relations with the government). In response, the government then downgraded the position of the department head (to Director of Industrial Development) and split the roles across the minister and two other senior officers (under a new head, Colin Curtis). Opposition Leader Duggan claimed there was more to the resignation of Muir than had been publicly acknowledged and that the new department was still 'overloaded with highly paid officers' (*Courier-Mail*, 23 October 1964). In the Parliament, Jack Melloy (ALP, Nudgee) claimed that

when the government appointed Sir David Muir in July, 1963 it described the work that he was to do as a priority job. It was given top priority because it was considered to be one of the most important appointments yet made for the industrial development of the State. Now that Sir David Muir is not able to take up the appointment, apparently the job is not as important as it was; it has been down-graded. What are we to think

of a Government that takes action such as that? Is it concerned with the development of Queensland, or is it just trying to pull the wool over the eyes of the people? (QPD 1964:vol. 237, p. 2351)

Labor's deputy leader, Eric Lloyd, ventured that the government was curtailing the discretionary power of the department head because Muir was not prepared to accept the job. In responding to Munro, Lloyd told the Parliament:

I am sorry that the Minister has not retained the title of Director-General of Industrial Development [sic] and has not transferred that title from Sir David Muir to Mr Colin Curtis. It sounds like an act of snobbery on the part of the Government that because a man is a 'Mister' he is not regarded as entitled to the title of Director-General. Why the difference? Why take away the discretionary power? (QPD 1964:vol. 237, p. 2340)

The minister did not accept the opposition's claims and in concluding the debate reiterated that the amendment was but a solution to a 'minor administrative problem' (QPD 1964:vol. 237, p. 2355). He criticised the opposition for introducing much irrelevant material and for diverting the debate away from the legislation at hand.

Many state development bills tailored to particular projects were introduced in each parliament. Occasionally these acts provided for state activity in opening up areas of Queensland. If necessary, the acts could authorise the terms and conditions of specific borrowing for development purposes. Land development acts such as the *Brigalow and Other Lands Development Act 1962* enabled the state to borrow money from the Commonwealth for the specific purpose of land improvement in the Fitzroy River 'brigalow lands'. Lands acts and various amendments increasingly extended private ownership of land by transferring leasehold crown lands to freehold. Legislation provided for state-subsidised loans (20-years interest free) or credit for leaseholders interested in private ownership. Successive acts liberalised the terms and conditions under which graziers could apply for freehold ownership (for example, lifting acreage limits and extending the types of land available for freeholding). The 1964 *Lands Act Amendment Act*, however, also addressed the emerging problem of freeholders becoming large landowners as a result of purchasing additional properties. While broadening the scope of freehold, the act nevertheless introduced measures to control the aggregation of such lands once they had been converted to freehold.

Other development legislation authorised state support for individual firms engaged in major developmental projects and tended to include some degree of state protection or guarantees for the private interests involved. For instance, some development acts authorised terms and conditions for private development ventures with state subsidies or other outlay commitments to assist in major

investment projects (railways, pipelines, loading jetties, and so on). Such development legislation also generally contained some means of recouping state outlays or imposing royalties or rentals. In general, the acts gave the force of law to what were essentially private agreements between government and private interests and authorised the Premier (or other state officials) to enter into agreements on behalf of the state.

One celebrated case involved the foreign-owned oil company Amoco (Standard Oil of the United States). The Queensland government through the Labour and Industry Minister, Ken Morris, gave statutory ratification to an agreement with the company to establish an oil refinery at the mouth of the Brisbane River. Amoco was the first company to have a special act of parliament that set out the terms of agreement and guaranteed state commitments (the *Amoco Australia Pty Ltd Agreement Act 1961*). The agreement, which lasted for 30 years with a further 20-year optional renewal, gave Amoco a monopoly to supply oil and petrol to the government. Morris informed the Parliament that the government's main objective had been to secure an oil refinery for the state. Expressions of interest were called for, preliminary negotiations held and some exploratory investigation of possible port sites undertaken (Brisbane, Gladstone, Port Alma and Mackay). Morris undertook most of the negotiations himself and later argued that he had received only one detailed offer—that from the US firm Amoco. In the Parliament, the minister was questioned about why the government had favoured an American company over the Australian company Ampol—a decision both Morris and Nicklin defended strenuously.

Hence, not all of Morris's efforts were well received. The Amoco act was criticised because it consolidated development in the south-east rather than the north and because it gave a privileged position to a foreign company instead of an Australian one. Some writers have claimed subsequently that 'Nicklin had been forced to defend his deputy against charges of rushing a deal with Amoco to the exclusion' of the other (Fitzgerald 1984:224). The record of the debate in *Hansard*, however, merely has Nicklin concluding the debate (as was his custom) with a supportive statement. The opposition's attempt to defer the legislation for six months—on the grounds that this period would allow Ampol to match the proposals offered by Amoco—met with little joy. Indeed, Nicklin told the Parliament that he had 'heard not one single argument that would justify the deferring of the passage of this Bill...if we deferred the second reading of this Bill for six months, we should not be worthy to remain the Government of the State' (*QPD* 1961:vol. 229, p. 2543). When asked why, as head of the government, Nicklin had not signed the agreement personally, the Premier replied: 'the Minister for Labour and Industry did the major portion of the

negotiating regarding this agreement and I thought he should have the honour of signing it. I was very pleased to witness the signature on the agreement' (QPD 1961:vol. 229, p. 2545).

Also of note in the same period was a series of legislative measures passed to assist the Thiess Peabody Mitsui company, a multinational coalmining consortium operating in the mid-north of the state (Thiess Bros was Queensland based, the Peabody Coal Company was based in the United States and the Japanese Mitsui Company was the major end user of the coal). In 1962, the government introduced special legislation for this company designed, in the Premier's words, to facilitate the 'development of Queensland's almost illimitable coal and mineral resources' (*Record of Legislative Acts* 1962:iii). The act provided that the state would tax the company on a reducing rate for royalties on coal produced and (initially) that the company would build and operate a railway to link the company's inland coalmines with the coast (with buy-back provisions for the state). The government changed its mind, however, on the issue of a company-built railway (largely due to Chalk, Hiley and Treasury's insistence) and instead agreed to build the railway itself and charge freight rates, as well as higher lease rentals and royalties. This modification became a standard policy response used by the Coalition government to obtain revenue from the development of mines.

In 1965, the government introduced a further *Thiess Peabody Mitsui Coal Pty Ltd Agreements Act*, which presented a new agreement for the state to build and operate a railway from the company's mines at Moura to Barney's Point, Gladstone. The bill was rushed into the Parliament and at its first reading stage was not even printed, let alone circulated to members for consideration. The act 'authorised' two agreements already between the state and the company and provided that 'freight rates can be escalated by agreement between the parties' (QPD 1965:vol. 240, p. 3015). The Transport Minister, Gordon Chalk, described the bill as a 'tangible example of the unprecedented development program and prosperity which the present State government has brought to the State'. He acknowledged the role of the Treasurer, Tom Hiley, in negotiating the financial details of the agreement, commenting: 'I am prepared to say without fear of contradiction that this is the biggest single financial venture negotiated at ministerial level in the history of this State' (QPD 1965:vol. 240, pp. 3012–16). The bill was passed by the Assembly through both second and third readings on 8 April 1965 without amendment and with broad opposition support.

Industrial relations and work-related matters

Industrial relations was an issue of great significance to the government in its early years, with the Coalition anxious to correct what it perceived to be years of accommodation of the trade union movement by Labor governments. In the second session of its first term, the Nicklin government introduced

the Industrial Conciliation and Arbitration Acts Amendment Bill of 1958 in September 1958 (receiving Royal Assent on 24 February 1959). The debate took place throughout November 1958 and the contentious clauses were voted on separately. The proposals laid out in the bill included allowing the Industrial Court to refuse to proceed with a hearing if unions were engaged in industrial action; the enforcement of secret ballots for official positions in industrial unions (and employer associations); provision to allow individual members to declare any 'irregularities' in union elections and have the Industrial Court investigate; and provision for unions or branches to request court-run ballots to prevent 'irregularities' occurring (*Industrial Conciliation and Arbitration Acts Amendment Act 1958; Votes and Proceedings* 1958). The decision to provide for secret ballots had been promised by the Coalition in the election campaign of 1957 (extending an existing clause of the act inserted by the Hanlon Labor government requiring a secret ballot for industrial action). The act specified that the Industrial Registrar 'shall not register' a union unless the registrar is 'satisfied that the rules of the union or association relating to an election for an office...provide that the election shall be by secret ballot' (Clause 4). Moreover, either the management committee of a union or 10 per cent of the membership could request a court-administered ballot—and the costs would be met by the state. Predictably, the four contentious clauses (4, 8, 9 and 14) met with fierce opposition from Labor Party members—principally because they were ideologically opposed to the bill's provisions, because it challenged previous industrial laws passed by Labor governments and because the legislation targeted the ALP's main clientele interests: the unions. Many of the new amendments were to be enforced by the insertion of tough penalties (£100 fines or 12 months' imprisonment) and such penal clauses met with stiff opposition in the Parliament and outside.

Subsequent administrative tidying up to this act occurred in October 1959 when Ken Morris, the Minister for Labour and Industry, introduced amendments to clarify the validity of awards after their stipulated time had expired. In September, the Supreme Court ruled that the Industrial Court could not vary industrial awards once they were more than one year old. Morris told the Parliament that 'we regard our responsibilities so highly that we are not going to permit any incorrectness to remain for even one hour longer than is unavoidable' (*QPD* 1959:vol. 224, p. 544). The minister then tabled provisions clarifying that the Industrial Court 'has and always did have the power to vary, alter, amend or modify any award whether made after the expiration of the period specified or not' (*QPD* 1959:vol. 224, p. 545). It is noted that the state government did not introduce a more extensive redraft of industrial relations legislation in its first term and took more than four years to bring state legislation into line with the decision of the High Court in the *Boilermakers Case* 1956. This could indicate that the government was unsure of its political survival and was not prepared to

risk a major controversy with the unions. It could also indicate at the same time that the Queensland government was reluctant to feel compelled to legislate by Commonwealth decisions (a philosophy shared by the Labor opposition, who questioned in the Parliament whether Queensland had to follow the federal example).

The government waited until after the May 1960 election to introduce a far more extensive re-enactment of the *Industrial Conciliation and Arbitration Act 1961*. Ken Morris initiated the first reading of the bill on 2 March 1961, explaining that the re-enactment repealed a series of obsolete acts (trade union and wages acts), streamlined union registration, tightened union regulation and separated the arbitral functions of an Industrial Commission from the judicial functions of an Industrial Court. Responding to the *Boilermakers Case 1956*, the new law established a dual structure of the court and commission (and industrial magistrates) in order that appellate jurisdiction be kept institutionally separate from the original decisions of the commission. Morris described the bill as a 'very big Bill' of 'absolute and outstanding importance'. Other senior Liberal members of the Coalition such as Doug Tooth (Ashgrove) also argued in supporting speeches that the bill 'is probably the most important legislation that this Parliament has enacted [sic], and probably the most important legislation during the life of this Parliament, because it touches on the welfare, happiness and well-being of all sections of the community' (*QPD 1961:vol. 229, p. 2950*). Labor's Doug Sherrington (Salisbury) declared at the time of the bill's introduction that it seemed to enjoy the enthusiastic support of all government members. Sherrington personally recorded that he had 'never seen as many Government members rise to support a Minister introducing a Bill into this House as have risen on the second reading of this Bill' (*QPD 1961:vol. 229, p. 2953*). He was implying that the minister needed this expression of political support.

The government's principal reasons for undertaking the major rewrite of the act were to: 1) modernise and consolidate previous acts; 2) enhance state development by 'improving the processes of determining differences arising between employers and employees'; 3) 'reduce lost time as a result of industrial disputes'; and 4) 'strengthen the authority of the rank and file unionists by giving them—(a) greater control of their own union machinery [and the] opportunity of...rectifying injustices and abuses within their union'. Morris believed that the underlying rationale for the act was to 'reduce the power of extremist union leaders over, and against the will of, rank and file members of their unions [and] to reduce and ultimately abolish the encroachment of Communists and their ideology into our industrial life' (*QPD 1961:vol. 229, p. 2893*). The bill restated the 1958 amendments requiring unions to conduct elections via secret ballots, but also gave statutory protection for individual members of unions

who wished to resign their membership (by providing three months' notice of resignation, in s. 48—a clause that in essence attacked union or closed shops). The act directed that the commission would set the same wage 'to persons of either sex performing the same work or producing the same return of profit to their employer' (s. 12). Such wages were to be set in accordance with 'conditions of living prevailing among employees' so that they were 'sufficient to maintain a well-conducted employee of average health, strength, and competence and his wife and a family of three children in a fair and average standard of comfort' (s. 13). Over-award bonuses (defined as 'payments in excess of a just wage') were, however, no longer to be determined by the commission but subject to 'negotiation between employee and employer' or unions on their behalf. A commissioner may be provided to help mediate over bonuses if requested by the parties but that person may not actually determine them (s. 12). The minister defended this provision by stating: 'let it be remembered that bonus payments superimpose an additional payment on what has been regarded as the correct wage for the employee' (*QPD* 1961:vol. 229, p. 3013).

Opposition to the Industrial Conciliation and Arbitration Bill at both the first and second reading stages was intense and, according to the QLP leader, Paul Hilton, generated 'a great deal of heat' (*QPD* 1961:vol. 229, p. 2419). According to the historian Margaret Cribb (1983), however, Hilton's contribution in the Parliament did not indicate he knew what was happening. Although the debate at the end of the first session of the thirty-sixth Parliament was restricted to only four days (2 March and then 21, 22 and 23 March), the debate consumed virtually the entire proceedings on those days—covering 286 pages of *Hansard* or about 44 hours, with the final day's proceedings lasting until 4.40 am on the Friday. Yet the length of the debate did not necessarily indicate quality of legislative scrutiny. On the government's side, the Minister for Labour and Industry, Ken Morris, noted part-way through the debate that

more than 50 percent of the time taken up by Opposition speakers has been used to attack me, my capacity and my ability, not only in the field of this Bill, but also in general departmental administration...If ever there has been a complete example of woolly thinking in this House, I think we have it in this debate. I must confess I am amazed at some of the speeches that were made. (*QPD* 1961:vol. 229, pp. 3004–5)

From the opposition, Alex Inch (ALP, Burke) told the House:

This debate has been impaired to some extent by the asinine remarks of several members on the Government side. They leave no doubt in my mind that they are endeavouring to ape that well known character in a Shakespearian play, called Bottom. As hon. members will remember

he always adopted the part of placing the head of an ass upon himself, acting as an ass and passing asinine remarks. (*QPD* 1961:vol. 229, p. 2962)

Much of the detailed content of the debate was about the ALP's alleged links with communists and communist infiltration of the union movement. The opposition charged that the government had rushed this important bill to the House without due consultation (mentioning that the Trades and Labour Council had not been consulted in marked contrast with the 'model' processes followed in the Companies Bill). This was a suggestion rejected by the minister, who listed the various stages of community input into the redrafting process and cited the many delegations he had received. Jack Duggan stated that the bill attacked unions and workers and showed that the government did not appreciate that unions were 'vital for workers' to give them some semblance of bargaining strength against employers. Paul Hilton argued that although the bill was 'deemed' to be concerned with reform to the arbitration system, it was principally directed against the trade union movement. Yet many of the sections of the act entrenched the role of unions provided they operated in a 'responsible' manner—provisions that both the ALP and QLP regarded as 'undue encroachments' on trade union activities. In particular, both Labor Parties in the Parliament were critical of the section prohibiting the Industrial Commission deciding bonus payments in industry. Although bonus payments could still be negotiated by collective agreement (with existing ones remaining in force until varied or absorbed in base rates), the commission could not award further bonuses. According to the ALP's deputy leader, Eric Lloyd, the government had introduced this clause to keep Queensland the low-wage state and make bonus payments difficult to obtain. The definition of 'bonus payments' in the act, he felt, was too broad and was likely to lead to unnecessary industrial conflict. This assessment proved somewhat prescient because the issue of bonus payments subsequently became of considerable importance in the protracted Mount Isa dispute of 1964–65 (see Chapter 4). Indeed, Lloyd warned of such consequences in the supply debates of 1961, threatening to call a vote of no confidence in the government over the 'precipitate hostile action taken by the Minister for Labour and Industry' (*QPD* 1961:vol. 230, p. 745).

The government's industrial relations legislative agenda did not wane once the 1961 re-enactment was through. As industrial disputation increased (and particularly the notorious strike at Mount Isa), so the government's legislative activity rose in the mid-1960s. Industrial action was met with statutory responses. In 1965, the government introduced the Industrial Law Amendment Bill designed to prevent industrial picketing. The catalyst for this amendment was the Mount Isa dispute where industrial pickets were active at the mine site. The cabinet decided to send the Police Commissioner along with a 'plane-load

of police' to put down the disturbance and then extend police powers under industrial law. Premier Nicklin defended the aims of the bill, which gave police the powers to remove picketers, made it an offence to induce, compel or counsel workers from working and prohibited banners and posters. The police were also given additional powers to enter and search and to require industrial 'offenders' to provide and verify their true names. For offences under the act, a fine of up to £100 or six months in prison was provided. Naturally the opposition was again critical of this legislation, but its attack was blunted because previous Labor governments had passed identical restrictions on workers (for example, the Hanlon government during the railways strike of 1948). And Nicklin told them so in the debates. Jack Duggan nevertheless criticised the government for its negativism and for its unwillingness to convene conferences or discussions with the relevant parties. Doug Sherrington castigated the government for its entire track record on industrial legislation. He claimed that industrial unrest would occur while the 1961 act was in place. Taking the fight to the government, he asked:

Forgetting all the other issues involved in the 1961 Act and getting down to the basic cause for the removal from the Industrial Court of the power to increase the bonus, what in the name of tarnation ever induced the government to do such a foolish thing? There is no evidence that prior to 1961 a bonus determination of the Industrial Court had had an adverse effect on the economy of the State; certainly it had no adverse effect on the powerful Mount Isa mine company's profits. Why did the Government sow the seeds of discontent in our industrial laws by introducing such a stupid and arrogant piece of legislation? (*QPD* 1965:vol. 240, pp. 2656-7)

In other work-related areas, however, the government displayed a benign paternalism and protectionist stance. The *Factories and Shops Act 1960* extended legislative protection to employees in relation to workplace safety issues. Building on earlier acts going back to 1896 and 1900, which regulated only occupational health and welfare, the 1960 act revised the provisions for factory or shop registration and inspection. A revised set of registration fees was enacted. The 1960 act also added provisions for 'anti-sweating' (that is, not allowing employees to work outside factory hours) and for occupational safety, which thenceforth became a matter of legislative regulation rather than simply a feature of certain industrial awards. Industrial safety became an across-the-board concern and the act established a health, welfare and safety board consisting of employer and employee representatives. Shop trading hours were maintained at 40 hours a week as a base state level, but such hours could be varied by the Industrial Commission.

The *Workers' Compensation Acts Amendment Act 1962* was described as the most important and far-reaching revision of the legislation since the original act was passed in 1916. Treasurer Hiley told the Parliament that the government had agreed effectively to index worker compensation payments (increasing injury and disability benefits by 10 per cent). Other payments were reviewed and liberalised with some payments increasing up to 120 per cent.

Transport and infrastructure

The Country Party announced a new transport policy at its 1958 party conference in Toowoomba. From this policy a new State Transport Bill was presented to the Parliament and passed in November 1960. This act was a most contentious piece of legislation, which directly hit sections of the support base of the Coalition (exciting some industry figures to stand against Coalition politicians at election times). The act overturned the provisions of the 1946 act, which established a regulatory system of licensed services for the road haulage industry. The new legislation introduced greater opportunities for competition between road hauliers in gaining business and providing competitively priced services. Speaking to the bill, the Transport Minister, Gordon Chalk, was critical of the monopolistic tendencies inherent in the previously highly regulated system. Unpopular with sectional interests over this reform bill, Chalk spoke of the need to revise the licensing system, to introduce licences for goods transportation that extended throughout the state and to introduce more competition into the road haulage industry. Chalk was particularly critical of drivers who sought protection from the government that allowed them to work the profitable routes while leaving the other areas of the state un-serviced. The 1960 act replaced the old licence-franchise system that led to local monopolies with a permit system to carry goods provided hauliers did not exceed a statutory-imposed fee for their services (3d. per tonne per road mile). The act increased the penalties for carrying goods without a permit or in contravention of the act. In an attempt to prevent 'border-hoppers' evading the law (drivers from New South Wales mainly, who left the state once stopped for an offence), the act allowed the transport authorities to seize the vehicle if necessary to pay for any fines imposed on the driver, irrespective of ownership of the vehicle (that is, even if the driver was not the owner, the vehicle could still be seized to pay the fines). Offences relating to false papers or counterfeit documents were also increased as a means to curtail border-hoppers.

The opposition to the *State Transport Act* was intense. In the Parliament, Jack Duggan referred to the day the bill was introduced as 'black Thursday' for the industry, claiming that the freeing up of road haulage would impact severely on the rail system. Duggan then called for a royal commission into transport matters. The QLP's Paul Hilton endorsed the call for a royal commission largely

because he considered corruption was prevalent in the industry. Hilton subsequently tabled documents ostensibly implying collusion and inside deals. The documents came from a William Bolton of Cobb and Co. who was later discredited by Chalk as a 'profiteering self-interested person' who was out to remove his competitors from the industry (*QPD* 1959:vol. 228, p. 1537, *passim*; *AJPH* 1960:vol. 6, no. 2, p. 244). Chalk regarded the allegations of corruption as nothing more than an attempt to blackmail the government to back down on the transport legislation. Nonetheless, many operators in the industry remained resentful of these changes and some considered challenging the legal validity of the legislation. Subsequently, a challenge to the *State Transport Act* in the High Court found the state act valid, but such a finding did not prevent a firm in Toowoomba suing the government for compensation of £250 000 (*AJPH* 1963:vol. 9, no. 2 [November]).

Country Party members believed passionately in constructing rural infrastructure. The scale of road planning and building became the source of much pride among the Coalition government. In 1961, before becoming Minister for Works and Housing, Bjelke-Petersen praised the government's record of expenditure on roads, telling the House that 'my wife often says to me, "Our roads are getting so good that you hardly need your aeroplane any longer. You can use the car because the bitumen roads to Kingaroy and elsewhere are excellent"' (*QPD* 1961:vol. 230, p. 683). (Good roads and faster transport did not, however, prevent the Country Party from using arguments of distance and isolation in support of its electoral zone malapportionment.)

Traffic congestion in Brisbane was a major topic in the Parliament attracting many questions from members in question time. The government responded to criticism with the *Traffic Acts and Other Acts Amendment Act 1965*, which was designed to transfer authority for traffic engineering to the relevant local authority. Up to that time a state body, the Traffic Commission (consisting of the Coordinator-General, the Commissioners of Police and Main Roads and the Town Clerk of Brisbane), had exercised responsibility for traffic planning and congestion management in Brisbane. The amending legislation of 1965 intended to delegate this responsibility because, as the Minister for Mines and Main Roads argued in introducing the bill, 'traffic engineering is a local problem' so 'powers to deal with local traffic matters, in accordance with the policy laid down in the Acts, will be handed over to the local authorities, except in respect of gazetted roads. The Traffic Commission, as such, will cease to exist' (*QPD* 1965:vol. 240, pp. 2929–31). The minister also told the Parliament that because the Traffic Commission had accepted responsibility for Brisbane traffic, the 'Brisbane City Council enjoys considerable relief from the responsibilities of what is a local problem' (*QPD* 1965:vol. 240, p. 2930). The minister informed the Parliament that accompanying this legislative amendment, a major study

of Brisbane road needs was being undertaken by an American firm, Wilbur Smith and Associates, which would eventually bequeath the Southeast Freeway to Brisbane. Debating the bill, the opposition did not propose any alternative measures, but claimed the government was again handing over issues that were ‘too hard’ for others to fix. Duggan became agitated during the debate partly because he was an ex-Minister for Transport and partly because the bill would impinge on the Labor-run city council. Not one to shy from hyperbole, Duggan called the measure ‘one of the most revealing political reverses in the history of responsible Government in this State’ (*QPD* 1965:vol. 240, p. 2935).

Educational, social and recreational policies

The educational area was relatively devoid of statutory interest during the Nicklin years, with the government introducing only 20 bills in 10 years. Even with a strong and dedicated minister such as Jack Pizzey, the government did not actively attempt to drive policy by statutory provisions, although out in the community it was keen to establish new schools to keep pace with the growing postwar population. Of the acts passed many were tangential to education given that the classification of legislation under this heading adopted a fairly liberal interpretation of education (*Record of Legislative Acts* 1957–58 to 1967–68). Hence, even such low numbers of legislative measures are misleading. For instance, occasional legislation governing Indigenous peoples was included in this category (as with the *Aborigines and Torres Strait Islanders Affairs Act 1965* and the *Aboriginal Relics Preservation Act 1967*). Also listed under ‘education’ were some recreational or cultural activities, as in the *Queensland Art Gallery Act 1959*; but other measures were even more tangential to education such as the *Vagrants, Gaming and Other Offences Amendment Act 1967*, the *Firearms Acts Amendment Act 1967* and the *Electrical Workers and Contractors Act 1962*. Only eight acts during the decade were closely related to educational matters—the *Education Act 1964* being the main legislative framework—with most of the others providing statutory provision for nominated educational institutions (tertiary institutions and some school bodies).

The *Education Act 1964* was the government’s main reform measure for public education covering children between the ages of six and fifteen years. It maintained a free public and compulsory system of state education while allowing withdrawal provisions from the public system (provided approved private or non-government education institutions were available). The act established the formation of advisory committees called Parents and Citizens’ Associations to forge closer links with the general community while representing parents on school committees. The act included provision for post-school technical and

agricultural instruction and adult education. Scholarships were provided for 'children of talent' along with other special allowances to secondary school students.

The *Education Act* also recognised that the emphasis of public education was gradually shifting to secondary-level education. While total state school enrolments increased from 214 000 in 1957 to 287 000 in 1968, a big explosion in numbers occurred in secondary education. In 1957, only 14 000 students were enrolled in state secondary schools; by 1968, the figure had increased almost sixfold, to 80 300. Although the total number of state schools across Queensland had in fact decreased (from 1560 in 1957 to 1260 in 1968), the numbers of state teachers had risen from 7600 to 11 400.

Social legislation was equally eschewed, but a few legislative measures were important statutes. The government introduced the *Aliens Act 1965* to remove discriminatory legislation preventing aliens (especially of Chinese descent) from acquiring property. The *Aborigines' and Torres Strait Islanders' Affairs Act 1965* combined all previous legislation concerning Indigenous peoples (other than voting rights, which were to be granted but left to the *Electoral Act*). The legislation introduced by Education Minister Pizzey was designed to assimilate Indigenous peoples while, in the minister's words, attempting to overcome paternalism. The act gave Aborigines and Islanders the rights to drink alcohol in hotels (but not on settlements), to marry European ('white') Australians without permission and to enter pleas in courts of law.

The *Liquor Acts Amendment Act 1961*, introduced by the then Attorney-General and later Deputy Premier, Alan Munro, made provision for licensing a limited number of restaurants to supply alcohol with food and for the limited opening of pubs and hotels on Sundays (for bone fide travellers who had travelled 40 miles, but this did not apply to Brisbane hotels). Initially seen as controversial and a threat to family values, the *Liquor Act* forced the government to make hard political and social choices. Some senior Coalition members (such as Bjelke-Petersen) spoke out against the bill, maintaining that Sundays should remain sacrosanct. Despite attracting frequent amendments in the second reading stage of the bill, this legislation was later regarded as a successful innovation. Similarly, the *Racing and Betting Acts Amendment Act 1961* allowed off-course betting on horseraces with the state-owned totalisator facilities (TAB) in metropolitan and provincial areas and licensed bookmakers in country areas. This act attempted, as one government member, Sam Ramsden (Lib., Merthyr), said, to outlaw the 'graft and corruption which is attendant upon any system of illegal SP [starting price] betting which has now been almost completely eliminated'. Ramsden also maintained that under the Coalition government, 'overnight, Brisbane found that the brothels which had been tolerated houses under the previous Labor government had been obliterated by this government's action' (*Courier-Mail*,

3 March 1965). The government had closed down three particular brothels that had formerly been tolerated (one in Brisbane's Albert Street, another in Margaret Street and one in South Brisbane). Although the government took this tough action at the time, subsequent history would show it would also come to tolerate the underworld.

One contentious item of legislation occurred over the introduction of the Chiropractors' Bill (introduced in March 1967) after a reputedly heated cabinet exchange. The bill was introduced by the Premier and debated on two occasions in March. The Health Minister, Doug Tooth, apparently opposed the bill and did not wish to introduce it. In making his introductory remarks, Frank Nicklin said 'public interest in unorthodox medicine [is] increasing' and chiropractic was 'the science of treating human ailments by adjustments of the spine and leaving the rest to nature'. He went on: 'healing by the laying on of hands dates back more than 3,000 years, when the replacing of displaced vertebrae for the relief of human ills was practiced by the ancient Egyptians' (*QPD* 1967:vol. 245, p. 2640). Nicklin denied any 'discord' with the Health Minister and claimed that Tooth did not 'refuse to introduce the Bill' despite the measure facing strong opposition and gaining only a slim majority vote in the joint-party room. After the opposition announced it would support the introduction of the bill (but not necessarily support all measures at the second reading stage), Tooth admitted the proposal was not 'a matter of Government policy', that he had asked to be relieved of the responsibility to introduce the bill and would personally oppose the bill (*QPD* 1967:vol. 245, p. 2651). The government allowed a conscience vote on the bill and, after a spirited six-hour debate, lost the motion by 32 'ayes' to 38 'noes'. Three ministers (Doug Tooth, Gordon Chalk and John Herbert) voted against the government along with seven other Liberals (John Murray, Bill Lickiss, Geoff Chinchen, Bill Hewitt, Charles Porter, Bill Kaus and Col Miller) and one Country Party member (Russ Hinze). Part of the reason for the bill's introduction was that the Country Party's annual conference in 1967 had voted to recognise chiropractors and had directed the government to push for their registration. There was press speculation that 'Mr Nicklin has had the courage to "bell the cat"³ rather than leave it as a "festering sore" for his successor as premier later this year' (*Courier-Mail*, 14 March 1967).

Conclusion

The government came to office in 1957 with a great deal of inexperience and naivety—and even Gordon Chalk admitted that 'when we came in we knew bugger all about administration' (Stevenson 1985). They had idealistically

3 'Bell the cat' was a colloquial phrase used to imply doing something risky or performing a daring act.

spoken of bills of rights for citizens, new states for northern regions of the state and efficient and just government. Within a few years of incumbency, however, they had become preoccupied with developmentalism and industry assistance. They departed from this early constitutional idealism as the burdens of office weighed on them. The government also indicated that it was not averse to opportunism and legislating to enhance or defend its political interests.

Government business invariably dominated the Queensland Parliaments in the late 1950s and throughout the 1960s. During the period from 1957 to 1968, no private members' bills or opposition-sponsored bills were ever *introduced* to the Parliament let alone debated or passed! Legislation reflected precisely what the government intended, was introduced when and if the government chose and proceeded largely in the manner decided by the government. The only occasions when this pattern faltered was when the government lost its nerve for some reason or was forced to take account of extra-parliamentary pressure or vested interests. Insofar as the Coalition itself could agree on a proposed policy approach, the government's legislative will invariably prevailed in the House. In short, the legislative program was set entirely by the cabinet, with almost no input from the Parliament. At this stage, of course, parliamentary committees did not exist.

Only rarely did the government accept amendments to proposed legislation from the opposition, and these often involved minor technical issues that were accepted as beneficial by the minister concerned. Thus, in 1965, Treasurer Hiley accepted minor amendments from Pat Hanlon (ALP, Baroona) to the Decimal Currency Bill involving the timing and scheduling of the intended act. These occasions were, however, rare.

Generally the government could always brush off opposition or criticisms and use its numbers to defeat any attempts to modify or compromise important aspects of bills. On countless occasions when the opposition tried to defeat or amend clauses, the government would simply debate the issue out and then defeat the motion on the floor. Rarely were closure motions or other guillotine tactics used to silence the opposition; the numbers at the end of the debate were sufficient. After 25 years in opposition, Nicklin's government was characterised by a political style of patience and stoic resolve.

In a unicameral legislature, the executive was also well placed to contain other parliamentary procedures or processes designed to scrutinise government behaviour. Only questions with notice were allowed, subject to the Speaker agreeing to allow members to ask them. Questions from the opposition were often not well informed but usually answered in some form, while those from the government's own backbench tended to be less than probing. Ministerial statements were laboriously read out in the Chamber, ostensibly to inform

members but simultaneously consuming much valuable sitting time. Members also complained that they were not always fully conversant with the legislative measures brought before the Chamber by the government. Some legislation was introduced simply by the minister tabling a copy of the bill before it had been printed and before other members (and the opposition) had been given the chance to see it. Jack Houston, the Opposition Leader at the conclusion of the Nicklin years, 'quite forcibly' criticised the government's habit of rushing its legislative program into the House. He told the Parliament:

[W]e want ample notice of impending legislation, we want ample time to study the legislation after its introduction, and, on any matters of a controversial nature, we want sufficient time between the introductory stage and the second reading to allow the public to consider the purpose and operation of the legislation. (*QPD* 1968:vol. 249, p. 54)

Within the government's evolving program, the areas of legislative interest were bounded by the current concerns of the day and the relatively narrow developmentalist attitude to governance. Specific legislation did signal a change of emphasis from that adopted by their predecessors (for instance, in land administration and freehold property rights). Much of the legislative output was, however, generally neither pathbreaking nor adventurous in nature. Other states did not regularly look to Queensland legislation as a model for other jurisdictions or for innovative statutory provisions. Many of the individual acts passed during these years were tinkering with existing statutes. The Parliament was called on to consider incremental modifications to existing provisions or formulaic acts tailored to specific development projects. Ministers came to rely on the mechanism of amending existing acts because it was a convenient and expedient way of prosecuting government business. Such patterns might be common to unicameral legislatures because there is no impediment of a second chamber to negotiate (as was also the case in New Zealand during these years). Such patterns also indicate, however, that the Parliament was used as a final body of authorisation for decisions made elsewhere; the Parliament appears subordinate to the decisions taken by the executive and the bureaucracy.

Yet, the Parliament in the 1950s and 1960s was not irrelevant. There was a basic respect for the institution, even from the most assertive members. The Parliament functioned as an important institution of record and over time issues could be shaped by deliberation and debate. And on some matters, such as allegations of police corruption and misconduct, the Parliament could be an important instrument for extracting responses from executive government.