Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 27 MAY 1879

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LEGISLATIVE ASSEMBLY.

Tuesday, 27 *May*, 1879.

Petition.—Diseases in Plants and Animals.—Privilege.—Formal Motions.—Government Contracts.—Coast Islands Bill—committee.—Supply.—Election of Members during Recess Bill—committee.—Mines Regulation Bill—second reading.

The SPEAKER took the chair at half-past 3 o'clock.

PETITION.

Mr. NORTON presented a petition from residents of the Central Districts, praying that the House would take into consideration the advisableness of an extension of the Central line of Railway from Rockhampton to Gladstone, and in the meantime asking that all lands adjacent to the survey of the line be reserved from sale or selection.

Petition received.

DISEASES IN PLANTS AND ANIMALS.

Mr. MACKAY moved the adjournment of the House, in order to bring under notice the subject of an article in the *Toowoomba Chronicle*, dealing with the proceedings of the Board of Inquiry into the Diseases of Plants and Animals. Through the action of the Minister for Lands the proceedings of the Board had been brought to a standstill, which was a most unfortunate thing for the community at the present time. Among other things the Board were making arrangements for carrying on tests concerning rust in wheat; and, seeing that the season was now commencing, the stoppage of the experiments would necessitate the loss of the whole season. It was a most important thing to the farmers, and to those particularly

on the Darling Downs, that these experiments should be made. However, the article stated that they might be stopped for want of funds. The loss from rust in wheat was very heavy in this colony, and it was important that the farmers should be enabled to carry on their operations with as much advantage as possible. The Board were anxious to further the interests of the farmers as far as they possibly could; but it was unable to do anything without the necessary funds. At the present time there was £300 of moneys still unexpended, which money was voted by the House for the purposes of the working of the Board; and, when it was recollected that the Board's operations included experiments in connection with native grasses, it became plain that they were doing as much for the squatting community as the farmers, and that unless the Board had the funds to carry on its operations it must come to a standstill. The Board had done good work for the country, and had done whatever they had undertaken economically. They had had matters brought before them with which they had dealt as well as the means at their disposal would allow. Its members were capable men, and they had devoted their time and industry to carrying out the Board's objects. His (Mr. Mackay's) principal object, now, was to see if the Minister for Lands would not forego the opposition he had brought to bear against the Board recently, and allow the money rightfully belonging to it to be handed over, so that it could go on with its work. It had been said that the Board was doing the same kind of work as was done in the Botanical Gardens and elsewhere. That was not correct; they had been doing no such work as had been done in the Gardens, and he might safely say that, as far as the work of the Board in Queensland was concerned, it had been doing as effective service as had ever been done before in Australia. Work in the same direction was being done in South Australia and other colonies, and the Queensland Board would be able to profit largely by the results of their inquiries. He would suggest that it would be a good plan to withdraw £500 or £600 from the Brisbane Gardens vote, and apply the money to the purposes of the Board, for the Gardens were neither experimental nor botanical. In the meantime, he hoped the Board would be put in a position to carry on their experiments. At any rate, the present was a most unfortunate time to bring the experiments to a close. About £300 would, he thought, be sufficient to carry on the Board until the close of the session, or for twelve months more, and at the expiration of that period a further sum would be wanted to enable them to prosecute their experiments. He did not wish to take up time further than to get an assurance from the Minister for Lands that the moneys voted to the Board by the House should be made available for its work.

The PREMIER (Mr. McIlwraith) said if the honourable member had had more experience he would have known that the business of the country could not be carried on by each member selecting his own particular business, posting himself up in it, and bringing it as a matter of surprise before the House. In the present case the honourable member had not made it clear what it was he actually desired, even by those who, fortunately, might understand the subject on which he was speaking. He (Mr. McIlwraith) did not exactly understand what the honourable member wanted, unless it was to hand over to the Board for their expenditure all the funds at their disposal. The Government were prepared to justify their action; but what the honourable member should have done would have been to place a motion on the paper asking for a certain amount of money, and the question could then have been brought before the House and discussed. Personally he did not intend to discuss the matter now at all, and he did not understand on what grounds the application was made. The honourable member shifted his ground so often that it was not easy to know what he wanted. His last proposition was that the Government should hand over the balance of the vote to the Board to do as they pleased with it. If the Government did that they would be simply shirking their responsibility as Ministers; and had the money been handed over to them the House would not have had its original intention carried out. He certainly declined to discuss the subject at all.

The Hon. S. W. GRIFFITH said that the honourable member (Mr. Mackay) did not deserve the lecture he had received. The subject he introduced was a matter of very great interest to a large portion of the population, represented chiefly, he must say, by his side of the House. The House during a previous session voted a considerable sum of money for inquiry into the diseases of plants and animals.

The MINISTER FOR LANDS: Most of it is spent.

Mr. GRIFFITH said that a considerable balance remained. The matter was clearly one of sufficient importance, when the season was approaching for agricultural work, to justify the time of the House being taken up for a few minutes in asking the Minister for Lands what action he intended to take in reference to the Board. He did not understand why the Minister in charge of the department did not reply, as he should naturally have done. That Minister must have been fully conversant with the subject, as he had noticed by the papers that a deputation had waited on that

honourable gentleman with reference to the affairs of the Board.

The MINISTER FOR LANDS: Which was very wrongly reported in the papers.

Mr. GRIFFITH said that might be, but he was sure that, whatever the condition of the finances of the colony were, they were not so bad that they could not afford to allow the operations of the Board to continue a little longer. They could stop it at the end of the season if necessary, but they should not stop it at the beginning. It was an easy thing for the honourable gentleman at the head of the Government to say, "Bring forward a motion;" but why should that be done when the money required was voted on the Estimates of last year? What they wanted to know was, whether the Government were prepared to carry out the wishes of the House?

The MINISTER FOR LANDS (Mr. Perkins) said that he was in accord with the opinion of his honourable colleague, and would not now discuss the question. The honourable member who moved the adjournment of the House must have been in a great hurry when he seized the opportunity of bringing the affairs of the Board forward by a side wind. The statements made by the honourable member, implying that he (Mr. Perkins) had obstructed the business of the Board, were not correct. He had only taken the honourable member at his word when he had promised to reduce the expenditure to £4 10s. or £5 a week; but that promise had not been kept. Fresh applications for aid had been made since that time, and he believed the liabilities of the Board had not only been paid off once, but a second time. He did not intend to obstruct the operation of the Board; he wished, on the contrary, to see it prosper, for he was as much concerned in the interests of agriculture as anyone; but he could tell the honourable member that the work he was trying to do, and on which the Board was spending large sums of money, was being done successfully at St. Helena, by Mr. Way at Toowoomba, and, he believed, at Warwick. What he (Mr. Perkins) did complain of was, that a lot of ornamental work of no practical value was being done by the Board—such as printing an illustrated book on native grasses, and horseing people about the country to inspect a sheep's liver, at enormous cost. The results of that inspection were little or none; and, with the exception of sheep and rice, what had been done? The most practical work in connection with the Board had been done at Toowoomba. When the honourable member endeavoured to keep his promise to him and limit the expenditure of the Board to the sum named by himself, he would find him very easy to deal with.

Mr. REA was understood to say that he was astonished that the Premier should endeavour to shelter himself from answering the honourable member for South Brisbane (Mr. Mackay) by saying he was taken by surprise. If that excuse were allowed to hold good on that question, he might say that honourable members on the Opposition side of the House had something to complain of in the surprise with which they had been taken. However, in regard to the question before the House, he thought that the money voted for ornamental gardens might well be largely devoted to experiments of a necessary nature, and especially necessary in a new country like Queensland. The House should not forget that Queensland was under special physical peculiarities in reference to its geographical position, being situated, it might be said, between wind and water in regard to latitude—between a tropical and semi-tropical climate—so that what might be a very efficacious cure for certain diseases in plants in one portion of it would not be efficacious in another. He had for many years endeavoured to direct the attention of the people in the North to the importance of making experiments with regard to the best means of combining the tens of thousands of tons of bush hay, which was annually going to waste, and mixing this hay at a certain stage of growth with sugar-cane and other saccharine plants, so that a most nutritive horse and cattle feed be produced and made an export of to the Southern Ports. In the North they were still importing cereals from the southern part of the colony, and he contended that if the experiments of the Board were directed to the uses of the semi-tropical part of Queensland and to the North, where at the present time there was a successful growth of sugar-cane, even if it was not manufactured, the people might grow produce that in a few years would drive out the imports from the Hunter River. He most heartily concurred with the remarks of the honourable member for South Brisbane, and trusted that what the honourable member had brought forward would be supported, as it was beyond doubt a most important question. The honourable Minister for Lands had actually jeered at what had been done by the Board, and sneeringly spoke about their having sent a man riding about the country for a sheep's liver, and expending a lot of money in an examination of it; but, notwithstanding the honourable gentleman's sneers, he trusted the honourable member for South Brisbane would stick to the matter until he got it properly ventilated.

Mr. LOW thought the honourable member for South Brisbane had very little idea of the beautiful and the useful when he suggested that £500 should be deducted from the vote in support of the Botanical Gardens and be handed over to the Experimental Board. The Gardens were the only beau-

tiful spot about Brisbane, and the vote should be increased rather than reduced.

The Hon. J. DOUGLAS thought the Board had been scarcely treated fairly by the Government. When certain gentlemen were appointed to do the work of the Board gratuitously, and were selected for their capacities to do such work, the responsibility of the Government for the time being was handed over to them. He might remind honourable members that very great attention was directed to the matter by the late honourable member, Mr. Haly, when it was before the House, and he believed that the Board had done really good service to the colony, and that they deserved the recognition of the House and of the public, instead of being snubbed as they had been by the Government. He thought there had been an exhibition of very spurious economy by the honourable Minister for Lands. It appeared that there was a balance of, it was said, £300 out of the £2,000 voted three years ago; experiments had been going on ever since the money was voted, but the honourable gentleman came into office and, if he was to believe the report of the deputation that waited upon the honourable gentlemen, entered into a general crusade against science—at least, the honourable gentleman expressed himself very strongly on that point.

The PREMIER: He did nothing of the sort.

Mr. DOUGLAS thought it was very unfortunate that the honourable gentleman should have been so reported. At any rate, all those who read the report understood such to have been the case. The honourable gentleman might have sneered then as he had done that evening at the Board, at their having expended money on the examination of a sheep's liver, which, after all, might really have been of importance. He thought the Government had taken an entirely mistaken view of their position for the sake of saving £300, which was all, so far as he understood, that remained to the credit of the Board. They had also taken the work out of the Board's hands, and had imposed upon them the unpleasant disabilities which had been referred to. That was not the function of any Government; but their true function was to find out the best men to appoint on such a Board, and to give them every encouragement in their power.

The COLONIAL SECRETARY (Mr. Palmer) said the true function of every Government was to see that the public money was not wasted. He knew something about the proceedings of the Board, and, assuming that the members of it were actuated by the best motives, he still thought they had acted from mistaken motives. The honourable the Minister for Lands had not sneered at the fact of an examination having been made of a sheep's liver, but at a man having been horsed, at a cost of £57, to procure one, and at a sum of £100 having been expended in connection with the examination. His honourable friend had also complained of a book on grasses having been published, which, so far as the general public was concerned, was so much money thrown away. He believed the Board had since been engaged on another book, and his honourable friend had a perfect right to object to that expense also. He did not think it was right that the time of the House, on a Government business night, should be taken up in the discussion of such a matter, brought forward without any notice by a private member. He had noticed that on every Government evening during the present session some motion for adjournment had been brought forward by honourable members opposite, with a view of delaying the Government from getting on with their business.

Mr. GARRICK said that, with a lively recollection of what took place in the last Parliament when the present Government were in Opposition, the remarks just made by the honourable Colonial Secretary came with very bad grace. They had been informed by the honourable member for South Brisbane that the present was the time for making experiments as to rust in wheat, and it was known very well that about a dozen different kinds of wheat had been imported into the colony within the last week or two, and that the Board was subjecting them to different tests to ascertain whether foreign wheat could be kept free from rust. Now, they were told, was the most proper time to make those experiments, and yet the honourable Minister for Lands wanted, at this very important time, to pin the Board down to a weekly expenditure of £4 or £5. They were not asking for any fresh grant of money, but only for the unexpended balance of the vote of £2,000—a small sum of about £300—and they asked that at this important juncture that expenditure should not be stopped. They had not heard any good reason given by the Government why the important works of this Board should not be carried on, such as those connected with the experiments on sugar-cane and cereals; no charge had been proved against the Board, but it was merely a question whether the Board should be allowed to go on with their good work, or whether, at a very important time, they should be prevented from doing so by being tied down to a weekly expenditure of £4 or £5. No satisfactory answer had yet been given by honourable members on the Treasury benches.

Mr. O'SULLIVAN suggested that, in order to assist the House in ascertaining what

had been done by the Board, papers should be moved for showing how the sum of £1,700 had been expended. If that was done, and he saw that that money had been wasted, he should oppose any further expenditure; but if, on the other hand, the Board could show that they had done what was anticipated by the House when passing the vote of £2,000, he should be one to assist them in obtaining the balance of that sum. He understood that nothing had been done, and that, therefore, the money had been wasted. A sum of £2,000 could be turned to immense advantage in his district in making roads and bridges, and there were farmers there who were experimentalising year after year on their own crops, and who yet could not bring their produce to market for want of roads and bridges. He was satisfied that his constituents could give a splendid account of the expenditure of such a sum, and would not be ashamed to see it laid on the table of that House. An honourable member might move for a return of the papers in connection with the Board, and they could be before the House next week.

Mr. MACKAY, in reply, said the honourable Minister for Lands had made use of expressions which seemed peculiar to him, and had accused him (Mr. Mackay) of bringing forward the present matter by a "side wind." The honourable gentleman also said that all the real work of making experiments had been done at Toowoomba and not by the Board. He further stated that he (Mr. Mackay) had promised him that nothing more about the money to be paid to the Board should be said in the House. Now, that was not the case; but what occurred was this—when the Estimates were passing through, last week, he asked the honourable gentleman about other matters of a kindred nature to the present, and could get no answer from him. He was then sitting at the table waiting for the Chairman of Committees, being determined to get an answer, when the honourable Minister for Lands told him that the matter was settled, and led him distinctly to understand that the money had been paid to the Board. He made inquiries, however, on the next day, and found that only certain small claims had been paid, and that no money had been placed to the credit of the Board. The honourable gentleman must be aware that £4 a-week would not do more than keep the experiments going on at Toowoomba and Brisbane, and that the other pound a-week would not pay for other things, all of which were doing good service. What he most wanted was that experiments should be made in connection with the rust in wheat, so that this colony could keep pace with Victoria and South Australia in the experiments they were making, and he believed that if the sum of £300 that belonged to the Board were not withheld they could do so. If that was not done now, it would be too late. In the honourable gentleman's own district there were twelve farmers asked to keep accounts of when their seed was put in, and everything connected with it; and seeing that such interest was being taken, he considered he was quite justified in bringing the matter forward as he had done. The honourable gentleman had trifled with the question for months past. He (Mr. Mackay) formed one of a deputation the members of which were quite as capable of dealing with such a matter as the honourable gentleman, and they promised to send in a report, and did so; but then they were told that when he got a report from Mr. Mackay the money would be paid. That he (Mr. Mackay) looked upon as a piece of impertinence. Reports from the Board had frequently been laid on the table of the House, and there was at present in the Government Printing Office a report of all that had been done by the Board up to the present time. It was very strange, therefore, that the honourable gentleman should stand up and pretend that he did not know what the Board had done. As regarded the books, the secretary to the Board had received applications for copies from all quarters, and he ventured to say that if they were distributed in the public schools they would be productive of great benefit. He would again state that the honourable Minister for Lands promised him (Mr. Mackay) that the money would be placed to the credit of the Board, and that their only reason for wanting it immediately was that, for the purpose of carrying on the experiments he had referred to, £300 would be as good now as £3,000 would be at another time.

The MINISTER FOR LANDS rose to explain that, at the time he was interviewed by the deputation, no reporter was present, and he believed the honourable member for South Brisbane reported the interview, and coloured it to suit himself and those with him. At that interview the honourable member admitted the printing of the book, but was unable to say within a hundred pounds how much it would cost. The honourable member also said that the Board had reduced their expenses, and would keep them within £4 10s. a-week. He also promised to send in a report, but did not do so. The honourable member had met him since, and promised to keep the expenditure within £5 a-week; and he had not only taken the honourable member at his word, but had paid off the debts of the Board a second time.

Mr. MACKAY, with the permission of the House, withdrew the motion.

PRIVILEGE.

The SPEAKER: I consider it desirable to call the attention of the House to a question of privilege. On the day after the House met for the present session, the honourable member for Wide Bay gave notices of motion, which were put upon the paper, declaring that the seats of two honourable members had become vacant in consequence of their acceptance of office. Such motions are usually, if not always, introduced as questions of privilege, and decided when raised. These motions have been on the paper since the commencement of the session, and I was given to understand, last week, that the honourable member for Wide Bay, finding that the motions did not come on as he expected, intended to fall back on the question of privilege. I was of opinion that the honourable member, having placed the notice on the paper in the ordinary way, could not fall back on the question of privilege. No doubt such a question is one of privilege, and it is a very bad custom to allow such motions to remain on the paper without being discharged. It is the right of an honourable member, on his seat being challenged, that the earliest convenient opportunity shall be taken of deciding whether he shall sit in that seat or shall not. The reason I have taken this step is, that if allowed to pass the matter might hereafter be considered as forming a precedent that such a motion could not be made without previous notice being given in this fashion. I think it extremely undesirable that such a precedent should be established, and I therefore bring the matter under the notice of the House.

The PREMIER said that he quite agreed that it was a question of privilege, but he did not think that the honourable member whose seat had been challenged had been properly treated. If any action was intended, it should have been taken as soon as the honourable member took his seat in the House; but, if he were allowed to speak and vote in the House, the offence, if any had been committed, was condoned. It was not right that a charge should be kept hanging over the head of an honourable member. Honourable members on the Opposition side had chosen their own method of bringing the motion against his honourable friend the member for Bowen forward; and he (the Premier) did not see, even at the expense of establishing a precedent, how they could expect him to do anything to help them out of their difficulty. He would like to hear what honourable members opposite themselves proposed, after having gone against the spirit of the rules of the House in bringing forward the motion in the way they had done. If they had brought it forward as a question of privilege everything would have gone on according to precedent, and there would have been no debate over it. They were now called upon to find a remedy for honourable members' *laches*.

Mr. GRIFFITH said, with regard to honourable members of the Opposition having "chosen their own method," he hoped that the privileges of this House would never be made a party question.

The PREMIER: It is a party question.

Mr. GRIFFITH said he deeply regretted to hear that a constitutional question should be made a party question.

The PREMIER: I say you made it a party question.

Mr. GRIFFITH said he did not know who made it a party question, but if the honourable gentleman insisted upon treating it as such it would be a very lamentable thing. The Elections and Qualifications Committee would next be considered a party body.

The PREMIER: I insist on not having words put into my mouth. I said an honourable member opposite had made it a party question.

Mr. GRIFFITH denied that it had been made a party question by any honourable member on that (Opposition) side of the House. In his experience, when such matters were brought forward, honourable members on both sides invariably voted irrespective of party. It was perfectly true that a matter of privilege might be brought forward without notice; but, in other colonies, it had been the practice to give fair warning to show that no attempt would be made to snatch a division by accident. The honourable member for Wide Bay followed the precedent established in New South Wales, and gave notice that he would move on the following day—no doubt, simply, because that course was fairer. The matter should perhaps have been mentioned on the following day, and have been brought on then; but it was perfectly regular, proper, fair, and in accordance with a precedent in 1871, that notice should be given of a matter of privilege. The best way, now, would be for the honourable member for Wide Bay to give a fresh notice for to-morrow, and then bring the matter forward as a question of privilege.

Mr. BAILEY gave notice accordingly.

FORMAL MOTIONS.

Mr. GRIFFITH moved—

1. That the Bill to enable the Trustees for the time being of the will of William Butler Tooth to sell and dispose of the Trust Property comprised therein be referred for the consideration and report of a Select Committee.

2. That such Committee have power to send for persons and papers, and to sit during any adjournment of the House, and consist of Mr. Amhurst, Mr. Archer, Mr. Rutledge, Mr. Bailey, and the Mover.

Question put and passed.

GOVERNMENT CONTRACTS.

Mr. DICKSON said he should have introduced the subject upon which he was about to speak during the late motion for adjournment; but as the honourable the Colonial Secretary had spoken he did not wish to place that honourable gentleman at a disadvantage. Since the last meeting of the House a correspondence had appeared in the Press concerning tenders, and, as it was a matter of some moment, he would move the adjournment of the House in order to afford the Colonial Secretary an opportunity of giving an explanation. The writer of the letter to which he would more particularly refer appeared to labour under an impression that he had not received justice from the Colonial Secretary. In a long letter published, the following appeared:—

"The public may feel interested in reading the following letter, which we sent to Mr. Palmer on the 3rd of April last, and to which he has not yet had the courtesy to reply:—

"[COPY.]

"April 3, 1879.

"Hon. A. H. Palmer, M.L.A., Colonial Secretary.

"SIR,—Referring to the subject matter of our interview yesterday, we wish to place on record a formal protest against the unjust manner in which we have been treated.

"In the *Gazette* of February 14 you called for tenders for supplies in 1880-1 of fourteen classes of goods, three of which were brushware, ironmongery, and ship chandlery. You specified it would be optional for persons to tender for one or more of the classes. You named separate amounts of security required, viz.:—Ironmongery, £200; brushware, £50; ship chandlery, £50.

"We were the lowest tenderers in brushware and ship chandlery, and yet you give the contract to a higher tenderer because he was lower than us when the three contracts were lumped. We consider that the manipulation of contracts like this gives an opportunity for favoritism which should not be.

"We disclaim any intention of making a charge of partiality against the department, because such a charge, even if true, would be impossible of proof. We have now no desire whatever to have these contracts, as, after our exposure of the manner in which the current contract is being worked, we could expect nothing but hostility from the storekeeper. There would be no taking iron shovels for steel ones in our case. Thanking you for your courtesy, but denying your right to pass over us when we had fairly beaten our opponents,

"We are, yours truly,

"(Signed) ALFRED SHAW AND CO.,

"Per Thos. E. White.

"If all tenders are managed in the same way as these, I pity the country that will submit to it.—Yours, &c.,

"(Signed) ALFRED SHAW.

"Brisbane, May 22, 1879."

The matter might be capable of a very easy and simple explanation; but that explanation had not been given, although it ought to have been given, and to afford a convenient opportunity he moved the adjournment of the House.

The COLONIAL SECRETARY said he felt so sure that some honourable member would bring forward this question that he told the Under Secretary to put the necessary papers in his box. He never knew a tenderer in the world who, when his tender was not accepted, was not very much disturbed in his mind. The tenders had been worked out according to the probable requirements of the year, judging from past years. He found that with regard to one tender, for which there were four tenderers, viz., brushware—A. Shaw and Co. tendered at £250 3s. 10d. The next tender was from Perry Bros., at £253 7s. 4d., which was about £3 3s. 6d. difference in round numbers on the year. He found in another instance, for which there were four tenderers, that Perry Brothers' tender was £716 5s. 7d., and A. Shaw and Co.'s £752 0s. 3d.—a very material difference. The next tender was for ship-chandlery, for which Perry Brothers' tender was £506 9s., and A. Shaw and Co.'s £517 3s. Now, if the late Treasurer had taken the trouble to put the figures together, he would have found, in the first place, that the letter contained a mis-statement—their tenders were not lower. They were lower some £3 odd on one tender; but he (the Colonial Secretary) preferred putting tenders together and then taking the lowest. When Mr. White, Shaw's agent, complained, he had told him that in every case where the previous tenderer had supplied the Government honestly and well, and there was only a trifle of difference, that tenderer would have the preference. But, in this case, there was a considerable difference. In the one article of brushware, only, there was a difference of £3 3s. 6d. in the year's supply. The tender had been let fairly, and the man who wrote that letter had very little to write about.

Mr. GARRICK did not consider the explanation of the Colonial Secretary satisfactory by any means. Tenders were called for different articles on the assumption that the lowest tenderer for that particular commodity would get the contract. That was the object in calling for tenders. He could not see that because a firm sometimes supplied Government with articles of which there was no reason to complain they should have any preference. It was well known that Shaw and Co. were a very substantial firm in the place, and that, in hopes of getting a footing by supplying Government, tenders were frequently sent in very low, so that there was little difference between them. If the new firm could show that they could carry out the contract they were entitled to it on that

particular tender. The same complaint had been made in New South Wales—viz., that tenders were called for different articles, and favour could be shown by bunching the articles together and giving the contract to particular tenderers. If the Government called for different tenders, the lowest tenderer, no matter how small the difference might be, unless some substantial defect could be shown, was entitled to receive the contract. In this case no doubt Shaw and Co. were entitled to receive it. The Colonial Secretary left out one thing—that was, that iron shovels were being received instead of steel shovels, which made a very essential difference. If the tender was for steel, and the contract was allowed to be performed by the supply of iron shovels at the same price, they could very easily see how a tenderer could receive favour.

The COLONIAL SECRETARY said with reference to shovels, the storekeeper said he had made a mistake, and he brought two shovels to him (the Colonial Secretary), but he could not tell "t'other from which." He, however, gave positive instructions that in every case the storekeeper should receive only the articles tendered for, and that nothing should be substituted. He had no doubt those instructions would be literally carried out.

Mr. DICKSON, in reply, would briefly state that had that information been given to the people interested, there would have been no occasion for the letter or for him to move the adjournment of the House. He must take exception to the statement that it was for the best interest of the service that if two people tendered for work, both of whom were quite eligible, that preference should be given to one simply because he had had a longer connection with the department. Such a practice would vitiate every principle of tendering, and lead to future tendering being considered an idle formality. He begged to withdraw the motion for adjournment.

Motion withdrawn accordingly.

COAST ISLANDS BILL—COMMITTEE.

On the motion of the COLONIAL SECRETARY, the House went into Committee upon the Queensland Coast Islands Bill.

The COLONIAL SECRETARY moved that clause 1—Governor to issue proclamation—as read, stand part of the Bill.

Mr. DICKSON said that, in the course of the debate on the second reading, the Colonial Secretary mentioned that a cruiser had been purchased to carry out the jurisdiction of the colony with regard to the extended boundaries proposed. They knew that the honourable gentleman was fond of armaments, but he hoped that while he had given them a standing army a naval establishment also would not be added. Recurring to the purchase of the cruiser, he should like to have fuller particulars. He believed that the whole of the "Pearl" belonged to the Government. What was paid for her?

The COLONIAL SECRETARY said the price was £600, of which the colony paid half. He never understood that the whole of the vessel belonged to the colony, but half only. At the time the "Pearl" was bought the colony and the Imperial Government paid half each, and the expense of the coast service was borne in equal proportions. How the whole of the "Pearl" could, therefore, be considered to belong to the colony he could not understand. She was a cheap vessel at the price.

Mr. DICKSON considered the information supplied by the Colonial Secretary satisfactory.

Mr. DOUGLAS presumed that £300 more would be required to fit out the "Pearl." If they could purchase the vessel and fit her out for £600 they should do very well.

The COLONIAL SECRETARY said the amount mentioned by the honourable member as the cost of fitting out the cruiser was the amount the Government proposed to place on the Estimates. The "Pearl" had been placed on the slip, the whole of her copper had been stripped off and she had been re-coppered, and her bottom had been found to be quite good. She was a cheap ship, and might last for many years.

Mr. GRIFFITH said that under the Bill they would annex certain islands, and necessarily assume the responsibility of governing them. Although they would belong to the colony, the intermediate seas would not, and the Government would have no authority whatever to transport an offender from one of the islands to their own territory. Supposing a court was held on Prince of Wales Island, and an offender was convicted and sentenced to be imprisoned, they had no authority to transport him to the colony. A draft measure dealing with the subject was lately transmitted by the Imperial Government to the Governor for report. The point that he now raised was a very serious one. The Imperial Government, of course, had dominion over all the Australian seas, but the colony's authority extended only to the coast and three miles from it, and when their officers got that distance from one of these islands with a prisoner the man would be at perfect liberty to escape.

The COLONIAL SECRETARY could not understand how the law laid down by the honourable member held good. Had they no authority to shift a man from Moreton Island, the Percy Group, or Fraser's Island? The legal aspect of the question had never struck him, but he had no alarm about any serious results, feeling quite sure that the Imperial Government would take every means to enable the colony to

carry out the authority under which the islands named in the Bill were proposed to be annexed. If he were on board a cutter in charge of a prisoner he should risk the technical doubt, if he had one, and stick to the prisoner, because he was quite sure if any difficulty occurred the Imperial Government would remedy it. How did Sir Arthur Gordon, High Commissioner for the South Pacific, exercise his authority? He moved and banished men from island to island, and even hanged them.

Mr. GRIFFITH said the High Commissioner acted under Imperial authority and under special powers. The point he had raised was a serious one, and he had brought it forward because it was deserving of consideration. He would also like to ask if it was the intention of the Government to appoint a travelling commissioner to administer justice in the islands? Would it be necessary to appoint a new judicial officer?

The COLONIAL SECRETARY said there would be, as he had said the other evening, a captain, mate, four seamen, and cook for the "Pearl," and they would be under the orders of the Police Magistrate on Thursday Island. It was not intended to appoint a commissioner. The very fact of the Police Magistrate named having the "Pearl" and such a crew under his orders would be sufficient, he believed, to keep the inhabitants in order. He had had very little trouble hitherto, without a boat, it might be said, as the cutter was chiefly engaged in pilot service. The Police Magistrate at Thursday Island now held a commission from Sir Arthur Gordon, but would, he presumed, be relieved when the annexation was completed; and, not believing in divided allegiance, he hoped he would be relieved. As for the unruly refugees on some of the islands, there would be still less trouble in keeping them in order—they would clear out.

Mr. DOUGLAS said that the powers vested in the Police Magistrate at Thursday Island as Deputy Commissioner would no doubt be withdrawn. His commission simply extended to Murray and Darnley Islands, which would be included in our boundaries, and when that took place the powers would be unnecessary, and would be withdrawn, he fancied. He quite agreed with the Colonial Secretary, that the mere fact of the annexation would be quite sufficient to set all difficulties at rest. Only now and then were there objectionable characters upon the islands, and, knowing that at the present time no one could legally touch them, they were enabled to go on to the islands with impunity; but that would cease when it was discovered that they had been annexed by Queensland. An occasional visit from the cruiser would be quite sufficient to keep everything in order. A very great advantage was being conferred upon the rest of Australia by the annexation of these islands: they commanded the pasage of Torres Straits; and he considered it an important thing for the future of Australian trade that the passage connecting the Pacific and Indian Oceans should belong to Queensland and be under its control.

Question put and passed.

The schedule and preamble being put and passed, the Chairman reported the Bill with amendments. The report was adopted, and the third reading made an Order of the Day for to-morrow.

SUPPLY.

The Chairman of Committees (Mr. J. Scott) presented the report of the Committee in Supply for the half-year ending June 30, 1879.

The PREMIER moved that it be adopted.

Mr. DICKSON asked when might honourable members expect the Estimates for the ensuing year to be placed on the table, and when would the Colonial Treasurer deliver his Financial Statement?

The PREMIER: Next week.

Question put and passed.

The PREMIER moved that the House will, to-morrow, resolve itself into a Committee of the Whole of Ways and Means for the purpose of granting Supply.

Question put and passed.

ELECTION OF MEMBERS DURING RECESS BILL—COMMITTEE.

On the motion of the PREMIER, the House went into Committee to consider the above Bill.

Preamble postponed.

Clause 1—Power to Speaker to issue writ—put and passed.

On the PREMIER moving clause 2—Member accepting office to notify the same to the Speaker—

Mr. GRIFFITH was understood to say that in the Imperial Act it was provided that the Speaker should not issue his warrant until fourteen days after he had caused notice of his intention to appear in the *London Gazette*; he assumed that the object of that provision was to prevent any mistake being made. He did not know whether under the clause before the committee the Speaker was supposed to take notice of the signature of every honourable member. He should not, however, move any amendment.

Mr. RUTLEDGE said he had a very serious objection to the clause—it was, that everything depended upon the individual who accepted the office. The question whether the office accepted was one of profit or not, requiring that the Speaker should issue a new writ for election, should not be left to the discretion

of the individual concerned, and, therefore, an amendment of the clause was required.

The PREMIER said this was a necessary safeguard. An honourable member must sign his name to the paper to show that he had accepted an office of profit; and if he considered it was not an office of profit, then the question would be over until the House met, when some member could move that the seat of such honourable member be declared vacant. This was a protection to the honourable member.

Mr. KING said, with reference to the objection of the leader of the Opposition, it was true the Imperial Act provided that the notice received by the Speaker of the House of Commons must be published fourteen days in the *Gazette* before he acted upon it, and, no doubt, the object of it was to avoid fraud. Where there were 650 members it was utterly impossible for the Speaker to know all the members or even their handwriting, and it was quite possible that fraud might be practised; but in a small House like this, where there were only fifty-five members and all were personally known to the Speaker, there was no chance of fraud of that kind. The provision was therefore not required here.

Clause put and passed.

Clause 3—Doubtful cases—put and passed.

Mr. GRIFFITH said he had a new clause to insert after clause 3. The Imperial Act 21 and 22 Victoria chap. 110, on which this Bill was founded, was only an extension of the earlier Act 24 George III., which contained a proviso that nothing in the Act should enable the Speaker to issue his warrant for this purpose, unless application for the writ was made in time for the writ to be issued before the meeting of the House:—

"Nor in case such application shall be made with respect to any seat in the House of Commons which shall have been vacated in either of the methods before mentioned by any member of that House against whose election or return to serve in Parliament a petition was depending at the time of the then last prorogation of Parliament or adjournment of the House of Commons."

This seemed to him to be a very valuable provision. He did not think it would be right that a member petitioned against should be able to stop the proceedings under the petition, and put an end to them by simply accepting office. He proposed to insert the following new clause:—

"Nothing herein contained shall extend to enable the Speaker to issue his writ in any case in which the notification of acceptance of office shall be made with respect to a member against whose election and return a petition shall be then pending or in any case in which the time for presenting a petition against the election and return of the member whose acceptance of office is so notified shall not have expired at the time of such notification."

New clause put and passed.

Clause 4—"if no Speaker, Governor to issue writs"—was passed without amendment, as were also the short title and schedule.

The CHAIRMAN reported the Bill with amendment, and the third reading was made an Order of the Day for to-morrow.

MINES REGULATION BILL—SECOND READING.

The MINISTER FOR WORKS AND MINES (Mr. Macrossan), in moving the second reading of this Bill, thought most honourable members would agree with him that this was a subject upon which legislation was very much required, and had been required for many years past. They all admitted the great importance of the mining industry, and it seemed strange that while almost every other mining community had legislation to prevent accidents and to provide compensation for them when they occured, that we should have nothing of the sort upon our statute book. No doubt, it was impossible to prevent accidents by law, but he thought the Bill now before the House was one that was very likely to prevent accidents to a great degree. A Bill similar to this was passed in the Victorian legislature, and the result of its operation in the course of a few years was that the number of accidents fell nearly to one-half what they were before the Bill became law. They were fortunate in Queensland in not having had a great number of accidents—whether it was owing to the carefulness of those in charge of the mines or to the character of the mines themselves he could not say—but he thought that if by legislation they could prevent an accident which would result in even one death, they were justified in introducing legislation for that purpose. The mining accidents in this colony had been chiefly confined to goldfields, and there had been a few, he believed, in coalmines, although he had not received any authentic report to that fact; but, in fact, he had been told by the proprietor of a coalmine that in one mine there had been an explosion of fire-damp—a thing not generally known. With regard to the goldfields, he had been able to obtain a return of the accidents that had occurred during the last five years, and he found that they amounted to 170. These returns were from Gympie, Charters Towers, Ravenswood, Etheridge, Hodgkinson, and the Palmer. The Palmer had been chiefly an alluvial field, upon which very few accidents could possibly occur in mining operations; but

on the other five fields mentioned the number of deaths that had already occurred was large. Out of a total number of 170 accidents forty-three deaths had resulted, the greatest number of which occurred on fields where the largest amount of deep-sinking was carried on—namely, at Gympie and Charters Towers; sixty-four accidents resulted in serious injury; and in sixty-three cases the parties involved in the accidents escaped with only slight injury. He thought that this Bill might well be considered without any reference to party, as it was introduced solely in the interests of the miners. He would now refer to a few of what he considered the principal clauses in the Bill, and would give his reasons for separating the legislation in connection with collieries from that in connection with gold mines. Members who understood anything about mining would know that it was carried on under a different system in collieries and on goldfields. In England, and also in New South Wales, where coal mining was carried on, the miners had sets of rules established among themselves, which were agreed upon between themselves and the owners of the mines; and those rules had the force of law. Something of that kind was wanted in this colony. The miners in the Ipswich district—the only district where at present coal mining was pursued in this colony, although he trusted before long to see coal mines opened out in other places—had long been desirous of having a law passed by which they could make regulations having the force of law, such as existed in England and New South Wales. It was with the intention of giving effect to that desire that he had included in this Bill the portion relating to collieries. The Bill was divided into two parts, the first relating to mining in general, and the second to coal-mining in particular. Perhaps the most important clause of the Bill was clause 3. That clause threw upon the owners of mines the onus of any accident occurring in those mines. The owner was bound to prove, whenever an accident occurred, that it did not occur through any negligence on his part, or through any defect in the appliances of the mine. Without some provision of this kind it would be almost impossible, in many cases, to prove that the accident did occur through negligence or defect in the appliances of the mine. That was the law in England and in New South Wales; and although it was to some extent a departure from the ordinary principles of law, yet it was generally acquiesced in by those whom it most concerned. Clause 5 contained the general rules applicable to all mines and mining whatever, whether gold, copper, or coal, and he believed that every one of those rules was required in the different descriptions of mining, and that every honourable member would agree with him on that point. The second sub-rule touched upon the subject of gunpowder and blasting. The careless handling of gunpowder had been a very prolific source of accidents in mines, and this rule provided that gunpowder should be carefully stored below, and should be used only in a certain way; also that no iron or steel pricker should be used in blasting, but that only copper prickers should be used, thereby preventing to a certain extent the danger which would result from any iron tool being so used. The 3rd sub-clause provided that every underground claim should be provided with man-holes for places of refuge. The 9th sub-clause was as follows:—

"Where one portion of a shaft is used for the ascent and descent of persons by ladders or a man-engine and another portion of the same shaft is used for raising material the first-mentioned portion shall be cased or otherwise securely fenced off from the last-mentioned portion."

A precaution of this kind would prevent accidents which might occur to a person coming up or going down the shaft from any material being raised or lowered. The 11th clause provided that a sufficient cover overhead should be used when persons were ascending or descending a shaft. Many accidents had occured through the want of a precaution of this kind by the falling down of stone or tools, and if the cover overhead was sufficiently strong no accidents could possibly occur from this cause, unless the falling body was exceedingly heavy. The 12th sub-clause was also a very important one. In almost every claim there was a ladder provided for the men to go up and down the shaft, and only lately they had heard of an accident having occurred at Charters Towers through a man having fallen off the ladder. This rule provided that at certain distances there should be platforms upon which the men going down or coming up would be able to rest, and also that the ladder should not be a vertical one, but should have a certain inclination, so as to allow miners to ascend or descend easily. Many ladders, which he himself had seen, were so steep that a man had only sufficient space to hold on by his toes, and this clause insisted that all ladders should in future be made with the proper inclination. In sub-section 22, the protection of abandoned shafts was provided for. When a shaft was abandoned no person should be allowed, at his own will, to destroy it by taking away the timber which was used in slabbing or removing the timber from below. It was quite possible, and indeed very probable, that although a shaft or claim had been abandoned because the previous owners had been unable to find payable gold or coal, some other persons

coming after them might be fortunate enough to find it. In such a case, the person taking up the shaft either secondly or thirdly would not be put to the expense of sinking a new one. When the timber was taken away from the shafts the shafts generally fell in, and it was found better to sink a new shaft than to repair the old one; but with the due enforcement of this sub-clause, any person wishing to explore an abandoned shaft would be enabled to do so without going to the expense of making a new one. A very important clause was clause 8, by which it was provided that miners employed in any mine could appoint two men from amongst themselves, or two individuals, to inspect the mine if they had any doubt about the appliances being rotten or insecure, or about the mine itself being unsafe, through being badly timbered or otherwise. Those miners' inspectors were to be afforded every facility by the mining manager or owner in making their inspection, and every such inspection was to be reported in a book kept for the purpose, which in all cases of accidents would be a very valuable record of the way in which the mine had been worked and inspected previously to the accident occurring. Clause 9 provided for the ladders he had already spoken of being placed in a proper position. Clause 10 provided that—

"If any person employed in or about any mine suffer any injury in person or be killed owing to the non-observance in such mine of any of the provisions of this Act such non-observance not being due to the negligence of the person so injured or killed or owing to the negligence of the owner of such mine his agents or servants the person so injured or his personal representatives or the personal representatives of the person so killed may recover in the nearest district court from the owner compensation by way of damages."

That, he thought, was a very important provision. Hitherto the miners had no remedy whatever when any accidents happened, and this, more than any other clause in the Bill, would cause mine-owners to look more strictly after the working of their mines and see that proper appliances were used so as to prevent accidents, because, in doing so, they would be saving their own pockets. Clause 11 provided for the appointment of an inspector and described how he was to go about his work. Clause 13 provided against recklessness on the part of miners themselves. If any person employed in a mine saw that any of the appliances were defective or insecure he was bound to report the fact to the person in charge, and that person was bound to see that the defect was remedied. Although this clause was very much objected to in the Victorian legislature when their mining Bill was first introduced, yet it was re-enacted when the Bill was amended after five years' experience. The person below in charge would be responsible when told by the men working under him that there was danger, and would be punished if he did not inform the manager of the circumstances; and the manager would be held responsible by the law if he did not carry out the provisions of the clause. Clause 14 provided that every accident was to be reported to the Minister of Mines, and that in no mine where an accident had occurred should any interference be made with it, unless to prevent further damage or loss of life, until the mine was inspected by the inspector or the jury appointed by the magistrate to determine the cause of the accident. Clause 10 provided the penalties for the infringement of the Act. Every person in charge of a mine, giving orders or directions, who violated the provisions of the Act, would be liable to a penalty of £50; and any other person—meaning the miners themselves—who saw that an accident was likely to occur by his own negligence, was liable to a penalty of £10 if he did not take the precautions prescribed here to prevent the accident. Clause 18 was one which, he thought, would commend itself to the honourable member for the Logan; it provided that no wages or contract money should be paid to any miner at a public-house. He now came to the second part of the Bill, which related to collieries. Clause 19 provided for the action which should be taken by mining managers in cases where the presence of noxious gases was suspected, that the inspection should be made with a locked safety lamp, and that no workman was to be allowed to work until the fire-damp had been removed. Fire-damp did not exist in gold mines. Foul air was found in gold mines, but it was a very different kind of gas from fire-damp, and was not liable to explode. Clause 21 related to the special rules he had already referred to, the mode to be adopted by the miners, and provided that they should be submitted to the Minister of the day for his approval. Clause 22 referred to the same subject, and clause 23 provided that every miner working in a mine should be provided with a copy of the rules, so that he should know the conditions under which he was working; and by clause 26 it was provided that a certified copy of the special rules should be taken as evidence of such special rules being duly made under the Act. Clause 27 provided that, in mines where a person was paid according to the quantity of mineral he got out, and not by the day or week, the miners should be enabled to appoint a check-weigher, as at home and in New South Wales, whose duty would be to weigh the material got out, so that a miner would get exactly what he earned, and not,

as in some cases at present in West Moreton, be compelled to raise a ton and a-quarter or more and be paid only for a ton, owing to the absence of such rules as were provided in this Bill. Clause 28 provided for the appointment and removal of the check-weigher on the part of the men, and that if the check-weigher should misconduct himself in any way the mine owner or manager could apply to the nearest court of petty sessions and have him removed, when the miners could appoint another person to succeed him. Clause 29 contained the penalties for offences against the Act. Clause 30 dealt with cases of encroachment, which frequently occurred. It provided that any mine-owner who was apprehensive that his neighbour was encroaching upon him could make application to the proper authority to have the mine inspected, a deposit for the expenses of such inspection to be made by the person complaining. By such a provision it was very likely that those costly and vexatious lawsuits which they had lately seen in the Brisbane Courts would be avoided. He believed that the Bill as it stood would meet with the approval of the miners of the colony, whether engaged in the production of coal, gold, or copper. He knew that the coal-miners of West Moreton had for a long time desired a Bill of this sort; they themselves drew up special rules and furnished them to the Minister of the day, but from some cause or other no action had been taken till now. Most of the rules drawn up by the miners were embodied in this Bill, and those not embodied in it could be provided for under the clause relating to the making of special rules. Without detaining the House longer, he would move that the Bill be now read a second time.

Mr. STUBLEY said that, in looking over the Bill, the first thing worthy of notice was in reference to the appointment of mining inspectors. The Bill said, "Any person authorised by the Minister or other lawful authority to inspect mines." On this he wished to ask, who were the proper authorities to appoint competent men to inspect mines, where these mines very often were worth thousands and hundreds of thousands of pounds? The appointments might be made by a Minister competent to appoint such inspectors, but there might also be cases where the Minister knew nothing at all of the subject. He admitted that the present Minister for Mines did know something about mining—and he ought to know a great deal about it. At the same time, it was not just they should pass a Bill simply because a Minister was competent, leaving it for any other Minister, if he chose, to appoint a jackaroo, a sailor, or even a Chinaman to inspect valuable property. The reason he (Mr. Stubley) objected to this loose way of appointing an inspector was, in the first place, because under the present system miners were to a great extent responsible for their actions. They had some consideration for their fellow-creatures and the safety of the persons working under them. But if there was an inspector appointed it would, to a great extent, relieve them from this responsibility. The inspector should be therefore a thoroughly competent man who understood everything connected with mines—every item of working and management in every system and form. He (Mr. Stubley) could only suggest that an inspector should be appointed by a mining board, to whom he should produce a certificate proving that he was a qualified man, by competitive examination, before he dared to accept such a position. An engineer, for example, was not appointed in charge of a boat simply because he said he was an engineer, or a master said that he was competent. Under the present law such a man would have to prove himself competent before he could take charge. This he considered was one of the most serious questions in the Bill. The honourable gentleman who introduced it thought that No. 3 clause was the most important; but he (Mr. Stubley) did not think it was. If the provision for the proper appointment of an inspector had been made he would vote for the Bill, but in its present shape he certainly should oppose it, however just and good the other clauses might be. Inspection was, in his opinion, the principal thing. The clause to which he objected not only said the Minister had the power to appoint an inspector of mines—for which there might be some justification—but it said "or any lawful authority." What was a lawful authority? Was it to be the police magistrate or commissioner of mines? As far as his (Mr. Stubley's) experience went, there were very few commissioners of mines in this colony who knew anything about mining except the surface work of measuring a claim. He wanted, therefore, to know who were the lawful authorities referred to? It was certainly a very vague and loose way of bringing a subject of so much importance before the House. Supposing the Minister knew nothing at all about mines? And he had known men to be appointed commissioners of mines who had never been down a shaft forty feet in their lives, or ever held the handle of a windlass. On these points alone he asked for a postponement of the Bill for reconsideration, either for an indefinite time or with a view of bringing it before a committee of the House. If the honourable gentleman the Minister for Works would sanction that proposition, he should say no more in reference to the Bill on the present occasion; if not, he would have to go

through it, and point out other mischievous clauses. If he would be kind enough to consent to this proposition he should be obliged, as this was not a party question, but one which both sides of the House should consider fairly. To make things more mischievous than the working of the present goldfields regulations was quite unnecessary. He saw that the honourable Minister for Mines was not inclined to accept the suggestion he had made, and he would, therefore, proceed with the clauses of the Bill. With reference to clause No. 3—

"Any accident occurring in a mine shall be *primâ facie* evidence that such accident occurred through some negligence on the part of the owner or defect in the appliances of the mine."

That was a very nice thing indeed. A man might be the owner of a mine, and employ a miner who said he was an experienced miner, and who five minutes after going down the mine blew himself up with powder;—how was the owner to be accused of being the murderer of such a man? He had known such cases to occur even in his own mine, for of course a miner would occasionally get on the spree, especially on holidays, and the next day, perhaps, would send some one to represent him. Of course, the manager would not ask that man if he had any certificates of efficiency, but would accept him as a miner and allow him to go down below. Perhaps the first thing that man would do would be to go down where a shot had been put in, and instead of going to the proper place he would start a fresh hole and perhaps have something fall on his head, was—he would ask—the owner to be held responsible for that? If not, the utility of the clause fell through. It often happened that a man might meet with an accident or be killed, and it was impossible for the manager to prove that he knew anything about the accident. He agreed with the honourable Minister for Mines that the mining manager should be held responsible, but not in that way—not to have to prove that a man came to his death through his own fault, especially when it was supposed that they had a mining manager to superintend and see that everything was in working order. The thing was an injustice to any miner or owner of a mine. However, he should leave that to the good sense of the House. Clause No. 4 provided that—

"No boys under the age of fourteen years and no females shall be employed below ground in any mine."

Some years ago he had employed boys of nine or ten or eleven years of age to drive a horse in a whim, but he did so for charitable purposes, as the boys' parents were always drunk and there was no provision made by the State for such children, and it was necessary to provide something for their support. At the same time, he did not think a Bill should be brought in to justify the employment of children at fourteen, as no child ought to leave school until after that age, let alone being employed in a mine. In England, a man employing a boy of that age in a mine was fined heavily, whilst here, where there was no excuse for doing such a thing owing to the better condition of the working classes, a boy was to be allowed to go into a mine at fourteen, and no doubt would be sent, as parents who were given to neglecting work themselves would take care to make their children work for them. He was explaining these things for the consideration of honourable members, and if the honourable gentleman in charge of the Bill was willing to omit certain clauses he should vote for the Bill. With regard to the general rules, he should like to know what was meant by ventilation, considering that they were sitting in that House for two or three nights last week, when it was not ventilated at all and they were all in a perspiration. Why did not the Bill state how mines were to be ventilated? For instance, in an alluvial claim at a depth of twenty feet the want of ventilation might be so great that the men would have to drive, at great expense to themselves, into the next claim to create a current of air, as when men were in the bush they had not the ordinary appliances for ventilation such as were to be found on established reefs where they had whims. However, he only asked for a small modification of the clause—namely, that certain mines should be excluded where it was not possible to provide certain means of ventilation. Clause 2 of the regulations, relating to gunpowder and blasting, was the worst that could be inserted in a Bill. He did not suppose there was a member in that House who did not understand gunpowder, even if he did not understand dynamite or detonate. It was very necessary that some provision should be made for all those things, but there was no mining man in the colonies who had the amount of powder mentioned stored in his mine at one time, unless it happened to be a mine which had been worked for years, and could be made a magazine of, and then it was not safe. The clause said—

"It shall not be stored on the surface of or adjacent to the mine unless in such magazine and in such quantities as may in writing be approved by the Minister."

Supposing a man was to buy 200 lbs. of gunpowder, what was he to do with it? He had first to apply to the Secretary for Mines before he could keep any powder; then he should have a magazine. That was all very necessary, no doubt, but not in the loose manner in which the clause had been

put. The clause simply meant that not a pound or ounce of powder should be stowed in a mine until the permission of the Minister, meaning the Secretary for Mines, was obtained. In some cases—in the back districts, for instance—a man might have to wait for six months before he could obtain permission from the Minister; and yet, if a person had a single ounce of powder, and a man met with an accident through it, the owner would be responsible simply because he had not obtained permission from the Minister. Why not have said that no man should be allowed to keep more than two hundred weight, and must be provided with a magazine, or 28 lbs. of lithofracteur or detonate, which was equivalent to two hundred weight of powder? No man would have any reasonable ground for going into a mine unless there was something definite to go upon. It was all very well to say what should not be done, but why not say what should be done? He had had pounds of powder on his mine, but it had always been well secured in a magazine. It was an utter impossibility to make such a Bill as that before the House work, or to make it work justly, any more than a steamboat could be driven without a competent man to take charge of the engine. Four or five years ago he had to build a magazine simply because no provision for storing powder was made on the field. The storekeeper had as much powder as he wished to keep, and he (Mr. Stubley) had as much on his claim as he wished to keep. No doubt proper precaution might be taken so that no accident might happen for ages; but he had himself seen a man go in to take out a keg of powder with a pipe in his mouth. Supposing that man had been blown up, could he (Mr. Stubley) have been blamed? The powder should be handed out from a proper magazine to the manager of the claim or the working overseer. Another important clause, hinging on the last, provided that explosives should not be stored in the mine in any quantity exceeding what would be required for use during six working days for the purposes of the mine. Supposing he were employing 100 men—and many claims employed 500 or 600—and they drilled twenty holes at the same time, each man would be provided with eight pounds weight of lithofracteur or dynamite with him at his work—a quantity sufficient to blow up any claim in Australia. The clause also provided that if stored in the mine it should be kept in a drive or chamber, separated by a door fixed across such drive, at least thirty feet from any travelling road. The door might be a very good thing to prevent a drunken man from going in, but he could not see any other use for it. If an explosion did take place the door would be driven like a missile out of the drive, destroying anybody who might be within reach of it. A chamber cut in the drive some eight or ten feet at right angles would afford some sort of security, because in that case the powder could not come out along the drive but could only blow up the surface. That clause might be all very necessary in its way, but it did not suit his idea. When an Act was made it should be made in such a way as to be as efficient as possible. This only gave a license to careless people; and those who were careful, and made provision for the safety of the men, were placed under a disadvantage in having to work with careless men who made no provision. The idea of a man taking eight pounds of dynamite or lithofracteur into a drive was never known. A pound and a-half of powder was generally considered a heavy shot, and this Act would only give good men a license for doing what they are not doing now, as no miner in Australia was in the habit of taking eight pounds of powder into his drive. He (Mr. Stubley) would suggest that no single man in any drive or sink, in which two men were working, should have more than half-a-pound of dynamite or more than four pounds of powder at a time. That amount was quite sufficient for any hole. The clause which provided that no iron or steel pricker should be used in blasting in any mine, and no iron or steel tool should be used in tamping or ramming, was a very judicious and necessary clause. He himself had often used a steel drill, though at the risk of his life. At the present time, copper tamping bars, or iron bars with copper heads, were used, if metal ones of any kind were used. With regard to the next clause, which said that a charge which had missed fire might be drawn by a copper pricker, but should not be visited until thirty minutes should have elapsed from the time of lighting the fuse of such charge, but in no case should an iron or steel drill be used for the purpose of drawing or drilling out such charge—his knowledge of the nature of copper might be very deficient, but he had never known that it was possible to temper copper so that a pricking-bar might be made of it. He should suggest that, with the exception of sinking, no person should be allowed to go near a misfire during the same shift. It would perhaps be rather hard on the proprietor, but the men could be put to some other work for the time, if only cutting timber for the camp, so that the time would not be absolutely lost. Even in sinking, a man should never be allowed to go down after a misfire within thirty minutes, nor even within two hours. No one in the world could tell how charges might explode. He had two men blown up by a shot which had been in twenty-four hours and under two feet of

water;—such a thing was most extraordinary, and he had never been able to find an explanation of it to this day: he could only conclude that the shot was lithofracteur or dynamite, and the nitroglycerine must have exuded from the charge and floated on the surface of the water. The drill jarring against a bit of stone might have caused it to explode, and so ignited the charge. The hole which was then being drilled was over two feet away, but the water was flowing over the top of the hole. Several cases had occurred in which explosions had taken place ten, fifteen, twenty minutes, or even three-quarters of an hour after a misfire, and provision should be made for such cases. To provide against such mishaps an inspector should be appointed who should be competent to examine fuse and say whether it was thoroughly good and fit for the work. There would then be no injustice in imputing some blame on an overseer in case of an accident, because misfires had no business to occur with proper management. The inspector should be thoroughly competent to say, as soon as he touched a piece of fuse, not only whether it was well manufactured, but whether it was thoroughly sound; and no storekeeper should be allowed to sell any other, any more than a publican should be allowed to sell bad grog. That was one of the most serious causes of accident in mines; and more accidents occurred from it than from any other. Sub-section 3 seemed rather far-fetched, and was entirely superfluous. It provided that—

"Every underground plane on which persons travel which is self-acting or worked by an engine windlass or gin shall be provided (if exceeding thirty yards in length) with some proper means of signalling between the stopping-places and the ends of the plane and shall be provided in every case at intervals of not more than twenty yards with sufficient manholes for places of refuge."

He should like to know what was meant by "self-acting," in this clause. He had never heard of self-acting machinery yet. The words "shall be provided if exceeding thirty yards in length with some proper means of signalling between the stopping-places and the ends of the plane" were almost beyond his comprehension, but, assuming that they were meant to apply to levels or passes, he would ask honourable members to imagine a man having to signal thirty yards up a pass or along a level to a man to clear out because a truck was coming along! He never saw a level in mining where there was not room for one man to stand on one side whilst a truck was passing along. Conceding that there were such mines, it could only be mines badly managed, or where the reefs were so small that a few men only could be put on to "tiddle-wink." A great many clauses were in the Bill which were quite unnecessary. A few good clauses to be enforced under the inspection of a good man would provide for everything; but as a rule, here and elsewhere, mining laws were so framed that it took a miner going to a new country six months to understand them; even then he found on going into a law court that a barrister would tell him his interpretation was not in accordance with the spirit of the law, and the man lost not only his mine, his time, and his money, but made a fool of himself besides. Sub-clause 3 was not wanted; and the next clause—spaces in horse roads—was intended, he presumed, to apply solely to coal mines or alluvial mining such as Winter's Freehold, at Ballarat; but there was no mining like that in this colony. If the provision was intended to be applicable to gold-mining no harm would be done, for where the transit was so great as ten tons per hour there should be sufficient spaces for places of refuge. The next sub-clause provided—

"The top and all entrances between the top and bottom of every working or pumping-shaft shall be properly and securely fenced but this provision shall not be taken to forbid the temporary removal of any fence for the purpose of repairs or other operations if proper precautions are used and every abandoned or disused shaft shall be fenced or securely covered in by the lessee or registered owner thereof and its position indicated on the surface by a post with a notice thereon affixed."

He thoroughly agreed with the provision. All abandoned shafts near a road should be securely fenced; the practice of leaving abandoned shafts unprotected was common to all goldfields, and was always most dangerous to the general public. In the 7th sub-clause it was provided that—

"Where the natural strata are not safe every working or pumping shall be securely cased-lined or otherwise made secure."

This might be very well in a working shaft; but what was called cased-lined? A shaft might be lined with *papier-mâche*, and a man might say it was secure. The clause should provide that the planking or slabbing should be of a specified thickness, according to the length or breadth of the shaft. The sub-clause under review was all very well for some great mines or shafts. It might or might not be easy to indicate what were safe strata. They knew that granite ought to be safe, but they also knew that, through "slips" coming in, it was sometimes as dangerous as sandstone or any other soft stratum; but who was going to judge of this? The judge must be a competent man, and not a sailor or "jackaroo," or broken-down bank manager or cashier—it was often the case that such men as these were appointed simply because they hap-

pened to know the Minister for Mines. Such inspectors said the strata were safe to work in, and the consequence was that a mine-owner actually received a license to murder his men. The next sub-clause provided that every drive and every excavation of any kind in connection with the working of a mine should be securely protected and made safe for persons employed therein. This clause was not readable to him. If he made a hole in which to put a tent prop, or digged a fire-shaft, or a drain to prevent surface water getting into his mine, it was an excavation, and, according to the clause, must be fenced. Where there was danger to the public it should be guarded against by fencing, but the clause did not say how the excavation was to be securely protected. Was it to be left to the "jackeroo," or sailor, or whoever it might be, who might be appointed to be a commissioner of the goldfield and the administrator of the law only a month before the supposed breach was committed, because he could not succeed at anything else? That was a nice position of affairs. Why had not miners as much right to have competent men to inspect their works as any other class?—in every other branch of the Civil Service men had to pass competitive examinations before they were entrusted with responsible positions. He did not mean to insinuate that the present Minister for Mines was not thoroughly competent to judge of men's fitness; but he (Mr. Stubley) was alluding to the time when he might not be in office, and some one might be in his place who knew nothing about mining and made appointments by favour. He was not looking to the present, but to the future. Sub-clause 9 might apply to old mines—mines worked for a considerable time; but there were a great many to whom its provisions would be very injurious—in fact, it would be utterly impossible to apply them to some mines. It read thus:—

"Where one portion of a shaft is used for the ascent and descent of persons by ladders or a man-engine and another portion of the same shaft is used for raising material the first-mentioned portion shall be cased or otherwise securely fenced off from the last-mentioned portion."

There were many honourable members who had seen mines which were from 20 to 100 feet deep, and in which the men ascended and descended by means of a ladder formed of saplings, through which holes were bored in which rungs were placed. Miners sinking for a lead or lode, and engaged solely in prospecting, would have to slab their shaft according to this clause; they could sink to no depth without having to do this, unless any honourable member could point out to him how it was possible to divide a shaft without slabbing. One could put frames in a shaft and run lathes between, and perhaps that might be considered slabbing; but it was more expensive in some instances than slabbing. Besides, it was an injustice that any person sinking a shaft for prospecting purposes should be forced to do this. It was possible that a miner might sink such a shaft in twenty-four hours, but even then he would be compelled to slab if he used a ladder: if he had a rope which would not bear the weight needed—he had himself used a rope which he would not trust with his weight—he would be forced to use a ladder, and, according to the clause, be compelled to slab. When a man was prospecting on a new field he could not get all these conveniences; he was obliged to take what he could get. He had himself to use a clothes-line to pull up a bucket of stuff; he could not send his mate down to cut holes in the side or make a ladder in the form he had previously mentioned; but this clause compelled a man to slab as he went down. According to this an inspector could come to a man and say, "You must desist sinking unless you slab that shaft." The men might reply that they had only about a foot further to go to know whether the claim was worth one shilling or £1,000: but the inspector would say "That does not make the slightest difference to me; you must slab that shaft, or you shall not go any further." If that had been specified for claims that had been working, or something of that sort, he should have been glad to see it; but, as it stood, he was not satisfied. Sub-clause 10 provided—

"Every working shaft in which a cage is used and every division of such shaft in which persons are raised shall if exceeding fifty yards in depth be provided with guides and some proper means of communicating distinct and definite signals from the bottom of the shaft" ——

He need not read the clause further: it was an absurdity altogether. It said distinctly wherever "a cage is used," and he should confine himself to that point. He did not know whether there were any cages in use at Gympie, but he had never seen any in Queensland. Most undoubtedly whenever there was extensive mining carried on the cage was the proper thing to use, but he thought this clause was perfectly superfluous, and in lieu of it it should simply provide to compel the use of the safety-cage with proper appliances. Those safety-cages, with the improvements from the School of Mines in Ballarat, were really efficient, and it was utterly impossible for an accident to occur with them, unless it were something that no one in the world could foresee. This clause provided for a thing that was provided for before he was born. The safety-cage was provided in Cornwall many years ago, in a very rough way, but it had been improved to such an extent in Ballarat that it was

really worth taking a trip to Victoria to see them working them—that was, anybody who took an interest in mining. These safety-cages cost very little—about £5, and the appliances were such that they could be used for twenty or even fifty years—in fact, he did not think they could be worn out. In the safety-cage he was in at the Magdala, in Stawell, Victoria, the rope was cut for the sake of experiment. These cages were in use in nearly all claims in Victoria; it was not compulsory to use them, but it should be whenever any such thing as mining inspection was in force. With these cages, if the engine was raising or lowering the cage and the rope broke—whether there was one man or fifty in the cage—it would not move a single inch. That was a great consideration. It stood still as suddenly as if there were a peg put in at the bottom—in fact, it was impossible for it to move. Then, again, if the engine-driver was careless or left the engine, and it ran away with the cage, it ran through the proper head-ring—there was a clamp formed on the rope, and the moment it touched the ring the clamp closed and the cage stood still and could not move. The beauty of it was that it could not possibly miss. Instead of this clause—which was perfectly useless—they should provide that whenever cages were used, safety-cages with rings, and no other, should be used. Clause 11 provided:—

"A sufficient cover overhead shall be used when lowering or raising persons in every working shaft except where it is worked by a whim or whip or windlass or where a person is employed about the pump or some work or repair in the shaft."

He could not understand this head-covering business. The only construction he could put upon the clause was, that a person employed as described should wear a helmet; and they were not likely to get men to wear helmets unless the Government supplied them;—if the Government supplied them they would wear them, but not otherwise. His honourable friend suggested that it meant a cover over the mouth of the shaft, but he did not see how they were going to have a cover over a shaft and pull people up and down at the same time. The next clause said—

"A proper ladder or footway shall be provided in every working pit or shaft where no machinery is used for lowering or raising persons employed therein."

Now, on referring back to the interpretation clause to see what "machinery" meant, he found it was—

"Steam or other engines, boilers, furnaces stampers, winding and pumping gear, chains, trucks, tramways, tackle, blocks, ropes, tools, and all appliances of whatsoever kind used in or about a mine."

According to this they must include a windlass as a piece of machinery—either that or "machinery" was not defined so that anyone could understand it. If it were meant that a windlass was a piece of machinery it was simply ridiculous, because if a shaft were sunk forty or fifty feet, and they had a good and efficient windlass, perhaps worked by two men, this was not necessary, and there was no sense in the clause. If they considered the windlass was not machinery he agreed with it, but if it was to be considered machinery the whole thing was absurd. The next provision was—

"A single-linked chain shall not be used for lowering or raising persons in any working shaft or plane except for the short coupling chain attached to the cage or load."

This seemed to be a new idea—that people were to get a double-twisted link chain to work a mine. Of course, if it applied to a claim where the cage was used—and that was what would be inferred from this clause—it did not matter where a single or a double-link chain was used, because they would not depend upon the chain but upon the cage; but if it meant that they were to depend upon the rope or chain to do the work of a mine and for the safety of the persons using it, why use the chain at all? He could not understand how they could make these things apply judiciously to the working of a mine. The idea of declaring that a man should not use a single-link chain seemed as if mechanics—such, perhaps, as those who were sent from the Ipswich workshops lately—were not able to make single-link chain sufficiently good to trust a man's life on it. That seemed a very extraordinary sort of thing—as if mechanics who understood that particular business could not make a single-link chain properly, as well as a Minister could make a Bill, or a shoemaker a pair of boots. If they could not depend upon the chain, the absurdity of having a chain at all was apparent. The next sub-clause provided:—

"There shall be on the drum of every machine used for lowering or raising persons such flanges or horns and also if the drum is conical such other appliances as may be sufficient to prevent the rope from slipping."

Now, what in the world a "conical drum" meant he could not understand, unless it was like a windlass of a ship for the purpose of winding and pulling with three or four turns round it. If it was a whim and happened to be made in the shape of a butt of a tree—fourteen feet at one end and two at the top—he could not understand how it could be worked at all—in fact, it would be impossible to work it unless it was of a double conical shape. He had never heard of such a thing in his life in connection with mining. The next clause said—

"There shall be attached to every machine worked by steam water or mechanical power and used for lowering or raising persons an

adequate break and also a proper indicator which shows to the person who works the machine the position of the cage or load in the shaft."

Now, he should like to know where that break was to be placed. He presumed it meant that the break was to be placed on the winding engine. If such was the case, where would they find one boy of eighteen out of fifty competent to drive it unless he had been reared in some place where much machinery was used? The clause did not say that it was to be a reversible engine, which could be easily stopped, reversed, and pulled about; it simply said the engine was to be worked by a break. A break was a very good thing on an engine, and was a great economiser of labour, but it should only be handled by a person who understood it, and not by a boy eighteen years of age. By allowing a boy of eighteen to do work of that kind they were simply licensing owners of mines to destroy life. Here was another rather queer clause:—

"In any shaft exceeding twenty feet in depth no person shall descend or ascend by the aid of machinery unless in addition to the use of the loop-crossbar or other appliance he shall be securely stayed to the rope employed for lowering or raising in such shaft by a strap or other fastening passing round the body under the arms."

A man would look a guy going down a shaft twenty feet deep, putting his foot into a loop and then having to get somebody else to put a strap round his waist and buckle him to the rope. The thing was too absurd to talk about. What was the man to do with the belt when he got to the bottom of the shaft? If it was to be a fixture attached to the rope, how could the rope be used for other purposes? The idea of a miner not being able to go down a shaft twenty feet deep without being tied on! —he knew plenty of men who could jump down that distance;—indeed, the clause reached the maximum of absurdity. He supposed the inspector would have to be there to see that the man was securely fastened, or the mining manager would be responsible for his death in case he fell off and got killed;—if not, who was to say whether the man was or was not securely fastened? He pitied a man who had to go into the back country if he could not descend a shaft without having a side-line on. Here was another very nice little clause:—

"A ladder permanently used for the ascent or descent of persons in the mine shall not be fixed in a vertical or overhanging position unless in shafts used exclusively for pumping and shall be inclined at the most convenient angle which the space in which the ladder is fixed allows and every such ladder shall have substantial platforms at intervals of not more han thirty feet."

He would ask the Minister of Mines what he considered a convenient angle for a usual-sized shaft for prospecting purposes? Those shafts were generally made 6 feet by 3 feet; and if more than 30 feet deep they must, according to this Bill, be divided, one side being set apart for one purpose, and the other side for another purpose. At what angle could a ladder be placed in a 3-feet shaft, and allow a man to go up and down? After placing the ladder 6 inches from the wall, there was only 2 feet 6 inches of space left. It did not require a very big man to monopolise two feet of room under any circumstances; and considering that when a man was ascending a ladder his body was five or six inches away from it, he failed to see how, in shafts of this description, the ladder could be put in any other than a vertical position. That clause was not, therefore, applicable, except in shafts of over three feet. As to the platforms at intervals of thirty feet, that was a matter of opinion, and he hoped the Minister of Mines would be willing to allow the clause to be slightly modified in that respect. Thirty feet was certainly a very short distance. It used to be fifty feet, and in his own mines it was about forty feet. That, however, was not the reason why he objected to thirty feet being decided upon, because personally he did not care whether the distance was thirty feet or fifty feet. At the same time, he thought that part of the clause might be modified a little. The next sub-clause provided:—

"If more than twelve persons are ordinarily employed in the mine below ground sufficient accommodation shall be provided above ground near the principal entrance of the mine and not in the engine-house or boiler-house for enabling the persons employed in the mine to conveniently dry and change their clothing."

They might be able to dry their clothes in fine weather when the sun was hot, but how were they to do it in wet weather? If the men were not allowed to dry their clothes in the engine-house or the blacksmith's shop, the consequence would be that they would have to put on their wet clothes when they came to their shifts. He considered the clause as quite superfluous—as were a good many more of them in the Bill. Men could not be kept out of the engine-house or the blacksmith's shop, if there was room for them to enter, for the purpose of hanging up their clothes to dry, unless the owners were compelled to supply fires for these gentlemen's dressing-rooms. If that was the case he should be quite satisfied, because all owners would have to comply with the law; but he thought the existing system was far preferable. This Bill professed to be a mining accidents prevention Bill, and he could not see why clauses should be introduced into it which had nothing whatever to do with the prevention of

accidents. He distinctly objected to sub-clause 19, which provided that—

"No person under the age of eighteen years shall be placed in charge of or have control of any steam-engine or boiler used in connection with the working of any mine."

No person ought to be allowed to drive an engine unless he was twenty-five or twenty-six years of age, and even then he should have certificates of undoubted qualification from some previous employer or other person able to form an opinion on such a subject. Sub-clause 20 was a very useful one, and it was one which few mine-owners did not already act upon. It stated—

"Every fly-wheel and all exposed or dangerous parts of the machinery used in or about the mine shall be and be kept securely fenced."

That was perfectly right and just, but who was to know whether they were securely fenced or not unless they had this competent inspector? Accidents from careless handling of machinery could hardly be provided against, however securely the dangerous parts were fenced in; and only a short time ago one of his own engine-drivers at the Towers put a crowbar through the fly-wheel to get at one of the shafts, and was knocked down and very nearly killed in consequence. There was only one mode of providing against these accidents, and it was better than all those trivial provisions of chains, links, ropes, &c.—namely, an efficient inspector, on whose shoulders everything should rest, and who should be responsible for the deaths of people under his control. If an examination of these mines and machinery proved them to be insufficient, the inspector should be held responsible. There was another clause he would notice, and of all things he had ever seen printed it was the most extraordinary, from the days of Homer to the present time. The clause ran—

"Every steam boiler shall be provided with a proper steam-gauge and water-guage to show respectively the pressure of steam and the height of water in the boiler and with a proper safety-valve and once in every six months every boiler shall be subjected to hydraulic test and the date and full description of every such test shall be entered in a book to be kept by the mining manager or other person in charge of the mine and the entries in such book shall on demand be open to the perusal of any inspector under this Act."

He hoped he might prove ignorant on the subject, but he would like to know where there were these appliances to test any boiler in Queensland?

The PREMIER: At Smellie's foundry.

Mr. STUBLEY said that that might be so, but on the goldfields, unless the Government sent up an hydraulic press and force-pump, how were they going to test by hydraulic pressure? A boiler could not be made to test itself, and if it were the only one in the district how could it be tested? They could make one boiler test another, but unless they had the boiler in the foundry they could not test it by hydraulic pressure. He objected to this clause as of no use. Had anyone ever heard of an hydraulic press on a mining field? He never had, and never saw one except taken from the engineer's shop for the purposes of testing.

The PREMIER: Exactly.

Mr. STUBLEY said that if Government proposed to supply the press he was satisfied, and indeed would make one to subscribe to a fund for such a purpose; but it must be seen that it was impossible to send these presses about, except at an expense incompatible with a policy of economy. He wondered whether Government would send a press to the Cloncurry to test some paltry boiler there, or would they send to Charters Towers, where they had no press? Of course, the testing might be done in some way of which he was ignorant. The only idea that suggested itself to him was doing it by some kind of large syringe;—through a very small aperture it might be possible to obtain pressure enough. He now came to another clause—

"No person shall wilfully damage or without proper authority remove or render useless any fencing casing lining guide means of signalling signal-cover chain flange-horn break indicator ladder platform steam-gauge water-gauge safety-valve or other appliance or thing provided in any mine in compliance with this Act."

That provision was a perfectly just one; he agreed with it, and was therefore glad to see it inserted. Wilful damage of any description should be prevented, but in the latter part of the same clause there appeared a most objectionable feature—

"And no person shall after any shaft shall have become disused for mining purposes wilfully damage or render useless such shaft by the removal of any fencing casing lining ladder platform or other appliance provided in such shaft without the consent of the Minister or other lawful authority."

He had heard some funny things, but it seemed to him to be the height of absurdity for a man first of all to have to purchase a miner's right, then to waste his time in looking for gold or indications of it, sinking hundreds and hundreds of shafts, finding one likely place at last and every one of the rest a "duffer"—slabbing the shafts and battling with water to keep it back, and then because he could get nothing payable at the bottom—because he had lost everything and spent all his money—it was preposterous for the Government to say, "That property belongs to me and the material shall not be removed." There was to be no remuneration allowed for the timber which must remain in the

mine for somebody else, perhaps, to come afterwards and make use of. A man doing such work as this, instead of having to appeal for justice to the Minister for Mines or the commissioner, should be allowed compensation in view of his not being allowed to draw his material out of the shaft. What did it cost, in many places, to be continually using new timber? It cost a man something, certainly, to take the stuff out of the shaft; but if he were allowed to draw his stuff out it would give him the time which he would lose in searching for fresh material, which might take him nine or ten weeks to draw. Why should not a man do what he liked with his own? If the Government wanted the benefit of the miner's labour they must pay him for it. Were that part expunged, or remuneration allowed, he should not object to the rest of the clause: compensation was only fair, because if the timber was worth so much to him as a miner, and the Government said it was worth so much to them to keep in the shaft, the matter should go to arbitration. That was the only way to do it—either he must be compensated or allowed to take the timber out of the shaft; but to leave a shaft rather than destroy it by drawing out the timber was simply to leave it for the benefit of other people. Some consideration should undoubtedly be allowed the miner by those who came after him, and there should be no other alternative. He observed a very necessary clause in reference to boreholes, but it required modifying, to keep the borehole well ahead, whether in driving, rising, or sinking where there was any danger of breaking through, because in many of the drives, after putting in a shot, stone was broken out in adjacent workings. It was very difficult to ascertain exactly what should be the distance of the borehole in different strata. When working in certain strata the hole should be kept a certain distance ahead, but it was a very difficult thing to judge where the strata were at all undefined. What the clause said, however, seemed to him neither more nor less than a justification to some managers and persons in charge for murdering the people under their control, inasmuch as it is said that the borehole should be kept a certain distance ahead, without specifying the distance. Not long ago they had an accident of this description at Charters Towers. They kept the borehole six feet ahead, but had there been an inspector there—a competent man and one knowing his work—he would have found on examining this ground that it certainly was not strong enough to hold back a body of water any distance within nine or ten feet, much less six feet; and in many shafts, when workings were close together, the firing of a shot blew down much stuff in the side. There should, therefore, be some more particular clause instead of this very vague one, specifying what distance the borehole should be kept ahead; but where water was known to exist in any great weight, the inspector should be made acquainted with the nature of the undertaking before the men proceeded further. With regard to regulation No. 24—mining managers in charge of a line to inspect—he did not suppose there were many mining managers who did not inspect their works as they went on;—at the same time, it would not matter whether the manager did it once a week or once a year, as he would not derive any more benefit from frequent inspection than if he never went near his mine, as, under the Bill, he would still be liable to all its penalties;—he would still have to prove, in the case of death through accident, that the man was not murdered through his fault. Regulation No. 25 was a very appropriate one, but he should like such things more definitely put—

"When a fence shall have been temporarily removed from any entrance to a shaft to admit of the carrying on of ordinary mining operations a strong horizontal bar shall be securely fixed across such entrance not less than four nor more than five feet from the floor of the brace chamber or drive as the case may be."

They knew from their own experience of debates in that House that everyone had some shade of difference of opinion, and he would ask, in reference to the regulation he had just read, who was to judge whether a bar was sufficiently strong according to the Minister's version of the word? One man might take hold of a whipstick and say that was thick enough, whilst another would take a bar four inches thick, and each would judge according to his own idea of strength. Some thickness should be specified for many reasons, chief amongst which was this—that it might prevent a great deal of litigation. If all those things were more definitely put, he was certain it would do away with a great deal of litigation and all sorts of quarrels. Clause 6 said:—

"Any mining manager or any person in charge of or giving orders or directions relating to the carrying on of any mining operations in a mine who contravenes or does not comply with any of the general rules in this section shall be guilty of an offence against this Act unless he proves that he had taken all reasonable means to prevent such contravention or non-compliance."

In regard to that, he could only say that any man who could comply with it as a digger had no business to go digging, but ought to be at the bar. He quite agreed with clause 7—rules to be posted on conspicuous places—and considered it very necessary that it should be enforced in a proper manner, but it was of no use having regulations which would require a barrister

to understand them, if any jackaroo was to be appointed to administer the law. Clause 8, which allowed miners power to appoint two persons from among themselves to inspect a mine, was a very good one—perhaps the only good one in the Bill. It meant that if the miners were dissatisfied with the inspector they could elect and appoint two of their number to report on the inspection; but the clause omitted to say to whom they were to report, or what the result of their report was to be. Now, if those two miners reported against the opinion of the inspector, the result should be that the inspector should be kicked out; but if their verdict was to be thrown aside, be it good or bad, where would be the use of appointing him? Perhaps their report might be sent down to the Minister, but what would be the use of that? Months might elapse before it reached him, and then he would most probably be unable to form any opinion on the matter through ignorance of the ground. As to the loss of life saved in Victoria since the inspection of mines, he thought the statement made by the honourable Minister for Mines was not altogether correct when one took into consideration the introduction of efficient machinery and appliances of late years and compared them with what were in use years ago. It was not, therefore, mining inspection altogether, but seeing that good machinery was applied to mines. The clause also said that the manager or agent or owner of the mine might accompany the committee of two appointed to inspect, and who were to have access to all parts of the mine. That was all well enough, but his objection was that the report of that committee of inspection might be thrown aside. Clause 9 was as follows:—

"In every case where at the time of the passing of this Act vertical or overhanging ladders were used in connection with the shaft of any mine securely fixed platforms shall be constructed at intervals of not more than thirty feet from each other in such shaft and such ladders shall have sufficient spaces for footholds of not less than six inches but in no case shall new vertical or overhanging ladders be constructed either in substitution for old on s or otherwise Every person who contravenes or does not comply with this section within a reasonable time after the passing hereof shall be guilty of an offence against this Act."

He could only say that if that part of the Bill came into force he should have to sell out of his mine, as it would be an utter impossibility for him to carry it on. It cost him £10,000 to sink his shaft, and if he had to put in diagonals it would cost him £15,000 more; and where the money was to come from he could not say, as he had spent all the money he had got out of the mine in working it. It was simply impossible, in a three-foot shaft, to put in diagonals. As far as foot-holds were concerned, he quite agreed that provision should be made for ladders to be placed within four or six inches of the wall of the shaft, as it was very likely that a person wearing old boots which had been worn smooth at the toes might slip off. If, however, the clause was allowed to be carried in its present form it would be a disgrace to the country. It was well known that people, when prospecting for a reef where they did not expect to have to sink more than 100 or 150 feet, and where the water was not very heavy and they did not require expensive machinery, seldom thought of sinking a shaft more than six feet by three feet; besides that, there was no man after his work who was not able to walk up a vertical ladder. Only one case of accident from this cause had occurred, and that, he was sorry to say, took place on his own claim at Charters Towers. A man there fell from the ladder and was killed: but it was not found out until afterwards that he was known to be naturally subject to fits, and that the men objected to follow him up the ladder in consequence. There had only been two misfortunes on Charters Towers, owing to the care taken to see that every man was fitted for his work. The other case was that of a man who, after working for three years, stepped backwards and fell down the shaft. No provision could be made against an accident like that. It should be considered that of the thousands of men who went up and down the ladders in those two claims only two had been killed, and one of them from a defect of nature, which nothing could provide against. To guard against accidents as much as possible, trap-doors were constructed at every forty feet in the shaft, which gave way as men went up and closed after them. Yet, owners would be called upon by this Bill to go to an expense of £4,000 to £5,000, at the very least, to alter one side of the shaft, a work which would employ nearly all the hands for six or seven months, and revise all that had been done. With the exception of the patent cages, there were no means of preventing accidents more effective than those which had been already brought into use. Clause 10 — "employer to compensate *employé* injured through non-observance of this Act"—might be very well for those who had no responsibility. He had always been most willing, if any accident happened, to make every possible provision, not only for the man, but also for his family. No limit was placed here, and a man might be valued by his family at any amount of money. If a man were killed through non-observance of proper regulations, he (Mr. Stubley) would admit that the owner should make compensation, and, if a wealthy man, give as much as the

man's income; but if the accident did not occur through negligence, why should he pay at all? The amount of compensation should be limited or specified more clearly. If it were absolutely proved in a court of justice that this man had been the cause of a man's death through negligence of laws, he should be held responsible for the maintenance of that man's family—if he had the means, of course, for blood could not be got out of a stone. Clause 11 provided that "any competent person" might be appointed an inspector. That was the very difficulty of the business—who could tell who was a competent person, or what test could they apply? A person wanting an office in the Civil Service had, in some countries, to undergo some sort of a competitive examination, and those who wished to go the bar or to become engineers had to pass very severe examinations. And there should be some method of appointing an inspector by men competent to form a mining board. The appointment should not be left to the Minister for Mines, who possibly might know nothing about mines, or, worse still, to a person he might appoint—some ex-sailor, ex-policeman, bank clerk, or jackaroo of some sort. Such a man would seek to ride over men who thoroughly understood the subject, and dictate to them in matters he knew nothing whatever about. The present Minister for Mines was, no doubt, quite competent to choose an efficient inspector, but a successor might turn out the efficient one and put in another to the great detriment of the service. By this Bill a Minister might appoint a man who was not fitted for his office, or a shoeblack; whereas the appointment ought to be made by a board competent to examine. Clause 12 bore upon the same matter, and he should not specially refer to it. Clause 13 provided—

"Every person employed in or about any mine shall satisfy himself of the safety of any tubs chains tackle windlass ropes or other appliances he may use before commencing and whilst at work and in case of any defect or insecurity he shall cease to use anything unsafe and every such person who shall witness in or about any such mine any circumstance matter or thing which may be likely to produce therein danger of any kind and every person who may be notified by any such person of any such circumstance matter or thing shall notify the same to the person (if any) under whose immediate directions or control he may be or otherwise he shall be guilty of an offence against this Act."

He presumed by the tenour of that clause that every man in a claim might be an inspector. According to that, any man who saw anything which was not exactly according to his views would have to announce it to the manager, and the manager to the jackaroo inspector. The idea of appointing every man his own inspector was absurd. If that were done, what would be the use of appointing an inspector? It was well known that in one sense every man who went into a mine was his own inspector, because he would not go in unless he considered himself safe. Under this Bill a man, after having taken his dinner and a drop of brandy, might look up at a bit of tackle and say, "I won't go down this mine." He would be acting as inspector, and upsetting the whole business of the mine. Clause 14—Notice of accident to be given to Minister of Mines—provided:—

"The mining manager of every mine shall within twenty-four hours after the occurrence of any accident attended with serious injury to any person give notice thereof to the Minister or to any person whom the Minister may appoint for the purpose of receiving such notices and any mining manager who shall wilfully omit to give such notice shall be deemed guilty of an offence against this Act Any portion of a mine where an accident occurs shall not be interfered with until inspected by the inspector or magistrates' jury unless with a view of saving life or preventing further injury."

He would give an instance to show how this clause might work: A man fell down their shaft, and two minutes after their manager was with him; the man's life might have been saved with a drop of water or a glass of brandy; but in such circumstances, according to the clause, the man must be allowed to lie and die until an inspector was got, or a magistrate's jury, to see where he had fallen. How was the mining manager to know whether the man was killed or seriously injured, or what the character of the accident was, if he was not allowed to go near that part of the mine until the inspector or magistrate's jury had been got? Clause 15 provided that the burden of proof that he was not manager or person in charge will lie upon the defendant. A manager might be not guilty; he might have complied with all the laws and the recommendations of the inspector, and yet he had to prove that he was not the cause of the man's death or injury. This was very funny justice. Clause 16—Coroners' inquests on deaths from accidents in mines—he should let pass by. Clause 17 provided—

"Every person who is guilty of an offence against this Act shall be liable to a penalty not exceeding if he is the owner mining manager or person in charge of or giving orders or directions relating to the carrying on of any mining operations in any mine fifty pounds and if he is any other person ten pounds for each offence to be recovered in a summary manner before two or more justices and the whole or any part of such penalty may be awarded by such justices to any person injured or to the personal representative of any person killed in consequence thereof and such award shall be in addition to any right of action such person or personal representative may have under this Act or otherwise."

No person in the world could avoid being guilty of some breach of the Act. It might be very just for a justice of the peace to examine a man under the circumstances, if he understood the nature of the work; but he maintained that it should not only be a warden who was thoroughly qualified, but one who had passed a competitive examination, who should hear the case, and not a justice of the peace who might be picked up anywhere and might possibly know nothing about the matter. Commissioners should not be allowed to interfere with miners until they had proved their fitness by examinations, in the same way that an engineer had to demonstrate his fitness. Clause 18 read thus:—

"No wages or contract money shall be paid to any person employed in or about any mine to which this Bill applies at or within any public-house or place for the sale of any spirituous or fermented liquor or any office garden or place belonging thereto Every person who contravenes this section shall be guilty of an offence against this Act."

This provision might apply very well to large places like Gympie and Charters Towers, but not to new goldfields. Under it they would not even allow a mine-owner to have an office alongside a public-house. He remembered, in the early days of Charters Towers, when there was only one place at which men could sell their gold and obtain money for it with which to pay their *employés;* but according to this clause they would have been debarred from paying them there. Men who had to come three or four miles to sell their gold were not going to walk back again to pay their men; they all came in together. There was nothing objectionable in the clause, so far as old goldfields were concerned, except this—that, if public-houses were not considered proper places in which to pay wages, they should be made more respectable by a proper revision of the the Publicans Act, such as he hoped to see passed. He should not detain the House much longer. His speech had been rather dreary to one or two honourable members, but they would have to show him improvements before they got his assent to the Bill. The clauses respecting collieries he should leave to abler hands, with the remark that much of what he had said applied to them also.

Mr. HAMILTON said he had very much pleasure in supporting the measure; but, although he approved of the general principles involved in it, and for that reason should vote for the Bill, he wished to be understood that he did not pledge to the minor details. He should allude to a few clauses without referring at any great length to the measure. Clause three, stating that any accident occurring in a mine should be *prima facie* evidence that such accident occurred through some negligence on the part of the owner or defect in the appliances of the mine, he considered a desirable provision. There was a difference between *prima facie* evidence and a *prima facie* case, and in a case of this kind the onus should rest upon the claim-owner; and he did not agree with the honourable member (Mr. Stubley) that claim-owners had always a very great regard for the safety of the men who were working for them, because it was not the case. With regard to the sub-clause, providing the quantity of powder which should be allowed to be taken into the workings of a mine for use, the honourable member, by some strange process of reasoning, had contended that because one workman might have 8lbs., one hundred men in the same mine might have 800lbs; but that was not an argument, since there was nothing in the clause to convey that impression. With regard to the provision that a misfire should not be visited until thirty minutes had elapsed from the time of lighting the fuse, he certainly approved of a much longer lapse of time. He did not, however, exactly approve of the amendment proposed by the honourable member, that men should not go down until the next shift, because the shift during which the charge missed might be within five minutes of its termination at the time the fuse was lighted. Sub-clause eight, providing for the protection of drives and excavations, was a very comprehensive and necessary provision. It was the mining inspector who had to decide, and if they had a competent man—and he did not suppose an incompetent one would be appointed—he was the person who should decide. The objection made by the honourable member to this sub-clause was, therefore, a most captious one. Many of the other sub-clauses, such as 16, 17, and 18, and others, which the honourable member objected to and indicated, had been simply copied from Victoria, where they had been in existence since 1877, he believed, and had been found to work extremely well. The honourable member had been very facetious about the 21st sub-clause, and had asserted that the test required by it could not possibly be procured on a goldfield, but all that would be required would be a pump, which could be purchased for £20 or £30. With regard to clause 23, which provided that no person should, after any shaft had become disused for mining purposes, wilfully damage or render useless such shaft by the removal of any fencing, casing, lining, ladder, platform or other appliance without the consent of lawful authority, it must be borne in mind that it applied to anyone coming afterwards but not to the owner, and clearly was a very proper one. Clause 6, providing that any mining manager or any person in charge of the carrying on of any

mining operations in a mine who contravened or did not comply with any of the general rules should be guilty of an offence against the Act, unless he proved that he had taken all reasonable means to prevent such contravention or non-compliance, was a most desirable one. He did not exactly agree with the preceding clauses; some of them might be amended beneficially, but, at the same time, he considered clause 6 a very necessary one. The senior member for Kennedy had said that a manager under certain circumstances ought to be at the bar, and he certainly ought to be at the police-court bar if he did not comply with the general rules which preceded it. There were so many clauses in the Bill that if he were to attempt to do justice to it he should take up even a longer time than the honourable member for Kennedy; but he did not wish to occupy the time of the House at present by doing so, especially as he could do so in a much more practical way when the House was in committee. He should therefore simply conclude by saying he had very great pleasure in voting for the second reading of the Bill.

Mr. MESTON said he must first express his pleasure that the Government had given attention to this most important question—coal-mines. The Bill dealt principally with gold-mines, which at present was the principal industry of the colony; but, taking into consideration the immense coal-fields that underlie certain portions of Queensland, it was certain that in a very few years coal-mining would be the most valuable industry in the colony—as valuable as gold-mining was at the present time. It was also satisfactory to see that they had given attention to a class of men whose occupation was certainly one of the hardest, as it was the most cheerless and dismal occupation that any human beings could possibly be employed in. He had given considerable attention to the question of coal-mining. He had also some experience in gold-mining eight or nine years ago, and rather expensive experience it was, too: it was successful in landing him with a heavy balance on the wrong side, and consequently he was not likely to forget the experience he gained in that industry. In regard to coal mining, during the three or four years he was resident in Ipswich the coal-miners there were continually agitating about rules and regulations for the mines, and he was induced to give considerable attention to the subject, and study it. He found the chief grievance of the miners was the want of a mining inspector and a check-weigher, to guarantee them against being defrauded of their weights at the pit mouth. The importance of this subject entitled it to more consideration than he had had time to give it, and he would deal with it cautiously, and at the same time briefly, for he had no desire to occupy the time of the House at any length. He also held that it was necessary for those who knew anything about the question to express their opinions, because those who did not know anything about it had nothing else to base their opinions upon except the expressions of those who did know something about it. Clause 4, which provided that no boys under fourteen years of age, and no females, should be employed under ground in any mine, was a very necessary clause. Had this provision not been made, they would soon have heard of the abuses which led to the regulations about the occupation of sweeps in the old country, at one time. Most honourable members would remember the abuses which led to legislation upon that question. The first clause of the general rules said—

"An adequate amount of ventilation shall be constantly produced in every mine."

He did not think that was sufficiently definite. There should be something specified as to the character of the ventilation—something about up-shafts and down-shafts, and how they were to ensure a continuous current of air. The provision respecting the storage of gunpowder was, he thought, too vague and ambiguous; some mention should be made of the quantity to be stored. The next clause—

"No iron or steel pricker shall be used in blasting in any mine and no iron or steel tool shall be used in tamping or ramming"—

was a very necessary provision, although it would seem extraordinary that anything else but copper or brass would be used after the disastrous accidents that had happened to miners for many years through the use of iron ones. The honourable member for Kennedy appeared to be in a difficulty about copper-tamping rods, but he (Mr. Meston) saw no difficulty whatever in the matter. He also entirely approved of the clause which provided that no charge that had missed fire should be visited until thirty minutes after it was lighted. Many a life had been lost through miners going into a mine within a short time after a charge had been lighted and had not exploded, and he thought even an hour would not be too long a period. This clause was also very necessary to provide against the falling-in of shafts—

"Where the natural strata are not safe every working or pumping shaft shall be securely cased-lined or otherwise made secure."

Sometimes the owners of mines, for the sake of economy, took no precautions whatever against the falling-in of shafts where the strata was liable to fall—as in horizontal shafts, for instance. He also approved of the division of the shafts, because men were sometimes killed by material falling down the shafts by which they ascended or descended. In regard to

the clause which spoke of a "sufficient covering," he noticed that the honourable member for Kennedy was painfully exercised as to its meaning, and seemed to think that it had reference to helmets, and he did not seem to be quite sure whether the men were to go down with umbrellas over them. But he (Mr. Meston) understood it to mean simply a covering for the cage in which the men ascended and descended, to guard against falling material. He did not see any difficulty or ambiguity about it. Clause 12 contained another very necessary provision:—

"A proper ladder or footway shall be provided in every working pit or shaft where no machinery is used for lowering or raising persons employed therein."

Many lives had been lost through defective methods of ascending and descending. He thought it was superfluous to provide that there should be flanges on the drums, because any miner who had the slightest idea of his work would, for his own protection, see that they were constructed. He quite agreed with the honourable the Minister for Works that the ladders should not cling to the walls, but should be some distance from them. The clause providing that no person under eighteen years should be placed in charge of the machinery of a mine required some alteration. He thought the age should be fixed at twenty-one years, in order that they should have a safeguard that competent men would be employed. Clause 21 provided:—

"Every steam boiler shall be provided with a proper steam-gauge and water-gauge to show respectively the pressure of steam and the height of water in the boiler and with a proper safety-valve and once in every six months every boiler shall be subjected to hydraulic test."

He thought that if a floating steam-valve and safety-whistle had been introduced here, it would have been a valuable improvement. The hydraulic test he thought absurd and altogether unnecessary. The ordinary method for examining and testing boilers would be quite sufficient. To test by hadraulic pressure once every six months would entail considerable expense upon owners. It was also provided, "The mining manager of every mine shall once in each week carefully examine the buildings and machinery used in the working of such mine." But it did not provide that the owner himself should not be the mining manager; and in that case his verdict would not be altogether an impartial one. Clause 8, providing "The persons employed in a mine may at their own cost appoint two of their number to inspect the mine," was very necessary for the protection of the miners, who always appointed two men from amongst their own number upon whom they could rely to look after their interests. Clause 10 he had not the slightest doubt was inserted with the best intentions, but it was really the most dangerous clause in the whole Bill. It provided that if any person employed in a mine suffered injury the mine-owner should be responsible, and that even the relatives of a man who was killed should have a right of action against the mine-owner. This would lead to no end of litigation. It would place all coal-mine owners entirely at the mercy of an accident. And at what value would the life of a man be estimated? Suppose, for instance, it was the life of a member of that House, all the money invested in coal-mining would not be sufficient compensation. First of all, they had very strict regulations to ensure perfect safety; then here they had a clause assuming that there was to be no safety—that there was to be gross carelessness, and that the coal-mine owner should be responsible for that carelessness. This was a most unjust and arbitrary clause, although he had no doubt it was not intended to be so. He was certain that any honourable member who gave consideration to the subject would not be likely to enter into a coal-mining speculation with such a clause as this staring him in the face. Clause 11 said "Any competent person might be appointed an inspector under this Act." And he certainly thought that the inspector should be a practical man. According to the clause, an inspector might be a warden or a police magistrate; and it is difficult to know who really is to be the man to be appealed to in case of difficulties arising under the Act. He also quite agreed with the clause that provided that no money to be paid should be paid in a public-house. Clause 27 was essentially the best clause in the Bill, inasmuch as it provided for one of the chief grievances under which coal miners suffered. It provided for the appointment of a check-weigher. The check-weigher should be appointed by the men, because his duty was to protect the men. The next clause provided:—

"If a check-weigher shall impede or interrupt the working of the colliery or interfere with the weighing or otherwise misconduct himself such owner or mining manager may complain to the nearest court of petty sessions which if it shall think fit may call upon the check-weigher to show cause against his removal."

Were they to assume that the check-weigher was to be paid by the men or by the owner, because, as the Minister for Works was aware, in many cases in small mines the men would not be able to pay a check-weigher, and it would be unjust that, because they were unable to do so, they should be deprived of the protection of one. As he already said, he had not given the subject the consideration to which it was entitled. If the 10th clause were removed and a clause inserted providing that the inspector should be a prac-

tical miner, and the clause about the hydraulic-boiler test erased, he would have great pleasure in voting for the second reading of the Bill; if not, he would vote against it.

Mr. McLean said he must congratulate the Government and the Minister for Works upon bringing in such a Bill as this. With very few exceptions he should be able to support it on the second reading, and assist in passing it through committee; but he thought from the remarks of the honourable member for Kennedy there was a strong probability that, by the time it came out of committee, the Minister for Works would not know his own child. One point he would impress upon the Government was, that they should not press the Bill into committee very rapidly, but allow time for it to reach the different coal-mining and gold-mining districts, so that the members representing those districts should have ample time to communicate with their constituents and receive suggestions from them with reference to any amendment that might be made in the Bill. He differed from the honourable member for Rosewood with reference to clause 10, as he thought it a most useful one. Altogether he considered the Bill a very good one, and, as it had been found to work well at home and in Victoria, there was reason to believe it would work equally well here; and he should give the Government all the assistance in his power in pushing it through. He certainly objected to clause 3 as being exceedingly arbitrary. According to that clause, if any accident happened in a mine there would be no necessity for a magisterial inquiry: the only thing to be done was to hie the owner of the mine straight off to gaol, and it would then be the duty of the Attorney-General to file a bill against him and put him on his trial. He hoped to see so arbitrary a clause expunged from the Bill, and would support any honourable member who introduced in committee a motion to that effect.

Mr. Garrick said there was no doubt about the very great importance of the two industries with which this Bill affected to deal. It was impossible to over-rate the value of the gold-mining interests of the colony; and the other industry, if not quite so extensive at present, would no doubt in the course of a few years become a very important one. What he objected to in the Bill was that both industries should be legislated upon in the same measure. Nowhere else, to his knowledge, had this been before attempted. At home there were two Acts—both passed in the session of 1872—one dealing exclusively with coal mines, and the other dealing exclusively with metalliferous mines. In Victoria there were no coal mines, and the Victorian Act, therefore, could only be applicable to metalliferous mines. In New South Wales, where there were both coal mines and gold mines, there were distinct Acts dealing with these distinct subjects. In the Bill now before the House, these two subjects had been mixed up, and one part of it was made common to both kinds of mines. Take one matter alone—that of ventilation. There was no comparison whatever between the requirements of ventilation in a coal mine and in a gold mine; and the Minister for Mines had taken from the Victorian statute—an Act applicable only to gold mines—the provision dealing with the question of ventilation. Why did not the honourable gentleman follow the New South Wales statute, or the Imperial statute, wherein the provisions for the ventilation of coal mines were utterly different from those for the ventilation of metalliferous mines? The result of the transcript made by the Minister for Mines was, in his opinion, a very imperfect Bill. He did not complain that they were legislating for coal miners or gold miners, but that the Minister for Mines had not attempted to legislate sufficiently or in the right direction. Any honourable member, on comparing the provisions for ventilation of coal mines contained in the Imperial statute and in this Bill, would see how imperfect the latter were. The Bill simply provided that—

> "An adequate amount of ventilation shall be constantly produced in every mine to such an extent that the shaft winzes levels underground stables and working places of such mine and the travelling roads to and from such working places shall be in a fit state for working and passing therein."

This might suit very well for a gold mine, but for a coal mine it was utterly inadequate. On a subject like this the Minister for Mines ought to have taken pains to make it more complete. No doubt the prevention of accidents in mines was a subject of great importance, but there was something besides of almost equal importance—namely, that the lives of miners were only too frequently shortened by their having to work day by day and night by night in imperfectly ventilated mines; and it should be the object of the Legislature to look as much after the health of these men on the one hand, as to the prevention of accidents on the other. Anyone going down a coal mine, and pressing forward to the workings, would soon discover the intense heat which prevailed. It was not a question of explosions merely, but of the general conditions under which the miners worked, and it was requisite that the clauses in reference to ventilation should be specific and full—and in this Bill they were neither specific nor full. If the Minister for Mines had only done a little more copying he might have introduced the clauses on this subject from the Imperial Act. He would now allude to another

matter which ought to be particularly considered. There was no more sensitive and delicate thing than the relation between capital and labour; and, while taking care of the interests of the miners, they ought to do nothing that would frighten moneyed men from investing their capital in mines in this colony. The definition of "owner" given in the Bill was as follows:—

"'Owner'—The immediate proprietor registered lessee or occupier of any mine colliery or part thereof and shall include a company incorporated under any Act as a mining company."

In fact, including absent persons. They all knew that coal-owners were very frequently absent from their mines, but both for the fructification of their own invested capital, and for the care of the miners working for them, they generally endeavoured to secure the best managers to be had; and yet by clause 3 there was to be a *prima facie* case against the absent owner for any accident that might happen in his mine. That was certainly not like recognising the necessity of giving sufficient security and inducement for the investment of capital in our mines. He would now pass on to the 10th clause, which to his mind was the most startling clause in the Bill. After providing that compensation should be paid by the owner to persons injured, or to the representatives of persons killed, in or about any mine, the clause continued—

"And the amount of such compensation with the costs of recovering the same when determined shall constitute a charge on the mine and mining plant in or about which such person was so employed and all charges arising under the provisions of this section shall as between themselves be paid rateably Nothing contained in this proviso shall take away from any person any right to take proceedings in respect of a claim for compensation in any court of competent jurisdiction."

Had this been fairly considered with reference to the distinction between coal mines and gold mines? An accident in a coal mine was often a most serious matter;—it was not generally the loss of one life but of many lives that had to be deplored in a colliery accident. What was the result? He took it the mine-owner went into the market not only with his own money, but with as much credit as he could legitimately obtain; and it was most desirable that persons in a young colony like this should do so. How, then, could the owner of a coal-mine go into a bank for security under such a provision as this? How was the person advancing money to know what he was advancing it upon? The provisions of this clause amounted really to a first charge upon the mine and plant, and under it no money-lender would advance money to the owner of a colliery. This came of mixing up two things that ought not to go together. In the case of gold-mining an accident might produce the loss of, possibly, only one life; for in gold-mines there were no inflammable gases, and, deplorable as such an accident always was, it would not seriously affect the owners of the mine from the point of view he had taken. The Minister for Works, no doubt, brought down the Bill, not with the intention of finally settling the law, but yet, he thought, with the intention of at least settling it for some considerable time. The difference between a coal mine and a gold mine was here most clearly illustrated;—while the one could bear the cost that would be likely to attend the loss of life or injury of a workman, an accident in a coal-mine would be of such a character that it would be a charge upon the mine, which would in a great measure prevent the owners of the property from working it to the fullest extent. The 13th clause was with reference to the question of safety, and *employés* informing employers of breaches of the Act. There was nothing of the kind in the Imperial statutes and those of New South Wales dealing with coal mines;—they said nothing about a person's ceasing to use anything unsafe under these circumstances. The clause, as the honourable member for Kennedy had practically pointed out, provided that the whole working of a mine should be suspended because one man chose to say there was something defective. Provisions of this kind were not applicable to coal mines. There were some provisions in the Bill which he should oppose to the best of his ability; there were many of which he approved; but he did again contend, and could not repeat it too often, that the honourable Minister for Works had endeavoured to mix up two things which he thought were not capable of being mixed up. The 14th clause also would operate by causing an entire cessation of the working of the mine, and such a clause seemed to him to show an ignorance of the nature of a working industry of this description. Upon notice of accident being given the entire work there and then was to be suspended. He would seriously recommend the honourable gentleman to separate the two portions of the Bill. They were capable of separation, and it was not a difficult thing to do. The sections with reference to coal mines were inadequate. They might be good so far as they went, but there was not, for example, a single provision as to the plans of the mine; and everyone who knew anything about coal-mining would know that plans of the working of the mine were to be found in all Bills ever framed upon the subject;—it was, in fact, one of the first provisions that the inspector should require the mining manager to do. The provisions of the Bill now before the House with reference to inspection were perfectly inadequate, for after inspection was provided there was no way of carry-

ing it out. He desired as much as anyone to see legislation upon this subject, and was anxious to help the honourable gentleman, but he considered it would be almost impossible to make this Bill as good as it ought to be. Without any delay in legislation there might yet be placed before the House a complete Bill with reference to coal-mining, giving all powers that were in this Bill, and extending them in many directions to the great advantage of coal-owners and miners. He recommended the honourable gentleman to do this. It would be no loss, and he would have the satisfaction of putting on the statute books a better measure than this could ever be made.

Mr. HENDREN proposed the adjournment of the debate.

The PREMIER thought it was well understood on both sides that they should get to a second reading to-night. He saw no object in postponing the debate, as there was plenty of time to discuss every clause in committee.

Mr. HENDREN said that several members who desired to express their opinion upon the subject had left under the impression that the debate would be adjourned.

Mr. DOUGLAS said, no doubt there was an anxiety on the part of Parliament to legislate upon this subject, but he was of opinion this could best be arrived at by referring the Bill to a Select Committee. Substantial reasons had been given why legislation upon the subject should be separate. That alone was a subject which deserved further consideration. It had come under his own knowledge that legislation was specially necessary for coal-mines. It was not so much required for metalliferous mines, though in that case, also, it was necessary to do something to diminish the number of accidents. On the whole, therefore, it was better to have some further time for consideration, and that the Bill should be referred to practical men well informed upon the subject, and who would take advantage of the opportunity of taking further evidence. Enough had been said to justify the adjournment of the debate.

The MINISTER FOR WORKS said he was sorry this motion had been made, and that if they were to regulate their actions by the desire of two or three members who chose to leave the House early they would never get on with business. The House had better come to a second reading and discuss the Bill in committee, where members could speak as many times as they liked upon each clause. Before sitting down he should like to answer a few objections made by the honourable member for Moreton as to the combination of coal-mines and metalliferous mines in the Bill. The honourable member raised two or three objections, the first of which was about ventilation. The Bill provided that an adequate amount of ventilation should be provided in every mine; it did not say what amount, as that was a matter which could be embodied in the rules by the mining manager or owner conferring with the miners. There were not two coal mines which really required the same amount of ventilation, and for the House to lay down any rule on such a question would be absurd. That must be left to the miners who must be the best judges, and by the Bill, which gave power to the mining manager or owner to make rules, that could be done. The honourable member also objected to the owner being held responsible for accidents in a mine, because, as the honourable member said, the owner might be absent. But were not the owners of gold mines absent also? The honourable member for the Kennedy was the owner of a gold mine, and yet he had left it in charge of an agent, and was a thousand miles away from it; still he was responsible for the acts of his agent. The honourable member for Moreton did not seem to understand the interpretation of the word "owner." In the coal Bill of New South Wales the interpretation was almost the same as in the Bill before them, "owner or lessee or proprietor," and where was the difference between that and the interpretation in the Bill before the House? Another objection made by the honourable member, and which he seemed to think a very serious one, was that no provision was made for having working plans of mines kept for inspection. Now his object, when framing the Bill, was to make it as little expense to the coal-owners as possible. The Government had no interest in having plans kept; it was of interest to the owner, perhaps; but why should he be put to the expense of being compelled to have those plans made? As he had already said, it was entirely to save expense that he had omitted any mention of plans. The honourable member also commented on the injustice of stopping all operations in a mine where noxious gases were reported until an inspection had been made; but the clause in the bill did not mean that all the work in the mine should be stopped, but only in that part where danger from noxious gases prevailed;—that might be a long distance at one end of the mine. It appeared to him from the objections taken that the honourable member, instead of being, as he stated he was, desirous of assisting the Government in passing the Bill, had really been very captious. If the honourable member was so anxious to legislate for the better management of coal-mines, why was it that he had not done so when he was in office? For five years the late Government had had it in their power to do so; but they had not, although for years the miners of West Moreton had expressed

an anxiety to have a Bill passed to provide for proper regulations, inspection, and ventilation of mines. He thought that any honourable member who calmly looked at the arguments which had been put forward by the honourable member would see at once that they would not stand. It was all very well for the honourable member to say that in New South Wales they had provided a Bill specially for the management of coal mines;—so they had, but they had done nothing of the sort for gold mines. It was simply because the coal miners had had more influence with the Government than the gold miners; but in Victoria it was the opposite, as there the gold miners had had most influence. In Victoria, one Bill regulated the whole system of mining, and also in New South Wales, and as regarded the action of the Imperial Government there was no gold mining.

Mr. GARRICK: They have metalliferous mines.

The MINISTER FOR WORKS said it was not because the two classes of mines could be joined under one Bill that it was not done, but simply because no such necessity existed. Then, again, as to the owner of a coal mine being ruined by compensation in the case of accident being made a charge on the mine and mining plant, the case to which the honourable member alluded—an explosion of gas—might not, or perhaps was not in any instance the result of negligence on the part of the owner, but it must be proved that it was not. If the proper amount of ventilation was kept up as agreed between him or his mining manager and his *employés* and sanctioned by the Minister, and there was a safety-lamp used, and, in fact, every protection against explosions taken, in no case should the owner of a mine be held responsible for an explosion from gas; but if a coal owner, by his negligence, caused the deaths of a dozen persons, why should he not be held responsible in the same way as a gold-mine owner? But who was to be held responsible? It was not the owner, but the mine and plant; the owner might have plenty of property besides the mine and the mining plant, but it was only the mine and the mining plant that was liable, and, so far from being ruined by an explosion resulting in the death of a dozen men, he might be the cause of death of 100 people. But even if he was ruined he was bound to look after the health and safety of the miners employed by him, and it was only by leaving the matter in the hands of the miners themselves, who would take care to have the proper amount of ventilation, that that could be assured. The Bill merely provided that there should be enough ventilation, and left it to the manager and the miners to say what that should be. He considered the Bill was ample for all that was required, and, if it was defective, it was not, as the honourable member said, from the framer having too much practical knowledge and not enough legal knowledge; and he believed that, with a few amendments when in committee, it would be found applicable to the two classes of mining. The general regulations in the Bill were nearly word for word the same as those in the coal and gold Bills of Victoria and New South Wales, which had been proved to be workable in both colonies. The same regulations applied to both——

Mr. GARRICK: No; not in New South Wales.

The MINISTER FOR WORKS said that they applied to New South Wales. Let any person take the general rules in the Victorian Bill and the general rules in the Coal Mines Regulation Bill of New South Wales and compare them, and he would find that they were in all essential points the same.

Mr. GARRICK: They are not at all alike.

Mr. GRIFFITH said he was rather surprised at the honourable member for Bundanba moving the adjournment of the debate, but more so at the speech which had just been made by the honourable Minister for Works. He had had himself but a few words to say about the Bill, but really the remarks of the honourable gentleman had opened up an enormous field for discussion. After the honourable gentleman had had more experience in introducing Bills in that House he would not be so ready to accuse honourable members sitting opposite to him of being captious. He believed that many honourable members beside himself would agree with the suggestion which had been made by the honourable member for Maryborough, that the Bill should be referred to a Select Committee, especially if the Bill was divided as had been proposed. He could assure the House that, with the information they had derived that evening, and a knowledge of the statutes in other parts of the world, it would be quite impossible for them to pass the Bill in its present shape. It should be remembered that they were legislating for the first time on a new and important subject. In some respects the Bill went too far, in others not far enough. It contained, for instance, an extraordinary provision, in clause three, not to be found in any Act in New South Wales or Great Britain. It might possibly be found in some Act in Victoria; but he did not regard Victoria as a good place to look to for lessons either in legislation or administration. That provision amounted to this: If an accident happened in a mine it was *prima facie* the owner's fault. That kind of legislation—declaring a thing to be what in reality it is not — was bad in principle. True, it was applied in Customs'

regulations in cases where evasion of the law was very easy; but, as a general rule, it was very undesirable that the law should say a thing is that which it is not. The probability was, that an accident happening in a mine was not the owner's fault. The Bill was silent as to accidents which might happen in coal-mines from explosion of fire-damp. All other Bills he had seen on the subject dealt with fire-damp as a most important matter, and it was one of the things that required legislation. Supposing an accident occurred in a coal-mine from fire-damp, it would be impossible to discover how the accident took place—probably all the men would be killed; yet, when all the witnesses were dead, it was to be held conclusively proved that the owner was to blame, and he would be bound to compensate all the families. Who would hold a coal-mine after that? If he (Mr. Griffith) owned one, and that Bill passed, he should endeavour to sell it at once, even if he had to get some one to take it from him for nothing. In the case of a gold-mine—suppose an accident occurred from an explosion of gunpowder;—the men, and everybody who knew anything about the matter, would probably have been blown up; and the law would suppose the accident to be the owner's fault and make him pay for it. Some modification of the principle might be useful if applied to certain kinds of accidents; but here was a general provision that the blame should be attributed to the owner, who perhaps knew less about it than anyone else, and was less able to prove that it was not through his fault the accident occurred. The principle of the present law was that a master was liable for his own negligence, but was not bound to compensate his servant for the negligence of a fellow servant—in fact, he was not bound to insure the competence of all his servants. But this Bill provided, in effect, that the owner of a coal-mine should insure every servant against the negligence of his fellow-servants. That was a very serious matter, and the honourable gentleman evidently did not know that such a provision was in the Bill until the honourable and learned member for Moreton mentioned it. This, if passed, would be an entire change in our law, and one in the wrong direction. All that was required was to carry out the provisions of Lord Campbell's Act, which provided that in the case of a man losing his life through the negligence or wrongful conduct of his employer the representative of that man could sue for the benefit of the widow and children. To make an owner the insurer of all his servants from the negligence of fellow-servants seemed to him preposterous. With regard to inspection, all a coal mine required was the prevention of fire-damp, and proper inspection. Now, the honourable the Minister for Works stated that all the provisions of this Bill could be found in the New South Wales statute; but if the honourable gentleman turned to that Act he would find it contained a most careful provision against the dangers of fire-damp. Acts on this subject in other places contained full provisions as to inspection. But what were the provisions of this Bill on the subject of inspection? Any person might be an inspector—a police magistrate might appoint anybody — to inspect any mine and ascertain whether the provisions of the Act had been complied with; but there was no power conferred upon him to give directions as to what should be done. That was a most serious and important omission. In other countries where the question had been dealt with the Acts provided that the inspector, on finding anything wrong, was to direct what ought to be done. To be able to do that he must be a competent man, because if the owner did not carry out the directions he was liable to certain punishment. That was a very important safeguard, and had been the means of saving a great amount of life. This Bill did not go far enough in that direction—it only touched the fringe of the subject; while, in the other direction, the Bill went to such a dangerous extent that, if passed, it would be unsafe for any man to hold a share in any mine in this colony. That was a matter, however, which required more attention than had been given to it this evening. With respect to details, honourable members had had an able speech from the honourable member for the Kennedy, and he (Mr. Griffith) would not attempt to say anything further upon that point; but with regard to those general principles upon which it was competent for any honourable member to express an opinion, he confessed, as the result of the discussion, that he was extremely disappointed with the Bill. They would be far more likely to get satisfactory legislation on the subject if the suggestion made by the honourable member for Maryborough, to refer the Bill to a Select Committee, were accepted. There would be no disgrace to a Government in having a Bill so referred; on the contrary, in matters of this kind, it was a very common practice in Great Britain and in the other colonies. While sitting on the Ministerial benches, he (Mr. Griffith) had, when introducing a new and complicated subject, invited such a course in order to get the best possible legislation. In the case of a party question, it would be different; but this was not a party question, as all were interested in making the law on the question as perfect as possible.

Mr. De Poix Tyrel hoped the honourable the Minister for Works would adopt the suggestion which had been thrown out by the honourable member for Mary-

borough. He would point out that the provisions of this Bill were almost entirely unsuited to the industry of tin-mining, and that if they were strictly carried out tin-mining would be completely shut up. He would not now go into the question, but he hoped the suggestion would be acted upon.

The MINISTER FOR WORKS, in reply to a remark of the honourable gentleman (Mr. Griffith), said the practice to which he had referred was usual in England.

The PREMIER said the debate had been carried on sufficiently long for to-night, and from the turn the discussion had taken it would not be satisfactory for the House to come to a division without further consideration. He would be much more satisfied to see a further discussion, and would like the House to adjourn now and resume the discussion at some future time.

Question—That the debate be now adjourned—put and passed; and, on the motion of the PREMIER, the resumption was made an Order of the Day for to-morrow.

The PREMIER moved the adjournment of the House.

MR. GRIFFITH asked what business would be proceeded with to-morrow?

The PREMIER said they would push on the Bills which had been considered to-day, a stage further, and then take the Electoral Rolls Bill second reading, and the next Bill to that on the paper.

The House adjourned at seventeen minutes to 11 o'clock.