

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 5 MAY 1874

Electronic reproduction of original hardcopy

LEGISLATIVE ASSEMBLY.

Tuesday, 5 May, 1874.

Public Meeting at Dalby.—Gold Fields Bill.—Conduct of Business.

PUBLIC MEETING AT DALBY.

Mr. BELL said he rose for the purpose of moving the adjournment of the House in order that he might lay before honorable members resolutions which were adopted at a public meeting held at the School of Arts, Dalby, on the 30th of April last. These resolutions had been forwarded to him with a view that he might read them to the House, or, if it were within the rules of the House, to lay them on the table.

The COLONIAL SECRETARY: I never heard of such a thing, sir, as to lay on the table of this House resolutions adopted at a public meeting. It is highly irregular.

Mr. BELL: The honorable member has interrupted me, I think, without any reason, because I did not say I was going to lay them on the table; I said, if it were within the forms of the House, I would lay them on the table; but I think I may read the resolutions in the form I am about to do.

The COLONIAL SECRETARY: The honorable member cannot read resolutions which are not before the House; it is contrary to all rule.

Mr. BELL: If I understand the honorable gentleman at the head of the Government, he contends that I cannot read anything that is not on the table of this House; but I submit the honorable member is incorrect, and that I may read anything I like for the information of this House. I think it is of the greatest importance, and it ought to be the desire of the Government to get information of this kind that may be intended for their ear. I shall make no comment upon these resolutions; but it is my duty, as member for the district which sent me to this House to represent it, to do the bidding of my constituents, and I will take this opportunity of reading the resolutions. I do not desire to make the matter the cause of debate unless honorable members opposite wish to debate it; if they do I have no objection to it. I shall now read the resolutions:—

“Resolutions passed at a public meeting held at Dalby”——

The SECRETARY FOR PUBLIC LANDS: I object to this as being highly irregular and totally informal. I do not object to the re-

solutions being read, but it must be done in a regular and formal way.

The SPEAKER: Does the honorable member object to the honorable member for Dalby reading from a newspaper?

The SECRETARY FOR PUBLIC LANDS: He is not doing that. I object to the informal way he is bringing the matter before the House.

The SPEAKER: I have not yet seen any informality in the course taken by the honorable member. He consulted me privately as to whether it was competent for him to lay some resolutions on the table of the House, and I informed him it was not. As it is, the honorable member appears to me to be in order.

Mr. BELL:—

“Resolutions passed at a public meeting held at the School of Arts, Dalby, 30th April, 1874, No. 1. That this meeting is of opinion that great disappointment is felt on reviewing the New Land Bill, entitled, “*The Crown Land Sales Act of 1874.*”

The SPEAKER: The honorable member is now out of order. He is now referring to an Order of the Day on the paper which is not decided. He is referring to and criticising a Bill which is under the consideration of the House, and he is decidedly out of order.

Mr. BELL: With due deference to your ruling, sir, I cannot criticise the action of this House before that action is taken. The Bill is before the House, and has not yet passed, and consequently there is no action of the House in regard to that Bill.

The SPEAKER: The honorable member is referring to a Bill which is still an order of the House;—that is the second reading. It is laid down in “May”:—

“Nor under cover of a question of adjournment, is it competent for a member to discuss the subject of any Order of the Day, as the House has appointed another time for its consideration; nor of any motion of which notice has been given.”

The honorable gentleman will be in order when the third reading or a similar motion is brought before the House.

The ATTORNEY-GENERAL: I would point out that the honorable member may attain his object by taking advantage of the ordinary forms of the House, which provide for such cases.

Mr. BELL: With the indulgence of the House, I may state that the object of the meeting is to have their views stated to the House before the Bill is proceeded with.

Mr. J. SCOTT: Am I to understand your ruling is that the matter cannot be discussed?

The SPEAKER: The discussion upon a question before the House cannot be anticipated by moving the adjournment of the House.

Mr. BELL: I rise on a matter of privilege, and, without any desire to cause discussion, I will merely read the resolutions to the House, if it is within your ruling that I can do so.

The SPEAKER: It is not.

Mr. MILES: I presume that on the second reading of the Bill, the honorable member will be perfectly in order to read the resolutions.

The SPEAKER: The honorable member is correct. He may then do so, or on any subsequent occasion. Do I understand that the honorable member withdraws his motion for the adjournment of the House?

Mr. BELL: I withdraw the motion.

Motion withdrawn accordingly.

GOLD FIELDS BILL.

The ATTORNEY-GENERAL, in moving the second reading of this Bill, said:—In rising to speak to this Order of the Day, I must premise by stating that although I may be a little long in explaining the various provisions of this Bill, still I can assure honorable members I will not occupy one moment longer than is absolutely necessary for that purpose. The subject is a very important one, and it is necessary that I should explain the main features of the Bill, which I now ask the House to read a second time. Improvement in our mining legislation has been the object of our predecessors in the government of the colony, and it has also been the subject of some collateral efforts with the same view on the part of this House. As far back as 1868, a comprehensive measure was introduced by the then Minister for Works which was not allowed to become law. The next effort, as far as I remember, was in 1869 or 1870, when you, sir, were Minister for Works and Mines. The House then passed resolutions directing the appointment of a commission for the purpose of inquiring into and reporting upon the state of the gold fields, and such improvement in the legislation affecting the question as might appear to be desirable. I believe the report furnished in pursuance of that commission became the basis of a measure that was read a first time in this House, but it did not become law; and accordingly, after such numerous efforts and failures, I hope this measure will not experience the fate of its predecessors. I can assure the House that a considerable amount of care has been bestowed on its preparation; and I think, on analysis of its various provisions, it will be found to answer the objects for which it is intended. The gold fields of the colony have been governed ever since Separation by an Act of the colony of New South Wales, passed in 1858. That Act contains a few simple provisions, merely giving miners the right to work, and providing for a sort of itinerant tribunal called commissioners or justices of the peace, with or without assessors, as the case might be, to deal with all cases which came before them. But the Act was deficient, because it provided no proper measures for the purpose of enabling the miner to ascertain what his tenure was; and it was equally deficient in

providing no adequate judicial machinery by which their rights, such as they were—and they were very precarious—could be enforced. These seem to be the two leading defects in the Act at present in force, and they have been the two leading features which guided me in the preparation of this Bill—namely, the tenure of the miner, and the rights and privileges he should enjoy. I then propose to give him proper means for vindicating his right to those privileges—of deciding disputes between the miners themselves in relation to mining, and also the relation between the gold-miner and the Crown. I think, if honorable members will examine the first part of the Bill, they will see that the question of tenure has been fully considered. There is provision made for the issue of ordinary miners' rights, and there is also a provision for the issue of what is known in Victoria—and it is from the Act in that colony this section is taken—as a consolidated miner's right. That is a miner's right that may last for any period of time up to ten years, so that the person holding a miner's right issued by virtue of that section, can look forward to that period as the time during which he can certainly enjoy his claim. In addition to that, there is the 12th section, which, I think, clearly lays down what the privileges are which the miner's right confers. It will be found desirable to make these as clear as possible, so that no doubt can arise respecting them, and thereby prevent possible litigation in connection with them. The ordinary miner's right and the consolidated miner's right may be looked upon as satisfying the fair claims of individual miners in relation to the gold fields, as giving them an indefeasible title to such fair proportion of auriferous ground upon which they may be able to pursue their avocation profitably to themselves. But gold-mining may often be carried on by companies, or persons combined together for the purpose of carrying on works which could not probably be undertaken by individual miners, and hence there is a provision for gold-mining leases: so that individuals who may wish to enter upon our gold fields in that way, and who may not be satisfied with the tenure which the miners' rights and consolidated miners' rights will give them, can, under the gold-mining leases clauses, apply for and procure for themselves a title to ground under certain conditions, and, as long as these conditions are complied with, their title is indefeasible. I think, therefore, all claims which can be made for protection and encouragement in connection with our gold fields will be fully answered by these sections. Then, there is the part of the measure which relates to business licenses. Of course, on all gold fields, there are not only diggers, but storekeepers and others, and it is necessary to legislate so as to give them such space of ground as they may require, and hence the provisions having relation to business licenses.

With regard to the three species of titles, there are general provisions which have not existed before, by which the holders can assign, transfer, and encumber them, so that there may be as little restriction as possible in the way of holders of the various properties realising, when necessary, their amount of value. Having ascertained the nature of the title which the Bill purposes to confer on the miner, whether as leasehold or as the holder of a miner's right; the Bill deals with the ground by which that right may be exercised, and hence the proclaiming of gold fields is provided for, by which it will appear that the Governor may set apart any portion of the Crown lands as a gold field. This provision is in existence in all the colonies, and, of course, without it it would be very difficult to provide means for carrying on gold mining, if Crown lands were shut against diggers; and hence, I think, that may be dismissed without further observation. But, there is rather a novel feature which I borrowed from the Act lately passed in New South Wales, which provides for the provisional proclamation of a gold field. It often happens that gold is discovered, and work is commenced before the Government can put machinery in motion, necessary for the purpose of enabling miners to take out rights and secure claims; and, in the event of a great rush, confusion takes place, and it becomes very difficult to determine the rights of parties. It is to be hoped that this power to issue a provisional proclamation will obviate all difficulties of that kind. The notification in the *Gazette* of the discovery of gold shall operate as described in the 28th section, and until a further proclamation appears, dealing with the matter, that notification shall be taken as setting apart that particular portion of ground for gold mining purposes. Then it is provided that the provisional proclamation may be withdrawn, if it appears, on inquiry, that there is no reason for a gold field to be proclaimed. Then there is a section providing for the partial suspension of pastoral leases on such ground as may be proclaimed as a gold field, and there are provisions excepting certain lands upon gold fields. We then come to the sections with reference to the administration of justice, and it will be seen there is provision for the appointment of a warden's court. The warden will be an officer at present known by the name of "commissioner." I think it advisable to change the name, because there are so many commissioners;—there are commissioners of Crown lands, commissioners for affidavits, and gold commissioners; and for this reason it will be better to more clearly define the judicial officer connected with the gold fields by calling him a warden, and thereby imitate what is done in the colony of Victoria. There, I believe, this official is called a warden, and I think it will be more convenient to refer to them by that name, in consequence of the liability to mistakes which

now exist through there being other commissioners. I give the warden complete jurisdiction in all gold-mining matters; a jurisdiction without limit, except the limits of the gold field. He is empowered to decide upon all matters and amounts in dispute between miners. That is rather an extensive jurisdiction, but it is in point of fact exercised by the present gold commissioners under the existing law, and there is no appeal whatever. Our law at present gives the commissioner power, on view, to decide any case of encroachment, and his decision may deprive any miner of a claim of the greatest possible value, and whether right or wrong, his decision must stand, because from it there is no appeal. It is not for that reason I give these wardens these extreme powers, but, because on the whole, I think it is better that it should be so; because, when we consider the great difficulty of approaching the Supreme Court, and the delays and expenses which result from that course, I think it is better that the digger should be provided with a tribunal ready at hand, by which there is, at all events, a chance of getting justice. Therefore, I propose that the wardens shall have unlimited jurisdiction in relation to mining matters; and the warden's court is constituted in this way:—He may decide himself, or if requested by the parties, with the assistance of two assessors, and the verdict of the majority shall be the verdict of the court. There are some technical provisions by which the process of the court may be better carried out, which I do not think it necessary to comment on. On the sections having reference to the appointment of assessors, I have some amendments to move in committee, and they may be shortly stated in this way:—The warden shall in every year cause a list of so many persons—I propose 200, who shall be registered claim-holders, machine owners, leaseholders, and holders of business licenses resident within the gold field—and from such list the warden shall select by ballot, in open court, a certain number of persons who shall form the roll of assessors for the current year; and in all gold fields whereon sittings of a District Court are held, the wardens shall forward a true copy of the said roll of assessors to the registrar of the said court, who shall file the same in his office. It will appear by-and-bye how the assessors shall assist the District Court. The assessors shall be selected in this way (the blanks I will fill in in committee): When the party applies to the warden for the appointment of assessors, the warden shall summon before him six persons from the roll of assessors, and from these two indifferent assessors shall be selected by ballot, and that shall be the panel for the trial of the cause before that particular sitting of the court. I propose abolishing the present fees that are paid, which I believe are £2, and to make the payment for defraying the expenses of assessors £1 10s., which shall

not go, as at present, into the hands of the assessors, but into the consolidated revenue, and the assessors shall be paid in the ordinary way, like jurors, 7s. 6d. per day. That is a higher sum than is paid to jurors attending the District Courts, but it must be remembered the Bill has reference to the gold fields of the colony, where 7s. 6d. a day is less than a great many laboring men will be able to earn. Then there are provisions by which the present practice of the commissioner or warden deciding on view is preserved, because it very often happens that cases of small importance are brought before him which need a speedy decision. It may be upon the right to a claim of, perhaps, doubtful value; and hence it is advisable that the parties should, by consent, be able to get the decision of the warden, and be bound by it without further trouble. Having given the warden the extensive powers I have alluded to, both at common law and in equity, the Bill then goes on to provide, under the heading of "special powers and duties," the way in which that jurisdiction is to be exercised. It will be seen that these special powers enable a warden to direct surveys to be made, to enter claims, to grant injunctions in the meantime, to order the deposit of gold, and otherwise to make such orders as may be necessary for the purpose of preserving property in dispute, or preventing injury which may not be susceptible of being remedied afterwards. I think these provisions, which are mainly drawn from the Victorian statute, and which were incorporated into the Bill previously introduced in this Chamber, will be found to provide for cases frequently arising for which there is now no remedy. Of course every one knows nothing is so easy as to make away with gold, which may be easily abstracted unless there is some provision for the purpose of preserving it until the matter in dispute is determined. Then there are provisions—from section 70 upwards—by which a decision may be had under certain circumstances, and the duty of the warden with respect to giving effect to the decision. The original jurisdiction of the District Court is given to District Courts upon gold fields in mining matters as well; so that the miner, if he wishes, may go to the Warden's Court, or he may go to the District Court, if the subject matter in dispute is greater than £25. He may in that case go to the District Court in the first instance; but supposing he does not go to the District Court, and is dissatisfied with the decision of the warden, he can then appeal to the District Court, and may be heard before that court with or without assessors, and such appeal shall be upon the whole matter that was before the warden. The whole matter is entered into on the appeal, and the decision is given on the whole case. And if it appears after the trial in the District Court there is further dissatisfaction with the decision of the judge of that court, or of the assessors,

then the party has a further appeal to the Supreme Court, but only on the law of the matter; and the District Court judge himself may state a special case for the opinion of the Supreme Court, but only upon the law. It is sufficient that there has already been two decisions upon the facts of the case, namely—the decision in the Warden's Court and the decision in the District Court; and there is, therefore, no appeal from the District Court except on points of law. Under the 88th section, the trial of issues and of questions of fact in original proceedings in the District Court shall, as far as possible, be applicable to the trial of issues and questions of fact in the case of appeals to the District Court. There are some other sections upon different matters, such as an agreement to bar appeal, and other things which it is not necessary to detain the House by referring to. We next come to the sections under the head of "miscellaneous provisions." Under this head there is a number of general provisions that relate to the Bill throughout, such as the making of resolutions, the infliction of penalties, the preservation of order in the court, the discharge by a District Court judge, or a judge of the Supreme Court, of a party who may have been imprisoned; the taxation of costs, and the way in which penalties for the breaches of regulations shall be recovered. Then there are provisions for interpleader cases, in which there are disputed rights involved in executions under the new jurisdiction; and for penalties for mining without a miner's right. There is then a general power to make regulations. It is absolutely necessary that this provision should be made, because it is impossible to embody in an Act of this kind all the provisions that may be necessary for the purpose of governing a gold field; and if a hard and fast line were drawn, and there was no provision for regulations being made, a case might arise for which no provision would exist. Consequently, we must make the power as general as possible, in order to enable the Government to exercise it with beneficial effect on the gold fields of the colony. For this reason, it is proposed that regulations shall be issued to make provision for carrying out the details of the Bill; such as the conditions upon which claims shall be worked, the number of men who will constitute a claim, the circumstances under which a claim will be liable to forfeiture, the result of forfeiture, the means by which a forfeited claim may be taken up, and the mode of registration, of transfer, and of encumbrance of them. These regulations will also provide for the mode of proceedings in the Warden's Court and the District Court, such as the form of summons, the time it will be returnable, and so forth. This, sir, is shortly the nature of the Bill, and, of course, no person can claim perfection for anything he does, and I can only say that the measure has been submitted to almost every person in the colony competent and

interested in forming an opinion upon it. It has been a subject of discussion in various gold-mining centres, and has also had the advantage of careful revision by the gentlemen in this House who represent gold-mining constituencies—the honorable members for Kennedy and Burke in particular. They paid great attention to it, as did also the honorable member for Gympie, and I have to offer my acknowledgments to them for the care they took in improving the measure. I know they expended a great deal of time and took considerable trouble to help me in the preparation of the Bill. I have also to acknowledge the assistance I derived from people outside the House, and in different parts of the country, particularly from Gympie, from where I had a lengthy report on the Bill, and several alterations were suggested, some of which I have been able to incorporate. I have not much more to add. Some mistakes may suggest themselves to honorable members who have read the Bill carefully; but I have prepared several amendments, which have been printed, and will be circulated when the House goes into committee. On the whole, I think the Bill will be found to be a measure of a very remedial character, and will provide a great want in the laws of the colony.

Mr. THOMPSON said it was not his intention to attack the Bill in detail; indeed, on the whole, he thought the Bill was a good one, with one or two exceptions. But there was one important provision in it, about which the honorable the Attorney-General had said nothing. The Bill provided for the appointment of a Minister for Mines, and the establishment of a Department of Mines.

The ATTORNEY-GENERAL: I forgot that.

Mr. THOMPSON: This was one of the main features of the Bill, and if they were going to have a Minister for Mines, he would like to know whether he would be a responsible Minister, and if he was to be a responsible Minister, was he to have a seat in that House, or in the other House, or was he to have any seat at all? He had no doubt the honorable the Attorney-General was quite right in having sought the assistance of members of the House in connection with this Bill, and he might be right in getting it reported upon by people at Gympie; but it had been said that the Bill had actually been sent to newspapers to report on it, and if that were so, it was a very extraordinary way of doing Government business. But, as for the Bill itself, he thought, in the main, it was a good Bill. The gist of it was in the 6th clause; but at present they had no indication as to what the views of the Government were with regard to the appointment of a Minister for Mines. There were many reasons why there should be another Minister. It would give an additional office to the Government; it would give them an additional opportunity to get power; and if the Minister had a seat in that House, it would give them another sure vote. On

the other hand, there were reasons why there should not be a Minister for Mines. He thought the head of a department, under one of the other Ministers, would be quite sufficient and competent to conduct all the mining affairs of the colony. They might call him a superintending warden, or anything they liked; but that another responsible Minister was wanted he denied. All honorable members who had been in the Government, and many others besides, were well aware that the present arrangement of the Ministerial seats was not satisfactory. It was well known, that other arrangements were required with regard to the manner in which matters connected with the public roads were conducted; part being under the Minister for Works, and part under the Minister for Lands, and there was a continual clashing. If they were to have another Minister, these were matters which should be taken into consideration, and the whole system should be remodelled. Then there was another question which would come before the House before long, and that was the necessity for a Department of Justice. Was it right that the Attorney-General, who was the political adviser of the Crown, should prosecute prisoners? He thought not, and he was of opinion that there ought to be a Minister of Justice and Education. In fact, all the departments required remodelling, and the proposal to create a Minister for Mines, who would have nothing to do but mining business, seemed to him not to meet the difficulty in any way. It was, however, quite possible that if the policy of throwing matters of detail on the shoulders of Ministers, which ought to be carried out by under secretaries, were continued, they would require more Ministers. He maintained that this was a vicious and undesirable system, and that a Minister should have nothing to do with details or be worried about such matters; because, otherwise, he could not keep his head clear for matters which came before the House and were of great importance. However, he supposed they would have some explanation from the Government with regard to the new Minister, who, it appeared, would take all the powers which now belonged to the Minister for Works and the Secretary for Lands so far as mining matters were concerned. He supposed it was intended that the department of minerals, which was now administered under the Secretary for Lands, should also go over to the Minister for Mines; and if so, there would probably be another clashing. There were other difficulties in the way, but they might all come right on explanation. He did not know whether the newspapers took this into consideration; but, at any rate, it required the consideration of the House. He thought the Bill was good in almost every other respect, and that the framer of it deserved great credit for having drawn it so nicely;—how much of it belonged to the newspapers

he did not know. He was of opinion that the miners of the colony had much to blame the Government for in regard to the regulations which had been published. In the first place, some of them were totally insensible; no meaning whatever could be given to them. For instance, clause 50—"Size of claims in abandoned grounds"—referred to what was provided in clauses 40 and 46, which had no relation whatever to the size of claims. Again, clause 64—"Claims when to be worked"—referred to a certain number of men that was to be put on claims "as provided in clause 62 of these regulations"; but clause 62 simply required that claims should "be marked by posts." Then, again, clause 75 provided that "the number of men employed shall be consistent with clause 62 of these regulations," which referred entirely to "posts" and not to "men." So that he thought the mining population had great cause to complain of the present regulations. The Bill was a good Bill on the whole; but most certainly the House wanted certain information as to the Mining Minister.

Mr. MACDONALD was understood to say that if honorable members were to judge from the absence of any unfavorable comments upon the Bill, either on the part of the public or by the Press, they might come to the conclusion that it was as nearly perfect as it was possible that such a measure could be made. But, upon looking over it, he was sorry to find some provisions that he most strongly objected to. Probably they had got into the Bill through some error or oversight; and he hoped there would be no objection to have them altered in committee. He rose to make a few observations for the purpose of drawing the attention to the provisions of some honorable members whose constituencies might be affected if the Bill passed in its present shape, in order that they might study the Bill carefully before it went through committee. The honorable and learned Attorney-General had stated that the Bill had been approved of by many persons, and he had mentioned that those persons were conversant with mining. Well, it did not seem to have been criticised by any others. Although he (Mr. MacDonald) did not see why the mining and the grazing interests should not exist in harmony, yet the Bill did not provide for their working together, but rather for their coming into conflict. If necessary, he should point out some of the clauses which were objectionable in that way.

HONORABLE MEMBERS: Hear, hear.

Mr. MACDONALD: He noticed that the third sub-section of the twelfth clause of the Bill was very objectionable indeed. Amongst the privileges conferred by a miner's right was this:—

"To take or divert water from any spring lake pool or stream situate in or flowing through or adjoining Crown lands."

Well, he might have a freehold "adjoining Crown lands;" and he should decidedly not

allow a dam, or other artificial water, or, it might be, natural water, to be interfered with because his land on which it was situate adjoined Crown lands: he could not allow that the diggers should have a right to come in and divert water in the way proposed. Then, again, clause 29:—

"When any gold field shall have been proclaimed upon any Crown lands then under lease or license for pastoral purposes the Governor may suspend or cancel such lease or license in respect of the land comprised in such proclamation."

If the Bill provided that such suspension or cancellation of the lease should take place a certain time after the proclamation—there did not seem to be any time allowed after the proclamation, as he found no reference to it—it would be an improvement in that clause. He should like next to draw attention to the 33rd clause:—

"When any holder of a miner's right or business license or any lessee under this Act is actually engaged in searching for gold or in the pursuit of his business upon Crown lands not included in any gold field or if so included then the same not being portion of a common if any such holder have with him in pursuance of his business or in the reasonable prosecution of such search any cattle he may during the continuance of such employment depasture all such cattle upon any Crown lands not demised under lease for other than pastoral purposes and may encamp thereon."

That was to say, that, after the lands were demised for pastoral purposes, the digger or any person professing to be searching for gold might take any cattle—the clause did not say working bullocks or working horses; there was no limit as there would be if it said cattle or horses, for instance, other than stallions;—he might take any cattle, or bulls, on to a run and sit down alongside the lessee, and, while professing to be there for prospecting purposes, graze his cattle, his fillies or stallions, and ruin the lessee. At all events, he could inflict much injury upon the run, and the lessee would not have the power to impound, or to check him. He did not think that that could be the intention of the framer of the clause, but that was the scope of the clause. If the digger or prospector had "any cattle," he might "depasture all such cattle" on the run, and "encamp thereon." Some persons might choose to take advantage of it to the extent that he (Mr. MacDonald) suggested. The next clause, the 34th, provided that lands should be sold:—

"The Governor may from time to time by a notice in the *Gazette* proclaim as a street or road or as a town or village any portion or portions of Crown land in any gold field and the lands in such town or village shall be sold in the manner prescribed by 'The Crown Lands Alienation Act of 1868' for the sale of Crown lands;"

or any subsequent Land Act, he presumed, though that intention was not mentioned. There were other clauses of a less objectionable nature, which might be easily amended in committee; but those which he had drawn

attention to ought to be most thoughtfully considered. He should reserve his other objections until the House went into committee on the Bill.

Mr. DE SATGE confessed that he had grave doubts as to which was the Act most wanted by this colony. Some months ago he understood from the papers that it was the Education Act; shortly after he came down to town, it was the Crown Lands Act which the Parliament were to be occupied upon; a few weeks ago, it was the Elections Act;—but, now, all those measures had given way to the second reading of the Gold Fields Bill. Although this Bill had been framed on the Victorian Act, he could not see as yet that Queensland was in immediate want of it. The Bill was introduced thus early, merely, he contended, to satisfy some honorable members, supporters of the Government, who represented mining constituencies; and he did not think it was such a measure as should have been introduced before other important measures, which ought first to occupy the attention of the House. At the present moment, he did not think it was to benefit the country that it was brought forward in the face of fact that honorable members had been directing their minds to other measures. As the honorable member for Bremer had put it, the Bill was brought forward at this early stage, solely for the appointment of the Minister for Mines. So far as he knew the gold fields of the colony—and he did know something about them, and he had interests near them—he could not see that there had been any public commotion at all for the immediate introduction of the Bill. In the appointment of the Minister for Mines, the House could see at once the drift of the Government move;—they wanted to secure an additional follower, and to tie up the management of the gold fields for the time being with red tape. He should like to know how the Gold Fields Bill could in any way assist the Palmer gold field or the Peak Downs diggers. From his knowledge of Queensland, he knew dozens of new gold fields that had been discovered and worked, and twelve months afterwards were deserted. Honorable members were very apt to attach to the Bill a political significance, and to think that it was brought forward for merely party purposes rather than for aught that the circumstances of the colony demanded. It was thrust upon the House at a time when it should not be before them; when they wanted another measure, that was the Land Bill, which he thought should not be displaced by the Gold Fields Bill so early in the session. The Government were trying to establish a new Minister with new functions, to strengthen their position in the House. Such a measure might be of importance in Victoria, but the circumstances of that colony and of Queensland were widely different, and it was not demanded here. A man could mine anywhere in this colony. Gold was found on land which was generally inferior,

fortunately for the pastoral tenant. By the clause which had been pointed out by the honorable member for Blackall, the Government showed at once their intention to neglect altogether the great pastoral interest of the colony. Under it, the hawker, or any one procuring a business license, as well as the digger, could go wherever he liked over a run, and sit down at the best waterhole he could find; and there was nothing in the Bill to disturb a man, if he chose to say he was prospecting for gold. There were other matters in the Bill equally objectionable which the Government, under pressure of honorable members representing mining districts, had introduced, showing that in their eagerness to satisfy their supporters, they had forgotten to make provision for other interests and to protect them. Whoever had framed the Bill should have considered every class in the colony, and should not have withheld consideration from that class which some were now afraid to mention in the House, the pastoral tenants of the Crown. He (Mr. De Satgé) should not be afraid to mention it, because he knew the benefits the country had derived from the pioneers who occupied it for pastoral settlement. Why that interest should be excluded from attention by such a clause, he could not imagine. Were the miners of Ravenswood, Gympie, or anywhere else, pining away for the Bill? They had never asked for it; they did not require it. However good it might be for the colony of Victoria, it was not required in this colony. He should vote for it towards the close of the session; but it was out of place now. It was to please half-a-dozen members without whom the Government would not be able to go forward. The House had heard from the Attorney-General that the Bill had been discussed in the mining centres. Why should it not be discussed throughout the whole colony, if it was allowed to be discussed in mining centres? What would the country think, if a Bill was brought forward affecting the landholders of the colony, and it was told that the Bill had been discussed in the land centres, and in the pastoral centres? The Government and the House would be laughed at. They would be told it was a one-sided way of dealing with a particular interest. He objected to any legislation that would consult one class, instead of all classes, of the colony. The honorable member for Dalby was pulled up and taken to task this afternoon for introducing mention of the Land Bill that was expected by all the colony. Most certainly the Government had chosen the wrong time to bring forward the Mining Bill. It was a party move, purely to get that support without which they did not feel at all times certain of victory in the House. Other measures should have had precedence of the Gold Fields Bill. He should certainly support the second reading of the Bill, though he protested against its ill-timed introduction.

Mr. MACROSSAN observed that he had no intention of saying anything upon the Bill further than endorsing it as a whole, but for the honorable member who just sat down. That honorable member astonished him. A few evenings ago, the honorable member was kind enough to give him a very long address which he took very patiently; but, now, he should make one in return, and it was, that the next time the honorable member for Normanby attempted to talk about gold field matters, he should take some pains to be careful that he talked about what he understood. Had the honorable member been asleep all those years past that he had lived in Queensland? Did he not know that the diggers had been crying for legislation for seven years? Did he not know that Bills had been introduced to the House for dealing with the affairs of the gold fields? Three years ago, a Royal Commission on the gold fields was appointed, to visit the mines, to inquire into and report upon their management with a view to legislation. Did not the gold miners cry out for new laws, for new regulations? Yet the honorable member for Normanby got up in the House and said they did not want the Bill; that the people of Ravenswood, Gympie, and other gold fields did not want it. He (Mr. Macrossan) was one of the people of Ravenswood, and he cried for it; and the people all cried for it very loudly. The people of Millichester cried for it; and all the diggers cried for it. The ignorance of the honorable member in regard to mining affairs was extremely astonishing, after having lived so long in Queensland, and after being a member of the Assembly, where he might have obtained the information he was so deficient in. He had talked about the Palmer River diggers and the Cooktown gold diggers. There were no gold diggers at Cooktown, which was a hundred and fifty miles away from the Palmer; and which was merely the port where the diggers disembarked on their way to the gold field of the Palmer. The honorable member might as well talk of the Brisbane diggers, and of the tin miners of Brisbane.

HONORABLE MEMBERS: Hear, hear. There are plenty.

Mr. MACROSSAN: If any comparison was made between Victoria and this colony, the advantage was on the side of Victoria because of her gold fields legislation. If Victoria wanted a Gold Fields Act or a Minister of Mines, Queensland wanted it still more. For this reason: the gold fields of Victoria were concentrated. There was scarcely a diggings in that colony that the Minister in charge of the Mining Department could not visit in forty-eight hours. What would be the case of a Minister of Mines in Queensland? It would take him six or seven weeks to reach the Etheridge diggings, which were not so far distant as the Palmer diggings were now. The honorable members for the

Bremer and Normanby had taken exception to the appointment of a Minister for Mines—looking upon it as a purely political appointment. He (Mr. Macrossan) differed entirely from them. If anything had tended to advance the mining interests of Victoria, it was the Mining Department, presided over by a Minister for Mines. And if anything had prevented the advance of the mining interests of New South Wales, it was the want of a Minister of Mines. But the legislature of New South Wales had made a discovery lately, and a Bill was passed this session under which actually the appointment of a Minister for Mines was authorised. The honorable member for Bremer had recommended the appointment of a department under the Minister for Lands or the Minister for Works. That had been the very point on which New South Wales had ended in utter failure. Instead of New South Wales having gone ahead because of her mineral resources, she had been kept back. Victoria and New South Wales together did not surpass Queensland in mineral resources; certainly, nobody would dispute that neither of them was as rich in minerals as this colony. Individual gold fields in Victoria were the richest perhaps; they had been the most productive; but, on the whole, that colony did not equal Queensland. With due deference to the opinions of honorable members, there was not a Bill before the House, even the Crown Lands Bill, or the Education Bill, which was so much required as the Gold Fields Bill. Did honorable members think it nothing that a man who was following a certain pursuit as the profession of his life could be subjected to the caprice of and ignorance, and sometimes worse, of the class of men that the colony had as Gold Fields Commissioners, without the right of appeal from their decisions? It could not be in the knowledge of the House the amount of injustice that had been inflicted upon the miners of Queensland through the incompetence of the gentlemen who had charge of the gold fields, and also through the inconsistency of the laws which regulated the miners of Queensland. The Act under which they were working at present was one which was passed in New South Wales fifteen or sixteen years ago. But that colony had got so far ahead that it had twice reformed its mining laws since the separation of Queensland; but, still, in all that time, in spite of the experience of New South Wales and Victoria, the miners of Queensland had been working under a system which was a contradiction, and which had been the cause of the most flagrant injustice to the miners collectively and individually. Scarcely a month passed without the occurrence of acts of injustice that were almost beyond belief, but that came within the knowledge of the members of the bar in Brisbane; and those learned gentlemen knew that there was absolutely no appeal for

the miners. The honorable member for Bremer had been a Minister of the Crown, and had actually been head of the mining department of the colony; and he actually stood up in the House and exclaimed against what he called the regulations of the present Government. He did not, in reality, know what he was talking about. Those regulations were not the regulations of the present Government. They were the regulations that were in existence at the time the honorable member was in office.

MR. THOMPSON: No. He had them both in his hand.

MR. MACROSSAN: The honorable member had repealed them, two or three months before he left office, and had issued a new code; but that code was so full of inconsistencies that it could not, in fact, be understood; and it was so universally condemned by the miners, and by the commissioners themselves, that an agitation was got up to have that code withdrawn, and to have the old code proclaimed again, until a new Act should be passed by Parliament. The honorable member could not deny it. At Millchester, at Gympie, everywhere in the colony, the miners exclaimed against the new code of regulations that the honorable member had issued, and that, doubtless, he believed to be the *ne plus ultra* of mining legislation, as he had not intended to bring forward a new Gold Fields Bill at all. If the honorable member for Normanby would only take the trouble to try to understand the miners' wants, it would be an advantage to him when he wanted to speak upon them in the House: it was from the miners themselves that he must get the knowledge that would enable him to understand them. The honorable member was not individually against the miners.

MR. DE SATGE: Hear, hear.

MR. MACROSSAN: Where should he look for information but amongst the people who were most conversant with the subject? What fault should he find with the Attorney-General, because the honorable and learned gentleman had gone to the miners for information as to the details of their profession? Who could understand those details as well as they? If he had gone to the newspapers, he (Mr. Macrossan) presumed that the newspapers were published on the gold fields, and were edited by men capable of giving opinions on mining questions. If the honorable member for Normanby had taken the same pains to ascertain the wants of the gold fields as the Attorney-General had taken, he would have arrived at a good conclusion on the question before the House. The Bill was wanted, and the Government could not do better than proceed with it, to silence the clamor of the miners for something like fair legislation. The miners had been crying out for legislation for years past. He hoped that the Government would not stop at the Bill, but that not only would they give the miners

a new law, but a better system of administration on the gold fields than existed. It was not only law, but the administration of the law that required reform. He told the Government and the House that it would be no use reforming the law, unless they appointed to the gold fields men who were capable, by their intellectual qualities and technical knowledge, of administering the law honestly. He hoped that honorable members would try to understand the Bill. It had nothing to do with party politics. It was merely for the relief and benefit of a very important interest of the colony. Nothing would tend to advance the interests of the miners in Queensland more than the establishment of a Ministerial department; and nothing was more necessary for the just administration of the management of the gold fields. It was most advisable, for the administration of the law, that the Minister should have a correct knowledge of the men who were carrying it out over the country; he should know the officers of his department individually, from the chief commissioner downwards. Nothing would please the miners more than the intention of the House to do them justice, and nothing would satisfy them better than that the Bill should pass almost without amendment.

MR. THOMPSON rose to make an explanation touching the mining regulations, in answer to the statement of the honorable member for Kennedy.

HONORABLE MEMBERS: Spoke, spoke.

The SPEAKER interposed, and was understood to suggest that the honorable member was exceeding the limits of an explanation.

MR. GRAHAM said he agreed with a great deal that the honorable member for Bremer had said; but he thought that the amendments to be made in the Bill would be best dealt with in committee. He was inclined to allow that the mover of the Bill had shown that the mining law of the colony did require amendment, and that the Bill, whose main features he approved of, would amend it very fairly. The 6th clause provided for the appointment of a Minister for Mines. There had not been sufficient explanation given of that. He assumed that the new Minister's duties would be confined to the administration of the mines of the colony; and, though he did not disagree with that view, it might yet be thought that he would not be as fully employed as other Ministers. Honorable members need not object to the second reading of the Bill, because they objected to that clause. A Mining Department, embracing gold mining and every other description of mining in the colony, might well be established; and the Minister for Works would be well rid of the work connected therewith, which was done in his office; but, at the same time, he (Mr. Graham) did not see how a Minister for Mines was to employ his time, if he was to be employed as the other members of the Government. But

that was a question of detail which the House would deal with by-and-bye. The main question was, whether the affairs of the colony had reached such a stage as that another Minister was wanted to administer them. The best plan, perhaps, would be to allow the clause to pass, so that the new Minister should be appointed; and, no doubt, after that, there would be a complete re-organisation of the departmental duties of Ministers. He confessed that he could not agree in the anticipation of the honorable member for Ravenswood as to the results from the appointment of a Mining Minister. He did not believe that people could be made prosperous by Act of Parliament; or that an Act of Parliament for any interest would lead that interest to any greater state of prosperity than it would otherwise enjoy. He was one of those who held the opinion that the best that could be done for any industry was to let it alone, and to remove any obstruction to its progress. Beyond that, any legislation was more likely to do harm than good. For that reason he could not agree with the honorable member for Kennedy, that all that was wanted to make New South Wales and this colony prosperous, was a responsible Minister presiding over a mining department. He did not think that the men, who were the real miners, and who really found the gold, in their own proper persons, would be affected, in the slightest degree, by the appointment of a Minister for Mines. He took for granted the correctness of the assertions of the honorable member for Kennedy, as to the injustice on some of the gold fields; the fact that the honorable member said so was quite sufficient to prove to the House that such was the case. At the same time, he thought, that if the cases referred to had been first put before the Ministerial head, and after that, if necessary, brought before the House, there would have been very little occasion for complaint. It might be that many persons were treated with injustice; and in such cases persons always blamed the commissioners. But the justice or injustice of the commissioner's decision was a matter of opinion in a great measure; and too often opposite opinions were held by successful and unsuccessful parties. Any commissioner who was in the habit of giving unfair decisions, the miners would have no difficulty whatever in bringing before the Government and ensuring his dismissal, if they substantiated their accusations. When the arrangements of the Ministry were modified, and the mining affairs of the colony concentrated under one head, whose special duty it would be to look after them, there would be an improvement in the practical management of the gold fields. It might be that the commissioners would be more careful when they had a Minister whose duty it was always and specially to look after them. The facts were before the House, that for many years there had been a Minister for Mines in

Victoria, and none in New South Wales and this colony. The honorable member for Kennedy argued from that, that the prosperity of Victoria was owing to the fact that the colony had a Minister for Mines and a Mining Department. That was an instance of what persons were much in the habit of doing—confounding coincidence with cause and effect.

HONORABLE MEMBERS: Hear, hear.

MR. GRAHAM: It did not follow that because Victoria had a Minister for Mines during so many years past, mining in that colony had been more successful than in other colonies; it was because the mines were rich, and because they were so much more concentrated than the mines in the other colonies. If the mines of Queensland could be so concentrated that the Minister or the person who was in charge of them could visit them in a few hours, he had not the slightest doubt that the progress of the mining industry of the colony would be much greater than it had been. Our gold fields were separated hundreds of miles, not like those of Victoria, which were within tolerably easy reach of the seat of Government and of one another. He did not see how the different circumstances were to be reconciled or controlled by the appointment of a Minister; because a certain arrangement was found suitable to Victoria, it did not follow that it must be adapted to Queensland. He did not think it was desirable to take notice of the difference which had arisen between the honorable member for Normanby and the honorable member for Ravenswood; such remarks would not at all help the House in arriving at a just estimate of the Bill. When the House got into committee on the Bill, the interests of the whole general inhabitants of the colony must be equally protected. He had very little doubt that, in their desire to look after the interests of the miners, it was by an oversight rather than from intention that the Government had allowed certain clauses to be in the Bill. Some clauses were so framed as to be prejudicial to other interests. Those might be amended in committee; and to that stage the Bill might proceed without delay. There was one little matter to which he should refer, and that was the mining regulations. Supposing that the Bill was passed into law, the mining legislation as it really affected the digger would depend upon the regulations. The law had failed heretofore from one simple fact. There was no appeal from the commissioners. The House must carefully guard themselves against confusing the actual miners with those who came on the gold fields as agitators, men who might raise a following and get themselves loudly cheered because they professed themselves the diggers' friends, but whose words the House must not take in every respect as gospel. A good deal would depend still upon the regulations made under the law; and it would be a very great advantage if a clause was inserted in the Bill providing that regu-

lations under it must receive the assent of Parliament before they had the force of law.

HONORABLE MEMBERS: Hear, hear.

Mr. GRAHAM: The powers to frame regulations had been very much abused. It had devolved on the Minister in charge; but it was a duty that should belong to the House. He hoped that the Government would, if the Bill passed, give the House a sight of the regulations under it before honorable members went home for the recess. As the honorable member for Kennedy had stated so distinctly in contradiction to the honorable member for Bremer, that certain regulations now in force were the regulations in force before his honorable friend, Mr. Thompson, had left office; and as his honorable friend was anxious to refute that statement, and as honorable members had seemed to object to his having that privilege, he (Mr. Graham) should move the adjournment of the debate, in order to enable the honorable member for Bremer to have the opportunity of speaking again upon the point to which he objected.

Question—That this House do now adjourn.

Mr. THOMPSON: The matter he was anxious to explain was not really of great importance, though he had got rather riled—to use a Yankee expression—at the pitching-into that his regulations had come in for. He had taken a great deal of trouble with those regulations, and had got the best advice upon them. He had not sought the advice or secured the assistance of the newspapers, the agitators, or the speculators on the gold fields; but he had got the very best advice in the colony.

AN HONORABLE MEMBER: Name, name.

Another HONORABLE MEMBER: The commissioners.

Mr. THOMPSON: He did not know that he should be justified in giving the "name," or telling where he had got his advice: he did not know what vengeance it might not subject his advisers to.

HONORABLE MEMBERS: Hear, hear.

Mr. THOMPSON: He repeated that he had not consulted the agitators, the newspapers, or the speculators. He had consulted the commissioners, who were in the pay of the Government, one of them the longest employed and the most experienced officer in the service.

AN HONORABLE MEMBER: Oh.

Mr. THOMPSON: He believed that the real objection to his regulations was that they were too plain, too easily understood; and that was the only objection against them. In the first place, the regulations now in force could not be the regulations under which he had worked; because, he found that they consisted of more clauses than the regulations of 1870, under which he had worked. They could not be the regulations of 1870, with some amendments, because those amendments were

inconsistent, as in the 50th clause, which was a specimen of others:—

"50. *Size of Claims in abandoned ground.*—The size of claims in abandoned ground shall, with the sanction of the Commissioners, be double the length of claims for dry or wet alluvial sinking, as provided in clauses 44 and 46 respectively."

Now, what did 44 say? It was headed, "Termination of frontage system," and ran—

"On any declared lead the majority of non-working claimholders (or shareholders) may require the frontage system to terminate, and on application in writing of not less than twenty-four miners the Commissioners shall proceed to such lead and hear evidence for and against the application. If the majority of the claimholders (or shareholders) shall appear to him to be in favor of the application, he shall fix a point not then being worked on such lead from which to declare the frontage system to have ceased."

Mr. McILWRAITH: What regulations were those?

Mr. THOMPSON: The regulations of February, 1874—the last regulations issued by the present Government. Then, again, section 46, referred to in clause 50 as regulating the size of claims, was confined to the "definition of wet, alluvial claims," which

"Shall mean where slabbing the shaft may be necessary on account of water,"

and so on—quite a foreign matter to which was intended by the reference. If he admitted that the regulations were taken from official papers, they were so mixed that it would be impossible for anybody to make them out. Clauses 64 and 75 were equally inconsistent with 62. He was only anxious to point out that the regulations in force were not the regulations of 1870, which, also, he had in his hand.

THE SECRETARY FOR PUBLIC WORKS: The honorable member for Bremer had taken advantage of a motion for the adjournment of the debate to make an explanation upon what the honorable member for Kennedy had said. What the honorable member for Kennedy had said was, that he objected to the argument, or rather to the remarks, of the honorable member for Bremer, that certain regulations were quite inconsistent with one another; and he had asserted that the regulations were the regulations under which the honorable member for Bremer or his Ministry wrought while he was Minister for Lands. That assertion was perfectly correct. The regulations which the present Government had proclaimed were the same as had been in force up to September, 1873, with two exceptions; one the regulation as to the thirty days' grace to holders of business licenses, and the other for the appointment of mining surveyors. There might have been some little inconsistencies; but they might have been remedied—

Mr. THOMPSON: He had nothing to do with those.

THE SECRETARY FOR PUBLIC WORKS: The honorable member had referred to inconsistencies that had arisen from the way in which the clauses had been collated. He must understand, because he had been Minister for Mines, that the regulations of 1870 were printed in pamphlet form, and that, from time to time, as occasion required, additional clauses were framed by the Minister for Mines. When the regulations had to be re-gazetted as a whole, some discrepancies might have arisen in the numbering of the clauses: that was all. The reason why the present Ministry had re-gazetted the old regulations which were so much remarked upon by the honorable member for Bremer, when he was referring to the merits of his own regulations, was, that when the Ministry came into office, they found that there was such a cry of indignation and contempt from all parts of the gold fields against the new regulations of the late Government, of October, 1873—not from the Press only, but from every quarter whence authority could come into communication with the office—there was such a strong feeling excited against the new regulations, that the Government saw no way of getting out of the difficulty than to re-gazette the old regulations, which were regarded with favor, until they should be prepared to bring in a Bill for the management of the gold fields; and this they had now done. Perhaps a little prominence had been given to the Gold Fields Bill; but he had not heard any good reason against the Ministry for so doing. They had not shown it undue favor; no precedence had been given to it, that he could see, before other measures which the Ministry had to bring before the House. The manner of conducting the business of the House lay with the Government; and, unless some good reason could be shown, he did not see that the House had any right to object to the course that had been adopted. No good reason, at any rate, had been advanced. It was a shabby thing for an honorable member to come forward and express doubts or profess not to understand the Bill, or to want further information of the intentions of the Government with respect to the Bill. The sixth clause spoke for itself. The honorable member for Bremer wanted to know if a Minister for Mines was to be appointed. It was the intention of the Government to appoint a Minister for Mines. Whoever should be Minister for Mines would have enough to do; and when the duties of the Mining Department should be taken from the Secretary for Works, that Minister would have quite enough to do in his own department. At present it was quite impossible that one man could overtake the work of the two departments. A great deal of work that would be performed by the new Minister was now done in the Lands Department; and it would be a good thing when the two Departments of Lands and Works were re-

lieved of the business connected with mining. The argument that the Government proposed to create a new department under a responsible head, for the purpose of getting an extra seat in the Cabinet, came with a very bad grace from a member of the late Government. Did not the late Government act in the same way? The present Government could give a very good reason for what they were doing. As the House were now constituted, there were forty-two members, and, seven ministers were not a greater proportion to that number than were six Ministers to a House of thirty-two members. But there was another, and a stronger reason, and it was, that the work in the departments had so accumulated that it quite justified the Government in asking the House to give them an additional hand to do that work. The honorable member for Bremer had hinted that the work might be done by the re-organisation of the departments, rather than by the appointment of an additional Minister. The honorable member had been a Minister himself, and he should know that such a course would not meet the necessities of the case. He did not, at any rate, take any fresh work into his department when he was a Minister. There were a great many inconsistencies in the way in which the work was done now, and it was absurd how the mining business was divided between the Departments of Lands and Works. When that work was attended to by a Minister, it would relieve two departments and be properly attended to. That the mining business should be disposed of by a Minister at the head of another department in about five minutes each morning quite satisfied him that the mining interests of the colony were thoroughly neglected. The simple duties he (the Secretary for Works) had to do as Minister for Mines were to sign a few letters or to decide some question in the administration of justice, which had often, from his want of knowledge, to go to the Colonial Secretary.

MR. LORD said it struck him that the opposition of the honorable member for Bremer arose out of the unsatisfactory way in which his regulations had been received by the miners. To give an instance of those beautiful regulations, he should just mention that in one clause a man was entitled to a prospecting area of 80 by 80 feet; at the same time, upon finding gold, he was empowered to take up a prospecting claim of 200 by 300 feet. Meantime, other persons had taken up claims all round the prospecting claim. How, then, was a man to get 200 or 300 feet out of 80 feet of ground? When the regulations issued by the late Government were repealed, he knew that the original regulations were brought into force again. As regarded a Minister for Mines, the honorable member for Bremer showed the necessity that existed for him; because, though the honorable member had been a Minister over the depart-

ment of Mines himself, he had succeeded in not only showing the ignorance of the present Government, but the ignorance of the late Government, also, as to the regulations which had been issued. That was a reason why a Minister was wanted, to look after mining interests of the colony, and to take the sole management of the gold fields. It was not for him (Mr. Lord) to say anything about the Bill, more than that it had his warmest support. If it should be passed, it would be a great boon to the gold miners of Queensland. There were some clauses that he should most certainly like to see altered. He had not the slightest doubt, however, that if the working miners of the colony were polled, they would not care two straws whether there was a Minister for Mines or not. They asked, simply, that the work should be done.

Mr. MACROSSAN said it was scarcely worth while to move the adjournment of the debate for the purpose of trying to prove what was a fact. He had merely asserted that the regulations which the honorable member for Bremer had exclaimed against as being the regulations of the present Government were the regulations which he, the late Minister, had worked under. He could assure the honorable member that, whatever he might think, his regulations of October last had been so objectionable to the miners that a public meeting was held at Charters Towers, and a committee was appointed to revise the regulations; and he (Mr. Macrossan) was asked, before leaving for Brisbane, to try to get the late Ministry to abolish those regulations. He believed the honorable the Attorney-General was asked, at Ravenswood, to do the same thing. The miners themselves ought to be the best judges of what was most suitable for them. He agreed that no amount of legislation would put an ounce of gold into the ground, but legislation would facilitate the getting of that gold out of the ground. The mining interest of this colony wanted legislation. In Victoria, before the appointment of a Minister for Mines, the regulation of the gold fields was in a confused state, and riots and disorders were common occurrences; since that appointment, however, there had scarcely been a complaint. Of course, it was not to be taken as an effect, that the gold fields of Victoria were prosperous because a Mining Minister was appointed; but the appointment conciliated the miners, and had the effect of securing good legislation based upon accurate information, such as a Minister could get from the miners themselves.

Mr. MOREHEAD observed that from the irregular course of the discussion, it was a pity that the adjournment of the debate had been moved. It would be best for honorable members to discuss the question itself, and business would be furthered by the withdrawal of the motion for adjournment.

By leave of the House, Mr. GRAHAM withdrew his motion for the adjournment of the debate.

Mr. BELL said it had been conceded on all sides that the second reading of the Bill should be passed. He should say a few words in reference to the observations of the honorable member for Kennedy, as to the bad regulations that were in force, and also with regard to the reasons advanced for the appointment of another Minister. He must say that he altogether disagreed with those who thought another Minister was necessary;—in fact, he thought that there were too many Ministers at present, except for their voting power. As for the work that was to be done, he did not know any member of the Government, except the Premier, who was hard-worked. True, any Minister might lay out work in detail for himself that would keep him occupied day and night; but he (Mr. Bell) never yet found a Minister, except the head of the Government, who had too much to do; and he did not think it was at all necessary that a Minister should trouble himself about details that could be best done by an officer of the department. Instead of increasing the Government, his own impression was that three Ministers were enough to do the work.

Mr. MILES: Under secretaries.

Mr. BELL: If a Minister chose to go into details, he might never be done; though he would do little good that could not be done without him. He could not see what was to be done by the Minister for Works that required his attention so much, or that could not be done by giving him an Under Secretary for Mines. However, when the House came to decide on that question, other reasons would have to be given for the appointment of another Minister than those which had been given during the debate this afternoon. The honorable member for Kennedy had told the House that the way to get regulations was to go to the miners themselves. He (Mr. Bell) only wished the honorable member would extend the same privilege and consideration to the squatters; because he was satisfied that the squatters would be able, as they knew most about their own wants, to make very satisfactory regulations for themselves. He hoped, however, the Government would take no such course as that; because, if the Government went to any class of the colony to frame regulations for themselves, those regulations would be sure to be one-sided. He thought that the second reading of the Bill should be allowed to pass.

Mr. MILES said, that though he would not pledge himself to the Bill as a whole, he should vote for the second reading. He disagreed with the honorable member for Normanby, who had said that the Bill was not required, and who had gone on to say that the Land Bill was of much more importance. He was not prepared to deny that, but he was prepared to say that during the time he held a seat in the House, there had been dozens of Land Bills discussed and passed, but no Gold Fields Bill. Notwithstanding

that the pastoral interest was of the first importance in the colony, still he looked upon the mining interest as second to it; and it was only fair, now, that the House should give their best consideration to the Bill before them. Several times during the past seven years, Mining Bills had been brought under the attention of the House, and it was high time that a Bill was passed to promote the mining interest. The Attorney-General, on a former occasion, carried a motion to appoint a special commissioner to go to the gold fields throughout the colony, to endeavor to get the very best information for the purpose of framing a Mining Bill. That was three or four years ago; and, if he knew nothing else of the results of that commission, he knew, at all events, that it had cost the country £1,000.

The ATTORNEY-GENERAL: £2,000.

Mr. MILES: Thank God! he had no hand in it. As to what had been said about squatters, their opinions had been consulted on all subjects more than any other members of the community; and that the honorable member for Dalby knew. The House had best go into the Bill. As to the Minister for Mines, he should be glad to hear something more; if it could be shown that the appointment was necessary for the conduct of the public business, he should be quite satisfied. Nothing satisfied him so much as to have heard the Secretary for Public Works express an interest in the miners. He had heard that honorable member get up in the House and denounce the miners as a shifting and restless class, when the honorable member voted against the abolition of the gold export duty.

The SECRETARY FOR PUBLIC WORKS objected to the honorable member putting words into his mouth. The honorable member might quote his words.

Mr. MILES: He remembered that the honorable gentleman had instanced that sawyers, bushmen, and brickmakers had to pay a license fee more than the diggers, and he opposed the abolition of the export duty on gold on that ground. The mining population were now a very influential part of the community; and the honorable gentleman had a right to change his mind with the change of the times. He (Mr. Miles) was very glad to have seen it, because he was always an advocate for improvement. The miners required some protection, and the Bill would perhaps afford what was required. Some of the clauses required amendment, particularly those which had been referred to by the honorable member for Blackall, one of which was most mischievous. Although he had not much notion of miners becoming graziers, yet that clause must be modified without throwing any impediment in the way of those who were prospecting for gold. The mining industry should not be neglected. The damage done to the soil by the diggers was a mere bagatelle. The House would admit

that the country had derived a great advantage from the mines. Had it not been for the tin mines, the railway to Warwick would be useless; in fact, it was useless before, because the lands along the line were all taken up.

Mr. PECHAY: Hear, hear.

Mr. MILES: He trusted that if the Minister for Mines should be appointed, he would give some attention to the tin-mining interest. Providence had sent the tin discovery to make the railway serve a useful end, and the tin discovery had done much for the increased prosperity of the colony. The new department should afford facilities for all mining interests—copper, tin, coal, and gold—and should remove every obstruction and impediment out of the way of the progress of the mining industry. He did not know whether the honorable member for Kennedy believed him; but he could not see why the mining and the pastoral interests should be antagonistic. The miners did not want a great extent of land, and it was not the best land that they required. He found he had been mistaken when he stated that it was on the motion of the honorable the Attorney-General that a Royal Commission to inquire into the management of the gold fields had been appointed, and that it was the then member for Gympie, Mr. King, who brought forward the matter. Why he came to the conclusion that it was the honorable member for Ravenswood, was, that the late honorable member for Gympie had never succeeded in carrying any motion; but he had afterwards remembered that that gentleman was at the time a supporter of the then Government. He regretted the honorable member for Normanby was not present, as that honorable member had spoken about the Bill as affecting one class only, and being, in fact, class legislation. Now, he was of opinion that there was no class of the community that had benefitted more by the mining population than the pastoral tenants, and he was sure that if it was not for the diggers, a very large proportion of the stock now consumed by them would have to go into the boiling pots. He concluded that a measure like the present affected all classes, and he was therefore desirous of giving his assistance to make it as perfect as possible for the purposes included. There was one point upon which he agreed with what had fallen from an honorable member, namely, that when passing the Bill the House should be very careful to provide for everything by law, so as to leave nothing to be dealt with by the Government afterwards; and that, presuming a Minister for Mines was appointed, that House should make provision for any regulations to be carried out. He thought that all such an officer should do should be to see that the Act was properly carried out. He was prepared to vote for the second reading of the Bill, although he was not quite clear whether he would be able to support the clause for the

creation of a Minister for Mines. Honorable members might, however, convince him of the necessity of such an officer, and if he felt that it would be in the interest of the mining community, he should not oppose it. There was another matter which should not be lost sight of, namely, that if a Minister for Mines was appointed he should have the sole control over all mining matters, whether tin, copper, or gold; as he knew that, from the interference of the Lands Department with the Department of Works and Mines, much confusion and, he might almost say, injustice had sometimes occurred. For instance, after lands had been proclaimed open for mineral selection by the Minister for Works, the Secretary for Lands had stepped in and cancelled such selections; that led to a great deal of mistrust in the Government, and to the belief that they were doing something they had no right to do. Some few days ago, he had received a letter from one of his constituents about some selections which had been withdrawn after the parties had spent a large sum of money upon them; that naturally led people to mistrust the Government, and was a very strong reason why a Minister for Mines, if appointed, should have the sole control over such matters.

The SECRETARY FOR PUBLIC WORKS said he rose for the purpose of putting himself right in reference to some remarks which had been made by the honorable member for Carnarvon, to the effect that he had on a previous occasion, when the question of the repeal of the duty on gold was before the House, denounced the diggers in very strong terms. If the honorable member would take the trouble to refer to the records of the debate on that Bill, he would find that he (the Secretary for Works) not only spoke in favor of it, but also voted for it; in fact, his name stood second on the division list of those who voted for it.

Mr. NIND could not say that he had had much experience of the gold fields of Queensland, but he had seen a great deal of mining on the Pacific slopes of North America; and thus he had been able to form a pretty good opinion long ago in regard to gold mining, although of course the difference of country caused some distinction to be made in the character of the mines and the mining population. He considered that the Bill now before the House had been brought forward very ably by the Attorney-General, and he believed it had been regarded with considerable favor by a large section of the miners. Although not practically acquainted with mining himself, he had had some experience of miners, and the hardships they frequently had to undergo; and therefore, he quite agreed that they should be assisted as much as possible. But there were some things in Queensland connected with the gold fields which were very different to what he had seen in North America. The diggers in this colony had not the same spirit of self-reliance

that distinguished the miners of California, and it appeared to him that they looked to Government too much to do everything for them. In California he had seen a hundred thousand men at work on a gold field and they required no special gold fields legislation, but only that legislation which was the law of the state in which they lived. In fact, there was as much dissimilarity between them, in that respect, as there was between the gold fields of Victoria and those of Queensland. He did not doubt that laws should be laid down in the most unmistakable manner, but he thought that, in regard to regulations, those were matters which should be left to the diggers themselves. He believed with the honorable member for the Kennedy, that the diggers had suffered from a great deal of injustice for years, owing to the neglect of their interests which had been shown. There was no doubt, however, that the Royal Commission was intended to do good, and he looked upon the present Bill as what should have been the result of that commission at the time. He did not agree with that honorable member when he said that it was in consequence of there being no mining department in New South Wales and Queensland that their gold fields had languished, and that the gold fields of New South Wales had become secondary to those of Victoria; he took it that Victoria stood alone as regarded her gold fields, which were not dependent upon commissioners or departmental legislation, and that New South Wales must always stand second to her. Victoria had got the gold out of the country and had built her future upon it. He thought, without having read through the whole of the Bill carefully, that it was a very fair one, but there was one part of it to which he took exception and would oppose, if it passed its second reading; and that was the clause which related to the creation of a Department of Mines. He saw no reason for the establishment of it, and looked upon it as being altogether premature. If they made such a department, was it likely, he would ask, that the agriculturists would allow the matter to stop short there, and not claim to have a department for themselves? He thought not, as they would not acknowledge that they were second in importance to any industry. Again, if there was to be a Minister for Mines and one for Agriculture, there must be one for Education, one for Justice, and it might be a Minister of Fisheries, to protect the dugong and pearl fisheries on the coast; next, perhaps, a Minister of Forests, and there was no knowing when they would stop making departments. If they had one they must have the other. The honorable member for Carnarvon had alluded very often to the extravagance of the present Government, and he, himself, (Mr. Nind) had voted against many things which he considered extravagance, and should certainly vote against the proposition to create another department. He was

opposed to over legislation of all kinds, and considered that the miners should be made to feel more self-reliant. He should vote for the second reading of the Bill, but should take exception to the 6th clause, which provided for the creation of a Department of Mines.

Mr. HONGKINSON said it was not his intention to speak at any length upon the Bill, because he considered the Government had taken the only course which would be satisfactory to the miners of the colony; and that was, in framing the present measure, they had availed themselves of the recommendations of men who had devoted years of their lives to mining. Whilst he should vote for the second reading, there were some parts of the Bill with which he could not agree; still he thought it was the best Bill that had yet been before the Parliament. He differed from the honorable member for the Logan, who was fond of boasting of his great Pacific slope, in saying that the miners should be more self-reliant and be left to make their own regulations. In this colony, the miners were in favor of law and order; but no doubt if the honorable member would place them in the same condition as the miners of California, they would form themselves into Vigilance Committees, in the same way as they did on the Pacific slope. He must state most unhesitatingly that the present measure had been framed by the honorable Attorney-General with the best available assistance, and that it had been commented upon by the whole of the mining press of the colony as a very just and equitable measure.

Mr. BUZACOTT said he had listened with great attention to the various speeches which had been delivered by honorable members, but he had not heard sufficient arguments to warrant the expense that would be incurred by the creation of another department under a responsible Minister. They had been informed by the honorable Minister for Works that the work in his department was excessive, and that he was unable to cope with it; but he thought if the honorable member would introduce a measure for decentralization, it would greatly relieve him from a great deal of the work which he now complained pressed so heavily upon him. It was, he thought, quite as necessary to have a measure of decentralisation as to have a measure like that now before the House; at the same time, it was not his intention to oppose the Bill, as he thought it was a desirable one on the whole, although there were points in it with which he should differ when the Bill was in committee. The honorable member for the Logan had made a remark which was rather unfair to the diggers of Queensland, when he said that in America, where there were hundreds of thousands of miners, the men there were more independent—more self-reliant; but that was naturally the case where there were a large number of men congregated together, instead of being scattered in the way in which

they were in Queensland; when they were more congregated in Queensland, he was sure they would be found to be quite as independent. It had been argued that the reason why mining was so successful in Victoria was that there was a Mining Department, with a Minister at the head of it; but he considered that the creation of that department was a consequence of the great preponderance of the mining industry over all others. Long before there was a Mining Department in Victoria, the mining interest was the one on which that colony was mainly dependent; and it was no argument therefore that because there was a Mining Department in Victoria there should be one here. He thought that if there was an under secretary appointed, who was thoroughly acquainted with mining matters, he would be quite equal to the requirements of the gold fields for some time to come; he might also have control over other mining besides that of gold. He thought, if that officer was called Under Secretary or Superintending Commissioner, or anything else, it would really be found more advantageous to the miners of Queensland than having another responsible Minister, and a department carried on at an enormous expense. If there was a separate department created, it would place another Minister on the other side of the House, and honorable members would find that that was a great mistake. It appeared to him that if the House passed the Bill it would take a great deal of responsibility off the shoulders of the honorable Minister for Works. He observed by the Bill that the whole of the administration of the gold fields was confined to the officers who were called wardens, and between them and the District Courts the whole legislation of the gold fields would be administered; consequently he was at a loss to know why that House should be asked to assent to the creation of another department. There had been several objectionable parts pointed out—among others, one by the honorable member for Blackall—namely, that it was most extraordinary a miner should be able to go on to a squatter's run and take his stock and horses and depasture them there, under the pretence that he was seeking for gold. He would like to know how it could be proved that those men who were there with their stock and horses were there exclusively for the purpose of mining. He had no doubt that the matter having been pointed out, it would receive proper attention.

Mr. MOREHEAD said he intended to support the second reading of the Bill. He did not agree with the opinions which had been frequently expressed, that the pastoral and mineral interests were inimical to each other; but he held, as a representative of Crown tenants, that the pastoral and gold mining interests should go hand in hand, and that whatever might appear in the Bill to clash between the two should be amended when it was in committee, so as to satisfy both sides. With reference to the appointment of a

Minister of Mines, he should offer the most strenuous opposition, as nothing had been adduced to show that it was necessary; and he thought it would be a dangerous innovation if one-seventh part of the House were Ministers of the Crown. The honorable Minister for Works had stated, and no doubt correctly, that all the complaints that he had to attend to from the mining districts under his charge could be disposed of in five minutes; but the honorable member then very dexterously turned round and made out that it was necessary that there should be a Minister for Mines; he (Mr. Morehead) failed, however, to see that, unless all complaints were to be sent to him and adjudicated upon by him. He quite agreed with the honorable member for the Logan, that if that appointment was made there would be no saying where they would stop. The honorable member for Aubigny had only a few days previously coupled agriculture with the mining industry in some resolutions he brought forward; and if a Minister for Mines was appointed, that honorable member might very naturally demand a Minister for Agriculture; next would follow a Pastoral Minister, a Minister for Justice, and where would it end? He thought honorable members should ponder well before passing such a clause. If there was the great cry for assistance in the department of Works which there was represented to be, the appointment of an Under Secretary for Mines would, he thought, be quite sufficient to meet the case. He believed that the present Under Secretary for Works, acting as he did as Commissioner of Railways, had quite sufficient to do, and he, for one, would be quite willing to vote for the appointment of an Under Secretary for Mines, separately, until such time as the railways were completed. He did not attribute any improper motives to the Government in proposing the appointment of a new department, and he believed that the honorable member who introduced the Bill considered that such an appointment was necessary; but he would put it to that honorable gentleman whether the appointment of an under secretary would not meet the necessities of the case. There were, no doubt, a number of clauses in the Bill which should be considerably modified, in order that they might be more clearly expressed. He quite agreed with the honorable member for Blackall—that clause 33 was very bad; but he did not believe that the present Government intended that that clause should be introduced for the purpose of allowing a large number of persons, pretending to be diggers, to go and take stock and settle down on a squatter's run. He thought that the House was only asked to legislate for the real miner and not for men who, under the pretence of mining, might do a great injustice to a pastoral tenant. Honorable members would see that all a man had to do was to make

a statement that there was gold on certain land, to be able to take that land and use it until it was found to be worthless; in the meantime, the pastoral tenant might be ruined. He therefore thought that honorable members, when the Bill was in committee, should be particularly careful to prevent any such mishap occurring to any man. He wished to disclaim any ill feeling against the miners, whom he believed to be the most enterprising and best class in the colony, men who pushed out into the country, and were the pioneers of it. They were followed by the squatters, and he had always seen them work side by side. He trusted that so long as he remained in the colony such would always be the case.

Mr. FRASER said he intended to vote for the second reading of the Bill, as he considered it was quite evident that some such legislation was required, or why should the late Government have appointed a commission to inquire into the wants and necessities of the gold fields? Notwithstanding that, honorable members were well aware that the commission resulted in nothing. Although that commission was appointed by the late Government, the House had been told that evening that the present Government had given undue prominence to the Bill by giving it precedence over more important matters, and that the interests of the pastoral tenants of the Crown had been sacrificed to those of the gold miners, and one honorable member went so far as to complain that no such regard had been shown to the pastoral interest. He was sorry to find that those subjects were introduced into every debate. They all knew that land legislation up to the present time had been practically in the hands of the pastoral tenants of the Crown. He believed himself that the Act of 1868 was emphatically an Act to benefit the pastoral tenants, although it was true that there were clauses in it which induced the public to swallow it. In the long run, however, it would, he believed, be found to have been of very little advantage to the country at large, and very much to the advantage of the pastoral tenants of the Crown. He was not there to deny the importance or benefit of the pastoral tenants, who, to a certain extent, had been the pioneers of the country, but by accident more than anything else; and he had been happy to hear from the honorable member for Mitchell that evening, that the gold miner was the pioneer in advance of the squatter. He did not wish to raise those questions, but they had been forced upon him; it was not pleasant to allude to them at all, but if they were forced upon honorable members they could not be expected to sit still and say nothing. He rose more especially to express his surprise at the statements of the honorable member for Carnarvon. He had hitherto had the most unbounded faith in the independent spirit of economy manifested at all times by that honorable gentleman; but he must confess that

that had been greatly shaken that evening, and he was somewhat at a loss to account for it. The only reason he could assign for it was a proviso in the Bill for the appointment of a Minister of Mines. It seemed as if coming events cast their shadows before them, and that the honorable member had an eye to that appointment himself. He was sorry the honorable member was not present, so that he might deny any such intention. That was the only part of the Bill to which he was disposed to offer any opposition, and he must have some better reason assigned before he could support that clause. They had been told by the honorable member for the Kennedy that more attention to the interests of the gold fields was necessary; and he (Mr. Fraser) believed that no one who had paid any attention to them at all could fail to perceive that a large amount of injustice and delay in doing justice to them had been the case hitherto. He was certain that the maladministration of the gold fields had led to the large number of lawsuits that they had seen occupying such a prominent place in the Supreme Court. In respect to clause 33, to which objections had been made, he did not see that there was anything very serious in the matter, and he hoped the honorable Attorney-General would see his way clear to modify it, so as to meet those objections. He was quite sure that no honorable member would sanction a clause that would, in its operation, lead to the injury of any class or interest. A great deal of stress had been laid upon the power to be given to the Governor in Council to make regulations under the Bill; and some honorable members had expressed an opinion that any regulations to be put in force should be first submitted to that House. That, however, was a class of legislation with which he did not agree, as it was asking the House to deal with details which should be left to the Government to carry out in accordance with the Act, as he presumed they would be. There was no doubt that the gold miners of the colony formed a most important class—the most important, perhaps; and although it could not be said that Queensland would compare with Victoria in that respect, as her gold fields were still in their infancy, and also differed greatly in their character, yet he believed that granting there would never be any great extent of alluvial ground, there were and would be quartz reefs which would exceed any thing yet produced in Victoria, or likely to be. He should support the second reading of the Bill.

CONDUCT OF BUSINESS.

On the motion for the adjournment of the House,

MR. GRAHAM said it would be a great convenience if the Premier would let the House know what business he would take to-morrow. The business that had come on this evening, had taken a great many honorable members

by surprise. If the honorable gentleman would be so kind as to say what the Government intended to do the next day, it would be an advantage to honorable members.

THE COLONIAL SECRETARY: The Government intended to commence with the Elections Bill, to-morrow, and to go as far as they possibly could. Of course, they were anxious to study the convenience of honorable members. They all knew that there was to be an entertainment to-morrow evening, which many honorable members were desirous to attend; but the Government would go on with business as long as they could keep the House together. He desired to transpose the business on the paper.

THE SPEAKER: The Government had the power to arrange the business paper for themselves. As far as the orders of the day were concerned, the honorable gentleman could dispose of them as he chose; but as regarded the notices of motion he could not: he could not interfere with the arrangements of the business belonging to private members, unless by a notice of motion.

The House adjourned.