Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 2 AUGUST 1881

Electronic reproduction of original hardcopy

LEGISLATIVE ASSEMBLY.

Tuesday, 2 August, 1881.

Return. — Petition. — Opening of Maryborough and Gympie Railway.—Pearl-shell and Bêche-de-mer Fishery Bill—second reading.—Criminals Expulsion Bill—second reading.—Intercolonial Warrants Bill—second reading.—Distillation Bill—second reading.—Marsupials Destruction Bill—second reading.—Mines Regulation Bill—second reading.—Adjournment.

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

RETURN.

The COLONIAL SECRETARY (Sir Arthur Palmer), in laying on the table part return to an order relating to immigrants introduced into Queensland, moved for by the hon. member for Mitchell, said that he could only furnish a part return because there was no account kept of the religion of immigrants, and not very much of the parts of the country they came from. The return contained all the information he could give.

PETITION.

Mr. FOOTE presented a petition from James Gulland, asking for leave to introduce a Bill to enable him to construct a tramway from the Tivoli Coal Mine to the Bremer River. All the necessary forms had been complied with.

Petition received.

OPENING OF MARYBOROUGH AND GYMPIE RAILWAY.

The PREMIER (Mr. McIlwraith) said, before proceeding to the Orders of the Day he wished to make a statement to the House. The Government had made arrangements for opening the Maryborough and Gympie Railway on Saturday next. Several of the Ministers intended being at the opening, and at one time it was hoped that His Excellency would have been present, but unavoidable circumstances prevented his presence. He (Mr. McIlwraith) would wish that as many members as could find time would avail themselves of the opportunity of being present. This arrangement would necessitate the House not sitting on Thursday next, but that would not be a great hindrance to the private business, as there was not much on the paper. The Government proposed that the steamer should leave Brisbane on Thursday, and arrive at Maryborough on Friday. The line was to be opened on Saturday, and the steamer would leave on the return trip on Sunday, arriving in Brisbane on Monday. He should be glad for hon. members' own convenience to get immediate intimation from those willing to go to the opening, and should be glad to see there as many as desired to be present.

PEARL-SHELL AND BECHE-DE-MER FISHERY BILL—SECOND READING.

The COLONIAL SECRETARY moved the second reading of this Bill.

The HON. S. W. GRIFFITH said he did not rise with the object of opposing the second reading, but he thought the practice introduced by the Colonial Secretary on moving the first reading very inconvenient. The hon. gentleman on that occasion gave a short outline of the Bill, but as hon. members had not the Bill before them it was simply impossible to follow his description of it. Now the Bill was before them, the explanation that should have attended the second reading was absent. This course, certainly, did not conduce to the thorough understanding of the subject, and was not at all a desirable innovation. The subject, they were all agreed, required some legislation. It was two years since a similar Bill was before them, and he recognised some improvements in the present Bill. On a previous occasion there was very strenuous opposition made by certain gentlemen concerned in the bêche-de-mer fishery, and who resided in the Colony of New South Wales. Whether a petition was presented to the House on the subject he could not say, but he remembered seeing a petition which complained of the very serious grievances which would be inflicted on the petitioners if the Bill became law. He did not know how far these grievances—some of which certainly appeared to be real—were met by the Bill; but he agreed that they did not get sufficient revenue from this trade, and that it was but fair to impose a license fee or take some other means of making that valuable product contribute something to the revenue before it left the territory of Queensland. He had no knowledge of the irregularities spoken of in this trade, but he did not see any reason why the native labourers of this colony, and Polynesians, and the natives of New Guinea, should not be protected as much as the Polynesians in other parts of the colony; at the same time, no doubt there would be considerable difficulty in carrying that idea out. He observed one provision in the Bill which he did not quite understand. The 11th section provided—

> "It shall not be lawful for any master or other person to employ any Polynesian or native labourer in the pearl-shell or bêche-de-mer fishery unless under a written agreement made in the presence of an officer of Customs or shipping master at a Queensland port."

That was an absolute prohibition. Then followed another enactment—

> "All engagements of Polynesians or native labourers made out of Queensland shall be strictly in accordance with the shipping laws of the colony or country where made."

These provisions were contradictory. The first said all agreements must be made in Queensland, and the next spoke of engagements made elsewhere. That, he thought, was one of the great difficulties of the subject. Many of the ships engaged in the bêche-de-mer trade did not, he understood, hail from our ports at all. They went from Sydney, and they shipped their crews in Sydney. Of course, while the ships were within our waters we had control over them, otherwise we had no control. Some difficulty might arise in that respect. He was sorry that he had been taken rather unprepared with regard to the Bill, but he hoped these matters would be carefully considered. He was willing to render all the assistance he could to pass the Bill into law.

Question put and passed, and committal of the Bill made an Order of the Day for to-morrow.

CRIMINALS EXPULSION BILL—SECOND READING.

The COLONIAL SECRETARY moved that this Bill be now read a second time.

Mr. GRIFFITH said this Bill had been before the House on more than one occasion, but it had never been received very enthusiastically by the House, and had never become law, although a similar enactment had been in force in the Colony of Victoria for several years. On the previous occasion he said he was not enamoured with the Bill, and that he thought it was unnecessary; but the continuous influx of criminals from New Caledonia—most of them of a bad type—had changed his opinion, and he now thought that some Bill of this kind was very necessary. The provisions of the Extradition Treaty in dealing with escaped criminals from New Caledonia were too cumbrous, and presented too much difficulty in preventing these criminals coming here. But, while he

agreed that it was necessary to take some further steps to prevent the colony being overrun with these criminals, the House must be careful not to run to the other extreme, and imperil the liberty of innocent persons. He thought the Bill was of an extremely arbitrary nature. He admitted that a Bill of this kind must be arbitrary to a certain extent, but he thought this Bill went a little too far. Some of the provisions were at variance with the principles of justice by which our legislation was guided. Take the 3rd clause—which said that it should be lawful for any two justices of the peace before whom any person was brought as an offender to convict him, and, at their discretion, to sentence him to three years' hard labour. He thought that was quite unnecessary. If persons were to have such a punishment inflicted on them, it should be done by a more formally constituted tribunal than merely two justices of the peace. He thought that was too arbitrary. If convicted persons were sent to prison for short terms from time to time, it would be quite sufficient. If a man knew that he would be sent back to prison, he would be anxious to get away as soon as he came out. Then, in the 4th section, it was stated that all property found on a man who had been convicted would be forfeited. He thought that was very arbitrary. It must be borne in mind that the Bill would not alone affect convicts who came from New Caledonia; it would not apply to them only. It would apply also to a man convicted in the Straits Settlements, for instance. If such a man came to this colony within three years after the expiration of his sentence, he was liable, at the discretion of two justices of the peace, to be imprisoned for three years and also have his property forfeited. Now, he was quite sure that the House did not intend the law to have that effect; nor did the Colonial Secretary intend the Bill to have that effect. Then the penalties for harbouring were very severe. A person who harboured or concealed a man whom he knew or believed to be a criminal was liable to be imprisoned for twelve months; and the 7th section provided penalties to be imposed on a master of a ship who brought criminals here, unless he could prove that he did not know that such persons were any of the persons mentioned in the 1st section of the Act. But it might be a very hard thing for a master to prove that; and, unless he could do that, he would become liable to a fine of £20 or to imprisonment for three months. Then the 8th section gave very extensive powers of searching to constables. The 11th section deserved to be carefully considered in connection with the points he had referred to. These enormous penalties and powers would apply to persons who might be innocent, but who might be convicted on any evidence. The only definition of evidence was "such evidence as may be laid before them," and on such evidence two justices might convict. He did not think the nature of the evidence was sufficiently defined. Justices might let a witness say that he had seen a telegram in the newspapers this morning stating that a rumour was current to such an effect; the justices might take such a statement as that as evidence, and on that a person might receive three years' hard labour. There must not, of course, be too absolutely rigid rules. Take the case of these people who came from New Caledonia. They arrived generally in an open boat. They had their prison clothes on, and there could be no doubt about it that they were escaped prisoners. But that was only one class of people. The persons who would be embraced in this Bill were a much larger class. He knew some gentlemen connected with the Civil Service of this colony who, he believed, would be liable to be caught under the provisions of this Bill if they were put into force. The gentlemen he referred to were held in the highest esteem, and not the slightest word could be said against them. Such persons as these might be seriously affected by this Bill, and he thought the House should be careful to see that these extensive powers were surrounded with proper safeguards and were not abused. He did not see any objection to taking the *Government Gazette* or *Police Gazette* of any Australasian Colony as evidence; and he also thought letters from the Governor or consular letters might be properly referred to. But he did not think power ought to be given to justices of the peace to receive any evidence put before them. It was much too large a definition of evidence that ought to be received. A convicted person was to be allowed the right of appeal, but upon what terms? He had to enter into recognisances with one or more sureties; but how was the unfortunate man to get sureties? He was a man who had just landed here, and was arrested for being a criminal. At the beginning all his property was forfeited. When convicted he was sentenced, perhaps, to three years' hard labour. The whole of his property was confiscated; yet he had the right of appeal if he could give ample security. Such a thing was a farce, and should be altered. As he had said before, he thought some Bill of this kind was necessary, but he asked the House to look at the provisions which might affect respectable, innocent persons. The 1st clause defined the persons who should be deemed to be offenders illegally at large within the meaning of the Act. First of all—

"(*a.*) Any person in Queensland, who, having been found guilty of felony by a court of competent jurisdiction in the United Kingdom of Great Britain and Ireland, or in any British possession other than Queensland, has escaped from custody within three years of the date of his arrival in Queensland."

There could be no objection to that.

"(*b.*) Any person in Queensland who, having been transported or imprisoned under the authority of any foreign State for any crime, has escaped from custody within three years of the date of his arrival in Queensland."

Nor could he object to that definition.

"(*c.*) Any person who, having served a sentence of transportation or imprisonment under the authority of any foreign State, comes into Queensland within three years after the expiration of his sentence."

He thought this was going too far. It would include all Communist prisoners who had served sentences. Now, some of the Communists who were sent to New Caledonia according to the law of France were very respectable men. They knew that a great number of people, after the war of 1870, were sent to New Caledonia as Communists. In all great disturbances of that kind many innocent persons were convicted, and, from some accounts he had seen in the literature of France, persons were convicted in the most extraordinary manner. They were convicted for wearing a red hat, or for not going inside their doors when Communists were passing. Unfortunate men of that kind were sent to New Caledonia; they ought not to be treated as criminals; but if they came here within three years after the expiration of their sentences they were liable to be arrested. He did not think they ought to be treated in that manner. Then again—

"(*d.*) Any person who, having served a sentence of imprisonment under conviction of a felony in any British possession other than Queensland, comes into Queensland within three years after the expiration of his sentence."

This was similar to the law passed in Victoria to prevent convicts from Western Australia, when their sentences had expired, going to that colony.

At the time that that was passed it was necessary; but he asked hon. members to consider whether a provision of that kind was necessary in this colony. Suppose that somebody on board a steamer had heard that another of the passengers to whom he had taken a dislike had served a sentence in another part of the world, but who was not necessarily a bad man;—ought such a report, which the man might have heard rightly or wrongly, to be enough to enable him to take steps against the other, simply because within three years he might have been convicted of some offence? He (Mr. Griffith) thought they should be very careful in legislating to that effect. They ought to bear in mind the rule that had been laid down for the interpretation of Acts of Parliament. They should consider the evil which it was intended to remedy. They should bear in mind the evil they were striking at, which was in this case the influx of criminals from New Caledonia. Let them address themselves to legislate in such a way, and to deal with these men in such a manner as would prevent their fellows from following their example. He believed they could do that by a sufficiently stringent law without running the danger of involving innocent persons in a punishment which was not intended for them.

The PREMIER said that, as the principle of this Bill seemed to be pretty generally acquiesced in, and as only details of it had been criticised by the hon. the leader of the Opposition, his own remarks upon it would be very few. He thought that the remark of the hon. gentleman, that the only object of the Bill was to allow them some means of dealing with the criminals who had escaped from New Caledonia, and who had made their way to this colony, showed that he was under a misapprehension. Such was not the object of the Bill. It was intended also to provide for cases where men who had served their sentences in New Caledonia came to this colony. From the position of New Caledonia, Queensland was just the place where such persons would be likely to come when their sentences expired, and therefore it was proper that some provision should be made to prevent them, for, so far as the innocent, respectable French criminal was concerned, he would much rather run the chance of excluding some of them than allow them to come in wholesale. He thought they should have the power in their hands to prevent an influx of such persons, and he did not think they were likely to err in doing so. The hon. gentleman had mistaken the meaning of the Bill in another way. It was not simply to enable them to deal with escaped convicts from New Caledonia, but with expirees from thence and from all the other colonies; and there was just as much necessity to provide against the admission of convicts now as there was when Victoria passed its Bill. There could be no doubt, as the hon. member had pointed out, that the Bill contained some very stringent clauses, which could be altered in committee. So far, however, as he had heard the criticisms, he was inclined to support the Bill as it stood.

Mr. RUTLEDGE rather regretted that the Colonial Secretary had not considered some suggestions that had been made on previous occasions when the Bill was before the House, and that he had not so modified some of the clauses as to have removed the objections which had been taken to them. In the minds of some hon. members these objections were considerable. He did not see any very great danger that this colony would be inundated by an undesirable class from any other source than that indicated by the hon. the leader of the Opposition. He did not see any more likelihood of Queensland being chosen as a place of refuge than any of the other colonies. He did not see why Queensland should be the very first place sought for. Their population was more scattered here, and a stranger would, therefore, be more likely to be recognised as a stranger and pounced upon than if he were to go to New South Wales, New Zealand, Tasmania, or some other colony where the population was more dense, and where a stranger, therefore, would be more likely to escape notice. He did not agree with the argument of the Premier that criminals would make straight for Queensland. The arguments advanced against the Bill by the leader of the Opposition were to his mind unanswerable. It was subversive of the first principles of British justice. Such a power as it was proposed to give might become an enormous engine of tyranny in the hands of men who were not distinguished either by intelligence or impartiality, and it ought not to be allowed to become the law of the land. In the country districts afar off, where such were to arise, the House could easily see how wrong might be perpetrated. Some little clique might have a down on an unfortunate individual, and someone might have heard that this man—otherwise without taint of character—had three years ago been convicted of a small offence—it might have been larceny, or some other small offence which by our law was regarded as a felony—and a constable acting under the instructions of the local justices might drag this man before the bench and report him as a suspicious person. It was well known how easy it was to pack a bench in a certain way, and if the magistrates had any desire to get at any person they might, in such a case, visit him with the full pains and penalties of this law. For any two justices to have the power, on mere hearsay evidence, to sentence a man to three years' imprisonment seemed to him to be so monstrous a proposition that he did not think the House would allow it to pass into law without considerable amendment. Although it might be said that a man had power to escape the very serious consequences of this Act, and if he were condemned by two or three justices he could appeal against them, it had been very forcibly pointed out that this provision must remain almost a dead letter. How would a man —a suspected person—under a taint—be likely to obtain sureties, and to put in motion the force by which he might effectually appeal? He thought it was a very hard thing to suppose that, because a man had once done wrong, and been convicted of some offence or other, he should have, as it were, a black mark put against him for three years. Why should they not give a man who had done wrong in some other part of the world a chance? Why should they not allow him to come out here and have another opportunity of acting honestly? Why should they not allow such a man an opportunity of becoming a respectable and honest citizen? Why should they say there was no home on the face of the earth for such a man? To make out that because a man had once suffered conviction he must be marked for years was a piece of cruelty and a relic of barbarism to which he believed the House would not consent. He thought that the particulars of the Bill were too stringent. There was practically no danger whatever of their having refugees from any other place than New Caledonia, and the Bill might very well have been directed to exclude such men without going to the extent it did.

Mr. NORTON said that he had been through this Bill very carefully, and agreed with what had fallen from the hon. gentlemen on the other side of the House. Some of the provisions were too stringent, and might be very much modified in committee. One thing, however, he would say he disagreed with entirely, and that was the statement that the Bill should only deal with

criminals coming from New Caledonia. On many occasions—on some, at any rate—he had heard a great many complaints about the class of immigrants who had come to this colony from England. It had been said that the sweepings of the streets of some towns had been sent out, and to some extent it was correct. Why should they put themselves out of the way to encourage this class of people? Surely it was not a qualification for immigrants that they should have served two or three years' imprisonment. He thought rather that they should try to keep such a class of people out, and not make the colony a reformatory for Great Britain. Men of good family were sent out—who might become good colonists under certain circumstances—from the mere fact that they could not do any good at home;—men who had led idle, reckless, and useless lives, and for that reason were sent out to the colony as a sort of refuge. The colony did not want men of that class, and if they were too bad for it, surely no man who had served a sentence at home should have any inducement held out to him to come here. It was not their business to reform him, and there was no reason why he should not have a chance of reformation in the country in which he lived. The Bill as a whole was, in his opinion, a very good one. Some of the provisions were, no doubt, very severe. The 4th subsection of the 3rd section, he thought, was altogether too severe; and the 7th section wanted a proviso, because, as it stood at present, the master of any vessel bringing criminals here must be subjected to heavy penalties unless he could show reason why they should not be enforced. The master ought not to be placed in that position at all. The master of a vessel might pick up an open boat at sea with criminals escaped from New Caledonia or elsewhere in it, and there ought to be a provision in the Bill by which, if on arrival in the colony he handed these people over to the authorities, he should be exempt from any pains or penalties under the Act. He thought such a provision was necessary, because a man acting from motives of humanity ought to be protected in every way. He hoped that the Bill would pass, and that it would be a stringent one.

Mr. SIMPSON said it was quite new to him to hear that they should send immigrants out of the colony after having paid for bringing them here. It did not say much for the Immigration Agent at home. It threw quite a new light on the subject. He was not aware that they had to pass a Bill to protect them against their own immigrants. That was new to him entirely. So far as the criminals from New Caledonia were concerned, he went with the Bill entirely. He would prevent them from coming here for some time after their period of punishment had expired; but he did not go with the Bill so far as it applied to the other Australian Colonies. He was one of those who hoped some day to see the colonies federated, and he did not think they should go so far as to be running after people because they came to the colony within three years of their having served a term of imprisonment elsewhere. He thought that was too severe altogether. He did not agree with the hon. member for Enoggera as to this country being avoided, but that was beside the point. He considered the Bill too severe in some points and could only go with it to a certain extent.

Mr. DICKSON thought it was unfortunate that the Colonial Secretary had not kept his explanatory speech on the Bill until the motion for the second reading. They had failed to perceive the full bearing of the remarks made by the hon. gentleman when he introduced the Bill. He would have hoped that, as the result of past experience, the provisions of the Bill would have been less severe and have dealt with the evil which the House thought desirable—namely, the prevention of French refugees landing on our shores in any large quantities. He thought their action should be as far as possible confined to this evil, and if the Bill attained this it might very well find a place on the statute-book. There had no doubt been a great amount of terrorism felt in the community when the scare existed about these persons from New Caledonia, and it was very desirable to prevent a repetition of that scare; but if this Bill passed as it was now, the colony would not be safe for a man to live in. It would be in the power of a policeman to arrest any man and convey him before the justices.

The COLONIAL SECRETARY: He has the power now.

Mr. DICKSON said it would be decidedly dangerous to place such a power in the hands of the official he referred to. The 2nd clause provided that it should be lawful for any justice of the peace, or any constable at any time after the passing of the Act, having reasonable cause to suspect that any person was an offender illegally at large within the meaning of the Act, forthwith, and without any warrant for such purpose, to arrest, or cause such suspected person to be apprehended and taken before any two justices of the peace. That was an alarming amount of power to confer upon any constable, and he should feel very reluctant to consent to such a provision. That clause must be read in conjunction with clause 9, which provided that it should be lawful forany justice of the peace or constable to go on board any vessel, and having reasonable cause to suspect that any such person as was mentioned in the first section of this Act was on board such vessel, to search any and every part thereof, and apprehend any such person found therein. According to those two clauses together, any person travelling from Sydney to Cooktown might, on the mere suspicion of a constable that he was a person included in the category contained in the Act, be subjected to the disgrace and personal inconvenience of being apprehended and held in custody until his innocence could be established. To give such extraordinary powers against peaceful citizens to constables would be most unsafe, and he must reiterate that the Bill ought to be confined to a clause against those offenders from New Caledonia, by whom the colony had been more particularly troubled. Though there was no doubt some force in the Premier's remark as to the desirability of excluding those criminals, even after their term of sentence had expired, still it should be borne in mind that many valuable citizens who had been sentenced to imprisonment in New Caledonia for political offences might find a *locus penitentiæ* here and become useful colonists and a credit to the community. There could be no difficulty in dealing with the subject, because the offences enumerated in the Extradition Treaty might be made the basis of regulations, and proceedings might be taken to prevent the arrival of persons convicted of such offences within a certain time after the expiration of their terms of sentence. To legislate that any person who had served a sentence of imprisonment for felony should not come into Queensland for three years seemed to be an unnecessary stretch of legislative power, and it might prevent the arrival of many good and useful colonists. It had been suggested to him that under these provisions a boy who stole an apple, and was fined a shilling, might be subject to apprehension if he ventured to come to the colony within three years. The Colonial Secretary was not now taken unawares, because the matter had been previously debated; and he

trusted that when the Bill was in committee the hon. gentleman would see his way to confine the operation of the Bill as far as possible to the removal of the admitted evil arising from the influx of the criminal classes from New Caledonia.

Mr. O'SULLIVAN said all that was required could be embodied in one clause. The statements of the leader of the Opposition were, in his opinion, unanswerable as far as some of the clauses were concerned, and it seemed to him impossible that the Bill could pass as it then stood. It was no argument for the Colonial Secretary to say that constables already had power to take up people on suspicion, because people living in the colony who might be so taken up were generally known, and the police could not go too far. Besides that, they could not be ill-treated on hearsay evidence; but, under this Bill, a stranger might be taken up on suspicion, and be sentenced by magistrates to three years' imprisonment on mere heresay evidence. Did anyone ever hear of such a clause? The contention of the Premier that it was desirable to keep all criminals out of the colony, as the same thing had been practised in Victoria, was not to the point. The Act referred to was passed in Victoria during the early times of the goldfields, when men who had served their time in Tasmania made a regular exodus from that colony and a stampede to Victoria, where, in consequence of their bad conduct, it was found necessary to pass a special Act. No such necessity, however, existed in Queensland, and the better plan would be to embody in one clause the legislation on this subject which the colony required. If that were agreed to he would vote for the second reading as a matter of form, but otherwise it would be impossible for him to vote for it.

Question put and passed.

The COLONIAL SECRETARY moved that the committal be made an Order of the Day for to-morrow.

Mr. O'SULLIVAN said it would be advisable for the Government to keep the Bill back for a fortnight, and make alterations in it rather than run the risk of having it thrown out by pressing it on. He hoped the Colonial Secretary would accept the suggestions which had been made from both sides of the House.

The COLONIAL SECRETARY said his object in bringing in the Bill had been, as he explained when he introduced it, to keep out specially the New Caledonian criminals, who had given a great of trouble, put the colony to enormous expense, and occasioned a great deal of anxiety to the inhabitants of Queensland, particularly about Brisbane. No doubt some of the clauses were arbitrary, but without those arbitrary clauses the Act would be of no use, and it did not follow because the clauses were there that they must be put in force. If the law were to be strictly put in force a man would hardly be able to walk about the streets without danger of being run in, and yet no inconvenience resulted. It was very rarely indeed that any case of apparent injustice occurred, and when it did the person who suffered had generally been too much in the sun. Though the Bill would be placed on the Orders of the Day for committal to-morrow, it would not necessarily come on to-morrow. As long as the main object for which the Bill was introduced was attained—namely, to enable the Government of the day to deal at once effectively and immediately with criminals from New Caledonia—he should be satisfied, and he was exceedingly sorry that a measure for that purpose was not passed two years ago.

Question put and passed.

INTERCOLONIAL WARRANTS BILL—SECOND READING.

The COLONIAL SECRETARY said the Bill, as he had mentioned in introducing it on recommendation of His Excellency, was a Bill agreed to at the Intercolonial Conference lately held in Sydney. It was in every way a legal Bill, and as it was an outcome of the united wisdom of some of the best lawyers in the colonies—including a chief justice and an attorney-general—he hoped it would escape undue criticism. The representatives of all the colonies present at the Conference had agreed to the Bill as one likely to be of great use. He (Sir Arthur Palmer) had himself felt the want of some such provision severely, especially in cases of wife desertion, an offence which was committed almost with impunity, as the offender could get away into another colony where the Government were unable to follow him. He believed the measure would prove a useful one for many purposes, and he moved that it be read a second time.

Mr. GRIFFITH said the subject was one which had attracted the attention of the various colonies for several years. At a conference, he believed, in 1873 the matter first came up. The Colonial Secretary was present, if he remembered rightly.

The COLONIAL SECRETARY: I don't remember it.

Mr. GRIFFITH said he remembered the circumstance because shortly after that, when he first came into office as Attorney-General, it became his duty to draft such a Bill, and the Bill was circulated over all the colonies, and met with considerable criticism. All the papers in connection with the subject would probably be found in the Crown Law Offices, and they might be of considerable assistance to the Government in dealing with the matter. The gentlemen who represented the various colonies at the last conference did not, he believed, take part in the previous discussion. He had not just now had time to refresh his memory about the matter, but, unless he was mistaken, the Bill to which he had referred was introduced in this House, and the result of the discussion that followed was a decision that no colonial legislation would be effectual for the purposes aimed at. The attention of the Home Government was accordingly called to the matter, though he could not now remember the exact date. It was particularly pointed out by the then Chief Justice Burt, of Western Australia, that no colonial legislation could be effectual, because such legislation only operated within the borders of the colony in which it was passed, and could not provide for sending offenders away by sea. If the offender were from New South Wales he might be arrested and sent to the Border, where a constable might be waiting to receive him; but, if the offender happened to be from Victoria or South Australia, the provisions of the Act did not extend to passing the offender on through New South Wales or Victoria, and the colonies had no power to authorise the carrying of offenders at sea. That was familiar law, and in accordance with decisions in the Imperial Courts, and it was pointed out by Chief Justice Burt. The attention of the Secretary of State for the Colonies was then called to the matter, and shortly afterwards—some three years ago—a Bill was prepared by the Secretary of State for the Colonies dealing with the subject, and copies were sent to all the colonies accompanied by a circular—he spoke subject to correction—asking for the report of the law officers in the colonies. He remembered writing a report on the subject, and also that attention was called by him to the omission of certain pro-

visions which the previous discussion before referred to had shown to be desirable. Matters went on slowly in the old country, but he had the best authority for saying that a Bill was ready some three or four months ago, and it had probably by this time become law, unless it had been put aside through the extraordinary pressure of work in the English Parliament. He was under the impression that he had seen a telegram or statement in the English papers stating that the Bill had been laid before Parliament and dealt with. At all events, such a Bill prepared at the Colonial Office was ready for presentation to Parliament, and if it did not pass this session it would probably pass next session. It was, therefore, hardly worth while to discuss the subject, seeing that the Bill must be inoperative, because it could only contain provisions for carrying offenders overland. The papers to which he had referred, which were either in the Crown Law Offices or in Government House, would show the Attorney-General that the colonies could not fully legislate in matters of this kind. There was another matter that occurred to him, and that was that the Bill had apparently been drawn up without any reference to reciprocity of action in the other colonies. He understood that it was a matter of mutual arrangement that the operation of the Act should be contingent upon the other colonies enacting what this colony enacted, and *vice versâ*. He did not see reference to anything of that kind in this Bill. In the Bill which he had referred to something of the kind was included, and that was then understood to be the intention of the various colonies. As to the details of the Bill, he did not intend to call attention to them at the present time, but he hoped, before the matter went further that the Government would place hon. members in possession of the correspondence he referred to. He did not think it was to be found in "Votes and Proceedings," but he remembered very well that at the time there was a great deal of discussion on the subject. He asked the Government whether it was desirable to go on with this Bill or not at the present time.

The COLONIAL SECRETARY said he rose to make a Ministerial statement. He knew he had at that time no right of reply, but the subject mentioned by the hon. the leader of the Opposition was mentioned at the Conference, when it was considered that if the colonies would join to pass a Bill of that sort, the Imperial Parliament would immediately adopt it. But he did not see why they were to stop. He could not withdraw this Bill; he was bound to press it. The representatives of the different colonies agreed to press Bills of this character on their different Legislatures, and he believed no harm could be done by it at all. If they waited for the Home Government to pass a Bill of that sort they might have to wait a very long time.

Question put and passed, and the Bill was read a second time.

The COLONIAL SECRETARY moved that the committal of the Bill stand an Order of the Day for to-morrow.

Mr. GRIFFITH asked if the correspondence he had mentioned would be laid on the table of the House?

The COLONIAL SECRETARY: Yes.

The question was then put and passed.

DISTILLATION BILL—SECOND READING.

The PREMIER, in moving the second reading of this Bill, said that hon. members would see in the first schedule the number of Acts that the Bill proposed to repeal. They were so numerous and varied in their provisions that practically they were most inconvenient to work. A great many difficulties had arisen in the administration of that department, and it had been desired by everyone connected with it to have legislation on a sound and more compact basis. The object of the Bill was to repeal all the different Acts referring to that subject, and to introduce a measure which, while making provision for all difficulties in the working of the Acts suggested by past experience, would also have the effect of consolidating the Acts under which the various departments had been worked. The Acts repealed were 13 Vic., No. 26; 13 Vic., No. 27; 14 Vic., No. 22; 16 Vic., No. 45; 19 Vic., No. 15; 19 Vic., No. 19; 20 Vic., No. 37; 30 Vic., No. 21; 30 Vic., No. 23; and 38 Vic., No. 14. All the more valuable sections of those Acts he had reproduced in this Bill, and he had introduced some new matter without violating anything passed in previous legislation. The Bill was divided into seven parts, and subdivided into 166 sections. In reference to the clauses of the Bill, he would confine himself very much to where the law, as he proposed it, differed from the law as it stood. In doing so the first new feature, he thought, in the Bill would be found in section 13, where a new provision was made as to the size of the receivers and of the vats. Sections 18 and 25 were new clauses suggested by the wants of the department. At the present time there were no arrangements made for receiving material at distilleries, or for distributing in bond. It had been done, but whether in violation of, or in accordance with, the spirit of the law, he had never been able to determine. They had found it necessary to make arrangements for the distillation of material that had been imported into the colony, but he knew that he never could find any provisions in the present Acts to enable him clearly to do it. He fancied that it had been done probably in violation of the spirit of some Acts, but, at at all events, without any legal sanction, except that of the Treasurer's authority. The collection of the import duty on the unmanufactured as well as the manufactured article was a great inconvenience; and as it was of importance that the department should act legally in whatever was done, this clause provided means by which imported material might be dealt with legally. On page 9 of the Bill were a number of clauses dealing with the distillation of brandy for sale or exportation. All that matter was new. The Acts in operation at the present time rendered it necessary that the provisions included in sections 27 and 28 should be made. Clauses 36 and 37 provided for the equalisation of the excise and import duty on spirits. That matter, as hon. members knew, was met last year, and, having already been provided for, he did not know that it would be necessary to re-enact it. The next part, from sections 38 to 43, referred to the distillation of brandy for fortifying wine. The material alteration in that clause was as to the percentage of alcohol in the wine, the quality at present allowed being 25 per cent., and that allowed by this Bill being reduced to 20 per cent. Clauses 48 to 52 were new. They provided for a form of return to be kept by inspectors. This plan had been in operation for the past eighteen months, and had been found to work remarkably well, but it was important that it should be put into legal form. There was one clause to which he would draw the attention of hon. members, and that was clause 52. It was different from the existing Acts in fixing the allowance for leakage at 1 per cent. per month, instead of, as before, half that quantity. Clauses 53 and 54 would be found very

useful. With reference to the provision of lodgings for the inspector when working under the Act, he believed that a great part of the unpleasantness that had arisen between distillers and inspectors was due to the want of provision being made for the housing of the latter when the distilleries were a long way from town, and where the inspectors could not get lodgings. He knew of several cases where this had been made an excuse by the inspectors. Clause 54 was new, and provided for the numbering of the vats of spirits, a system which had been found very useful at present. Clause 59 would also prove most useful. Its object was to allow the inspector in charge to leave the distillery for two or three days at a time. At present the whole theory was that of inspectors actually seeing every drop of liquor passing down the pipe, but this was a provision by which a mechanical test could be applied to the amount of spirit that flowed from the distilling apparatus during the absence of any of the inspectors. They had tried to get this system into operation, and that it would work well he had very little doubt, but it required the sanction of law. Clause 71 was something to the same effect, providing means to enable the inspector to be absent for some considerable time. That would be very useful departmentally, for not only would it afford an efficient test of the spirit that had actually been distilled, but it would enable the department to work with fewer inspectors. Clause 75 was new, providing that bottling stores might be erected on distillery premises. That would be a great convenience both to the distillers and the public. Clause 78 was also new. It made legal a departmental improvement by which the quality or strength of the spirits was tested by weight. The plan had proved a success in Victoria and other places, and he believed it would be a great advantage if adopted universally here. Clause 81, providing that the distiller should not give, sell, or deliver spirits from the distillery, was also new. He did not think it could be considered excessively stringent, although it might appear so. Clauses 82, 83, and 84 were new. They provided for the removal of spirits under permit from distilleries to the Customs warehouses. The new idea was to throw greater responsibility on owners of distilleries. Under the old Act the officers of Customs took delivery of spirits at the distillery. Clause 94 referred to the arrangement by which spirits were used in varnishes and other materials. He had often thought that methylated spirits ought by law to be charged at the same rate as ordinary spirits, and in the absence of any such provision the present and previous Governments had taken upon themselves the responsibility of putting on methylated spirits a duty of 1s. 6d. a gallon, instead of the legal amount they ought to have put on—namely, 6s. 8d. Section 95 was a clause of the same kind. It had been customary to allow spirits for samples to be taken out of bond, but no provision had been made for it in any of the Acts now in force, and the clause would now legalise it. Part 3, sections 119 to 124 inclusive, referred to brewers and breweries. The first section of that part, which was new, provided that brewers should pay a license—none was provided under the old Act—of £50 a year. There were some other amendments in that part of the Bill, but it was scarcely necessary to draw the attention of the House to them now. Part 4, sections 125 to 133, referred to the sale of fermented and spirituous liquors. Clause 130 was the first innovation. In the existing law it was enacted that only parties selling spirits against the provisions of the Act should be punished. Under the proposed measure purchasers could be punished also. The clause provided for the punishment of persons purchasing less than two gallons from wholesale dealers. Section 131 was rather peculiar. It provided that fermented and spirituous liquors might be sold in quantities of two gallons, although the liquor may not be of one description. How far that would be an improvement he had not been able yet to decide; but, according to the clause as drawn up, any description of spirits might go to make up the two gallons. Clause 132 was a very necessary one. It provided that grocers were not to have spirits on their premises without a license. It was considered very necessary, by the department at all events, as it was almost impossible to get a prosecution against a grocer for selling against the law. If right of search were given to the department, it would give a check to what had been a source of wrong-doing for a long time, not in Brisbane only, but in all the other towns of the colony. Section 133 provided that a distiller, before he could sell duty-paid spirits direct from his distillery, must first obtain a spirit-merchant's license, and that the premises for the sale of spirits shall not be less than three hundred yards from his registered store. That provision had been found to work very well in other places. At present that law was very indefinite on the subject. Distillers were now universally in the habit of sending their spirits to the Government bonded stores, where it was taken possession of by merchants who must by law have a spirit-merchant's license. This clause would enable them to sell direct from their own bonded stores, provided they had a license as a spirit merchant. Clauses 137 and 138 were taken from the English aw, allowing auctioneers to sell by auction, without a spirit license, spirits that were not on the premises, and above two gallons in quantity. Part 5, clauses 139 to 142 inclusive, would be found very useful. It referred to the adulteration of fermented and spirituous liquors; but that subject could be more elaborately gone into in the debate on another Bill that was before the House. He had now noticed the principal alterations that the present Bill proposed to make in the law. Most of them he considered, and they would also be considered by the House, as good amendments on the present law. They had been mainly suggested by the working of the department for a long time, and there was no question as to the convenience it would be to the department to have one Act to work under, instead of the nine under which they were working at present. He would now move that the Bill be read a second time.

Mr. DICKSON said he must regret that the second reading of the Bill had been taken this evening, inasmuch as it was a most important matter; and, coming so early in the session, he did not think hon. members would have had time to make themselves acquainted with its provisions as fully as its importance deserved. He quite agreed with the Premier to the extent that the consolidation of the existing Distilleries Acts was highly necessary. They were already so devious and spread over so many statutes that legislation was a matter of necessity. It was now a matter of difficulty for the officials of the department to carry out the provisions of those numerous Acts; and, from that point of view, any consolidation of the statutes must be accepted as beneficial. The distilling industry was one which should as far as possible be encouraged; and he hoped that the Premier, in framing the Bill, had endeavoured to do away with the irksome annoyances of which distillers frequently complained. Before they proceeded with a measure of such importance in committee the Bill ought to be circulated amongst the principal distillers, and their suggestions upon it should be received and noted. The industry was a growing one,

and one which should by every legitimate means be encouraged, and not be thwarted by oppressive Acts of Parliament. He hardly inferred, from anything the Premier had stated, that the provisions of the existing Acts would be at all modified in that direction. He rather took it that there were more penalties to which the distiller was answerable, and altogether that he would find that the provisions of the measure, though more convenient to the Treasury and to the department, would be more irksome to him. The constant complaint made by distillers—and he believed it was not made without reason—was that the officials employed by the Inspector of Distilleries were men who took upon themselves a great deal more authority than it was ever intended that they should have, and that they on all possible occasions did everything in their power to place the distiller at a disadvantage, not to say at a pecuniary loss. He did not imagine that that was the intention of the Premier in framing the Bill, but he was fully persuaded that in dealing with an important subject like that they ought to have the advice of those chiefly interested—namely, the distillers themselves—and have an opportunity of considering their suggestions before proceeding with the consolidation of the existing distillery laws. In the subsection of clause 53 it was provided that—

"Any distiller licensed for a distillery not situated in a town or city, or within one mile thereof, shall provide (if required so to do by the inspector) fit and proper rooms for the residence of the officer placed in charge of such distillery, in some convenient situation approved of by the inspector."

Under that arrangement, a distiller might be bound to provide one of the sub-inspectors with a cottage for himself and his family. He would, at any rate, have to make accommodation for the sub-inspector, which would lead to an amount of expense beyond what the profits of the manufacture would justify. The distilling business was not a very profitable one. It was chiefly carried on for the sake of getting rid of surplus produce, such as molasses, rather than for the sake of any intrinsic profit that was to be derived from the distillation. The subject was a comprehensive one, and one that he was not fully prepared to go into that evening. In glancing through the Bill for the first time, he found that clause 39 provided—

"The spirits so produced shall be used only for fortifying the wine made by such vineyard proprietor, and such wine when so fortified shall not contain more than twenty per centum of alcohol of the specific gravity of eight hundred and twenty-five at the temperature of sixty degrees of Fahrenheit's thermometer. Wines so fortified which contain more than the proportion of alcohol herein specified shall be forfeited, and may be seized by an officer and sold by public auction by the inspector, as aforesaid."

If his memory was not at fault, the wines produced in this colony were so loaded with saccharine matter that upon analysis they had been found much stronger than Continental wines. The South Australian wines, he believed, had been found to contain as much as 25 or 26 per cent. of alcohol; and with regard to the Queensland wines—although he was not prepared to speak exactly—it struck him that 20 per cent. by no means showed the strength of our wines, the complaint being that our Australian wines in their natural state ranked as high as fortified wines produced on the Continent.

An HONOURABLE MEMBER: That is a mistake.

Mr. DICKSON said there had been an analysis of colonial wines recently, showing their very high percentage compared with Continental wines. However, he simply mentioned this because it appeared to him that the strength which the Bill provided should not be exceeded in fortifying wine was at present surpassed by the wines of the colony in their natural condition. He should like to point to clause 132, which provided—

"No person carrying on the business of a grocer, or vendor of supplies for household purposes, shall keep in his store or usual place of business any fermented or spirituous liquors, unless such person is the holder of a license authorising him to keep and sell such liquors."

While the provision itself was right enough, he could not understand the subsequent part of the same clause, namely:—

"Any person upon whose premises such liquors are found, and who is not in possession of a license as aforesaid, shall be liable, on conviction thereof, to a penalty not exceeding thirty pounds nor less than ten pounds; and all such liquors so found shall be seized and forfeited."

Under this subsection any private individual who happened to have a few cases of brandy in his cellar would be liable to the penalties of this clause.

The PREMIER: If trading in the business of a grocer.

Mr. DICKSON said it did not say so in the latter portion of the clause. He thought the introduction of the Bill would be beneficial, but at the same time, dealing as it did with a very important industry, and one which it was desirable to encourage, he thought that it ought to be well circulated amongst distillers, so that those people interested in its provisions should have an opportunity of pointing out where it would deal harshly with them; for it appeared to him that it provided new penalties, and made distillers appear as suspected persons. The distillers now complained that they were looked upon as dishonest men who must be closely watched. As all would admit, there were many distillers in this colony, respectable men, possessing large establishments, while the industry in which they were engaged was one which should not be unnecessarily hampered. Hon. members who represented sugar-growing districts would, perhaps, be better able to deal with the intrinsic merits of this Bill, and he should himself be prepared to deal in detail with several clauses to which his attention had been repeatedly directed. In that case, he hoped that in the committal of the Bill the Premier would give considerable time, so that those persons interested in the measure would be able to make their representations, which should be duly taken into consideration in conjunction therewith.

Mr. FEEZ said he wished to endorse the remarks of the hon. member who had just sat down—that the Premier should postpone the consideration of the Bill for at least a week. The measure was a most important one, and the industry one from which a great part of their revenue was derived. He thought that in this colony they were far behind the other colonies in their distillery arrangements. While there were some very serious encumbrances placed in the way of sugar planters in the manufacture of sugar and the distillation of spirits, they neglected the proper means for testing and ascertaining the actual strength of various spirits in the Customs Department. He thought the first step the Government should take should be to appoint a chief inspector of distilleries; not a man who was appointed simply because he had friends or influence, but a man thoroughly competent—a thorough analytical chemist, able to use the various instruments now in use for correctly ascertaining the strength of spirits. This step was necessary in view of the fact that the distillery industry was largely increasing every day, and that vast districts were being

placed under sugar cultivation. The revenue derived from rum manufactured in the colony from July, 1880, to July, 1881, was £41,821 3s., and there was every probability of its being considerably increased if they took away the encumbrances to the full development of the industry. He thought that one inspector of distilleries in each district would be quite sufficient, considering the heavy penalties which could be inflicted upon the distiller for evasion of the law. While, on the one hand, they were almost too watchful to prevent anything in the way of dishonesty against the Government, on the other they neglected to take proper steps to protect the revenue against the introduction of imports containing spirits from China and other places, which, owing to the deficiency of proper instruments and knowledge on the part of the Customs officers, were passed at a much reduced strength, whereby the revenue suffered. He believed the Collector of Customs had already taken steps to improve the system on the principle adopted in the other colonies. Considering the importance of the Bill, he strongly advised the Premier to give time for its consideration by allowing the second reading to stand over for at least a week.

Mr. BLACK said he entirely endorsed the remarks which had fallen from the hon. member for Enoggera as to the necessity of postponing this measure, at all events till an opportunity was given the distillers of the colony to make any suggestions they had to offer. It was quite certain that to consolidate ten Bills referring to the distillation of spirits would require mature consideration. He could well understand the difficulties which distillery inspectors encountered when they had so many Bills to work upon, and he did not wonder that the distillers had come to the conclusion that they were treated as criminals, and the inspectors were their gaolers. There were several clauses which, when in committee, he should refer to, but there was one clause to which he would particularly direct attention—clause 53—in which it stated that—

"Any distiller licensed for a distillery not situated in a town or city, or within one mile thereof, shall provide (if required so to do by the inspector)"—

Of course he would be—

"fit and proper rooms for the residence of the officer placed in charge of such distillery, in some convenient situation approved of by the inspector. And if any person so licensed refuses or neglects to provide such office and lodgings, the Treasurer may suspend or cancel the license held by such person."

He thought it would be found that this clause had been taken from the English Distillery Act, but there had been a slight omission made, he believed. In the English Act, the inspector was required to pay rent for this accommodation. He certainly thought that if the distiller was to provide all this accommodation there was no reason why he should not be recompensed in the way of rent. The Government were certainly deriving a very large revenue from the distillation of rum in the colony. As far as he could make out, the revenue must be something like £50,000 a year. According to the Government returns for 1879, there were 238,710 gallons of rum made in the colony, and he could only find from the statistics that there were 80,725 gallons exported—leaving, he presumed, a balance of 157,985 gallons remaining in the colony. Taking the duty at 10s., which it was at present, the revenue derived from that would be £78,000; and even at 6s. 8d. a gallon, which was the price during part of last year, the revenue would be £52,000. He certainly thought an industry which contributed such a large sum to the revenue was deserving of every consideration. There was clause 55, which said—

"Every distiller shall, immediately on obtaining his license, or a renewal thereof, or not later than the seventh day thereafter, furnish to the inspector a return in writing signed by him of every vat, receiver, still, or other vessel or utensil in his distillery. The return shall also set forth a correct statement of the contents in imperial gallons in every such vessel or utensil, as well as the number of imperial gallons that each inch of the height thereof is respectively capable of containing; and in respect of vessels in which it is intended spirits shall be kept, the number of imperial gallons that every inch and tenth of an inch of the height thereof are respectively capable of containing."

Now, what was the use of a clause like that? The duty was paid on the spirit after it was made, and what did it matter what sized vessels a man had got in his distillery? Immediately any spirit was taken out of the distillery it was gauged by the inspector. Then there were other useless clauses, and one in particular, which stated that there must be a separate building for the molasses, and that the molasses must be weighed and measured before going into the distillery. Why should this be? There was no duty payable on molasses. Then clause 73—

"No spirits shall be drawn out of the vats hereinbefore mentioned, except between the hours of nine in the forenoon and four in the afternoon, and in the presence of the officer on duty; and any distiller who draws off spirits at any other time, or in the absence of such officer, shall be liable to a penalty of one hundred pounds."

That would be a very serious inconvenience to distillers whose distilleries were any distance away from town, especially in a hot climate. Then there was another clause which provided that, notwithstanding the fact that the inspector was to keep the keys of the distillery, and everything was to be locked up, and he was to have full charge and control, yet if there was any deficiency found, the distiller, although he had no control over the distillery, was to pay at the rate of £1 for every gallon missing. Why, if there was a loss, it was the inspector's fault, and not the distiller's. In fact, this Act required very considerable consideration before it became law. He quite admitted the necessity of consolidating all these numerous Acts; but he should like to see some of the clauses made a little less stringent on the distiller. Certainly, if the Bill were passed as it was, a great deal too much power would be placed in the hands of the inspectors; and they should have, probably, a recurrence of the action taken by the Inspector of Distilleries last year, which was well known to members of the House, and of which he very much regretted that no full explanation had yet been given by the Government—that was, Sir Ralph Gore's action in closing up distilleries at Mackay in the very summary way that he did. He believed an explanation should be made of that matter, and hoped that it would be made before the session ended. He did not believe that gentleman's action was endorsed by the Government; and he had since then been removed from the position he then occupied. He thought that, pending the new Act, which was to cancel the ten Acts previously in force, it would be necessary to receive as many suggestions from distillers in all parts of the colony as they could possibly get. Very naturally, many of those suggestions would be in favour of distillers; that was only to be expected. When they had got all those suggestions they would be able to pass a very good and sound Act. He hoped that the second reading of this Bill would be deferred for, at least, fourteen days to come.

Mr. RUTLEDGE said that, although he did not go in for expensive beverages himself, he had no objection to other people doing so, under such legislation as would be likely to contribute to the object that was aimed at by this Bill. There were two or three defects, which were rather of a technical nature than otherwise; but, having a

great number of constituents who were engaged in the manufacture of wine from grapes, he would point out what he considered operated very harshly upon them. Section 40 said—

"Before such license is granted the applicant shall produce to the inspector a certificate, signed by the police magistrate nearest to the vineyard, certifying that the applicant has in cultivation and actually planted with grape-vines the quantity of land hereinbefore prescribed, and that such applicant is a fit and proper person to hold such license.

"Every such applicant, together with two sufficient sureties to be approved of by the inspector, shall enter into a recognisance to Her Majesty in a sum of not less than one hundred pounds nor more than four hundred pounds, conditioned that he will not use or permit to be used the still in respect of which he seeks a license for any other purpose than that specified in such license, and that he will not use or permit to be used any spirits made by him for any other purpose than that of fortifying his wines, as hereinbefore provided."

Such a clause as that seemed to him to be a dead letter, and would be practically inoperative as far as many persons were concerned who were living in places remote from where the police magistrate might live, or where he carried on his duties. How could a man calculate that a police magistrate would certify that he had two acres of land under cultivation of grapes? There was nothing in this Bill to compel a police magistrate to go and inspect a vineyard. In fact, a police magistrate generally had his hands so full of other matters that he could not be supposed to take the time and trouble to go and see whether an applicant had two acres of land under cultivation, unless there was some provision made by which a police magistrate, at the call of some person who desired to have a certificate, should go out and make an inspection, and take the necessary surveyor with him to certify that that was the area under cultivation. He did not see how the small growers would be able to take advantage of that part of the Bill. How could a police magistrate certify that an individual whose land he had never seen had two acres under cultivation of the grape? And it seemed to him an equally arbitrary proceeding to require that a police magistrate should certify that the applicant was a fit and proper person. He might say in his opinion the applicant was a fit and proper person, but no police magistrate would undertake to say absolutely that he was a fit and proper person. Then again, they found both in clauses 5 and 125 reference was made to a "place" and "places" which had been proclaimed in the *Gazette* as places where spirits might be distilled. But what was a "place" or "places"? There was nothing in the sections defining the terms employed in the Bill to show whether a "place" meant a locality within which wines might be made, or whether it referred to some identical spot, to a district or a single farm or house, as the case might be. He certainly thought that unless there was some definiteness about the Bill a great deal of confusion was likely to arise. They found in section 125—

"The Treasurer shall not grant a license for the sale of fermented or spirituous liquors by wholesale in any place which has not previously been proclaimed by the Governor in the *Gazette* as a place in which fermented and spirituous liquors may be so disposed of."

And following that there were the provisions providing that when the individual had made his application and paid his license this certificate should issue; assuming throughout that there was provision made for the Governor in Council to make such proclamation, and thus make these sections apply. There were many defects of that character throughout the Bill, but the larger questions upon which other hon. members had touched did not come within his province, and he should not, therefore, make any observations upon them.

Question put and passed, and the committal of the Bill made an Order of the Day for Tuesday, August 16th.

MARSUPIALS DESTRUCTION BILL—SECOND READING.

The COLONIAL SECRETARY said he need not go deeply into this Bill, which was the same as that which passed the House last year, but was, unfortunately, defeated in another place. He had during the year received a good deal of information on the subject, and believed that the Bill was very much wanted. A vast deal of good was done by the original Bill, but owing to its not having been in operation for twelve months a great deal of harm had been done during that period. Marsupials had increased enormously in some districts where they had rapidly decreased under the operation of the old Act. This had been the case in almost all parts of the colony, and to a greater extent than many people would believe. As an illustration of this he might mention that he had received a petition on the subject from Warwick, and he could not do better than read it to the House:—

"Warwick, May 12, 1881.

"To His Excellency the Governor and Executive Council of Queensland.

"The humble petition of the undersigned freehold and leasehold proprietors resident in the District of Warwick sheweth,—

"1. That in the year 1877 an Act to facilitate and encourage the destruction of marsupial animals was passed by the Legislature of the Colony of Queensland.

"2. That the Act was carried into effect in this district with marked results, namely, the destruction of"—

He would call the special attention of hon. members to the number—

"353,638 marsupials, and the expenditure of £10,378 in payments for scalps alone, exclusive of salaries and expenses, as calculated up to April 26, 1881.

"3. That notwithstanding the numbers thus destroyed, many portions of this district are still overrun with marsupials.

"4. That the Bill brought forward last session and passed by the Legislative Assembly met with very general approval in this district, and the previous Act suited in every way the requirements of your petitioners.

"Your petitioners therefore pray that you will be pleased to consider the advisability of reintroducing the aforesaid Bill during the coming session of Parliament, or one of such similar tenor as shall to your honourable Council seem fitting.

"And your petitioners, as in duty bound, will ever pray."

That said a good deal for the beneficial results of the last Marsupial Act, and it would not be necessary to dwell on a Bill which passed the House last year with very few opponents. What was good last year was very likely to be good this year. He regretted very much that the Bill was blocked last session in another place, as the result had been a great deal of harm to the colony. He moved the second reading of the Bill.

Mr. GRIFFITH asked the hon. the Colonial Secretary whether this was the same Bill as that passed last year?

The COLONIAL SECRETARY: Yes; it is a transcript of that Bill.

Mr. GRIFFITH: As it left this House?

The COLONIAL SECRETARY: Yes.

Mr. BLACK asked the hon. the Colonial Secretary, who had read a petition from the Warwick district, whether there were any petitions from other districts objecting to the passing of the Bill?

The COLONIAL SECRETARY: Not that I am aware of. Certainly none have been brought under my notice.

Mr. BLACK said he thought that if 353,638 marsupials were destroyed in one district, at a

cost of £10,378, and there were many other districts in the colony which were so afflicted with marsupials, the passing of a Bill of this sort was imperative. At the same time, he noticed that among the definitions a "district" was defined to be "any district defined by proclamation in the *Gazette* for the purposes of this Act." He did not know whether it was intended to make the Act compulsory all over the colony, because, if it was, very likely some districts might object to be brought under its provisions. He thought that any district which petitioned to be brought under the operation of this Act should be at once proclaimed, and not otherwise.

Mr. LOW said that, in reference to this Bill, he received a letter the other day from Goondiwindi, stating that where there were formerly only 200 or 300 marsupials there were now thousands. He thought the passing of this Bill would be a great benefit to the colony.

Mr. SCOTT said that after the passing of the Bill in this House last session he sent a number of copies to the Leichhardt district, and a few weeks ago it was pressed upon him very much to assist in having the Bill passed. He was quite sure it would do an immense deal of good in the district he had the honour to represent, and his constituents were anxious that it should be re-enacted.

Mr. NORTON said that after the amendments he proposed in the Bill last year he felt bound to say something on the subject, though he did not intend to speak longer than he could possibly avoid. He did not object to a Bill dealing with marsupials being passed, but he did object more strongly than ever to the principle of the Bill. It was the principle of the Bill that he objected to last year, and he objected to it now still more strongly than he did then. He could not see why, if the marsupials were such a pest on some runs, the owners themselves should not exterminate them. There might be one general tax all over the colony, and the whole of the payments could be made from one fund. Either one principle or the other should be adopted. This plan of dividing the colony into districts was a false one. He dared to say hon. members would remember that it was understood last year that in the first instance the tax would be levied throughout the colony, but where marsupials were scarce no second levy would be made. That provision was in this Bill. The effect of this, in some districts where the tax was levied under the old Act, was that the money was lying idle. In other districts where the Act was not in operation there were a great number of marsupials; while in other parts the runs were not infested at all. It appeared by the Bill that all the runs throughout the colony would be taxed only once. The effect of this would be that in some districts the marsupials would be exterminated, while in other districts nothing would be done; the good which was being effected in one part of the colony was being undone by marsupials being allowed to increase in others; in fact, what had been mentioned by the hon. member for Balonne would constantly occur. The hon. member said that in one district there were formerly not more than 300 kangaroos; now there were thousands. In other places where the Act was not enforced it was the same; a few marsupials went on breeding until the land was perfectly useless. That this was the case he knew; and what had occurred in one or two places might occur all over Queensland. The people all over the colony should be encouraged to get rid of the marsupials, not merely to reduce their number. If they only reduced them, they might go on paying every year until it became a continual tax. He had given notice of a Bill with regard to the destruction of the burr. If that Bill provided that the colony should be divided into districts, and that a general tax should be levied, it would be called absurd. In the one case it was a vegetable nuisance; in the other an animal nuisance. In the case of the burr, if a man had land covered with burrs he would remove them at his own expense. With regard to marsupials, one general fund should be made, and the whole of the payments should come from that. He knew that the argument which would be used was that there were districts in which there were no marsupials at all, and that there was no reason why the people there should be called upon to pay for the destruction of marsupials in other places. For his own part, he had travelled through a great deal of Queensland and New South Wales, and he had never been in any district which was entirely free from them. In the district where he lived some twenty years ago the marsupials had greatly increased. He knew it was no use his saying much about the Bill now. He spoke strongly about it last session. One hon. member—the hon. member for Blackall, who was not here now—supported him, and he believed the hon. member's opinion was just the same now as it was then. However, he would not say much about the Bill, but he felt bound to mention that his opinion was unchanged. He felt strongly on it now, and was satisfied that the principle of the Bill was a wrong one.

Mr. GRIMES said that he endorsed many of the remarks which had fallen from the hon. member for Port Curtis. He also desired to point out that, under the Bill, not only would the tax be levied upon runholders, pastoral tenants, and those who depastured flocks of sheep in those districts which were to be proclaimed, but every one who had a small allotment of ground would be called upon to pay 5s. per annum towards the destruction of marsupials. He did not know whether this was intended by the framer of the Bill, but it was the case. In the 10th clause, referring to the raising of money for the purposes of the Act, it stated that in no case should the assessment on any run be less than 5s. per annum; and the interpretation clause stated that a run was "any land, whether held in fee-simple or under conditional purchase, lease, license, or otherwise." If a man, therefore, had a quarter of an acre of an allotment, he would be called upon to pay 5s. per annum towards this fund; besides which, many working men in the country districts actually prized the meat of the marsupials. He thought that all farms under 100 acres should be exempt from the provisions of this Act.

Mr. FOOTE said he was not here last session when this Bill passed the House; but he had a lively recollection of the previous Bill which passed this House, and was in operation some three years. It was passed by the late, not the present Government. He believed that that Bill did a great deal of good in many districts, notwithstanding that there were districts proclaimed under it which were not necessary. For instance, when the Bill was being passed through the House it was understood by many supporters of the Government of that day that the Bill would not apply to East Moreton, West Moreton, part of the Darling Downs, and Wide Bay, where there was a thickly-settled population, and where the farmers and graziers had gone to a great deal of trouble to protect themselves against the pest. The Act was, as some thought, very improperly put in force in those districts, and bore very heavily on the population. The people complained very much about it. They said that they

had already protected themselves against the pest, and that now they were called upon to pay for the destruction of it, when it did not exist in their district to an extent that would materially affect their interest. This was regarded to be very unfair. Some districts—for instance, the one he now represented—petitioned the Government to have the district withdrawn from the operation of the Act, and he believed this was ultimately granted. He believed, too, that at the present day a sum of money was lying to the credit of the board which was not required for the destruction of the marsupial. If this Bill—which he had not read, not remembering having seen it until that night—was what they considered the other Bill to be—one giving the parties interested the power to protect themselves against this pest, and to levy rates or a tax upon stock for the benefit of themselves—he would have nothing to say against it. But he would most decidedly object to this Bill, or to any Bill being passed in that House to cause those parties who had already cleared the pest from their districts to such an extent that it no longer affected them detrimentally, to be further taxed. He said it would be very oppressive to this class of the population; and, moreover, if a Bill of this sort were passed, he considered that the working of it would be much better invested in the divisional boards. The men composing these boards would best know what was wanted in their districts. Still, he thought it was oppressive to pass a Bill of this sort—bearing upon all the districts of the colony, as desired by the hon. member for Port Curtis. In the district of Rosewood, for instance—which the hon. gentleman, Mr. Meston, represented—there was hardly such a thing as a kangaroo or wallaby to be found in the whole district. To propose to tax those people would be very arbitrary, and no such district ought to be proclaimed as coming within the meaning of the Act for the purpose of raising such a tax. He was quite aware that the marsupial was a very great pest and had cost the country a great deal of money, nearly causing ruin to some parties; but he still thought that the burden of the Bill should remain with those who reaped the benefit from it, and not generally upon the settlers.

Mr. H. PALMER (Maryborough) said he quite agreed with the remarks of the hon. member who had just sat down, that the working of this Marsupial Act should be entrusted to the divisional boards. He had intended, if he said anything on the subject, to make the same suggestion, as he considered that these boards were the proper bodies to work the Bill. The gentlemen composing them knew best whether it was required in their district; and the Bill would in that way be worked much better than if it was carried into force by the Government or separate boards. He was quite sure, from the working of the late Act, that this would not work fairly throughout the colony. In his own district very many of the settlers, during the three years the old Act was in force, never paid a penny. The willing ones paid for the unwilling. Many of the lessees and runholders were not troubled with the plague, and they thought it hard that they should be called upon to pay for those who were; while many who had taken means previously to keep down the plague were yet called upon under the Act to pay for the neglect of others. He granted that the plague was a great nuisance in some districts, and that encouragement should be given to stamp it out. He could well understand from the discussion on the sale of land in the Peak Downs district that the plague was a great nuisance there; still, those who purchased the land there were not deterred from doing so by it. They gave 10s. an acre, taking the plague with it. The land being worth it, they would run the risk of getting rid of the marsupial. This showed that the land was not destroyed by the marsupial. He had done his best for years to keep down the plague, and had had to pay for his neighbours, who had taken no steps to do so. To place the matter in the hands of the divisional boards would save a great deal of expense, and the people on them would take the steps to carry out the Act in its entirety. He objected to the provisions of the 12th clause:—

"12. The assessment under this Act shall be paid to the clerk of petty sessions nearest to the run on which such assessment is made, within two months after it has been levied. Provided that any board may, if it is deemed necessary, levy a second rate of assessment during any year after an interval of not less than six months from the date of levying the previous assessment. Provided also, that such additional assessment so levied within any one year shall not with the first exceed the sum of five shillings for every twenty head of cattle, and five shillings for every hundred sheep."

He looked upon this as very heavy, considering the amount of taxes they were already called on to pay. He did not look upon the marsupial as a very great plague. Everybody had it more or less, and with a little diligence on the part of the lessee they might be kept down without this Act at all. He thought, therefore, that considerable amendment might be made in it, more especially by incorporating into it the suggestion made by the member for Ipswich—that the control of it should be incorporated with the divisional boards—who, he believed, were the proper people to work the Act.

Mr. DE SATGE did not agree with either of the two hon. members as to the divisional boards working the Act. He thought when the subject of the boards came under discussion—if it did this session in the House—they would meet with very general objection from those who had had the opportunity of watching their progress in the outside districts. They were hardly likely, therefore, to add to their duties the working of an Act like this, which proposed to confer a national benefit, and which must be met in a national manner by sacrifices for all hands. The pest was not merely a growing evil. It was a national calamity, and this Bill, he need hardly say, met his complete approbation. Great disappointment was felt by the failure of the Bill of last session. The subject did not only concern districts which had already felt the evils of the pest. They could not conceal from themselves that the evil had spread to districts where they believed, five or six years ago, the kangaroo or marsupial generally could find no shelter. It was an evil to meet which sacrifices should be made on all sides, as unless it was exterminated it would tend to lower their securities. What the rabbit had been to Victoria the marsupial would be to Queensland. If not exterminated, the general value of the estate of the colony would be very much decreased indeed. He believed the general bulk of the farmers, free selectors, and lessees were ready to make the necessary sacrifices to get rid of it, and to help each other as they ought to do under such circumstances. The district which he especially represented was one which would have to pay very largely, and it would press more heavily there than any other place in the colony; but he believed and felt confident that the lessees in that district would be amongst the first to make the sacrifice, and pay up towards the extermination of the evil. They all knew the destruction which had been done by the marsupials to one of the finest sheep districts in the colony. Its present state showed how necessary this Bill was. It should have been passed as a matter of prevention—which was better than cure—ten years ago; then they would now have been reaping the benefit of it. He should heartily support the Bill.

Mr. FEEZ said he strongly endorsed the statements of the hon. member for the Mitchell, and entirely disagreed with the argument that a matter so important to the well-being of the colony should be placed in the hands of the divisional boards. The argument was quite illogical, because it was in the outside districts that the marsupials were now most numerous, and the only objection which had been raised to those boards was that the affairs of the outlying districts had not been beneficially managed by them. In the inside districts the marsupials had to a great extent disappeared, owing to the settlement of the country, and it would be useless to expect that the boards in the outside districts would be able to undertake the carrying out of the Act. When he informed his squatting friends on his return to Rockhampton of the fate of the Bill of last session, they expressed great surprise that it should have been thrown out by the Upper House. Men holding the largest pastoral areas in the Western and Central districts were now quite willing to assist to remove an evil which only those who had seen the beautiful country destroyed could thoroughly appreciate. He believed there was no measure that would be received with more satisfaction by the greater portion of the community in the Central and Northern divisions. The evil was probably not so great now in those districts where population was settled, but if action was not taken the rich pastoral districts of the West would be reduced to the same state as the Peak Downs and Springsure districts were reduced to until they were restored to usefulness by an immense outlay in marsupial-proof fences. A sacrifice must be made by all in order to carry out a great object, and, as this Bill would be a benefit to the whole of the country, he sincerely hoped that all hon. members would join in passing it. It had been fully discussed last year, and was probably now as perfect as a measure of the kind could be made.

Mr. BAYNES said the Bill would be hailed with the greatest satisfaction in the district he had the honour to represent. The matter was fully discussed last year, and he regretted with the Colonial Secretary that the Bill passed last year should have met with the fate it did in another place. He was very glad to find that the hon. member for the Mitchell, whose constituents were not at present troubled with the pest, had stated that they would be prepared to bear their share of the burden of the tax. He considered it was the duty of the whole colony to assist. It had been stated by an hon. member representing a farming district that the farmers did not suffer, but he believed they suffered equally with the pastoral lessees, and perhaps to a greater extent. It was a pity the hon. member did not travel more outside his own district. He hoped the Bill, with, perhaps, some small amendments, would become law.

Mr. McLEAN said that anyone remembering the discussion that took place in the House last year would have come to the conclusion that the pastoral lessees were no longer in need of any assistance from the State. Hon. members had been told that the pastoral lessees were rolling in wealth; that they could dispense with this and that kind of labour, and were entirely independent; but now the same class were coming to the House asking for special legislation, which was nothing else than protection. The hon. member for Port Curtis objected to persons in districts not infested having to pay equal shares with people of other districts; but the hon. member might have taken higher ground, for by this measure every man, woman, and child would have to pay for this protection to a certain class, and the district would have to pay the most in which the largest number of people were collected.

The COLONIAL SECRETARY: No.

Mr. McLEAN: For every £100 raised by assessment, £100 would be given from Consolidated Revenue.

The COLONIAL SECRETARY: You never read the Bill.

Mr. McLEAN: I have.

The COLONIAL SECRETARY: Then you did not understand it.

Mr. McLEAN said he had read the Bill; perhaps the hon. gentleman himself had not. The 17th clause provided that, in addition to the money accruing from the assessment levied on and paid by owners under this Act, a sum equal to the amount of such assessment actually paid into the Treasury from any district should be placed to the credit of the account of such district from the Consolidated Revenue. Therefore, where the largest number of people were collected the largest portion of the tax would have to be paid. He was not going into any opposition of the Bill; he hoped that the anticipations of the Government would be realised, and that the Bill would effect a cure. The hon. member for Port Curtis, however, might have taken higher ground for his objection.

Mr. MESTON said the importance of such a Bill could only be fully understood by those who knew what a gigantic evil the marsupials had become. It was difficult to form the slightest conception of the mischief they had done throughout the colony. This was a question of mutual taxation for mutual benefit. If the country suffered, the towns suffered; one was altogether dependent on the prosperity of the other. It was quite true that in farming districts, particularly in such a district as the Rosewood, the farmers had incurred a considerable amount of trouble and expense in constructing wallaby-proof fences round their selections. That, however, did not destroy the marsupials, but simply shut them out into the pastoral districts outside, and if they were not killed outside the farmers were under the necessity of periodically renewing their fences when they fell into decay, and the amount spent in that way would be equal to what they would be called upon to pay as a marsupial tax. In the district of Fassifern the Act had worked particularly beneficially. There the settlers had constructed wallaby-proof fences round their selections, and the destruction of the marsupials outside had been such that, where there were originally myriads, they were now so far reduced in number as to be almost incapable of doing mischief. Under this measure the necessity for renewing fences as they decayed would decrease in such cases. He was glad to hear from the hon. member for Oxley that it was customary with some settlers to utilise marsupials as food. He could assure hon. members that a junket of paddamelon, or a fricassee of wallaby, might be regarded as a delicacy, and that wallabies, properly treated, made soup quite equal to hare soup. While on the subject he would express his regret that immense numbers of marsupial skins should be allowed, year after year, to be destroyed through neglect, while with a very little trouble they might be made a source of income to those who obtained them. He fully recognised the importance of this Act as one necessary to meet what might be regarded as a national evil, and hoped it would become law.

Mr. WELD-BLUNDELL said the feeling with regard to the Bill seemed to be so completely unanimous both in the House and outside

that it was hardly necessary to say much about it. Coming, however, as he did from a district which had suffered much, he might state that both in that and in the neighbouring districts the feeling was exceedingly strong that, unless some steps were taken to destroy the marsupials in a systematic way, an enormous amount of mischief would result, and land which was now valuable would become worse and worse until it had to be abandoned. A statement had been made to the effect that it was the pastoral lessees who would benefit, and that the farmers were interested to only a small extent; but he believed that the farmers, in proportion to the size of their holdings, were called upon to pay infinitely more than station-holders in respect to fencing. It would be found that selectors, as a rule, required four or five times the mileage of fencing in proportion to the size of their selections, as compared with what was necessary for a station. A man, for instance, with 50,000 or 100,000 acres of land might enclose it in a ring fence of about fifty or sixty miles in length, whereas a farmer owning a piece of land of irregular shape would have to erect a considerably larger proportion of fencing—especially, as in case which came under his notice in the Clermont district lately, where a selector first took up a small piece of land and fenced it, and afterwards added to the selection and fenced in the additions. In such cases it was astonishing what a large amount of fencing would be required for a small selection. Without wallaby-proof fencing the whole country was useless, perhaps more so to the farmer than to the station-owner. In many districts like the Peak Downs there were thousands and tens of thousands of acres of rich black and chocolate soils, with running streams through them, and otherwise perfectly suited for settlement, which had been in many instances rendered perfectly useless. The land was either not large enough for the squatter to fence in, or else it was not tempting enough to the selector, and the consequence was that the whole of the land was gradually, but permanently, becoming overgrown with dense scrub. He said the longer they put off this question, as one affecting Queensland generally, the more certainly were they losing year by year thousands of acres of land that would be valuable for selection.

Mr. BAILEY maintained that the farmers were very much interested in that Bill. He knew that for many years they had to put up wallaby fences, and had to protect their crops in the best way they could; but under any Marsupial Act yet passed they had not reaped the slightest benefit. Under the provisions of this very Act, the qualification of members of marsupial boards was, that they were to be owners of not less than 500 head of cattle or 2,500 sheep. They might have any number of acres of land, but as they were not qualified thereby, the Bill was evidently not intended to be for the benefit of the pastoral tenants, and he maintained also that it would very slightly benefit the farmers.

Mr. SIMPSON intended to give this Bill his general support, although he would like to see a few amendments. He confessed he would like to see the whole colony treated as one, instead of being divided into districts. He would prefer the payments to be general all over the colony without variation, so that every district might have to contribute its fair share, whether it had the marsupials or not. He gave this as his opinion more fairly in that he was not interested. It would be to his personal interest to have to pay nothing, and to have the colony divided into districts, for he thought his district would not have to pay a very great deal. He failed to see in the definition of "run" that anyone without stock had to pay. He knew it was pointed out in the 10th section that "in no case shall the assessment on any run be less than 5s. per annum." He took it that the person holding the run must have stock of some kind or other. He was told that it was not so, but he considered that the holder must have stock, or he would not have to pay. That was his reading of it. Certainly, if every holder of land, whether he was a farmer, or gardener, or anything else, had to pay 5s., he (Mr. Simpson) would not like to see it passed. If a man were a grazier he would have an interest in the destruction of marsupials, but a man who had land without being a grazier would not have any interest in it. He (Mr. Simpson) should like to see that point made quite clear, because he did not see that a man with a few acres of land should be compelled to pay 5s. a year. Without doubt, this was a Bill for the benefit of stockowners and graziers, whether large or small, and he would not be a party to making a man with a small area of land pay that sum to keep down the marsupials.

Mr. MACFARLANE said that, although he did not belong to a farming district, yet he came into contact with a great number of farmers, some of whom in one district were in favour of taxes, but, with that exception, he did not think there was another locality where the farmers were in favour of it. It was rather amusing to hear the hon. member for Mitchell say they should do what they could to exterminate this plague, but as farmers were already taxed very heavily by the divisional boards they did not care to be taxed any further. He liked best the view taken by the hon. member for Mackay (Mr. Black)—namely, that the Bill should take the form of a permissive Bill, giving districts permission to petition for the Act to be put into force if the pest was very great in their district. This, he thought, was the proper way to look at the matter. If a district was not troubled with this pest he did not think the inhabitants had a right to suffer for those which did. He thought it was a good thing to stamp out the plague, but at the same time he thought the persons interested ought to do it themselves. There was one matter which he had heard mooted by some persons—he did not know whether it was correct or not—but he had heard that in the Darling Downs there were some clever Germans who had manufactured the scalps. He did not know whether there was any truth in the matter or not, but it would be worth while to appoint inspectors thoroughly qualified for the position in which they would be placed, so that they might be able to find out whether such a thing was carried on or not. He did not think it was, and he only mentioned the matter so that attention might be drawn to it.

Question put and passed. The Bill was read a second time, and its committal made an Order of the Day for Tuesday next.

MINES REGULATION BILL—SECOND READING.

The MINISTER FOR WORKS, in moving the second reading of this Bill, said it had been framed in the interests of the mining community. A similar measure to this existed in the colony of Victoria. A Bill was passed there in 1874, and amended in 1877, and of that Act this Bill was nearly a counterpart. The Bill which was passed in 1874 was framed to protect the lives of the miners to a very large extent; in fact, mining accidents were reduced within a couple of years to one-half what they had been before the Bill became law. Now, although they had fortunately been so far exempt from any serious accident, still occasionally they were startled by reading in the newspapers of accidents

by which men lost their lives, and accidents which, to a very great extent, were preventable. He thought most hon. members would agree with him that if it were possible by any legislative means to prevent accidents, it was their bounden duty to do so. The Bill had been framed as much as was possible to bear lightly on mine owners; to impose upon them as little expense as possible, and, at the same time, to protect the miners. The Bill introduced by himself in 1879 had undergone some alterations which he considered were also improvements. Some of the clauses and minor details of the Bill were objected to by hon. members, and some alteration had been made in that respect. He might say that the two Acts under which mines were worked in England contained provisions of a very much more stringent nature. There was a Mines Regulation Act in New Zealand, in Victoria; and, in fact, in every country where mining was carried on to any extent the mines were regulated by an Act similar to the one now before the House—framed almost entirely in the interests of the working miner. Hon. members would recollect that in the Bill introduced by him in 1879 there was a clause which was very much objected to by hon. members on both sides. That was the 3rd clause in Part I., which threw the onus of an accident entirely on the owner of a mine, and took the fact of an accident having happened there as *primâ facie* evidence that it was caused through some negligence on his part. That had been altered to some extent, and clause 3 now read as follows:—

"In the event of the contravention of or non-compliance with this Act in any mine, by any person, the manager of such mine shall be guilty of an offence against this Act, and shall, except where express provision in regard thereto is hereinafter made, be liable to a penalty not exceeding ten pounds.

"Provided that such manager shall not be deemed guilty of such offence if he proves to the satisfaction of the court that he had taken all reasonable means of enforcing the provisions of this Act, and of preventing such contravention and non-compliance."

That was a thing which, he had no doubt, would be very easy on the part of a manager or owner, if he had complied with the provisions of the Act. Clause 4 also differed slightly from clause 4 in the former Bill. A portion of that clause rendered the Act not applicable to mines in which less than six persons were ordinarily employed. The reason for that was that on most of the goldfields of the colony, mining operations were carried on by small parties of miners who worked on the co-operative system as partners. It had been thought advisable not to apply the Act in such cases, as the claims so worked were generally much shallower than those to which the Act would properly apply. They very seldom found small parties of three, four, or five miners on ordinary goldfields working much deeper than 100 feet; and it was generally found that it was in the deep shafts that accidents chiefly occurred. He had thought it advisable, therefore, that the ordinary working miners, working on the system known to everybody who had been on a goldfield, should be exempted from the operations of the Bill. Clause 5 contained the general rules applicable to all mines. There had been some slight alterations in detail in those general rules from those introduced before, and which he thought were improvements in the direction indicated by many hon. members on the occasion of the former Bill being discussed. The first general rule provided—

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

Some Acts provided that a certain amount of ventilation should be provided in each mine; but it had been thought advisable that the amount of ventilation should be what the inspector might deem sufficient, because the same amount of ventilation was not required in all mines; in fact, there would be very few mines that required exactly the same amount of ventilation. To render the Act as little oppressive as possible to mine owners he had adopted the words "adequate amount of ventilation," which he thought preferable to saying that so many hundred cubic feet of ventilation should be provided, which was the case in some Acts. The 2nd rule provided for the storage of gunpowder or other explosive, with the view of preventing accidents from that cause, and it was laid down that not more than eight pounds of an explosive should be taken into the mine at any one time, and that a workman should not have at one time and place more than one canister containing eight pounds in use. The same rule also applied to charges that had missed fire, and it was provided that such charge should not be visited until at least half-an-hour after the fuse had been lit. That was a very safe and necessary precaution to take. They had all read of accidents having occurred through miners going too soon to a charge after it had missed—in fact, before the charge had had time to explode, through the fuse or the powder being damp. The consequence had often been that the charge exploded while the miner was looking at it. It was also provided that in drilling or drawing out a charge no iron or steel drill should be used. It was not often that iron or steel drills were used, but they sometimes were, in defiance of all rules of precaution. A wooden drill shod with copper was the proper thing to use. By using a strong hardwood drill with an old penny at the foot of it there was no danger in drilling. In drawing out, also, a copper pricker should be used instead of a steel or iron one, and with safety. The 4th rule did not apply to any mine at present existing in Queensland, but he had thought it necessary to insert it, as the mining industry was progressing, and it was just as likely as not that our coal-mines would soon be in that position when horses would be used for drawing material underground instead of men. The 5th general rule provided that man-holes should be constructed as places of refuge for the miners when waggons were going up or down. It was unnecessary to go over all the rules in the Bill, and he would refer only to those which he considered the most important. Rule 10 provided that—

"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—

"(1.) From the bottom of the shaft, and from every entrance for the time being in work between the top and the bottom to the top, and thence to the engine room; and

"(2.) From the engine-room and top to the bottom of the shaft, and to every entrance for the time being in work between the top and the bottom of the shaft."

He had known accidents take place through the absence of a precaution of that kind. Miners below ought to be able to communicate with the man working the engine. It was a very simple thing to provide a means of communication, and it would cost almost nothing. It had been found the means of saving life and preventing accidents. Rule 15 said—

"No person under the age of eighteen years shall be placed in charge of or have the control of any steam engine used in connection with the working of a mine. No person in charge of the steam machinery working in a mine shall, under any pretext whatever, unless

relieved by a competent person, absent himself or cease to have continual supervision during the time such machinery is so used."

He had known boys fourteen or fifteen years of age placed in charge of engines for the purpose of raising and lowering men and materials, and he thought such a thing was very objectionable. No person under eighteen years of age should have control of a machine by which men might be injured; and the person in charge of an engine should not leave it on any pretence whatever, but should always be there to attend to the signals made from below. Rule 16 provided that—

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

That was very seldom attended to, and it was very important that it should be. Rule 18 said—

"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 a mine in compliance with this Act. No person shall, after any shaft has become disused for mining purposes, wilfully damage or render it useless by the removal of any fencing, casing, lining, ladder, platform, or other appliance provided in such shaft, without the consent of the Minister or inspector."

He considered that a very important rule, especially the latter portion of it which provided that abandoned shafts should not be destroyed. That was very often done by miners out of pure mischief. After having sunk a shaft and got nothing, they became so annoyed that they took it into their heads to destroy the shaft, so as to prevent any other persons from using it and reaping any benefit from their labours. After a shaft had been sunk to no purpose the men who sank it had no right to destroy it: it should revert to the Crown; and as there was a rule which provided that it should be properly covered and securely fenced in, no accident could happen from people falling down it, and it would be available for any future party who chose to take it up. Hon. members must have heard of cases where shafts had been sunk and abandoned, and where three or four attempts had failed before gold was eventually found. If the shaft had been destroyed, a new one would not have been sunk there; but, finding the shaft, they were venturous enough to try it again, and fortunate enough to find gold. In some cases in Victoria, before an Act of this kind became law, it was known that shafts which had cost many thousands of pounds had been destroyed through sheer malice; and that it ceased immediately after the Act came into force. There was one case in particular where a shaft had cost £30,000, and it was destroyed through sheer malice simply to prevent any other person from reaping any benefit from that expenditure. Rule 20 provided that—

"The mining manager shall, once in each week, carefully examine the buildings and machinery used in the working of the mine, and the condition of the mine itself, and shall record in writing, in a book kept for that purpose, his opinion as to their condition and safety, and any repairs and alterations required to ensure greater safety to the persons employed therein."

He thought that by this weekly inspection there would be a very great lessening of mining accidents. The next rule provided that—

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

Clause 5 provided that—

"Every person who contravenes or does not comply with any of the general rules in this section, shall be guilty of an offence against this Act; and in the event of any contravention of, or non-compliance with, any of the said general rules by any person whomsoever being proved, the mining manager shall also be deemed guilty of an offence against this Act, unless he proves that he had taken all reasonable means by publishing, and to the best of his power enforcing, the said rules to prevent such contravention or non-compliance."

Clause 6 provided:—

"A printed copy of the rules contained in section five of this Act shall be posted in the office, and on a building or board in some conspicuous place in connection with every mine. And every person who pulls down, injures, or defaces a notice hung up or affixed as required by this Act shall, for every such offence, be liable to a penalty not exceeding forty shillings."

Clause 7 provided:—

"The persons employed in a mine may, at their own cost, appoint two of their number to inspect the mine, and the persons so appointed shall be allowed once at least in every month to go to every part thereof, and to inspect the shafts, levels, planes, working places, return air-ways, ventilating apparatus, old workings, and machinery; and the manager (who may if he thinks fit accompany them) and all persons in the mine shall afford every facility for such inspection, and the persons so appointed shall record the result of such inspection in a book kept at the mine for the purpose, and the report shall be signed by the persons inspecting."

This provision had been put in because it had often been stated that miners, as a rule, did not care about being supposed to be too particular in looking after the safety of the mine in which they were working. Sometimes they thought that if they were too careful they would be supposed to be cowards. At other times they might be afraid to say anything that would lead the manager to suppose that they were too careful about themselves. Therefore this clause gave them the authority of law on their side, and to a certain extent would remove from them any disagreeable consequences which might occur without the authority of law. If they wished to inspect the mine, or supposed that it was in a dangerous condition, and did not wish to reveal the fact to the inspector, this clause would strengthen them in their position. He would not say that the clause would always be acted upon, but even if it were only acted upon occasionally it might be sufficient to prevent accidents. Clause 9 provided that—

"If any person employed in a mine suffers injury in person, or is killed owing to the non-observance in such mine of any provision 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 or his agents, the person injured or his personal representative, or the personal representatives of the person so killed, may recover in the nearest District Court from the owner compensation by way of damages, as for a tort committed by such owner. 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 which such person was to be employed, and all charges arising under the provisions of this section shall, as between themselves, be paid ratably."

This provided that the miner who had suffered an injury from negligence or carelessness on the part of the manager, or owner, or his agents, should have a remedy at law. There was little or no remedy at present. He might say that the clause in the English Act relating to this subject was very stringent, and he thought it was not very long since a new Act came into force in England—the Liability of Employers——which protected even more stringently, not only miners, but all servants employed by other persons. He thought it was very necessary that the clause relating to compensation should exist. It would certainly cause mine owners and mining managers to be more careful. Clause 10 related to inspection of mines. It was the clause which was introduced as an amendment by the leader of the Opposition, and taken from the Imperial Act. He thought fit to adopt

it instead of that in the former Bill relating to inspection. The clause adopted defined the duties relating to the inspection of mines more clearly. Clause 11 provided that employés should inform employers of breaches of the Act. That, he thought, coupled with the clause about miners' inspectors, if worked together, would prevent all accidents which were preventable. Clause 12 provided that—

"The mining manager shall, within twenty-four hours after the occurrence of any accident attended with serious injury to any person, give notice thereof to the inspector; and any mining manager who wilfully omits to give such notice shall be deemed guilty of an offence against this Act. No portion of a mine where an accident has occurred shall be interfered with, unless with a view of saving life or preventing further injury, until it has been examined by the inspector or jury appointed to inquire into the cause of such accident."

Clause 13 provided that the onus of proof should lie upon the defendant that he was not the person in charge of the mining operations. Clause 14 provided for inquests on deaths from accidents which might have taken place in the mine. Clause 15 provided what was an offence against the Act, also the penalty. Clause 16 provided that—

"No wages or contract money shall be paid to any person employed in or about a mine to which this Act applies, at or within any public-house or place for the sale of spirituous or fermented liquors, or any office, garden, or place belonging thereto. Any person who contravenes this section shall be guilty of an offence against this Act, and shall be liable to a penalty not exceeding five pounds.

This clause, he believed, was very seldom infringed in Queensland, yet it might be very necessary to prevent any attempt being made to pay wages at public-houses—a practice which afforded too much temptation for miners to get rid of their money. The second part of the Bill related to collieries only. It was very simple, and contained very few provisions. Clause 17 provided for the prevention of explosions from noxious gases in coal and shale mines. He might say that so far as his own knowledge went there had been very little discovery of noxious gases in the coal-mines of this colony. Whether it was that the mines were too shallow or had not yet generated gases he could not state; still it was a fact, for he believed there was only one case known where a mine had generated noxious gas. However, it was better to insert the clause relating to these things to ensure safety. Clause 19 provided for the framing and adoption of special rules. This was a matter which was looked upon as very important in collieries in most parts of the world. He did not know whether there were coal-mines in any part of the world outside of this colony where these rules were not made. He knew it was the case in Europe, Great Britain, and in America. These rules would be adopted with the concurrence of the miners, for whose guidance and benefit they would be. Clauses 21 and 22 provided for the promulgation and amendment of special rules. Clauses 25 and 26 provided for the payment of what was called a "check-weigher"—another very important thing in the interests of coal-mines, and which existed everywhere where coal-mining was carried on to any great extent. That was the practice in America, in England, and he believed it was so in New South Wales. It provided that the miners should appoint a check-weigher, and that he should take tally of all the coal that came up, and to see that each miner had his own portion. It also provided that if this check-weigher was guilty of any irregularity he might be removed, and be prosecuted before any court of petty sessions; but his removal did not deprive the men of appointing another in his place. Clause 27 provided for penalties for breaches of the Act. Clause 28, which was a very long one, provided for the mode of ascertaining encroachments, and the way in which miners were to go about getting redress. Clause 29 provided for the recovery of penalties. The Act had been made as simple as it possibly could be consistently with the protection of life, and consistently with the protection of miners from having too many burdens put upon them. The Bill was one that had often been spoken of by the miners of the colony, and had been greatly desired by them. He himself had been spoken to by both coal and gold miners, and he knew, himself, the opinion of gold-miners personally. Although, as he had said before, they were free from many accidents, he thought it simply arose from the fact that most of our mines were very shallow, a great portion of them being actually surface mines. But they had several gold-fields which were going on at a very progressive rate, and they had got into very deep mining at Charters Towers and at Gympie. He thought it was specially in the interests of those employed in gold-mining that this Act should come into operation. In committee, probably, some details of the Bill would be discussed and require alteration. He was not wedded to the details of the Bill, but, as a person particularly well acquainted with the requirements of miners, he believed the details were such that they would be generally approved of if carried out. He had great pleasure in moving that the Bill be now read a second time.

Mr. FOOTE said he should have thought a Bill of this importance would have met with more discussion than it appeared it was likely to receive. He had read this Bill very carefully, and the first part of it he had taken as applying simply to gold and copper mines; but he observed that the Minister for Works, in referring to clause 5, said the regulations applied to the whole of the mines. Was that so?

The MINISTER FOR WORKS: Coal-miners may make special regulations.

Mr. FOOTE: Then the first part did not include coal-mining?

Mr. GRIFFITH: Yes; all mines.

Mr. FOOTE said perhaps he did not put his question rightly. Did he understand the Minister for Works to say that the matter of ventilation and the references to gunpowder applied to all mining?

The MINISTER FOR WORKS: Yes.

Mr. FOOTE said, then the observations he intended to make upon the measure would be altered to a considerable extent. There were many people in the district he represented who felt a great interest in this Mining Bill, and he had taken the trouble since last session to get copies of the Bill circulated amongst them; and they agreed with him that the latter part of the Bill, which referred to the collieries, was not of sufficient importance to be passed as a measure; but it made a material difference when he found that the general rules applied to all mines. He believed in the Bill so far as it went, and thought it met a want that existed at the present time. Of course, a Bill of that sort was open to amendment when necessity might require it; and as the coal-mining interest was growing in importance every day, and likely to become something very great in the next ten years, he was only too happy to see such a Bill brought in, and he trusted that it would meet with the approval of the House, which he had no doubt it would. The question of ventilation appeared to him to be sufficiently defined, but the Minister for Works, who introduced it, had stated that that matter had better be left to the inspector in

charge, as the mining operations in coal that were now being carried on were merely working the surface coal from the first veins. The care that had been taken in framing this Bill and providing for ventilation, spaces for horses, roads, etc., was very creditable indeed, and it would, no doubt, be found applicable to the purpose for which it was required. There might be some amendments which he might like to make in committee, and he hoped the Ministry would not press the Bill into committee too soon, as they were alterations upon which he should like to consult some persons who were practical miners.

Mr. McLEAN said he thought that, when a Bill of this nature came before the House, hon. members who represented mining districts would have something to say in the matter. He thought the Minister for Works was to be congratulated upon not having been successful in passing his former Bill on this subject two years ago, as this was a considerable improvement upon the one then introduced. The subsection of section 5 was a very important one; but he was afraid that it would not result in a great deal. There was no doubt that a large number of lives had been lost through want of discretion in drawing charges that had missed fire; but he thought that a subsection of this nature would not prevent persons from following up the mode that they had adopted hitherto—that was, getting the shot out in the shortest and speediest way possible. Instead of saying that a charge which had missed fire "may" be drawn out by a copper pricker, the word should be "shall," and not leave it optional. He should make it imperative that it should only be drawn by a copper pricker. In general rule 17 it stated that once in every six months every boiler should be subjected to hydraulic test, but it did not state who was to make the test. Was it to be the manager of the mine or the inspector who was to test the boiler? The clause simply said that a record should be kept to show that such a thing had been done, but made no provision as to who was to do it; but that would probably be explained by the Minister for Mines when the Bill was going through committee. Another important matter upon which the Minister in charge of the Bill dwelt for some time was the penalty that would be inflicted upon any person who should destroy a disused shaft. But the parties might destroy the shaft while they were in occupation of it. He was confident that there was a loophole here that any person could wriggle out of if so disposed; because when in occupation of the shaft it could not be said to be disused. He was confident that this Bill—this portion of it, at all events—was one through which a coach-and-four might be driven. He thought, therefore, that this general rule should be made much more distinct and emphatic, as it left a very wide door for persons maliciously inclined to destroy a shaft before they left it. In clause 12, where it referred to accidents, it stated that the mining manager should, within twenty-four hours after the occurrence of any accident attended with serious injury to any person, give notice of the fact to the inspector. It might happen, however, that a mine might be situated in such a place that it would be impossible for the mining manager to give the required notice to the inspector within twenty-four hours, especially in a colony like this, where mines were sometimes at very great distances from each other. There was room for some alteration in that clause also. He had no doubt this would be a very useful Bill, and that an Act dealing with the mines of the colony was much required at the present time. He congratulated the hon. Minister for Mines that the Bill now before the House was a considerable improvement upon the one they had before them two years ago.

Mr. MACFARLANE said that this was a Bill which had been anxiously looked for by the coal-miners of West Moreton. At the time that a Bill similar to this was before the House two years ago, there was a considerable amount of opposition to some of the clauses; and after hurriedly looking over the various clauses of this Bill he thought the Minister for Mines might safely congratulate himself upon having made some important improvements upon the previous Bill. As far as the coal-miners of West Moreton were concerned he believed that at the present time there was very little to complain of, as masters and men worked very harmoniously together, and he believed the mines were very well ventilated. He was speaking to one of the miners a few days ago, and he informed him that one of the mines on the north side of the river was one of the best ventilated mines he had ever worked in—as well ventilated, in fact, as those in England. While it was very satisfactory to hear that, yet every employer of labour might not exercise the necessary supervision, and the lives of the men might be not sufficiently protected. Representing a mining constituency, he was glad to congratulate the Minister for Works on the present Bill, and hoped it would pass without many alterations.

Question put and passed.

On the motion of the MINISTER FOR WORKS, the committal of the Bill was made an Order of the Day for to-morrow.

ADJOURNMENT.

On the motion of the PREMIER, the House adjourned at two minutes past 9 o'clock till the usual hour to-morrow.