

Queensland



Parliamentary Debates
[Hansard]

Legislative Assembly

FRIDAY, 24 SEPTEMBER 1880

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LEGISLATIVE ASSEMBLY.

Friday, 24 September, 1880.

Question.—Ministerial Statement.—Formal Business.—
Burrum Railway Bill—second reading.

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

QUESTION.

Mr. BAILEY asked the Colonial Secretary—

1. What was the request made to the Government with respect to the By-law of the Walloon Board which appears to authorise a Wheel Tax?
2. What was the reply of the Government?
3. Has the Attorney-General given an opinion that such a tax is legal?

The COLONIAL SECRETARY (Mr. Palmer) said he had seen the question for the first time this morning, and he must ask the hon. member to repeat it on Monday, when he would be provided with a written answer. To answer it now he should require to make a speech on the subject.

MINISTERIAL STATEMENT.

The PREMIER (Mr. McIlwraith) said he desired to make a short Ministerial Statement in order to inform the House that His Excellency the Acting-Governor, after mature consideration, and on the advice of his Ministers, had come to the conclusion that he would not visit the southern colonies during the sitting of Parli-
ment.

FORMAL BUSINESS.

The following motions were agreed to:—

By Mr. SCOTT—

That there be laid upon the table of the House, a Return showing,—

1. The amounts collected as Assessment under the Diseases in Sheep Acts during the years 1878, 1879, and 1880, respectively.

2. The amount at present lying at the credit of the "Sheep Account."

3. The rate of interest obtained and the amount accrued during the last three years on said "Sheep Account."

By Mr. SCOTT—

That there be laid upon the table of the House, a Return showing,—

1. The amounts collected during 1878, 1879, and 1880, respectively, under Schedule C of the Brands Act of 1872, specifying the amounts collected for registration and transfer of Brands and the amounts collected as assessment on Stock.

2. The amount at present lying at the credit of the Brands Act Fund.

3. The rate of interest obtained and the amount accrued during the last three years on the said Brands Act Fund.

BURRUM RAILWAY BILL—SECOND READING.

The MINISTER FOR WORKS (Mr. Macrossan) said the object of the Bill was to authorise a private company to construct a railway from the Burrum Coal Mines to a certain point on the Maryborough and Gympie Railway. This would be a new departure in railway making in the colony, and most hon. members would agree with him that it was a departure in the right direction. Hitherto all railway works in the colony had been carried on by means of borrowed money, and it was now thought desirable that the experiment should be made of making railways by means of that commodity which was most in command—namely, the land. On several occasions proposals had been made to the Government by persons willing to make railways under conditions somewhat similar to those proposed in this case, but for some reason or other those proposals had never had any result. The company who now proposed to make this railway had made a similar proposal two or three years ago. It appeared from memoranda in the Government offices that the present hon. member for Maryborough when in office had received a proposal from Mr. Hurley, the projector of this company and one of the principal shareholders; but nothing definite came of that proposal. On entering office he (Mr. Macrossan) took the matter into consideration, and last session a Bill on the subject was introduced by a private member. After making further inquiries into the case, however, he had come to the conclusion that it was the duty of the Government to introduce a Bill and to lay the plans of the line before Parliament; after which the company could, if the Bill were passed, make the railway on those plans. The second part of the Railway Act, 1872, laid down the necessary mode of procedure in making railways of this description. It stated that the Government should have the power to accept proposals for the construction of a railway of this kind, and that the Government might authorise persons whose proposal had been accepted to enter upon the lands and survey and lay out the line. In this case the line had already been surveyed, so that there would be no necessity for that provision. The Act also required that the applicant should enter into recognizances to the extent of £500 to pay any expenses that might be incurred. That condition had been complied with by the company. The Act further stated that plans and books of references should be furnished

to the Government by the company; and, as the plans and books of references were already in the hands of the Government, it was thought that that condition had been complied with. After that had been done the Act provided that the Government might accept the proposal. Hon. members were aware that a sum of £54,000 was placed on the Loan Estimates last year for the construction of this eighteen miles of railway. Some hon. members might ask why, if this company found it to their advantage to make the line, the Government should not have undertaken it? The answer to that question was simply this: The company proposed not only to make a line of railway for the purpose of carrying coals produced from the Burrum coalfields, but also to do something else quite outside that—they proposed also to work the coal mines in connection with the railway, and, he believed, to establish as far as they could a traffic in coals for export from the port of Maryborough. That was a matter which no Government could be expected to enter into, and the intention of the company to enter upon this undertaking might be taken as a complete answer to any objection made against the Government for not taking in hand a line which might be anticipated to yield a profit. The line and the coal mines together would probably pay the company to work, but he had very grave doubts whether the profit likely to result from the line alone would be sufficient to induce any Government to make it while a proposal of this kind was before them. The Burrum coalfields were very extensive, and the coal had been proved to be of very superior quality and fit for export. It was the intention of the company, as far as he had been able to ascertain from Mr. Hurley, when the line was completed and it and the mines were in working order, to establish a line of steam colliers for the purpose of carrying coals to various ports in the colonies and elsewhere. The Bill was different in many particulars from the one introduced last year, but it was calculated to carry out the intention of the Government, and to give the company full authority to make the line, and to confer upon them the privileges they had a right to expect in return for their work. The 2nd clause empowered the company to make the line, and the 3rd gave them running powers over the Government line from the point of junction to Maryborough. It was the intention of the Government to give them also running powers over the line to be made from the present terminus at Maryborough to the wharves. The 4th clause gave the chairman of the Company powers and privileges such as were exercised by the Commissioner of Railways under the Railway Act, in regard to the following matters:—1. The preparation of plans and books of reference; 2, the resumption of lands and payment of compensation in respect thereof; 3, the carrying out of works required for the use and benefit of owners and occupiers of lands adjoining the railway; 4, the conditions under which goods shall be carried on the line; 5, the prescribing of regulations governing the use of the railway, and the mode of conducting the traffic thereon; 6, the making and publishing of by-laws for enforcing the observance of such regulations; and, 7, the enforcement of the penalties prescribed by the Railway Acts or regulations in force for the time being. The line would be worked under the same regulations as the Government railways all over the colony. The 5th clause gave the company power to levy and collect tolls and dues in respect of passengers, animals, goods, and property of every description conveyed upon the railway; and the 6th gave the Governor in Council power to revise or reduce the scale of charges if, in the opinion of the Minister, excessive. It was, however, provided that the rates, unless by consent of the com-

pany, should in no case be less than those prescribed on the Government railway—a limitation which was very fair. The 7th clause required that the railway should be open to public use, and the 8th gave the company the same privileges as were enjoyed by stage-coach proprietors, and also placed them under the same liabilities. The 9th clause provided that persons and goods on public service should be carried free. The means of dealing with disputed claims was treated of in the 10th and following clauses. Whenever a dispute arose in respect to any claim for compensation, it was provided that the chairman should within a month refer the claim to the railway arbitrator, and the railway arbitrator would then proceed as though the claim had been made against the Commissioner for Railways. The 13th clause provided that the railway should, under penalty of £500 for failure, be finished within two years; after which, by clause 14, the Governor in Council was empowered to appoint one or more competent inspectors to examine and report upon the construction of the line. The 15th clause provided that—

“Upon the certificate of such inspector or inspectors, testifying—1. That a sum of not less than fifty thousand pounds has been expended upon the railway; 2, that the whole of the line, with its appurtenances, is faithfully constructed of sound materials; and 3, that it was, at the time of inspection, safe and fit for public traffic, the Governor in Council shall, from the lands delineated upon a map or plan accompanying the plans of the line, as hereafter approved by Parliament, grant to the company unconditionally and in fee-simple an area of such lands equal to and not exceeding twenty-five thousand acres, to be selected in three alternate blocks or portions, each of eight thousand three hundred and thirty-three acres in extent.”

That was almost the only compensation which the company would receive for entering upon the speculation of making the line, and hon. members would admit that it was not excessive. The land to be given along the line, he might state from his own observation, was not such as could be utilised for agriculture, being generally what was known as wallum country. It might be very good coal country—that remained to be proved; but, at all events, the State was not losing much in getting a railway made for 25,000 acres of it. The company would, of course, have given to them the use of the Government road to the extent of the usual width of Government railways. The hon. member for Mackay had called attention to the fact that if the company received any part of the line of road in fee-simple they would have a right to the minerals underneath; and, therefore, it would be necessary for the House, in committee, to introduce a short proviso stating that the company only had surface rights to the road, and would not be able to interfere with the working of minerals on any of the land through which the railway ran. Clause 16 provided that—

“At the expiration of one year after the railway has been completed and opened for traffic, the chairman shall, under his hand and the seal of the company, file in the office of the Minister a just and true account or statement of the moneys disbursed in completing the line, and of the annual expenditure in working and maintaining the same, and of the revenue thereof.

“Such account or statement shall be signed by the accountant or other officer charged with keeping the accounts of the company, and by him verified by solemn declaration made before a justice of the peace.

“In each ensuing year thereafter a similar account or statement for the year then last past, and verified in the same manner, shall be filed in the office of the Minister.

“If the chairman fails, within sixty days after the expiration of any year subsequent to the completion of the line, to file such account or statement as aforesaid, the company shall, for every day's delay after the expiration of such sixty days, be liable to the penalty imposed hereinafter for a breach of this Act.”

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Such a statement of accounts would both furnish necessary information to the Minister and be a protection to the shareholders of the company. The 17th clause empowered the company at some future time to construct a branch line to Dundathu on the same terms and conditions, except that they would not be entitled to any grant of land. By the 18th clause the Governor in Council might, after the expiration of five years from the passing of the Act, purchase the railway, with all appurtenances excepting the mines in connection with it, at a price to be agreed upon between the company and the Minister; and the 19th, 20th, and 21st declared the manner in which the railway should be purchased if the company and the Minister could not agree. In that case it was provided that the Governor in Council might call in the assistance of two arbitrators—one to be approved by the Minister, and the other by the company—and that they should appoint an umpire; the award of the majority of such arbitrators and umpire to be final and binding. In case of the company failing to appoint an arbitrator the award might be made by the Government arbitrator; and, if either arbitrator neglected to act, the award might be made by the other arbitrator and the umpire. Clause 22 provided a penalty for breaches of the Act. The House might be congratulated upon the fact of this Bill having reached its present stage, and he believed the action of the Government in the matter would be generally endorsed throughout the country, and would be followed by future Governments. He had no doubt that most hon. members had come to the conclusion that if railways were to be made in this colony on the same extensive scale as hitherto, and under the same conditions of sparse population and great quantities of unoccupied land, the work would have to be carried on by means of exchanges of land for railways in some shape or other. Instead of going into the market and borrowing money as hitherto, and crippling the resources of the colony by the payment of heavy interest for works which had never yet reached the stage of paying interest for working expenses, it would be much better in future to exchange land for railways. He believed this Bill would effect that change, and that it would be the first of a great many similar Bills. He was authorised by Mr. Hurdley to say that for the purposes of the coal export trade which would certainly be established by the construction of this line, he had purchased one hundred and fifty acres of land on Fraser Island for the purpose of erecting coal shoots, by means of which the largest vessels, while lying alongside in deep water, could be loaded. That might be taken as an earnest of the sincerity of the gentleman who was acting in the matter on behalf of the company. He anticipated very little opposition to the proposal, and, believing that it was for the benefit of the whole colony that a start in this direction should be made, he had much pleasure in moving that the Bill be read a second time.

The HON. J. DOUGLAS said he hoped, with the Minister for Works, that this measure would realise all the hon. gentleman's anticipations, and he only regretted that the House had not been able to deal with the subject in this shape before. The company who had the project in hand were perfectly aware of the friendly disposition of the previous Government with regard to their proposals; and he could not accuse himself of having placed any impediment in the way of the passing of such a Bill even before the Government with which he had been connected left office. Last year it was supposed that it was desirable to deal with the proposal by means of a private Bill; and he then pointed out that the Government were departing from

the ordinary form of procedure laid down by law in seeking for authority to construct a railway by means of a private Bill. Now the right steps had at last been taken, and the House was asked, under the provisions of the Railway Act of 1872, to authorise this measure, which was in every sense of the word a public Bill. He must confess that subsequent to the date of passing an amount upon the Estimates last year for this purpose he hardly anticipated that the construction of the railway would have taken this shape. He anticipated that the Government having obtained authority for the construction of the line under that estimate would probably have proceeded with it themselves. A good deal might be said in favour of the argument advanced by the hon. gentleman—namely, that, this railway being in the hands of a private company, the coal traffic would be stimulated in a way which could not be expected in the case of a line worked by the Government. The company by whom this railway was to be conducted would be interested in the thorough development and working of the mines; and for that reason it was quite as well that the project should take the shape of a strictly commercial enterprise. He had referred to the fact of an amount of money having been voted last year, and he felt justified in saying that the Government, having received that vote, would have been justified in carrying out the intention of the vote. He had no doubt himself that the line would eventually have to be purchased by the Government; however, it was of no use looking too far ahead. The towns of Maryborough and Bundaberg must, at some time or other, be connected by railway, and if this proposed railway was sufficiently solidly constructed it might be made the first stage of such a line. He thought the Bill was really calculated to secure the construction of the line proposed by it more rapidly than if the work had been left in the hands of the Government. At the same time, it would be necessary to introduce a clause into it that the railway must be commenced within a certain time. With regard to the branch line to Walker's Bend and Dundathu, he believed that had not been looked upon with very great favour by the people of Maryborough, and he understood that Mr. Hurley was quite willing to give up that part of the arrangement since he had found that sufficient wharf accommodation was to be made at Maryborough. He was glad to learn from the speech of the Minister for Works that Mr. Hurley had purchased 150 acres of land at Fraser Island, as no doubt a coal depôt established there, or elsewhere where there was deep water, would afford great facilities for the shipment of coal for the foreign trade. With regard to Fraser Island, he would take that opportunity of saying that as Mr. Hurley had been allowed to purchase land there he (Mr. Douglas) did not see why others should not be allowed to do the same. He did not see any reason why there should not be a small township there. There was some exceedingly suitable land on the eastern face of the island, and beautifully watered; and provided the magnificent cowrie and hardwood forests were judiciously reserved by the Government, there was no reason why the land should not be alienated, there being already a considerable population there. There was no longer any necessity for keeping Fraser Island as a reserve for the aborigines, as the wretched remains of tribes that now existed there need scarcely be considered. He was glad that Mr. Hurley was going to form a depôt there, as he believed it would be beneficial to the trade of the colony. He should offer no opposition to the second reading of the Bill, although in committee there might probably be some amendments submitted.

He hoped the Bill would be effectually carried out and that the railway would soon be in operation, as it might be made to conduce very much to the prosperity of the district principally concerned.

Mr. BAILEY said he had great pleasure in supporting the second reading of the Bill, as he had for many years been extremely anxious to see some means of communication established between the Burrum coalfields and the port of Maryborough. On looking over the Bill, he thought there were some clauses that might be very well modified when the Bill was in committee, because as there were some very great concessions to be given to the company, it was necessary in return that the public interest should be carefully watched. Clause 7 provided that the railway should at all reasonable times be open to public use; but he thought it might be amended so as to compel the company to run at least one train daily each way. Another clause that might be amended with advantage was clause 18, which provided that after the expiration of five years the Government might purchase the railway at "the fair and reasonable value of such railway as mutually agreed upon between the company and the Minister." That clause might be amended to read that such value should not exceed the primary cost. He knew that in New Zealand, when railways had been purchased by the Government from companies, they had sometimes been purchased at three times their original cost, as other things had been taken into consideration as raising the value. He had not the slightest doubt that the Government would purchase this line at the end of five years after completion, as a line would be required from Maryborough to Bundaberg, and this would be the first portion of that line; and therefore it would be a pity if, through some slight oversight on the part of the House now, the Government would then have to pay perhaps £150,000 or £200,000 instead of £50,000.

The HON. S. W. GRIFFITH said he had never been enthusiastic about the construction of railways by private companies by giving them land, as the result would be that the people who constructed the railways got not only the land but also the railway. However, he for one was inclined to try the experiment: beyond that he did not see much in the Bill to recommend it, as the House was quite in the dark upon the matter. The Railway Act of 1872 provided that certain things should be done by the Government before a Bill should be introduced into Parliament. Those things might have been done or they might not have been done; at any rate, the House had no knowledge that they had been done. The Act provided for making a provisional agreement between the Government and a company for making surveys, entering into recognisances, and supplying proper plans, &c., and appointing an advising engineer; and then, upon the Government being satisfied that everything had been properly done, they should cause a Bill to be prepared, to be laid before Parliament, for authorising the construction of such railways and the making of such grants of public lands as might have been provisionally agreed upon. How much of that had been done in the present case?

The MINISTER FOR WORKS: All of it.

Mr. GRIFFITH said that surely if a Bill had been brought in after the provisional agreement had been made the House should have that provisional agreement before it. Then, again, the Bill was quite silent as to where the land to be given was. It was said that information would be laid upon the table afterwards; but that was a thing to be agreed on between the com-

tracting parties before the Bill was brought in. All the House had before it was a Bill providing for the construction of a railway. He also thought it was a great pity that the framer of it had not taken the trouble to consult the legislation in similar cases in England. There it had always been considered necessary in the case of private companies applying to make railways to see that provision was made for the public safety, but in this case they were asked to give away 25,000 acres of land, which the Minister for Works told them was not fit for agricultural settlement, but which he (Mr. Griffith) thought must be of some considerable value, or, otherwise, the projectors of the line would not have entered into the bargain; and no provisions such as that he had referred to were contained in the Bill. What was the return made for this land that was to be given to the company? Were they bound to do anything unless they thought proper? They could run the trains as they thought proper—once a year, even, if they chose. The Minister for Works told the House that if the arrangement was carried out a depot would be established at Fraser's Island where there was deep water; but he (Mr. Griffith) thought it was very strange that a company should think of taking coal first to the wharf at Maryborough, and then to Fraser's Island, instead of taking it at once by water to deep water. Then there was no provision made for keeping the line in good repair, or for the safety of the public. In England, when powers were given to a company to make a railway, due precautions were taken in the event of a line becoming unsafe. It might become necessary that, if this line was abandoned, or was not worked properly, there should be power for the Government to take charge of it, but no such provision was contained in the Bill. The fact was the House was asked to give 25,000 acres of the land of the colony, and nothing was to be got in return. Of course, they were told that the company intended to do all these things; but it had been the practice of Parliament when granting privileges of this kind to secure something in return, and not to trust to anybody. Then there was nothing said about the gauge, or whether the Government would be asked to approve of the gauge, nor was any mention made about the description of rails to be used. All that had to be done was this—that the Government were not to be consulted until after the line was constructed, and then their engineer was to say whether it was constructed faithfully. In point of fact, the line might be on a 2 or a 5 feet gauge; the only guarantee that it would be a 3-feet-6 gauge being that the company would have running powers over the Maryborough line, although there was no provision made for the company paying for the use of such running powers. There was another thing of some importance, and it was this—who were the Queensland Coal and Burrum Company, Limited? Whenever a company was mentioned in an Act it was usual to let the House know, on the face of the Bill, how that company was incorporated. Was this company a Queensland company, or a New South Wales company? That was a matter of some importance, as he was very much inclined to doubt whether they could grant land for such a purpose to a foreign company. But was there such a company at all;—had it been incorporated at all? All these things, if it had been a private Bill and referred to a select committee, would have to be recited in the Bill, whereas they did not appear in the Bill before the House. He remembered that a Bill similar to this was referred last year to a select committee, and that the committee did not bring up any report as they considered the preamble was not proved. He thought that a contract of this kind

would be very much better if the company was subject to the jurisdiction of our courts. The company was called a limited company, and therefore it was important to know what sort of a company it was, and what was its constitution, and what were the liabilities of the shareholders; because there were large penalties imposed by the Bill, and the House did not know who the company were. Whoever framed the Bill framed it simply with the idea that a railway was to be made from Maryborough to the Burrum. He thought it would be a better, and certainly a more expeditious, mode of proceeding to refer the Bill to a select committee. He believed that in all such cases it would be better to do that, as there must be a number of circumstances to be taken into consideration which could be better arrived at by a committee. Had all the correspondence in connection with this railway been laid upon the table it would have been different, but at present the House was entirely in the dark. All they knew was that the Bill was to enable some persons to make a line of railway; but they did not know who those persons were or what kind of line the colony was to get for their 25,000 acres of land. He hoped the experiment would be successful, but he thought that, at any rate, the Bill should be sent to a select committee to get that information which should be given before the privileges which the Bill proposed to give were granted.

The PREMIER said there was no reason at all why all the correspondence the Government had on the subject should have been put on the table, because all that was required by the Act of 1872 had been already done. A proposal had been made by the company that had been accepted by the Government in accordance with the Railway Act of 1872. The Government had accepted the proposal to construct a line of railway, and in accordance with clause 22 it required the recognisances for the purpose of carrying out the work, and the plans and books of reference had been furnished to the Government in accordance with clause 24. The Governor in Council had, in this particular case, not appointed an advising engineer; but that was not necessary as they had an advising engineer already. There was not an Executive minute appointing him to act in this particular instance, but that he (the Premier) did not consider necessary. Then the next step was to prepare a Bill and lay it before the House, which had been done. So that, in fact, every condition required by the Act of 1872 had been complied with. There was not the slightest objection to give all the correspondence—it could be laid on the table on Monday next, but it would be found useless. As regarded the agreement, the Bill actually embodied the result of it; but if it was at all considered necessary, possibly a printed copy might be on the table on Monday; but if there was not time for that the original itself or a written copy would be. The leader of the Opposition made reference to some omissions which he (the Premier) thought it would be well to give consideration to when the Bill was in committee. One of those, although it might be inferred by the Bill, was that, should the company cease to work the line at any time, the line should thereby be forfeited to the Government. Although that might be inferred by the Bill, still he thought that a clause might be put in providing that if the company ceased to work the line the Government might at once, and without giving any compensation, step in and take possession of it. He thought that was only fair considering the land the colony was to give. He had understood such a clause was in the Bill, or, at any rate, the power was inferred; but it would be better to have it more fully stated. Another clause, which would

carry out the meaning of the Bill better, was the clause making it necessary that the plans and sections should be laid on the table of the House for the approval of the House. It was quite plain on reading clause 15 that such approval by Parliament was inferred, as it said—

“The Governor in Council shall, from the lands delineated upon a map or plan accompanying the plans of the line as hereafter approved by Parliament, grant to the company.”

At the same time, he thought that a clause should be inserted next to that one, making it necessary that the plans should be approved by Parliament. That would get over the difficulty mentioned by the hon. member for North Brisbane, that the gauge had not been provided for. The Act of 1872 provided that all the plans must be approved by Parliament; and unless there was a 3-feet-6-inch gauge shown by those plans, of course they would not be approved: still, it might be better to insert a clause in the Bill to the effect that the plans must first be approved by Parliament. The leader of the Opposition had objected to the principle of the Bill, but he (the Premier) must say he approved of it, because, although they gave away land, the railway would still remain; and he considered that such a system, if established, would be of immense advantage to the colony. If, however, the House did not consider the bargain an equitable one they would not pass the Bill. He hoped hon. members would assist in passing it with the amendments which he had indicated, and which he considered would be actually necessary.

The Hon. J. M. THOMPSON said he thoroughly approved of the principle of the Bill, and he did not think it much mattered, so long as they got a railway, in whose hands it was vested, so long as the public secured the benefit; in fact, he believed that if they could transfer all their railways to private companies, so long as the public had the full benefit of them, it might be a very good thing to do. There were, however, one or two things that required notice in connection with this Bill. For instance, by section 3 running powers over the Government line were to be given. There should be something more definite than that, because simply to say “running powers” required some explanation, as running powers over a Government line might be very dangerous;—in fact, he believed that a large number of the accidents on the Newcastle line were caused by the competition between a company who had running powers on the Government line and the Government. It was also stated that the line was to be from the Burrum Coal Mines, but he was informed that the coalfields extended over an area of sixty miles, and therefore it would be necessary that hon. members should see the plans, which, he understood, under the terms of the Railway Act, had been prepared. He did not consider, in the case of a public Bill, that it was of so much importance whether the technicalities of the Act had been complied with so long as the provisions of it had been substantially complied with. He presumed hon. members would have the survey laid before them. He noticed, also, that there was no provision made for sidings or stations, but that was a matter for the committee to consider, and perhaps they would be included in the plans, sections, and book of reference that were to be provided. He noticed that under section 10 it was provided that all disputes were to be referred to the railway arbitrator. He supposed that was an error, as surely it was never intended that all disputes should be dealt with by the railway arbitrator. It would be impracticable for the railway arbitrator to deal with all disputes—his functions would relate only to the compensation to be paid

for land. The 15th clause of the Bill provided that the company should be allowed to select 25,000 acres of land in three alternate blocks or portions. If it were not decided how the land was to be selected, disputes between the company and the Government would be inevitable. That had been the history of those selections hitherto, as the persons making them always wanted land which the Government were not in a position, or were not inclined, to give to them. It would be manifestly unfair that the land selected by the company should include townships, or land likely to be used for that purpose. What was intended by the clause would certainly have to be more clearly defined. Clause 22 would have to be remodelled. It provided for penalties for breaches of the Act, but the Bill did not specify any breaches. The clause was altogether too wide and indefinite. The principle of the Bill was good if the details were properly carried out. He hoped that it would not be the last of such Bills. If the people of Maryborough were going to have facilities for the carriage of coal to deep water, he hoped that the same privilege would be extended to other parts of the colony. It would be one of the best things which could happen for that part of the country if facilities were afforded for the carriage to deep water of coal which could be raised near Brisbane.

Mr. McLEAN said he thought the House were entitled to have the correspondence and the plans of the proposed railway laid upon the table before they were called on to pass the second reading of the Bill. The question which had been raised as to the selection of land was a very important one. The Minister for Works had told them that the land would be selected alongside the railway, but there was nothing in the Bill to show that. The Bill simply provided that the land selected should be delineated on the plans of the line; it did not indicate that the land to be selected must be alongside the line. For all they knew, the land might be selected in some other part of the colony. He thought the concessions made by the Government were more to the interests of the company than they were to the Government. If the land were to be selected in blocks of two square miles, the Government would have an interest equal to that of the company. From what he had seen and heard of the country, he believed that there were valuable coal deposits between Maryborough and Burrum, and by the selection of large blocks the advantage was all in favour of the company to the sacrifice of the interests of the Government. If the plans had been laid on the table, hon. members would have been able to find out where the line would join the Maryborough and Gympie line. Perhaps the Minister for Works could say how far out of Maryborough the lines would be joined?

The MINISTER FOR WORKS: Three or four miles.

Mr. McLEAN said another important question was what amount was to be paid by the company for the privilege of running over the Government line? He did not suppose that the Government intended the company to have that privilege without paying for it. He did not intend to offer any opposition to the Bill, although he did not entirely agree with the principle of railways being constructed by private companies. They all knew that in Great Britain the question had been raised whether it would not be advisable to purchase the private railways. It would be more to the interest of the Government if they could make the railways in the first instance than it would be to buy them from private companies. It would amount to the same thing in the long run; the outlay would be the same, and there was no reason why the Gov-

ernment should not have the advantage of the railways from the start.

The ATTORNEY-GENERAL (Mr. Beor) said he entirely agreed with the leader of the Opposition that provision should be made in the Bill that the line should be properly worked and that it should be kept safe for public traffic. He also agreed with the hon. member for Ipswich that the 10th clause scarcely met the cases which should be provided for. The clause was too wide in its scope. As it stood, a dispute as to the loss of 10s. worth of goods would have to be referred to the railway arbitrator. That would be ridiculous; the Bill ought to provide that the disputes to be referred to the arbitrator should be those relating to land. He did not see much force in the argument of the leader of the Opposition with respect to the gauge. The line was to be run in connection with the Maryborough line, and the promoters of the company would be mad if they made their line on a different gauge to that. That was not at all likely to occur. He did not think it was necessary for them to inquire into the question whether the company was a foreign one or not. The chief reason given by the leader of the Opposition was that it was doubtful if a foreign company could hold land in the colony. He (Mr. Beor) thought that was doubtful, but if the company was a foreign one it was for the promoters to put themselves in a position to hold land, and they could do that by registering themselves as a company in Queensland. There was very little in the objection that if the company was a foreign one it would be very difficult to proceed against them with the hope of obtaining any result. The company would always have property here; and if they were sued for any breach of the laws, and a verdict were given against them, their property would be liable to seizure in satisfaction of the verdict. He thought that, with one or two amendments and the addition of the clauses indicated by the Premier, the Bill would be made a very good one.

Mr. FRASER said he desired to ask a question. The 18th clause of the Bill provided that after the expiration of five years the Government might purchase the railway. Would it be optional with the company whether they sold the line, or could the Government compel them to sell it in the event of their requiring it in the public interest?

Mr. GARRICK said he agreed to some extent with the provisions of the Bill, but it was necessary that it should be surrounded with proper safeguards for the protection of the interests of the country. He could not help thinking that it was premature for the Government to introduce the Bill without first having supplied information which had been asked for. They had no evidence before them that all the preliminaries required had been performed. The necessary information was usually obtained through a select committee, and no doubt that was the most satisfactory way of procuring it. They had no evidence that such a company as the Burrum Coal Company was in existence. They ought, before being asked to pass the second reading of the Bill, to be told whether the company had been formed, and they ought to have before them plans showing the route of the line, the point at which it was to join the Maryborough and Gympie line, and the land which was to be selected by the company. The 18th clause of the Bill, relating to the purchase of the railway by the Government, seemed to confer on the Executive the absolute power to purchase it without the endorsement of the House. It might be said that they need not vote the money to carry out the contract, but it had been before urged in the House that if they empowered the Executive to enter into a contract they were in honour bound to see that all conditions were

performed to enable the Executive to carry out the contract which they had been authorised to enter into. He thought that no contract should be entered into without its being subject to the ratification of the House. He did not know the value of the land, but he had no doubt that it must be of considerable value, otherwise the company would not be promoted. When the railway was taken over at any time by the Executive Council the whole of the 25,000 acres of land would go for nothing. Suppose the mines turned out to be successful, the railway as a commercial venture would be worth more than it cost to construct it, and in addition to that the company would get 25,000 acres of land as a present. The Bill as it stood was a mere skeleton, and he hoped that in committee it would be clothed with proper provisions. He did not know but that it would be advisable that the gentleman who was promoting the company should be examined at the bar of the House, so that hon. members might be satisfied that all the necessary preliminaries had been performed.

Mr. NORTON said he did not intend to offer any objection to this Bill. He would point out that the Railway Act, where it conferred upon the Government the power to deal with private companies in regard to the construction of railways, gave them power to survey lines and provided that the plans should be submitted to the Government for approval. He believed that some time since the Government surveyed a line from Maryborough to Burrum, and, if he was not misinformed, that survey had been adopted by the company. If that were so, he thought it should be provided that the company should pay all the costs in connection with the survey. There was another matter to which he wished to refer. A similar Bill was introduced last session, but at that time the Railways and Tramways Bill, which had passed through the House, had not been thought of; and he thought it was desirable to know whether, in the event of that Bill becoming law, the Government intended to grant to the company the power of using public roads without compensating the owners of land. It was quite evident that if such a power were given to the company they would be able to construct the line at far less cost than was estimated, in consequence of its not being necessary for them to purchase land to the same extent as they would otherwise have to do. If such a power were to be given to this company, he thought it probable that the House would not be willing to give them such a large amount of land as was proposed in the Bill. The subjects to which he had referred would perhaps be better dealt with in committee, but he thought it well to mention them, so that hon. members who took an interest in the matter would take them into consideration when the Bill was in committee.

Mr. MILES said that he thoroughly approved of the principle of the Bill. He presumed that if the Government ever thought of purchasing the line it would be on condition that it had been proved to be a paying speculation. If not, it would not be advisable for them to have anything to do with it. He thought that they would hardly be justified in passing the Bill without some knowledge as to whether the company was actually in existence. If the Bill had been referred to a select committee, who would have secured all the necessary information, he believed it would have been passed without any difficulty or delay.

Mr. WALSH said he thoroughly approved of the principle of the construction of railways by private companies; it did not matter how that was done—whether by land grants or otherwise—so long as capital was introduced. It was pretty evident that, as far as borrowing powers were concerned, the colony had closely approached its

limit. Although it might be advisable to get some information respecting the company, he thought no harm could be done by passing the Bill, because if the company of which Mr. Hurley was a member were not prepared to go on with the railway the Government would be in a position to make it for themselves. Nothing would be lost by passing the Bill, because if the company did not construct the line they would not get the land.

Mr. HAMILTON said the member for Logan appeared to think that the only portion of the Maryborough and Gympie line over which coal would be carried was from where the Burrum line junctioned with it, but that was not the case. Gympie would require a large supply of coal, and would also be very much benefited by the construction of the proposed Burrum Railway. The quantity of coal required for the quartz-crushing machines alone in Gympie would amount to about 400 tons a-week, and the revenue which would thus accrue to the Government portion of the line would, even at the present low rate of carriage, exceed £4,000 a-year. But not only would this large additional profit be derived by the Government, but the mining interest would be benefited in the following way. He would take, for instance, the relative cost of firewood and coal. The present cost of firewood in Gympie was about 16s. per cord. The cost of coal delivered in Gympie by rail would, at 16s. per ton, leave a large margin of profit. One ton of coal would, according to the estimate of engineers, generate as much steam as a cord and a-half of wood; therefore it was evident that every ton of coal used on Gympie in place of wood would effect a saving of at least 8s., and, averaging the consumption of coal at the Gympie machines at 400 tons per week, it would represent a saving of £8,000 a-year to the millowners, or practically to the miners, because, the working expenses of crushing mills being lessened by that amount, the rates of crushing would be lowered accordingly, and reefs which at the present rates of crushing would not pay might be worked at a profit. In estimating the extra freight returns which would accrue through the carriage of coal on the Maryborough and Gympie line by connecting it with the Burrum Coal Mine by the proposed railway, he had only calculated the coal which would be required by the Gympie machines; but in addition to that a very large amount would be consumed by blacksmiths and for domestic purposes on the field, which would increase the freight returns by about another £2,000. He believed the company had bought all the available land on Fraser's Island for the purpose of forming a coaling depôt for colonial vessels and ships trading to the East. Their *bona fides* had also been shown by their purchasing 2,223 acres of land for the coal mines at over £12 an acre. He would much rather have seen the railway taken in hand by the Government, as he believed it a first-class speculation; at the same time, he must admit there was much truth in what the Minister for Works had just said, that a line which might pay a private company might not pay a Government. That was true, as the line could not be worked profitably except in conjunction with the coal mines; and that was where the company had the advantage over the Government. He would be very happy to support the second reading of the Bill.

Mr. O'SULLIVAN said he had not seen the Bill in its present shape before that day. For the principle of it he had a kindly feeling. He was very much in favour of the construction of railways by private companies on the land-grant system. Somehow or other, he was not satisfied with the Bill, but he could not say why. He had closely watched the debate, and he thought that the objections raised by the leader of the Opposi-

tion as to the preliminaries which had to be gone through, had not been answered. For instance, he knew nothing about the company. For all he knew to the contrary there was not such a company in existence. With regard to the power to the Government to purchase the line after the expiration of five years, he would prefer letting the company have the line for twenty-one years, they to give it up at the end of that period. If the Government purchased the line at the end of five years the company would still have the use of the line, and they would have had the land for nothing, and the land would have greatly increased in value at the same time. His first impression was that the line should have run to the river, several miles lower down—somewhere near the Maryborough saw-mills—and entirely independent of the main line of railway. Instead of that, he found it was to join the main line at a certain point near Maryborough, and that the company would have the use of the remainder of the line, and of the branch line to the wharves which the Minister for Works talked about the other day. Surely the company ought to give a good account for those concessions. Then there were the plans and specifications which were to be made at the expense of the Government. That ought to have been done by the company, or at least the company ought to pay for it. In one word, the Bill was, as described by the hon. member for East Moreton, a skeleton, and it would have to be clothed in committee. It would be as well to give hon. members as long a time as possible to study the Bill before putting it into committee. The whole House, he believed, was in favour of the scheme, as an experiment; still they ought not to make a loose bargain at starting. All the arguments used on the other side were weighty, and more information was necessary before the Bill passed through committee. In the meantime he should vote for the second reading.

Mr. AMHURST said he should vote for the second reading of the Bill, but it would have to be greatly altered in committee. He did not think the Government had retained sufficient power to themselves. With a speculative company every care should be taken that the interests of others were not injured. To show how particular the Imperial Parliament was in matters of that kind, he would read the following extract from May's work on "The Imperial Parliament":—

"In deliberating upon private Bills, Parliament may be considered as acting judicially. The conflicting interests of private parties, the rights of individuals, and the protection of the public have to be reconciled. Care must be taken in furthering an apparently useful object, that injustice be not done to individuals, although the public may derive advantage from it. Vigilance and caution should be exercised lest parties professing to have the public interests in view should be establishing, under the protection of a statute, an injurious monopoly. Every description of interest is affected by the making of a railway. Lands, houses, parks, and pleasure grounds are sacrificed to the superior claim of public utility over private rights. . . . If a company receive authority to disturb the rights of persons not interested in their works, it is indispensable that ample security be taken that they are able to complete them, so as to attain that public utility which alone justified the powers being entrusted to them. The imprudence of speculators is to be restrained, and unprofitable ventures discontinued, or directed into channels of usefulness and profit. In short, Parliament must be the umpire between all parties, and endeavour to reconcile all interests."

His chief objection to the Bill—which, however, could be altered in committee—was that the Government had not retained sufficient power to themselves.

Mr. SCOTT said the Bill did not appear to be very complete. Last session a select committee was appointed to inquire into certain matters in connection with the company, but as the pre-

amble was not proved nothing further was done with it. As far as he could see, the preamble was not proved even yet. They had no information before them to show why the Bill should be proceeded with. There was one particularly objectionable feature in the purchasing power contained in the 18th section. That section said that the Government "may purchase," but there was nothing that forced the company to sell. It also said that in case of a dispute arbitrators might be appointed. But there might be no dispute; the company might simply refuse to sell. As far as he could see, the Bill was rather a one-sided affair all through, although he had no intention to oppose its second reading.

Mr. GRIMES said he did not intend to oppose the motion, but he thought, with the hon. member who had just sat down, that the information before them was very meagre, and that they were legislating in the dark. He agreed with the suggestion of the hon. member (Mr. Miles) that Mr. Hurley should be examined at the bar of the House, and he hoped that that would be done. They had no information yet as to the situation of the land proposed to be taken; and that was a very important matter. Some lands might be worth only 5s. an acre, and others as much as 30s. an acre; and that would make a great difference in the bonus to be given to the company. With reference to the purchasing clause, he thought that before negotiations were entered into for purchasing the line from the company at the end of five years the matter should be brought before Parliament, because under certain circumstances the value of the line would be very little. For instance, if there was a stagnation in the coal trade, and if the mines were closed, there would be no traffic whatever on the line. Mr. Gregory, in his evidence given before the select committee last year, said there was no hope of any traffic upon the line except for minerals—and that would be only one way. If the mines were closed, therefore, the line would be useless. Reference had been made to the quantity of coal likely to be used at Gympie, but the quantity was, he thought, over-estimated. It was not likely that the proprietors of mines at Gympie would use coal costing 12s. or 15s. a-ton when they could get cheaper fuel. It was said by the hon. member for Gympie that a ton of coal was equal to four and a-half tons of firewood. If that were so, the quality of the firewood at Gympie must be very inferior, for his experience had been that two and a-half tons of firewood were quite equal to a ton of coal.

Mr. DAVENPORT said there seemed to be some misapprehension on the minds of hon. members with regard to the fact of companies not registered in Queensland being allowed to make railways in the colony. The Act under which the Government proposed to take power to authorise the construction of the railway said that they might take proposals from private persons or companies. So that, as a matter of fact, the registration of the company was not absolutely necessary, so long as the House was satisfied as to the ability of a private person to carry out the work. He believed in the principle of making the land pay for the railway, for it would prevent the log-rolling which was so common, and of which they had had an illustration only the other day. He should vote for the second reading of the Bill, and trusted the House would see that sufficient safeguards were introduced into it.

Question put and passed, and the committal of the Bill made an Order of the Day for Wednesday next.

Mr. GRIFFITH suggested that before going into committee on the Bill Mr. Hurley should be examined at the bar of the House. If the

company was not formed the Bill would have to be altered, and it would have to be made a condition that the company should be formed within a certain time.

The MINISTER FOR WORKS said he might state for the information of hon. members that Mr. Hurley had told him that, although the company was not yet registered in Queensland, he intended that that should be done before the Bill was passed.

In reply to Mr. GRIFFITH, the PREMIER said the business to be taken on Monday would be the Estimates and one or two small Bills.

The House adjourned at seventeen minutes past 12 o'clock.