Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 10 AUGUST 1881

LEGISLATIVE ASSEMBLY.

Wednesday, 10 *August*, 1881.

Question.—Visit of the Squadron.—Formal Motion.—Criminals Expulsion Bill—third reading.—Intercolonial Warrants Bill—third reading.—Motion for Adjournment.—Mines Regulation Bill—committee.

The SPEAKER took the chair at 7 o'clock.

QUESTION.

Mr. NORTON asked the Minister for Lands—

1. Has the inquiry into the conduct of the late Curator of the Botanical Gardens terminated?

2. If so, has the Government any objection to lay all Letters and Papers connected with Mr. Hill's retirement from the Public Service, and the subsequent proceedings, on the table of the House?

The MINISTER FOR LANDS (Mr. Perkins) replied—

The Board have held two meetings, at neither of which has Mr. Hill been present, though summoned in the usual way to attend. The Board will be requested to proceed with the inquiry in Mr. Hill's absence, and take such evidence as may be available.

VISIT OF THE SQUADRON.

The COLONIAL SECRETARY (Sir Arthur Palmer) announced to the House that he had received a telegram from His Excellency Sir Arthur Kennedy, informing him that the Squadron sailed to-day for Brisbane, where it would remain four days.

FORMAL MOTION.

On the motion of the HON. S. W. GRIFFITH, leave was given to introduce a Bill to amend the Constitution Act of 1867.

The Bill was presented, read a first time, and the second reading made an Order of the Day for to-morrow fortnight.

CRIMINALS EXPULSION BILL—THIRD READING.

On the motion of the COLONIAL SECRETARY, this Bill was read a third time, and ordered to be transmitted to the Legislative Council with the usual message.

INTERCOLONIAL WARRANTS BILL—THIRD READING.

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

Mr. GRIFFITH said he had objected to this motion being taken as formal because he considered it right to take this opportunity of expressing in a more formal manner his protest against the House being asked to pass a Bill of this kind in the teeth of the English law. He referred last night, and on the second reading of the Bill, to the correspondence which had taken place between the different colonies on the subject, in which it was pointed out that a Bill of this kind could only be passed by the Imperial Legislature, and he stated that the law was settled on that subject by courts possessing the highest authority. He did not set up his own opinion on that matter uncorroborated by a formal decision determining the law of the realm. He had in his hands the case he referred to last night, and which settled beyond the possibility of a doubt what the law on the subject was. The case was decided by the English Court of Criminal Appeal in 1860. The prisoner, William Lesley, was indicted before some English tribunal—the Central Criminal Court, probably—for the criminal offence of false imprisonment. The facts of the case were that the defendant was the master of a British ship, and that he had, in pursuance of the law of the country of Chili, undertaken to carry persons, sentenced by the law of that State to be banished from Chili, to England. He had done that in accordance with the law of Chili. On his arrival in England he was indicted for a criminal offence and was convicted and, according to the law, rightly convicted. There was no distinction whatever between that case and the proceedings which the Government proposed to authorise in case the House gave its sanction to this Bill. There was a marginal note on the facts of the case, which he would read:—

"The defendant was convicted on an indictment charging him with assaulting the prosecutors on the high seas, and falsely imprisoning and detaining them. The prosecutors were Chilian subjects, and had been ordered by the Government of Chili to be banished from that country to England. The defendant, being master of an English merchant vessel lying in the territorial waters of Chili, near Valparaiso, contracted with the Chilian Government to take the prosecutors from Valparaiso to Liverpool; and they were accordingly brought on board the defendant's vessel by the officers of the Government, and were carried by the defendant to Liverpool under his contract. Held, that, although the conviction could not be supported for the assault and imprisonment in the Chilian waters, it must be sustained for that which was done out of the Chilian territory; and that, although the defendant was justified in receiving the prosecutors on board his vessel in Chili, yet that justification ceased when he passed the line of Chilian jurisdiction, and the detention of the prisoners and conveying them to Liverpool was a wrong, intentionally planned and executed in pursuance of the contract, amounting to a false imprisonment, and triable by English law."

That was a short summary of the facts. The judgment of the Court was very short. After stating that the conviction was wrong as far as regarded what was done in Chilian waters, the Court went on to say:—

"The further question remains: Can the conviction be sustained for that which was done out of the Chilian territory? And we think it can. It is clear that an English ship on the high sea, out of any foreign territory, is subject to the laws of England; and persons, whether foreign or English, on board such ship are as much amenable to English law as they would be on English soil. In 'Regina *v.* Sattler' this principle was acted on, so as to make the prisoner, a foreigner, responsible for murder on board an English ship at sea. The same principle has been laid down by foreign writers on international law, among which it is enough to cite 'Ortolan, sur la Diplomatic de la Mer,' lib. 2, cap. 13. The Merchant Shipping Act, 17 and 18 Vic., c. 104, s. 267, makes the master and seamen of a British ship responsible for all offences against property or person committed on the sea out of Her Majesty's dominions, as if they had been committed within the jurisdiction of the Admiralty of England. Such being the law, if the act of the defendant amounted to a false imprisonment he was liable to be convicted. Now, as the contract of the defendant was to receive the prosecutor and the others as prisoners on board his ship, and to take them, without their consent, over the sea to England, although he was justified in first receiving them in Chili, yet that justification ceased when he passed the line of Chilian jurisdiction; and after that it was a wrong which was intentionally planned and executed in pursuance of the contract, amounting in law to a false imprisonment. It may be that transportation to England is lawful by the law of Chili, and that a Chilian ship might so lawfully transport Chilian subjects; but for an English ship the laws of Chili out of the State are powerless, and the lawfulness of the acts must be tried by English law. For these reasons, to the extent above-mentioned, the conviction is affirmed."

By the substitution of the word "Queensland" for the word "Chili" in the judgment, every word of it was exactly applicable to the proceedings which the Government proposed to take under the Bill now before the House. He did not suppose anybody would be found to contend that they in Queensland had any higher authority than an independent State like Chili. It was impossible to contend it with any show of reason. The position remained thus: that, in pursuance of this Bill, if any person were taken on board a ship in a Queensland port, and conveyed beyond its territorial jurisdiction, the captain of the ship, and everybody concerned in the custody of the offender, would be guilty of an indictable offence, for which they might be indicted in any part of the British dominions; and, in the face of that being the recognised law of the British Empire, this Parliament was asked solemnly to pass a Bill by which they authorised the Government to deliver persons up from this territory to a man who, if he took charge of them, was guilty of an offence of that kind. He did not think a Bill of this kind should be passed; and he thought it his duty to bring these points before the notice of hon. members, so that if they would persist in taking the advice of the Government, and voting for the third reading of this Bill, they might, at least, do it with their eyes open. Of course, in the face of what he had said, it would be hopeless to suppose that the Bill would become law. He had just a word to say as to the only reason advanced in favour of passing this Bill, or, rather, not of passing it, but of going through the form of passing it through both Houses of this Legislature. A promise was said to have been given by the Colonial Secretary at the Conference in Sydney. He (Mr. Griffith) took it that, whatever the powers of the Conference might be, they had not the power of binding the Legislatures of the colonies. He took it that what the Colonial Secretary had undertaken was to submit this Bill for the consideration of the Legislature, and to ask for it a fair consideration, such as would be given to any Bill; but he had not in any way undertaken to bind this Legislature to deal with it in any particular way. He (Mr. Griffith) thought they were not in the least bound, as an independent Legislature, by any promise that might have been given by the Colonial Secretary at that Conference. He did not think anybody could have understood any promise that he gave in a higher sense. If the House was free to deal with the matter it ought to deal with it according to its lights, and he was only anxious that this should be done. The only argument in favour of the Bill was that the Government were pledged to carry the Bill. He understood that the Government were only pledged to submit it to Parliament for its unbiassed consideration. One other word upon the matter. This Con-

ference was held in January. The Parliament of Victoria had been sitting from January up to the present time, and the Government of that colony had not deemed themselves bound to introduce a Bill of this kind; the Parliament of South Australia had been sitting for a considerable time, and the Government there had not introduced such a Bill; the Parliament of New South Wales had been sitting for a considerable time, and the Government there had not introduced it; the Parliament of New Zealand had been sitting a considerable time, and he had not heard that they had introduced such a Bill; the Parliament of Tasmania had been sitting some time, and he had not heard that it had been introduced there. As to the Parliament of Western Australia, he did not know whether it had been introduced there or not, but he knew this: that in the papers he referred to last night, and which were sent to this colony in 1877, was a letter from the present Governor of that colony—and who was then the Governor—in which he declined to submit any such Bill to the Legislature of that colony, because it was inconsistent with the Imperial law. He (Mr. Griffith) apprehended that he would take the same course on the present occasion. So far as could be discovered, none of the other colonies felt themselves in the least degree bound by the supposed promise given at the Conference. He did not wish to occupy the time of the House unnecessarily, but he thought, as a Legislature, they ought not to put themselves in such an absurdly false position as they would put themselves into by passing this Bill under the circumstances which he had stated.

The ATTORNEY-GENERAL said the facts of the case as referred to by the hon. gentleman who had just sat down appeared to be these: Some person in Chili, and a subject of that State, was convicted there of some offence, and under the law of Chili was liable to be transported to England. Some English captain of an English ship contracted to carry him from Chili to England, and whilst on the voyage some *fracas* appeared to have occurred between the captor and the person being transported. He imagined that the prisoner indicted the person who detained him—probably the captain, who was the person in charge, or somebody else—for false imprisonment. It was held that so long as the ship was in Chilian waters, the captain of the ship was not liable for any such indictment, but that so soon as he left Chilian waters he was liable. Now, he (Mr. Cooper) thought this differed entirely from any circumstances which might arise under this Bill. If what had been read as law was applicable to the case of a prisoner who was put on board an English ship in the Colony of Queensland in custody of a policeman, to be transported from one port to another, then they were in the habit of violating that law here.

Mr. GRIFFITH: So much the worse.

The ATTORNEY-GENERAL said no evil result had happened yet, and if the result indicated was the only one likely to happen they were perfectly prepared to take the consequence of it. If they had safely taken prisoners from Cooktown to Southern ports at a distance of greater than three miles from the shore, he said they might safely undertake to carry prisoners here from another colony. Somebody authorised by another colony took charge of a prisoner, so that the only evil that could possibly happen was one that had been continually happening here; and if it was undertaken to carry a prisoner from one colony to another, good care would be taken that it should be done in safety. Under the present law there was no machinery for carrying out an indictment for false imprisonment.

Mr. GRIFFITH: There was a case in New South Wales two or three years ago.

The ATTORNEY-GENERAL said that under the law of Queensland there was no machinery for indicting a man for false imprisonment. Every policeman who took a prisoner from one colony to another was liable, under the contention of the hon. gentleman, for doing so. It seemed to him that the whole principle was absurd. They were perfectly prepared to take the risk of sending prisoners. They had done it all these years, and were prepared to do it again.

Mr. NORTON said that before the question was put he should like to say a word or two on it. The hon. member for North Brisbane objected to the Bill because it was inconsistent with the Imperial law. Now, this morning, it had been pointed out to him (Mr. Norton), by a gentleman whom he need not name, that there had been exceptions to the rule that had been stated, and that Acts had received the sanction of Her Majesty which were inconsistent with the Imperial law. One Act which was brought prominently before the House last session was the Deceased Wife's Sister Bill. That was inconsistent with the Imperial law, and yet it received the assent of Her Majesty. From a paper that was laid before the House the other day, he would read what was said about that Act:—

> "When Her Majesty was advised to give Her Royal assent to the Acts passed by the Parliament of Queensland and some other colonies, by which differences were introduced in those colonies between the local law and the laws of the United Kingdom and of other British possessions on the subject of marriage, the inconveniences which might arise from such a divergence of laws upon this subject were well understood, and were pointed out by Her Majesty's Government; and such Colonial legislation was ultimately allowed to take effect only because, being limited and local in its operation, it was considered that the wishes of the Colonial Legislature repeatedly urged in the form of Bills several times passed upon a subject which, however important, was of local concern only, ought not to be persistently overruled."

Now, although the practice of the Imperial Government was no doubt to disallow Bills which were inconsistent with the Imperial law, an exception was made in this case; and it was made because it was shown that the feeling in the colonies was very strongly in favour of the Act. Although it was said that it was considered to have local application only, they must not overlook the action taken last session by this House—action in which the hon. member for North Brisbane took a very prominent part. It was not thought sufficient then that they were to be satisfied with accepting the Act as applying locally only, but an attempt was made to induce the Imperial Government to accept of its provisions in England. A petition was introduced here by a member on the Opposition side, and was strongly supported by the hon. member who now raised objections to the Bill before the House. One of its chief provisions was that the Act should have force in Great Britain, although in Great Britain the Act itself was inconsistent with the Imperial law. He did not know why the hon. member who took such a prominent part last session in preparing that petition should raise such objections to this Bill, instead of using his efforts, as he was so well able to do, in assisting to carry its provisions into law. It seemed to him (Mr. Norton) that they might just as well try what could be done in the matter. The Home Government had been induced to give way in one instance, and they might be induced to do so in another. If they did not accede to it at once, they might accede to it before long, if it were persisted in. There was no reason why the same conciliatory spirit should not be shown in Great Britain in connection with a Bill of this kind as in connection with the Deceased Wife's Sister Bill. He thought the hon. member's objection

was to the Bill more than to the consequences that it was likely to bring about; in fact, he was opposed to the Bill.

Mr. GRIFFITH: I am strongly in favour of it.

Mr. NORTON said that if the hon. member was strongly in favour of it he might use his efforts to get it passed, which could only be done by appealing to the Home Government. He (Mr. Norton) took this fact into consideration—that there was some hope of the British Government obtaining the Royal assent to a Bill of this kind if the whole of the colonies took part in it. There was no reason to suppose that, because the Bill had not yet been introduced into the Legislatures of other colonies, that it would not be introduced; and, in that case, the Home Government would be likely to take the matter into favourable consideration. At any rate, it seemed to him that action of that kind was most likely to bring about the object sought.

Mr. DICKSON said the arguments of the hon. member who had just sat down were entirely based on an "if." A great deal depended upon what would be done by the Legislatures of the other colonies. He was not in the House last night, but he had read the report of the debate very carefully, and he could not learn, from what was stated by the Colonial Secretary, that the Premiers of the respective colonies had pledged themselves to pass a similar Bill in the way it was passed by the Committee of this House. Supposing the Legislatures of the other colonies did not pass a similar Act, the efforts of this House would be nugatory. Supposing the Legislatures of other colonies made alterations in the Bill, would not that be likely to render the legislation of this colony nugatory? He thought it would have been wiser if the Colonial Secretary had allowed some of the older colonies to go on with this question first—have allowed New South Wales and Victoria to consider the measure, in order to see what action would be taken there. He could not see why Queensland should necessarily lead the way in a measure of this sort. He did not suppose the question was a very burning one here, and he thought, therefore, it would have been wiser if the Colonial Secretary had allowed the Legislatures of New South Wales, Victoria, South Australia, and New Zealand to deal with the Bill first, and then Queensland could have lent its aid to back them up on the question. He took it, from what had transpired here, that unless an exact transcript of the Bill was passed by the Legislatures of other colonies, the efforts of this Legislature would be futile. He must say that he thought the Bill was very arbitrary. It seemed to him perfectly horrifying that a man should be subpœnaed as a witness—or whatever the legal phraseology might be—and be compelled to proceed from Western Australia to Point Parker without his expenses being paid; taken away from his family and his business, and that failing to comply with the order he should remain in gaol. He observed, also, that in the debate last evening a question was raised by the leader of the Opposition concerning one of the schedules—schedule A—to which no reply whatever was made by the Government. The question was that of recognisance—

> "Mr. GRIFFITH asked whether anyone would be good enough to tell him what the condition of recognisance meant? He could not understand the expression 'full and sufficient notice' in it. Perhaps the learned Attorney-General could explain?"

It appeared that neither the learned Attorney-General nor any other learned member gave a reply. He thought that, in a measure of this sort, it was incumbent on the Government to give every information, and that there were good reasons for accepting any suggestions or amendments that might be made by the leader of the Opposition. Nothing had been shown in the debate in committee to justify them considering this measure as anything but a *fiasco*; it was a Bill which would be a complete *fiasco*. They were told by the best authority in this House that the Royal assent would be refused to the Bill at home. Their time, therefore, had been wasted, and wasted unnecessarily, in passing a measure which they were forewarned would not receive the Royal assent. The Bill had not even been introduced into the Legislatures of the other colonies, though they were as largely interested as Queensland in getting it passed. He had not addressed the House, he hoped, in a party spirit; but he thought, on a measure of this sort, dealing with most important issues, they should see that there was general united action on the part of the whole of the colonies.

Mr. SWANWICK said he would only detain the House a minute or two. If the hon. member who had just sat down would look a little beyond this Chamber, he would soon see that the reason Queensland took first action in this matter was that Queensland, more than any other colony, suffered from an influx of criminals. She had an extensive coast-line, and criminals from New Caledonia——

HONOURABLE MEMBERS of the Opposition: That is not the Bill at all.

Mr. SWANWICK said that as regarded the remarks that had fallen from the hon. member for Enoggera concerning the Intercolonial Warrants Bill, there was great difficulty in dealing with the matter in the various colonies on account of the enormous expense that had been incurred in getting criminals who had escaped. Having read the debate on this Bill, as the hon. member for Enoggera had done, he had come to the conclusion that he should certainly vote for the Bill.

The PREMIER (Mr. McIlwraith) said the hon. member for North Brisbane shifted his ground so often in the discussion of this subject that it was very difficult to understand the ground upon which he was opposing the Bill. He now came forward with an argument which he used yesterday, and cited a case to show that such legislation would be inconsistent with Imperial legislation existing at the present time. But the Government did not require the citation of any case to prove that; the fact was admitted by the Colonial Secretary, and given by him as a reason for bringing the Bill forward. The very reason upon which the Conference decided upon the advisability of the colonies uniting, and each Parliament introducing a similar Bill, was that, the legislation required being inconsistent with existing Imperial legislation, it was necessary that the whole of the colonies should act unanimously, and thereby effect what they could not bring about by any other means. The hon. member said that no Ministry was entitled to pledge the colony to agree to any Bill; but no such pledge had been given, nor had any Minister stated that such a pledge had been given. The members of the Conference were free to act according to their own judgment in the interest of the colonies which they represented, and they agreed that such a Bill should be introduced by their respective Governments. They were performing their promise in introducing the Bill; and they had never said that the Bill must pass exactly as it was submitted to the Conference. All they had promised was that they would submit the Bill for the consideration of Parliament, and use their best endeavours to make it pass; and that was all the Government had done. The hon. member also said that the Parliaments of the other colonies had been in session, but none of them had yet taken the matter up. Did the hon. member mean to

imply an intended breach of faith on the part of any one of the other colonies? If so, he had not brought forward one single proof. There was not the slightest doubt that the same Bill would be brought forward in the Legislature of every colony which had been a party to the agreement. The slender argument on which the hon. member based his conclusion, was simply that it had not been brought forward up to the present time; but if the hon. member would look at the positions of the various Legislatures since this House met he would see a very good reason. One thing was clear—namely, that the hon. member had made up his mind to defeat the Bill if he possibly could. It would be a capital thing if, after the honour of the Government had been pledged, and after they had exercised their judgment on the action taken by the member representing them at the Conference, the hon. member could put the Government in the position of having pledged themselves to the other colonies and then being unable to carry the Bill through. The Ministry were committed to the Bill, not because the Colonial Secretary had committed himself to it at the Conference, but because, having exercised their judgment upon it and afterwards secured the favourable judgment of the House upon it, the Government stood pledged to carry it through. There was no other way in which they were pledged. The members of the Conference exercised their judgment upon the Bill; the Government then used their judgment in bringing the Bill before the House, and, having been so introduced, the House had a perfect right to pass it.

Mr. REA said the hon. gentleman who had just sat down was apparently going to tell the House some reasons why the other colonies did not go on with the Bill, but he jumped off to some other subject and did not mention one. It was manifest that the hon. gentleman could not touch that subject. The truth now leaked out that there was a compact, but none of the other colonies dared to bring the Bill before their Assemblies unless they could get some obsequious Assembly to introduce it first. That was an addendum to the humiliation of the colony. No Ministry, however strong might be their majority, in New South Wales, Victoria, or South Australia, would dare to face their House with such a Bill until some cringing Assembly, that would pass anything, would introduce it. The Premier said the Government would use their best endeavours, which meant they would make their followers pass it. Every member of the Opposition should oppose the Bill, because the character of the Assembly would be gauged out of doors by the result. The Government had been unable to explain what the Bill meant, though they had been asked to do so again and again; and that proved conclusively that, instead of having been drawn up by able men, it had been framed by noodles who didn't know what they were doing. Hon. members on the Ministerial side could not give a single explanation, though they had had twenty-four hours to do so; and, therefore, the Opposition should put it on record that not one hon. member with his eyes open had given his consent to the Bill. The Attorney-General had spoken of bringing a man down from Cooktown in the charge of a Queensland constable as though that case were analogous to the bringing of a man from New Zealand; but common sense, without any knowledge of logic, showed that the two cases were as different as possible. The hon. gentleman might as well say that a criminal could not be brought from Edinburgh to London if the vessel should happen to be blown out of British jurisdiction. No amount of special pleading would alter the common sense of that. If the House passed the Bill without getting some explanation, it would hereafter be the laughing-stock of the other colonies, as the Assembly that passed a Bill and could not give an explanation of it.

Mr. LOW said he did not see why this colony should not be able to make Acts of Parliament to suit the exigencies of its own circumstances without reference to the other colonies. Where a necessity existed for legislation to restrain loafers and blackguards, the Assembly was quite justified in passing it; and if every hon. member knew as well as he did how much such legislation was wanted, there would be little opposition to it. The Bill was only intended to catch rogues, villains, and such like, and it was to keep scoundrels like that in order that the Bill was asked for.

Mr. MILES said he did not think that the object of the hon. member for North Brisbane was to defeat the Bill. The Government and the followers of the Government would no doubt concede that it was the duty of the Opposition to criticise and comment upon the measures brought forward by the Government. The Opposition had done so, and all they now wished to do was to enter their protest against the Bill. Every hon. member must know perfectly well that the Bill would never be sanctioned by Her Majesty; there was therefore little danger in passing it. All the Opposition now wished to do was to show that hon. members were not all asses—that there were some men in Queensland who could take a common-sense view of provisions brought forward for discussion. This Bill had been brought in and hon. members were told that it must be passed exactly as brought in, without criticism or amendment. If legislation were to be carried on in that way the Opposition might as well go home and attend to their own business, and leave the Ministry and their servile supporters to legislate for this colony. It was now the duty of the Opposition to put on record their disapproval of the Bill. The leader of the Opposition had done his duty in trying to amend the Bill; had he taken any other course, he would have shown himself unworthy of the position he held. That hon. gentleman was just as much responsible for the government of the country as the Premier was, and if he shirked his duty he had no right to be in the House. He (Mr. Miles) protested against one-sided legislation. A more iniquitous Bill than this had never been passed; it would not be passed in any other colony, and if passed here the Imperial Parliament would disallow it. The Opposition would have done their duty by entering their protest and dividing on the third reading: they could then do no more.

Mr. McLEAN said the Premier had stated that he considered the intention of the leader of the Opposition was to show that the Opposition were able to prevent the passage of this measure; but he (Mr. McLean) did not believe that any idea of the kind had been entertained in connection with the Bill. The present session had some considerable time to run—the Financial Statement and the Estimates had yet to be discussed—and it would have been quite possible for the Government, without loss of dignity, to postpone the third reading of the Bill, having carried it through committee, until some intimation were received from the other colonies as to the steps which had been taken elsewhere in the matter. That would be a sensible course for the Government to adopt. The remarks of the hon. member for Port Curtis did not bear upon the case at all. The hon. member stated that after the Deceased Wife's Sister Bill had been passed once or twice the Imperial Government assented to it. The hon. gentleman referred to a passage in a despatch of Earl Kimberley; but that passage, instead of proving the hon. member's contention, told directly the opposite way. The reason given by the member for Enoggera why Her Majesty had given her assent to the other Bill was that it was not of universal

application, but simply affected the colony that passed it. The argument of the hon. member for Port Curtis cut against himself. This present Bill was an Intercolonial Bill. They were legislating for the other colonies as well as for themselves. The Marriage Bill was of local application. Suppose that they had intended to pass a Bill to legalise marriage with a deceased wife's sister in New South Wales or New Zealand, would that Bill have been assented to by the Home Government? This Bill was not of local application only, but it related as much to the other Australian colonies as to themselves. Therefore there was no analogy at all between the two cases—between this Bill and the Deceased Wife's Sister Bill. He was confident that if the Government had been simply content to pass this Bill through committee and then to have waited to have seen whether the other Legislatures had introduced a similar measure, no objection would have been taken to it. It seemed, however, that the members of the House were to be made fools of by the initiation of this measure, which probably no other colony would deal with at all.

Mr. SHEAFFE wished to make a few remarks on this subject. The hon. member for Enoggera (Mr. Dickson) had pointed out that, in his opinion, the greatest fault in this Bill was that Queensland, the youngest and smallest in population of the colonies, was rushing to the front; but he (Mr. Sheaffe) took that to be an extremely small view of the question. It was a Queen-street view and not a Queensland view. They had been governed quite long enough by Queen street. They were a progressive colony, and their legislation should therefore be progressive. Were they always to be guided by the other colonies? Let them be guided by themselves. If they had a Bill of this sort put before them let them pass it without referring to the other colonies. The hon. member said that it would be time enough to pass this Bill when the other colonies had passed it; but the Parliaments of the other colonies had been in session for some time, and had done nothing towards it. That was no reason why they should be inactive. Let them rather be active, and as they had a progressive Government let them back it up. He, for one, should do so.

Mr. RUTLEDGE said he rose for the purpose of moving an amendment. He did not do so in any hostile spirit, or because he desired to see the Government thwarted in endeavouring to carry out anything they might think was for the good of the colony. He thought that those on the Opposition side of the House had always shown a disposition to assist the Government in anything like progressive legislation. All the arguments that had been used on this question by the leader of the Opposition—one who was admittedly the most prominent legal authority in the colony—were arguments that the hon. the Attorney-General had not been able to refute. He (Mr. Rutledge) thought it was idle, therefore, for hon. members to go to a division now. They must not arrogate to themselves all the wisdom of the Australian colonies. He thought that the fact that the other Legislatures had not taken any action on this matter was presumptive evidence, and a very good reason to suppose that they had come to the conclusion that the pledges given by their representatives at the Conference should not be carried out. He noticed that the Attorney-General, in endeavouring to answer the arguments of his learned friend the leader of the Opposition, had simply stated that, because they had been in the habit of violating the law in order to get their criminals from Cooktown to Brisbane, by going outside the recognised boundary of the colony—because they had done this in the past, in the interests of justice as regarded criminals—they should now legalise an infraction of the Imperial law, in order that criminals belonging to other colonies might be conveyed to those other colonies. He thought, if his hon. friend the Attorney-General could not advance a better argument than this he ought not to use any argument at all, but simply to have voted against it silently. The very fact that criminals had been brought down in an illegal way in the past—when, perhaps, the exigencies of the case had in some instances demanded that it should be done—surely that was no reason why they should deliberately contemplate the constant violation of British law. They must not allow themselves to take the initiative step in a course of constant infraction of the rights of fellow-subjects, as they were recognised all over the world. He saw in the fact that the Queensland Government had been the only one to take action in connection with this subject an argument to show to the world that the Queensland Legislature had precious little business to do. There were important matters affecting their domestic affairs that ought to have been attended to in priority to this. He must say that he did not think they were called upon to deal with a matter of this kind at this period of the session. They had the Estimates to come down, and many other things to do. There were a great many amendments to be made in the existing law—a great many anomalies, and grave and serious defects of law, to the rectification of which the Government might address themselves. He could not see why the youngest of the colonies should be the first to move in this matter. The proposition which he desired to submit was that this Bill should be read a third time this day two months. He was not desirous of embarrassing the Government, or he would have moved that the third reading should be postponed for six months. His object was that the other Colonial Legislatures should have an opportunity of knowing that the matter had been under discussion in this House, and that the Crown Law Officers in the other colonies might have an opportunity of looking into the matter, and, perhaps, then the opinions of the leader of the Opposition might not be altogether disregarded. Perhaps, indeed, the law officers of the Crown elsewhere might regard them with some favour, and, their attention having been drawn to the fact that some criticism had been passed when the subject was before this Parliament, they might be induced to look into the matter. Then they would be able to ascertain whether the other colonies were prepared to go on and to redeem the promises which had been made by their representatives. The Government might very well concede this. Parliament would surely be in session two months more, and if the other colonies took steps this year they would not suffer. If, however, the other colonies did not do so he maintained that Queensland had no right to legislate for the other colonies when they did not take steps to legislate in the same way themselves. He moved that the Bill be read a third time that day two months.

The SPEAKER pointed out to the hon. gentleman that the effect of his amendment, if carried, would be to shelve the matter altogether. Unless he wished this, the proper way would be to move the adjournment of the debate, and then to move that the resumption of the debate stand an Order of the Day for that day two months.

Mr. RUTLEDGE: Thank you, Mr. Speaker—

The COLONIAL SECRETARY: I shall object to any correction.

Mr. RUTLEDGE: Very well, then; let it stand, if the hon. the Colonial Secretary is not disposed to be courteous. He (Mr. Rutledge)

had always made it a rule in the House, and always wished to——

The COLONIAL SECRETARY rose to order. The hon. gentleman had already spoken on the subject, and had no right to make another speech.

The question—That the word "now" be omitted, with a view of adding the words "that day two months"—having been put,

Mr. DE SATGE said that he did not consider this Bill to be of such very great importance. Without following altogether the last speaker's opinions, he would say that, in his opinion, the measures that had been introduced by the Government during the last few weeks were not of great importance to the country in general, and were fighting shy of some of the largest measures which were pointed out in the Governor's Speech. He knew that the whole country was watching with intense interest and anxiety for the policy which must be taken to be the chief policy of the day. The vital question of the day—whether it affected the stability of the Government did not much matter—was the railway question as it was referred to in the Speech; and he believed the country was anxiously waiting for an expression of opinion from the Government on its railway policy. Why should they crowd the paper with these subjects at first, wasting the best time of the House, whilst it was waiting for the discussion on the main policy of the Government? With the power they had in the House—the majority they had behind them—they might have introduced the question of the railway policy, and have let it be discussed without any more waste of time. Instead of that, it had been thrown back indefinitely, and was, perhaps, not to be discussed this session at all. He said that the House had a right to know what the policy was, and the country had a right to see it discussed, as the Government had been very distinct in their statement upon it. He thought that the Bills at present on the paper showed an extreme anxiety on the part of the Government to shelve the great question of the day. He did not know much about the question at present under discussion. Possibly it might be a very important Bill, and one very proper to be considered if other weightier matters had been settled. He thought that, if they allowed the Government to pass this measure, it should be on the understanding that they took the first opportunity of letting the House know what they intended to do about their railway policy. It seemed paltry for them to be called upon to spend the first two or three months—it was six weeks, at any rate—without going near the main point which was to be discussed during the session. He trusted they would be called upon to consider at no distant date something more important than the Criminals Expulsion Bill, the Intercolonial Warrants Bill, the Mines Regulation Bill, the United Municipalities Bill, or the Sale of Food and Drugs Bill. If those were the only matters that the Legislature was likely to be called upon to deal with, the sooner they returned to their work and their homes the better.

Mr. STEVENSON suggested that the Premier was in duty bound to make a Ministerial statement for the benefit of the hon. member for Mitchell.

Mr. SCOTT said the contention of all the members on the other side with the exception of the leader of the Opposition seemed to be that, because the Legislatures of the other colonies had not yet done their duty, the Queensland Legislature ought not to do its duty. The argument of the leader of the Opposition was quite different, and was entitled to a certain amount of consideration. One hon. member had said that this Bill was different from The Deceased Wife's Sister Marriage Act, because the latter was a local Act, while the former was not. He held that the present measure was only a local measure—it was local as far as the Australian colonies were concerned; and he believed the Imperial Government would sanction it, if it was shown to be the unanimous wish of the colonies that it should become law.

Mr. GRIFFITH said he was sorry that his argument did not appear to be understood by hon. members on the other side. He thought he had a right to complain that he had not had more assistance from the Attorney-General. He, however, rose thus formally to direct the notice of the Government to the difficulty started in the course of the discussion with reference to the carrying of offenders by sea between the different ports of the colony. That was one of those things which it would, perhaps, have been as well to say nothing about; but as attention had been called to it pointedly, he conceived it to be the duty of the Government to ask the Imperial authorities for express authority, which could only be given by the Imperial Parliament, to carry their offenders on their coast waters although it might be beyond their territorial jurisdiction. He now called the attention of the Government to that matter, and asked them to apply to the Imperial Government in order that their acts in that respect might be authorised by law. If they did not do so, probably their successors would.

The COLONIAL SECRETARY said he could assure the hon. gentleman that the Government would continue to send prisoners by sea to and from the different ports of the colony without asking leave of the Imperial authorities in any way.

Question — That the word proposed to be omitted stand part of the question—put.

The House divided:—

AYES, 24.

Sir Arthur Palmer, Messrs. McIlwraith, Macrossan, Perkins, Pope Cooper, Sheaffe, Scott, Low, Stevenson, Stevens, Weld-Blundell, O'Sullivan, Persse, F. A. Cooper, Norton, Archer, Lumley Hill, Simpson, H. Wyndham Palmer, Kingsford, Swanwick, Hamilton, De Satgé, and Feez.

NOES, 17.

Messrs. Dickson, Griffith, McLean, Rea, Kates, Miles, Macdonald-Paterson, Bailey, Rutledge, Francis, Aland, Foote, Macfarlane, Fraser, Grimes, Beattie, and Meston.

Question, therefore, resolved in the negative.

Mr. O'SULLIVAN moved that the second reading of the Bill stand an Order of the Day for this day month.

The SPEAKER: I beg to point out to the hon. member that the House has just decided that the word "now" shall stand part of the question.

Mr. O'SULLIVAN: Then it is not competent for me to put my motion?

The SPEAKER: No.

Mr. O'SULLIVAN said he hoped he would be in order in saying a few words in reference to the Bill. He should have voted on the other side in the division that had just taken place, but they were so much in the habit of voting by parties that he had remained with the party with which he generally worked. There was a great deal of truth in what the hon. member for Mitchell had said. There were many far more important measures that might very easily be brought before the House, and those unimportant measures might well be left till the end of the session to undergo the process of slaughter, when the House was on the point of breaking up. Touching the present Bill, he could see plainly

that it would inflict any amount of hardship upon individuals. By the 3rd clause, if a man was suspected of being a criminal from another colony he might be taken before a magistrate and sent to prison, and then it might turn out afterwards that he was not the man who was wanted. Cases had happened where the wrong man had been punished, and there was no compensation for it. In another clause a man might be imprisoned for twenty-one days, and if he should happen to be the wrong man what remedy had he? He did not think the colony had yet suffered from the evil which the Bill professed to cure. No cause whatever had been shown for the measure.

Mr. DE SATGE said he should like again to protest against the introduction of those small Bills; and he wished to distinctly express the opinion of the outside country that those measures were unimportant compared with the railway policy of the Government. It was tampering with their majority to lay before the House such paltry measures when the country was waiting to know whether the great transcontinental railway schemes were to be constructed on the land-grant system or not. Surely the Government could reckon upon the majority at their back to introduce those measures before the country without fear or favour. There had never been a time when the attention of forty-three members of the House had been occupied with the discussion of such paltry measures as those now on the business-paper. He was of opinion that since legislation began there had never been more trivial measures brought before the House by a Government with an overwhelming majority. Were they afraid to test the feeling of the country or the feeling of the minority of the House on the subject? Could not they put before them something of more importance than such paltry Bills that had been discussed during the last few weeks? He knew it was, perhaps, an invidious position to stand in—as an independent member of the House, to be laughed at and told he carried no weight on one side or the other; but he was certain of this: that in the outlying districts the people were waiting with anxiety for the measures which were to dispose for ever of the future of this colony. Surely the Government could have taken more time in the three weeks that had elapsed to have brought before them some measure of national importance. The Government accredited themselves with large ideas. It was only the other day that the Premier said they were a Government of large ideas, and that they were considered by some people too large; but if these were the only measures he had to introduce, with all the travelling experience he had gained by wandering about lately, he (Mr. De Satgé) considered them very paltry indeed.

Mr. SIMPSON said that last night the leader of the Opposition told them that this Bill would have been introduced into the House of Commons at about 2 o'clock in the morning, and in a quarter of an hour afterwards it would have passed. He would ask who had caused the waste of time over the matter.

Mr. STEVENSON said the hon. member for Mitchell seemed to talk about himself as the representative of the outside Western country. He protested against the hon. member stating himself to be the only independent member of the House who represented the public feeling outside. It seemed to him that the feeling spoken of by the hon. member was rather his own than that of the public, and appeared to be very anxious to have the transcontinental railway business settled. But it appeared to him that the only way of satisfying the hon. member was to make him king of the country. Perhaps he would be satisfied then.

Mr. MACDONALD-PATERSON said though some members might be disposed to cavil at the expression of opinion of the hon. member for Mitchell with regard to the land and transcontinental railway policy of the Government, and to the bringing in of these paltry little Bills, he might say that there was a great deal in what he said. The hon. member did not only speak the feeling of the people of the sparsely-populated districts he represented, but, it appeared to him, the feeling which existed just now also in the settled parts of the colony. The whole of the colony was waiting with intense interest for one if not for both of these great schemes.

An HONOURABLE MEMBER: Point Parker.

Mr. MACDONALD-PATERSON said the hon. member interpolated "Point Parker," but the water was not deep enough there. But the hon. member for Mitchell was disposed to go into deeper water than even that; and there was a great deal of sympathy with him throughout the Colony of Queensland. With respect to his remarks concerning the transcontinental railway, there was a great deal more truth in them than some hon. gentlemen were disposed to give credit to. With regard to the observation that the Ministry might be afraid to enter upon this question, he did not agree with the hon. member on that point. He did not think the Ministry were at all afraid. They thought the present time quite inexpedient to deal with that question; therefore some time had to be filled up, and the only way it could be done was by bringing forward the paltry little measures referred to. Why should not Queensland be first in dealing with the subject before them? Its interests, they knew, were least of all other colonies, but was that any reason why it should not be first? Their interests were so small that these matters had been very conveniently brought forward to fill up the next week or fortnight, and why did they not look upon this as a measure to fill a gap? It was a gap measure, and that was all. They had pointed out the utter nonsense of the proceedings of last night, and what had been the effect of it? Neither reply nor remonstrance. What had they, then? Silence—that was all. The nonsense had passed; the majority of the House had carried it. It was, however, placed on record, and he was glad that a division was taken last night on these paltry matters referred to by the hon. member for Mitchell. What was done last night was, he considered, a parody—an emphatic parody—upon legislation. He took this opportunity of recording his protest against this immature manner of dealing with such important matters. In respect to the matter before the House to-night, he begged to point out to the hon. member (Mr. O'Sullivan) that if they negatived the third reading of the Bill—which, he believed, was the question before the House—the Bill would be brought again before them at some future time. He thought it only right that Mr. O'Sullivan should understand that.

Mr. LUMLEY HILL said he never heard more mixed arguments than had been adduced by the hon. member. He (Mr. Hill) did not know what he was driving at, except his intention was to waste a little more of the time of the House. As for the importance of the Bill, this, as well as the others that had been introduced, was an important Bill. He could perfectly understand that the Government were not in a position to bring forward any scheme for the construction of the transcontinental railway; and he was just as anxious as the hon. member himself for the introduction of this important subject. He was not pledged to

support the Government on that matter; in fact, his inclinations were very far the other way. He intended to support the Government when they were in the right, and to oppose them when he believed their policy to be wrong. That was his sort of independence. He was not going to make any bones about it, but would say what he thought, and vote accordingly. This was really a subject in which he took the deepest interest: it concerned the interests of the whole colony as well as of the constituency in which he had resided for many years, and of the interests of which he thought he might say he had as thorough a knowledge as any member of that House. He found that the Government had taken the initiatory step with regard to the construction of transcontinental railways. An expedition which went out to inspect the land, to test the practicability of the railway, and to bring forward some proposition with regard to its construction, had only returned from the South within the last few days; and how could it be expected that anything could be brought forward in connection with it? The other expedition had only just started, therefore they could not expect anything from them just yet. He was not any great partisan of the Government, but thought their position was justified by the circumstances of the case.

Mr. MILES rose to a point of order. He did not know that any question of the transcontinental railway was before the House.

The SPEAKER said it was true that the hon. member for Gregory was wandering from the subject under discussion.

The COLONIAL SECRETARY said that the hon. member for Mitchell was allowed to speak on this matter, as was the hon. member for Rockhampton (Mr. Macdonald-Paterson), who made one of the most absurd speeches he had ever heard.

The SPEAKER said the hon. member for Mitchell had alluded to the transcontinental railway as being of more importance than the Bill which was now under the consideration of the House, but did not proceed to discuss the merits of the transcontinental railway.

Mr. LUMLEY HILL begged to say that his intention was to refer to the reason why this Bill was submitted to the House before any Bill regarding the transcontinental railway—which was the subject introduced by the hon. member for Mitchell, who was also followed in the same line by the hon. member for Rockhampton (Mr. Macdonald-Paterson). He did not intend to take up the time of the House any longer, a considerable amount of time having already been wasted.

Mr. SHEAFFE said he did not rise to say anything with reference to the transcontinental railway, but to reply to the hon. member for Mitchell. That hon. member had told the House in a taunting manner that the Government were taking up time in discussing a lot of paltry Bills; but he (Mr. Sheaffe) would like to ask the hon. member if he considered the Mines Regulation Bill as a paltry measure? Did he hold that the mines of Queensland were so utterly beneath contempt that they were not to consider them now? Was he so despairing of the progress of Queensland that——

The SPEAKER: I find the hon. member has spoken before.

Mr. DE SATGE rose to make a personal explanation in reply to what had fallen from the hon. members for Normanby and North Gregory, who stated that he (Mr. De Satgé) had said he was the only independent member in the House. He never said any such thing.

Question—That the Bill be now read a third time—put, and the House divided:—

AYES, 22.

Sir Arthur Palmer, Messrs. Pope Cooper, McIlwraith, Macrossan, Perkins, Norton, Sheaffe, F. A. Cooper, Archer, Simpson, H. W. Palmer, Kingsford, Stevenson, Weld-Blundell, Stevens, Lumley Hill, Low, Scott, Feez, Persse, Hamilton, and Swanwick.

NOES, 19.

Messrs. Griffith, Dickson, McLean, Rea, Rutledge, Bailey, Francis, Miles, Groom, Aland, Kates, Foote, Macfarlane, Fraser, Grimes, Beattie, Horwitz, Meston, and Macdonald-Paterson.

Question, therefore, resolved in the affirmative.

On the motion of the COLONIAL SECRETARY, the Bill was then passed, and ordered to be transmitted to the Legislative Council with the usual message.

MOTION FOR ADJOURNMENT.

Mr. RUTLEDGE said he did not intend to say many words, and should conclude with a motion. He was sorry he was not there punctually at the opening of the House this evening, and he should now say what he should have said then. What he intended to say was in connection with the Criminals Expulsion Bill, in which he would point out a very serious defect. He said it in a friendly manner, and hoped that attention would be drawn to the matter before the Bill went into another Chamber, so that what he regarded a very serious omission might be supplied. He found that the Criminals Expulsion Bill made no provision for a man being exempted after the lapse of time from the penalties imposed by certain clauses in it. It appeared that under the Bill, if a man, after serving a sentence of twelve months, came into the colony before two years subsequent to the expiration of that sentence, and although he might have lived in Queensland twenty or thirty years, he was liable to be dealt with under the provisions of that Bill in all respects as an offender illegally at large. They would see what a monstrous power that would put into the hands of persons who were actuated by evil and malicious intentions. He did not think it could have been the wish of the Government to make the Bill go to the cruel length to which that Bill did go in that respect. He could not conceive that the Government intended that there should be no opportunity for a man to redeem his character. Because a man had come into the colony, perhaps in ignorance of the passing of that measure, before he was legally entitled to come, and had lived an honest life for twenty or thirty years, he did not think that he should be apprehended by a constable and dealt with. It might be said that no harm could arise, because nothing would be done to the man; that no bench would be so absurd as to deal with a case like that. Still, the fact of a charge being raked up after that length of time and brought before magistrates, even if he was discharged, the evidence would be taken that the man had at one period been subject to those penalties. They might remedy that defect; he could not let that opportunity go for drawing attention to a serious defect, and giving it an opportunity of being supplied. He moved the adjournment of the House.

Mr. ARCHER said he was not a lawyer, and should not, therefore, be inclined to deal with the matter as one brought up in the law; still he fancied that no Bill could have any effect upon matters which had preceded its passing into law.

Mr. RUTLEDGE: Future cases.

Mr. ARCHER said he was perfectly willing to alter his opinion if he heard that such was not

the case, from some high legal authority; but he had always understood that a Bill applied only to what had occurred after it was passed. He was inclined to think that the hon. gentleman, although a lawyer, was mistaken in what he had stated upon this matter.

Mr. RUTLEDGE, as a matter of explanation, said that his remarks were not intended to convey the idea that the Bill was retrospective. He merely drew attention to the fact that if this Bill passed into law in its present state, and became a statute, in the future if a man came into Queensland after the passing of the Act, and within its provisions, he might—if the law were not repealed—be apprehended under the provisions of the Bill.

Mr. SIMPSON said that if the hon. gentleman had taken the slightest trouble to find out, he would have seen that the Bill fixed the limit at three years.

Mr. GRIFFITH said that his hon. friend the member for Enoggera did not appear to have been understood by the other side of the House when he complained that there was no limit to the time for laying an information and for taking proceedings under the Act. A man might be in the colony for twenty years, and still be liable to apprehension as an offender illegally at large. He pointed out that, after this Bill was passed into law, a man coming to Queensland, after having been under sentence in New South Wales two years before, would, during the whole of the time he was resident in Queensland—and for the remainder of his life, for that matter—be liable to be apprehended under this Act. There was no doubt that that was a very serious defect, and the hon. gentleman (Mr. Rutledge) deserved credit for calling attention to it, as it could not have been intended that any such effect should follow the passing of the Bill. There should be some clause inserted in the Bill to state that proceedings should be taken within six months—the usual time—or twelve months of the time at which a person had become liable to the law. The hon. member for Blackall had directed his attention to the question of the retrospective nature of the Bill. This idea had crossed his (Mr. Griffith's) mind some days ago, and after the hon. member for Blackall had called attention to it he had looked into it again, and was now very much inclined to think that in the case of escapees the Bill was retrospective. He hoped the matter would receive consideration in another place.

Question of adjournment put and negatived.

MINES REGULATION BILL—COMMITTEE.

On the motion of the MINISTER FOR WORKS (Mr. Macrossan), the House went into Committee to consider the clauses of this Bill.

The preamble was postponed.

Clause 1—"Division of Act"—put and passed.

On clause 2—"Interpretation"—

Mr. GRIFFITH suggested that the definition of "Minister" be the Secretary for Mines or any other Minister for the time being administering the office. It was desirable and now usual to give power to another Minister to administer the Act during the absence of the Minister.

On the motion of the MINISTER FOR WORKS, the definition of "Minister" was amended to read, "The Secretary for Mines or other Minister administering this Act for the time being."

Mr. KING said the definition of the word "mine" was too comprehensive. A mine was defined to be "a claim, place, pit, shaft, drive, level, vein, lode, or reef, in or by which an operation is carried on for obtaining any metal or mineral, by any mode or method whatever." According to that definition, the Queensland Tin Smelting Company's Works, at Bulimba, were mines, because they were places where an operation was carried on for obtaining a metal. In the same way a crushing-machine, although a considerable distance from a goldfield, became a mine; and, what was even more absurd, a salt-pan for obtaining salt by evaporation would become a mine because an operation was carried on for obtaining a mineral. He knew the same definition occurred in other Acts, but it was incorrect; and he would propose that the word "mine" be defined thus:—"Any claim or allotment of land, whether held under mining license, lease, or in fee-simple, in which by means of any trench or quarry, or by means of any pit, shaft, level, or other underground working, operations shall be carried on for the raising of any metal, metalliferous ore, or mineral."

The MINISTER FOR WORKS considered the interpretation in the Bill more correct than the definition of the hon. member (Mr. King), and it was not likely to be strained so as to include the operation of quartz-crushing machines or smelting works. If he (Mr. Macrossan) had taken the definition of the word "mine" exactly as it stood in the Victorian Act, the objection might have held good; but he had not done so. That Act defined a mine to be "any place, pit, shaft, drive, level, or other excavation, drift, gutter, lead, vein, lode, reef, wherein or whereby is or shall be or has been carried on any operation for or in connection with the purpose of obtaining any metal or mineral by any mode or method." That was where he (Mr. Macrossan) stopped. But the Victorian Act went on—"or of stacking or otherwise storing any substance as containing any metal or mineral, or wherein operations are carried on for the treatment of mine products." That certainly would include what the hon. member had mentioned; but the definition in this Bill did not include such cases. The definition in the Bill differed only in the wording from the definition in the English Act. He would point out that the word "obtaining" defined the whole thing. The definition could not be applied to smelting works or quartz-crushing operations, because they were of the nature of manufactures and not operations for simply obtaining the metal or mineral. In the English Coal-mines Regulation Act the word "mine" was defined to be—"Every shaft in the course of being sunk, and every level and inclined plane in the course of being driven for commencing or opening any mine, or for searching for or proving minerals, and all the shafts, levels, planes, works, machinery, tramways, and sidings, both below ground and above ground, in and adjacent to a mine and any such shaft, level, and inclined plane, and belonging to the mine." Then the Act went on to define the term "shaft," which included also a "pit." There were two Bills in England—one regulating the working of coal and shale mines, and the other regulating metal mines—but in both of them the term "mine" was exactly the same.

Mr. KING said what he was contending for was correctness, and he maintained that mining was the operation of raising a metal or mineral out of the ground, the mine being the place where the operation was conducted. This definition of the word "mine," although the hon. the Minister for Works had shown that it had been used in other Acts, was not in his opinion a correct definition, inasmuch as it would cover a salt-pan or the evaporation of salt water, or

salt springs. He thought they might as well have a correct definition.

Mr. BAILEY said he was sorry that they had not amended the definition of the term "mining manager," a person who, according to the Bill, should be—

"The person, whether the owner or his agent, who has the management of the mining operations carried on in a mine or colliery."

Only that morning he received a letter from one of the oldest miners in the colony, in which he spoke as follows :—

"It is of great importance to the mining industry and to the judicious working of any mining Act, to have skilled managers of coal and other mines, as owners in general know little of mining themselves except what information they obtain from their managers. At present I know of several who assume to know, and so deceive those who employ them."

In England a mining Act was passed in 1872, in which it was found that managers there had to be men skilled in the management of mines, who had undergone a certain course of training, and who had been examined by people competent to examine them. It was found in section 26 of this English Act, that mines in England must be under the control and daily supervision of a certified manager; and the 22nd section stated that the examination of managers should be conducted by examiners appointed by a board. The members of such board were appointed by the Secretary of State, and consisted of three owners, agents, or managers of mines; three persons employed in or about a mine, not being owners, agents, or managers; and three mining engineers, with the Inspector of Mines. Persons appointed by this board to be managers were examined as to their skill in mining, and the consequence was that the coal-mining industry in England, which had been hitherto a most dangerous one, had now become almost perfectly safe. In this colony we had neglected every means of instructing mining managers. Schools of mines were not encouraged by the Government, and the consequence was that they were bringing up a class of men ignorant themselves of the very work which they had to do. They had to work by the rule of thumb, and very often to the injury, and possibly to the loss of life, of those working in mines. He hoped to see the day when they would not discourage schools of mines in this colony, but when we should have a class of men amongst us thoroughly competent to be managers of mines, and so prevent the loss of life which must inevitably result under the present system.

Mr. WELD-BLUNDELL said it appeared to him that there was no possible doubt that the metal was not obtained until it was cleaned or separated from the refuse or rubbish combined with it, chemically or otherwise, and they had not got the metal until it had gone through the smelting furnace. Consequently a mine here would apply to smelting furnaces, or any form of furnace, or any place where refuse was being separated from the metal which it was desirable to eliminate. He thought "obtaining" was too loose a word, and might be substituted by something more distinctive.

Mr. GRIFFITH was understood to say that it appeared most difficult to define the meaning of the word "mine." He knew of one gentleman who in compiling a dictionary had for six months tried to define the meaning of the word "do," and had at last to give it up in despair.

The MINISTER FOR WORKS said he failed to see the objection raised by the hon. member, Mr. King.

Mr. GRIFFITH said "getting' was a technical word; "getting and raising" would include the digging below and raising to the surface of a metal or mineral. He understood the hon. member (Mr. King) to refer to metals and metalliferous ores, so that such a process as the evaporation of salt water might be excluded.

Mr. FEEZ thought "obtaining" was a very distinctive word. It comprised everything necessary in connection with mining.

The MINISTER FOR WORKS was quite satisfied that his definition was correct. He was willing to take a division on the matter.

The ATTORNEY-GENERAL understood that one of the objections to the definition of the word "mine" was that it might include such a place as the smelting works at Bulimba; but he did not see how it could include them. A mine was stated to be a "claim, place, pit, shaft, drive, level, vein, load, or reef, in or by which an operation is carried on for obtaining any metal or mineral, by any mode or method whatever." How could any smelting works, such as those mentioned by the hon. member, be included in that definition? Those works at Bulimba were, no doubt, a place where an operation was carried on for reducing a metal from any ore; but the word "obtaining," as he understood it, meant obtaining from the earth, not reducing out of ore. He thought the definition here given was a good one, and he intended to support the interpretation clause as it stood.

Mr. GRIFFITH said that "obtaining" was too large a word; it covered more than the Minister meant it to cover.

The PREMIER said the definition was a better one than that proposed by the hon. member for Maryborough. The objection made to it was that it might be made to apply to a salt-pan; but that was a very forced construction. There was not the slightest doubt that it might be made to apply to a salt-pan, but no practical difficulty was likely to arise from that. There were plenty of operations connected with metal where the metal was not raised at all. In Victoria he had seen operations carried on at the foot of a hill, and the quartz brought down from above; so that the proposed alteration would not apply in such a case as that. He thought the Minister for Works would land himself in a good many difficulties if he accepted the definition of the hon. member for Maryborough.

Amendment put and negatived.

On the motion of the MINISTER FOR WORKS, the words "stratified iron-stone or fire-clay" were inserted in the 6th line; and the term "inspector" was defined to mean "an inspector of mines appointed under this Act."

Question—That the clause as amended do pass—put and passed.

On clause 3—"Accidents in mines"—

Mr. GRIFFITH pointed out that there was an inconsistency between this clause and clause 15. This clause provided that in the event of the contravention of the Act in any mine by any person the manager should be guilty, and be liable to a penalty of £10. The 15th clause provided that a manager guilty of an offence against the Act would be liable to a penalty of £50.

The MINISTER FOR WORKS said the 3rd clause provided that the manager should not be responsible if he could prove that he had taken all reasonable means of preventing the contravention of the Act. The 15th clause provided that whoever contravened or did not comply with the provisions of the Act should certainly be held responsible.

Mr. GRIFFITH again pointed out that while one clause said £10, the other said £50 for the same thing.

The MINISTER FOR WORKS moved that the following words be struck out:—"And shall, except where express provision in regard thereto is hereinafter made, be liable to a penalty not exceeding £10."

Question put and passed; and clause, as amended, passed.

On clause 4—"Act to apply only where more than six persons are employed"—

Mr. RUTLEDGE pointed out that the clause said that the Act should only apply to mines in which more than six persons were ordinarily employed below ground; but one of the regulations made provision also with regard to an abandoned shaft. Now, an abandoned shaft was not a place where more than six persons were ordinarily employed. He thought the words "have been" should be inserted in the clause.

Mr. GRIFFITH said he had intended to call attention to the same matter. He thought words ought to be inserted making that provision of the Act apply to all mines.

Mr. MACFARLANE said he could hardly approve of the 4th clause, which limited the operation of the Act to mines where there were over six persons employed. The proprietor of a small coal-mine, for instance, might employ five workmen, and in that case if one were injured he would not be entitled to any compensation under the 9th clause of the Bill. If all mines were included the Bill would be more comprehensive, and the security to life would be greater.

Mr. FOOTE pointed out that, as the operation of the Act was limited to mines in which more than six persons were employed, the provision prohibiting the employment of boys under fourteen, or females, would not apply in the case of many small coal-mines in which parents might be in the habit of employing their children, both boys and girls. He should favour an extension of the clause.

Mr. McLEAN said he understood the Minister for Works to say on the second reading that this clause was put in to exempt men working a small shaft in their own interest from the operation of the Act. If that were so, the clause might be framed in such a way as to state that all men working at wages in mines would come under the operation of the Act.

The MINISTER FOR WORKS said the clause had been inserted, as the hon. member for Logan suggested, to exempt from the operation of the Act small parties working a claim on their own account. In such cases the shafts were generally very shallow, because as soon as they got to 100 feet more men were required. In such cases one of the partners might be sick, and it would be a hard case if the employment of a man in his place should bring the mine under the operation of the Act. To prevent that the clause had been introduced. With regard to the cases spoken of by the hon. members for Ipswich and Bundanba, a coal-mine which did not employ more than six persons must be a very small one indeed.

An HONOURABLE MEMBER: There are some.

The MINISTER FOR WORKS said that, according to the returns obtained by the department as to the number of men, boys, and horses in the various coal-mines, and the location of shafts, there was only one mine answering to the description given by the hon. member. The number of men employed was generally twenty, thirty, or as high as fifty.

Mr. RUTLEDGE said he approved of the limit fixed by the Minister for Works, as without it the Act would bear hardly upon the owners of small shafts. Instances innumerable had occurred in New South Wales in which the greatest injury had resulted from leaving abandoned shafts exposed. In the neighbourhood of Parkes—an important mining district—a number of shafts left open, either illegally or because it was no one's business to close them, had been the cause of many cases of lamentable suffering, in some cases followed by death. If the Bill were made to apply to every little shaft it would be illegal to fill them up, and he thought it was better that the Bill should aim at those of more importance.

Mr. DE SATGE said he understood the clause to refer to the case of men taking up a claim, and being required to put on a certain number of men in order to fulfil the conditions of the Act until they got a lease from the Crown.

The MINISTER FOR WORKS said the clause would apply in such a case. A party applying for a ten-acre lease was supposed to work half-handed until the lease was granted, after which he would have to employ a man for each acre, and the mine would consequently come under the operation of the Act.

Mr. GRIMES said it would be very hard indeed if the provisions of the Act were made to apply in the case of a small coal-mine just opened, and the proprietor thereby put to an enormous amount of entirely unnecessary expense.

Mr. FOOTE said it would be well to exempt small mines, because in the coal districts there were very many small mines in which not more than four to six persons were employed until a certain depth was reached. Of course, when coal was struck a larger number of men would be employed. This applied not only to persons holding leasehold, but also to many who held in fee-simple.

Mr. BEATTIE said that if the Act were intended for the preservation of life, and to ensure the proper working of the mines, all mines ought to be placed under the superintendence of the inspector appointed by the Government. In some gold-mines, he believed, there was a great deal of carelessness in the fixing of props when working underground, and if all mines were placed under inspection it would be much more satisfactory to employés, provided the inspector was a practical man, as he probably would be.

The MINISTER FOR WORKS said that the hon. member did not quite understand the working of gold mines. There were plenty of places on the goldfields in which his definition of one man working a little hole by himself, and digging perhaps several in a day, would come under the operation of the Act. He (Mr. Macrossan) might state to the Committee that the Gold Fields Regulations contained a clause which he inserted purposely, knowing he was going to introduce this Bill, bringing all workings carried on by fewer than six men under the superintendence of the warden.

Mr. BEATTIE said he did not look upon the matter in the same light that the Minister for Works did. Any man digging a couple of holes in a day would simply be alluvial working, not digging. From his own observations on the goldfields, a great many lives were lost in shallow sinking at a depth of from 20 to 25 feet, as on the Turin and Sofala fields. More accidents occurred in putting in props without taking the necessary precautions in these shallow mines, than in deep ones; and, therefore, the mines he alluded to should, he thought, be made to come under the supervision of the inspector.

Mr. McLEAN said that his contention was that this Act should be made applicable to all men who were receiving wages, as, for instance,

men who were employed by storekeepers to sink a shaft on wages, and who also had an interest in the claim, and so were, to all intents and purposes, shareholders. He thought they should receive benefit from the Act. He did not want to make the Act oppressive to small men beginning shafts, but he wished it applied to all men working for wages for their own protection. This Bill was supposed to be in the interests of the miners, and to protect the miners; and so all men working for wages should be brought under its provisions.

The MINISTER FOR WORKS said that the Goldfields Regulations contained a clause which expressly took up the protection of the miners where this Bill left off. The warden had power to enter claims and see that they were properly timbered and properly worked, and the miners were bound to attend to him.

Mr. McLEAN asked if the inspector would be able to apply the Act in a case where only five men were employed? If one of them were killed, would his family be able to get any benefit?

Mr. SWANWICK said that the regulations provided for that.

Mr. McLEAN did not think the regulations did so.

The PREMIER said that the hon. member must see that there must be a limit to the number of men, otherwise it would make nonsense of the greater part of the Bill. For instance, let them look at subsection 13 of clause 5, by which it was provided that—

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

And again further on—

"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."

So that five men working a small claim by themselves could not use an ordinary windlass made by themselves without the sanction of the Minister, unless there were some such limitation as this which was proposed. Or, on the other hand, a mine worked by five or six people could not be started until they had posted up these printed regulations for their own instruction. In no sense could it be pointed out that these provisions should be made to apply where the number was only so small.

Mr. McLEAN said the hon. gentleman had misunderstood him. He did not wish to do away with the limitation of the members, but merely that all men who were employed and who received wages should receive the benefits of the Act.

Mr. GRIMES would point out to the hon. gentleman that it was often the case that two men were employed to put down a trial shaft in sinking for gold, and it would be absurd to bring that shaft under these regulations, simply because the men were working for wages.

Mr. McLEAN said that he did not see anything absurd in it. The lives of two men should be as much looked after as those of twenty men. The principle was the same.

Mr. WELD-BLUNDELL said that the hon. gentleman seemed to forget that the object of the regulations was to see that mining was properly carried out, and to show the men what danger to avoid, and that they could only lose their lives by their own carelessness. The two cases were as different as possible. The warden was liable, and had to see that every opportunity was given the men, and that they should not lose their lives by carelessness on the part of others who were responsible for the mine.

Mr. RUTLEDGE asked the hon. member in charge of the Bill whether it was intended to make any provision for what he had pointed out early in the discussion. Rule 18 would not be capable of being brought under this section. An abandoned mine was not a mine which "ordinarily employed" more than six people.

Mr. GRIFFITH suggested that the 18th rule should be taken out, and be made a new clause of, to apply to all mines.

Mr. RUTLEDGE thought that the 18th rule should be abandoned, as it would be a very harsh and arbitrary proceeding that a man should not be allowed to move timber and other material from his shaft, but would have to go away and leave it to somebody else, who, perhaps, had more capital than he had, and who was able to bring it to bear just where the other man had to leave off. He did not think they ought to preserve this rule or anything like it.

The MINISTER FOR WORKS moved that after the word "ground" the words "except as hereinafter provided" be inserted.

Question put and passed, and the clause, as amended, was agreed to.

On clause 5—"General rules"—it was decided to take the twenty-one subsections *seriatim*.

The MINISTER FOR WORKS moved that subsection 1—"Ventilation"—be passed.

Mr. NORTON wished to know the meaning of the words "reasonably practicable." It seemed to him that if a thing was reasonable it was also practicable.

Mr. GRIFFITH said he could explain what the words meant. They meant the opinion of the two justices who happened to deal with the offence. With A and B the thing would be held to be "reasonably practicable;" with C and D it would be held not to be reasonably practicable.

Mr. HAMILTON said that, although the present Bill was a great improvement on the one which had been introduced two sessions since, and most of the clauses which had then found disfavour with miners had been either altered or eliminated, still, he was of opinion that a few more alterations could be effected with advantage. One of those was in subsection 2 of clause 5 of the general rules, which provided that explosives should not be stored in the mine in any quantity exceeding what would be required for use during six working days for the purposes of the mine. He considered it would be better to specify some definite quantity to which storage in mines should be restricted. It must be recollected that the quantity which mine-owners were allowed to store was not made for their convenience, but to lessen the danger which might result from accidental explosion; therefore he did not see why, because one mine used ten times as much powder in a week as another, it should be allowed to store ten times as much powder, unless it could be shown that the storage of an equal amount in the smaller mine was attended with greater danger. The danger of an explosion in the smaller mine would be even less, as the visits to its magazine would not be so frequent; and, moreover, if an explosion did occur it could not produce such disastrous effects as it could in the larger mine, where more men would be employed. If it were considered consistent, with due regard to the safety of miners in a large claim, to allow of the storage of a certain amount of powder, then he saw no objection to granting smaller claims the same privilege, especially as there was

a lesser danger in their storing the same amount. Some mines, for instance, consumed 200 lbs. of dynamite weekly. If the distance which the regulations provided that the underground magazine containing that amount be placed from the workings was sufficient to prevent the accidental explosion of that quantity from injuring the occupants of the mine, then, as the regulations provided that all mines, no matter what their size, must have their magazines stored the same distance from their workings, there should be no objections to allowing the smaller ones to store an equal amount of powder in their claims. No explosion, as far as he was aware, had ever taken place in underground magazines. According to the Explosions Act, 200 lbs. weight was allowed to be stored in any place of business where powder was sold, and it must be evident there was much greater danger attendant upon that than in an underground magazine. He therefore proposed——

Mr. FOOTE said he had an amendment to propose before they reached subsection 2.

The CHAIRMAN said the entire clause was under discussion, but of course any amendments must be taken in the order of the subsections.

Mr. FOOTE moved that the words "when ever reasonably practicable" be omitted.

Mr. GRIFFITH said the discretionary power must be left with somebody, and, without professing to know much about mining matters, he would suggest that it be left, not with two "scratch" justices, but with the Minister for Mines for the time being.

The MINISTER FOR WORKS said that in all cases brought before the court, the justices would have to decide upon the evidence of the inspector. In Victoria, where their experience in mining was much greater than ours, in their first Act the words "reasonably practicable" were used, and in their second Act, passed after four years' further experience, the same words were retained. He concluded, therefore, that the Act, as so worded, had been found to work well there, where the mines were far more numerous, and the number of cases coming before the justices would be more numerous also; and he did not think our justices were behind theirs in intelligence.

Mr. McLEAN thought the justices would be more capable of exercising discretion than the Minister, who might happen to know very little of mining. The local justices, before whom cases would be brought, would probably have a theoretical and a practical knowledge of mining.

Amendment put and negatived.

Mr. HAMILTON said he had endeavoured to show satisfactory reasons why the amount of powder to be stored in mines should be distinctly specified. He therefore moved the omission of the words, "It shall not be stored in any quantity exceeding what would be required for use during six working days for the purposes of the mine," with the view to the insertion of the following —"Any explosive compound, exceeding in the aggregate 200 lbs. weight, shall not be allowed to be stored in any gold-mine."

The MINISTER FOR WORKS said one would think that the hon. member expected to blow up Gympie. He believed that 200 lbs. of dynamite would blow up the whole district, and thought the clause as it stood would be far more practicable than allowing 200 lbs. to be stored. It was only a few days since an explosion of dynamite took place within three miles of Townsville—it was a small quantity, not more than one-fourth of this—and the effect was that the windows in Townsville were shattered by it. This quantity would blow up any mine in the world.

Mr. HAMILTON said that there was more danger in storing explosives above ground than under ground. Even now, dynamite was stored in Gympie in some cases to the extent of 200 lbs. If the storage of that amount were the objection to his amendment, then the Minister for Mines would have to alter his own clause, for, as according to its provisions the quantity of explosives necessary for one week could be stored in a mine, then 200 lbs. could be stored, as the Phœnix Extended Mine used that amount of dynamite weekly.

The PREMIER said they could not amend this particular regulation to deal with gold-mining alone. The Bill dealt with, not only gold-mines, but coal-mines; and if the hon. member wished to apply the provision to gold-mines only he should move an amendment to that effect.

Mr. HAMILTON said he simply dealt with what he understood. If any hon. member thought it desirable to extend the amendment to coal-mines he had no objection. He wished to point out that those who objected to his amendment on the ground that the storage of 200 lbs. of dynamite would be dangerous were not consistent in supporting the clause as it now stood, because, according to that clause, it would be open to any miner to store whatever quantity of dynamite that might be used weekly in the workings.

Mr. ARCHER said in that case the amendment, if passed, would make no difference at all. By the Bill as it stood, if a mine used 200 lbs. of explosives in a week it would have a right to store that amount—the Bill providing for the storage of a week's supply up to that quantity. He thought it would be better to leave the clause as it stood.

The PREMIER said he understood the hon. member did not wish to interfere with coal-mines, and if he wanted to introduce an amendment that any gold-mine should be allowed to store only 200 lbs. of explosive material under ground, he must put it in a proviso at the end of the clause, and not interfere with the clause referring to the storage of explosives in all mines. He thought 200 lbs. of dynamite would be enough to blow up all Gympie, and they might as well say 200 tons.

Mr. HAMILTON said, if 200 lbs. of dynamite would blow up Gympie, any person who believed that, to be consistent, must support an amendment of the clause as it now stood. He could easily remove the objection urged by the Premier to his amendment by striking out the word "gold." If the hon. member for Blackall had looked more carefully into the clause he would see that every claim-holder was not allowed to stow 200 lbs. of dynamite away in any magazine below ground. According to these regulations the underground magazine must be a certain distance from the workings, and in such magazine any man could store the amount of explosive compound he required for six days. In one instance the claim-holder was only allowed to store half-a-dozen pounds; in another he was allowed to store 200 lbs. If the distance provided was considered sufficient protection in case of the explosion of the maximum amount allowed in the magazine, why should other claims having magazines the same distance from their claims be prohibited from storing a like quantity?

Mr. FOOTE said he thought the subject of ventilation was now under consideration, although he was quite aware that in connection therewith they were discussing the subject of gunpowder stowage. The hon. member for Gympie (Mr. Hamilton) had risen to propose an amendment before they got over the 1st section. He looked upon the question of ventilation in mines in this

colony as one of the most important principles in the Bill. Of course it was necessary that great care should be taken to preserve lives, and to prevent accidents from gunpowder, and other details of the working of mines; but he thought, if possible, there should be some system of ventilation whereby the proprietors should be compelled to give a certain amount of ventilation.

The PREMIER rose to a point of order. The amendment proposed was in line 44 of clause 5, therefore the hon. member could not move an amendment in line 35.

The CHAIRMAN said the hon. member was out of order, and he had already pointed out that he could only discuss the part of the clause before them, and not propose to amend any matter already dealt with.

Mr. FOOTE said he did not understand the Chairman to put the question in that way.

The MINISTER FOR WORKS would point out to the hon. member something that would perhaps satisfy him, and cause him to withdraw his amendment. In England, where they had the experience of centuries in mining, and where there had been a great deal of legislation on the subject, the wording was the same—namely, "an adequate amount of ventilation."

Mr. KING said the difficulty was this: that there were a considerable number of men on the mines in this country who were not miners proper, and who were not fit to be trusted with explosives. There were a very great number of accidents, and in order to prevent these accidents they were going to interfere with a considerable number of men who were perfectly aware of what they were about. He believed that these regulations would be more likely to lead to accident than to prevent it; and it would be better to omit this subsection, leaving clause 9, which provided for compensation, to compel miners to take proper care to store their explosives. He believed himself that underground magazines were much the safest. He had had a great deal to do with explosives, having used a considerable quantity in his life, and at present his dynamite was stored under ground, and the detonators above ground. If this Act passed, the detonators and dynamite would be stored together, and when that was done there was a great deal of danger. It would, however, be too much to expect the miner to build two magazines, one for dynamite and one for detonators. He really thought it would be very much better to make the rest of this clause, giving compensation as clear and strong as they could, and then let mine-owners and miners look after themselves.

The MINISTER FOR WORKS said if they accepted the proposal of the hon. gentleman it would simply denude the Bill of every clause except that providing that when a man was injured compensation should be paid by the owner of the mine; but how could that be done unless they pointed out in the first place what the owner must do to preserve the lives of miners? Then, if they did not do that, they were liable to pay compensation.

Question—That the words proposed to be omitted stand part of the question—put and passed.

Question—That clause 5, as read, stand part of the Bill—put.

Mr. GRIFFITH said this was a very important clause, and there were several matters to which he wished to call attention, more especially the one referring to the test to be applied to steam-boilers. He trusted the Minister for Mines would allow time to consider the question.

On the motion of the MINISTER FOR WORKS, the Chairman left the chair, reported progress, and obtained leave for the Committee to sit again on Tuesday next.

On the motion of the PREMIER, the House adjourned at nine minutes to 11 o'clock until the usual hour to-morrow.