Queensland

Parliamentary Debates
[Hansard]

Legislative Council

WEDNESDAY, 1 OCTOBER 1884

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LEGISLATIVE COUNCIL.

Wednesday, 1 *October*, 1884.

Question.—Pharmacy Bill—third reading.—Wages Bill—committee.—Local Authorities By-Laws Bill—committee.—Patents, Designs, and Trade Marks Bill.—Native Birds Protection Act Amendment Bill.—Skyring's Road Bill—second reading.—Native Labourers Protection Bill—committee.—Question of Practice.—Gympie Gas Company (Limited) Bill—committee.—Maryborough Town Hall Bill—committee.—Pettigrew Estate Enabling Bill—committee.—Health Bill—second reading.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

QUESTION.

The HON. W. H. WALSH asked the Postmaster-General—

1. What amount of public money was held by the Queensland National Bank on the 30th June last, distinguishing the amount held in London or elsewhere out of the colony and in Brisbane, and the Trust Funds?

2. Also what rate of interest is being paid by the bank on all such moneys?

The POSTMASTER-GENERAL (Hon. C. S. Mein) replied—

1. The amount of public money held by the Queensland National Bank on 30th June, 1884, was as follows:—

Balance of the Loan Account	£1,612	562 17	5
Ditto Consolidated Revenue	366,301	11	6
Ditto Surplus Revenue Fund	135,794	12	11
Ditto Savings Bank Funds	317,335	4	2
Ditto Trust Funds	223,833	4	10
Total	£2,655,827	10	10

Of this amount £1,777,658 15s. was held in London, and £378,168 15s. 10d. in Brisbane.

2. The rates of interest paid were:—

On the London Balance (30th June) £1,777,658 15s.	1 per cent.
On Fixed Deposits, Brisbane, £500,000	6 "
On " " £300,000	5½ "
On General Balance, Brisbane, £78,168	3½ "

I should like to make one or two observations in addition to the formal answer I have given to the question. When the Colonial Treasurer made his Financial Statement in the Assembly a short time ago he stated that the balance in London was £239,698. Hon. gentlemen will have gathered from the answer to the question that I have just read that the balance in London on that date was very much in excess of the amount named by the Colonial Treasurer—amounting to £1,777,658. The increase arose in this way: When our last debentures were sold arrangements were made that the amount subscribed should be paid in instalments. It turned out, however, that a large number of persons who applied for debentures did not avail themselves of the privilege of paying by instalments, but paid up in a lump to the unanticipated extent of one and a-half millions. Although the amount held there seems unusually large, yet it is not too much for the requirements of the Government, as about £1,019,000 will be required on the 1st January, 1885, to retire the 1884 loan, and the balance is about sufficient at the present rate of expenditure to afford supply for twelve months. With regard to the interest, the amount charged on the London balance is that stipulated by the agreement between the Government and the bank, and the rate charged in respect of the general balance in Brisbane is also the rate prescribed by the agreement between the Government and the bank. The 6 per cent. and 5½ per cent. paid on the two fixed deposits were matters of special agreement.

PHARMACY BILL—THIRD READING.

On motion of the HON. P. MACPHERSON, this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Assembly by message in the usual form.

WAGES BILL—COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the House was put into Committee of the Whole to consider this Bill in detail.

The clauses of the Bill and the preamble having been agreed to,

The HON. A. J. THYNNE, in moving that the Chairman leave the chair and report the Bill without amendment, said he had to thank the hon. the Postmaster-General for having taken the Bill up in his absence. He did not anticipate that the Bill would have been proceeded with so quickly.

Question put and passed; and the House having resumed, the third reading of the Bill was made an Order of the Day for next sitting day.

LOCAL AUTHORITIES BY-LAWS BILL—COMMITTEE.

On the motion of the POSTMASTER-GENERAL, the House was put into Committee of the Whole to consider this Bill in detail.

The preamble was postponed.

Clause 1—"Interpretation"—passed as printed.

On clause 2, as follows:—

"Every local authority constituted under the Local Government Acts is authorised and empowered to impose by by-law, and to collect, receive, and retain, reasonable fees or charges for and in respect of any license granted under any by-law which the local authority is by the Local Government Acts or otherwise authorised or empowered to make, and to impose in like manner, and to collect, receive, and retain, reasonable tolls, rates, and dues, for the use of roads, bridges, wharves, jetties, or markets, under the control of the local authority. Such rates or dues may be imposed in the form of taxes or charges upon vehicles passing over the roads of the local authority"—

The HON. A. C. GREGORY said that, while he agreed with the greater part of the clause, he strongly objected to the words contained in lines 9, 10, 11, which read "such rates or dues may be imposed in the form of taxes or charges upon vehicles passing over the roads of the local authority." That introduced an entirely new question, and one which he believed would require a whole enactment of itself to carry out. It was not like the rest of the Bill, which was simply to remedy doubts as to the powers that were possessed under the Acts of 1878-9. It introduced a totally new feature in a few short words, without any provision as to how it was to be carried out—in fact, it proposed to enact a novel law altogether, and one which could only be carried out by a system of toll-gates all over the country. Those whose recollection went sufficiently far back to remember the toll-gate system would recollect what a very vexatious tax it was upon the public; how extremely inconvenient it was; and, worse than all, the very small amount that ever accrued in the shape of benefit to the roads upon which tolls were collected. With the exception of a few cases where the traffic was very large the tolls scarcely ever did more than pay for their collection; and it was a notable fact that almost all the high roads in England in the old times, during the continuance of toll-bars, were hopelessly insolvent; that the tolls did not pay even the expenses of maintenance, and that they were under the necessity of deriving funds from other sources in order to carry out those works. In this colony they had a toll-bar once upon the Main Range, and he believed another in the North. At any rate, the toll-bar at Toowoomba was found to be such a nuisance that it was very soon dropped; and the one in the North, between a divisional board and a municipality, had soon to be abolished. It would be utterly impossible, as far as he could see, to collect a wheel-tax except upon a system of toll-bars. How otherwise was it to be done? For instance, a man got a lot of timber upon the range somewhere; he brought it down to the river where it was to be rafted, or to the sawmill where it was to be cut up; and in doing so he had to pass through a number of local authorities—boards, shires, municipalities, etc.—and he could not possibly afford to pay an annual tax, because he might only go that way once or twice or three times in the year, while another man might travel there all through the year. Therefore, it would be unreasonable to impose an annual tax on anyone drawing timber, and upon vehicles generally. Then, again, how were they to discriminate between a farmer's cart carrying a heavy load of maize, and a dray carrying shingles, posts and rails, or heavy logs, which were those especially complained of? Even if the Committee considered it desirable to pass such a law, it could only be effectually done by an enactment considerably longer than the whole of the Bill. Under the circumstances he moved that the words, "such rates or dues may be imposed in

the form of taxes or charges upon vehicles passing over the roads of the local authority," be omitted.

The HON. J. C. HEUSSLER said he entirely agreed with what had fallen from the Hon. Mr. Gregory; but he had an earlier amendment to propose. He had an objection to toll-taxes on roads, and he moved the omission of the word "roads" in the 8th line.

The HON. A. C. GREGORY said that if it was the wish of the Committee he would temporarily withdraw the amendment to allow that of the hon. member to be put. At the same time, he would draw his attention to a part of the Local Government Act of 1878, which would explain why the word "roads" was inserted. According to the 24th subsection of clause 167, the municipality might make by-laws for levying rates and dues for the use of roads, bridges, wharves, jetties, or markets, under their control; and it would be undesirable in a Bill like that before the Committee, which was intended to remove doubt, to disturb anything provided for in a previous Act.

The POSTMASTER-GENERAL said the hon. gentleman had referred to a clause which was a capital answer to his own observations with regard to the amendment he proposed. The object of the Bill was to avoid, as far as possible, the necessity for establishing toll-bars, and was chiefly intended to meet the cases of timber-getters, who paid no dues, but destroyed the roads, to the detriment of other travellers. If the board had no other way of dealing with the timber-getters, who used the roads all the year round, they would be driven to the necessity of establishing toll-bars, by which they could penalise those men every time they went across a particular piece of road. It was with the view of meeting the objections referred to by the Hon. Mr. Gregory that the words were introduced, and his object would be defeated if they were struck out. It was questionable whether they had power to interfere with the Bill, and it was his opinion that as it levied an impost on the people, it must be either adopted or rejected *in globo*. To amend it would be to vary the tax which the representative Legislature proposed to impose on the people. He might mention that he travelled the Breakfast Creek Road pretty frequently during the twelve months, but did not pay any tax whatever for the use of that road; and there were many divisions in which the roads were used in a similar manner. The Hon. Mr. Heussler also drove his carriage very often over the Breakfast Creek Bridge, but he paid no tax for the use of the road between that place—which was, he believed, the boundary of the division—and the metropolis. He believed that as a rule people would be glad to contribute a reasonable amount in the shape of a small fee for the use of roads, in order that those roads might be kept in a decent state. When those who travelled over certain roads lived in another district, the proposed method was the best way of getting them to contribute towards the maintenance of the roads.

The HON. A. J. THYNNE said the argument of the Postmaster-General would have been a good one if the ratepayers of a division maintained the roads entirely out of their own funds. In the case of a private road, the people might complain of others using the road without contributing anything towards its maintenance. But what became of the £2 for £1 that the divisions got from the Government to assist them in keeping the roads in order? It was absurd for the board to ask for such excessive powers, and say that people travelling through the division paid nothing for the use of the roads. The Government endowment a good deal more than covered any expense to which the divisional boards were put by the extra traffic that passed over their roads. Besides that, the board indirectly gained by the traffic. According to the increase of traffic, the value of the land increased; and therefore the rates which the board charged on the land increased in proportion. He trusted the Hon. Mr. Gregory would persevere in his amendment, for he looked upon the tax on vehicles as a sort of return to the dark ages. It was a tax which he hoped would never become law in the colony. It was not upon the Postmaster-General or the Hon. Mr. Heussler that the tax would press. If every butcher, grocer, huckster, and bottle-gatherer, who passed along the road were taxed, it would press most heavily on them. In fact, it was about the most obnoxious tax that could be introduced, and he should support the Hon. Mr. Gregory to the full in having the words struck out. There was another reason for his objection, in support of which he would cite the remarks of the Postmaster-General. If the hon. gentleman claimed that the Bill was a money Bill to impose a new tax, it was contradictory to the preamble, which merely said that it was a Bill to explain an Act already in force. It was an amendment which had been introduced on the original draft of the Bill, and which should not pass through either Houses of Parliament without a corresponding amendment in the preamble.

The POSTMASTER-GENERAL said the hon. gentleman was altogether wrong. He never saw anyone address the Committee with such an air of confidence while displaying such lamentable ignorance. They could not alter the character of the Bill, so as to make it inconsistent with the title; but the hon. gentleman ought to know that that rule did not apply to preambles, which were now seldom used. According to the title the Bill not only declared the powers of local authorities, but was introduced also for other purposes, which included anything the Legislature liked to insert.

The HON. A. J. THYNNE said the Bill was a Bill to declare the powers of local authorities; and in such a Bill it was not proper to introduce a new tax.

The HON. J. C. HEUSSLER said that as his name had been mentioned in regard to using a road and spoiling it, he might say that what he did in that way was neither here nor there. He only wished to repeat what he said before—that the Bill contained a most obnoxious tax. He was just old enough to remember the agitation in the country from which he came, against toll-bars, and he could only say that he would rather throw out the Bill than introduce such an antiquated tax. The argument used by the Hon. Mr. Thynne, in reference to the boards getting £2 endowments for every £1 raised by rates, and the property in divisional boards being enhanced in value by the increase of traffic, was a very good one, and he did not see why they should be annoyed with such petty taxes as that proposed. If there was any necessity for taxation, let it be in a good lump, and not in the shape of petty taxes for every little thing. There were taxes for each pipe they smoked, and each cup of tea they drank. For the latter they were three times taxed—for the sugar, the tea, and the cup. Indeed they were taxed for the water also. With the permission of the Committee he would withdraw his amendment, after having heard the remarks of the Hon. Mr. Gregory.

The HON. T. L. MURRAY-PRIOR said he was certainly not in favour of toll-bars. There was one point, however, which the Postmaster-General had referred to which well deserved the

attention of the Committee, and that was with reference to the way in which the roads were cut up by timber drays. He happened to travel upon a road where timber-getters passed to and fro, and he could say, from his own observation, that they did nearly all the damage done to the roads which they traversed. It was, therefore, absolutely necessary that some steps should be taken to prevent those teams from cutting up the roads, without paying something towards the cost of their maintenance. Timber-carriers should either enlarge the tires of their wheels or pay some tax to the local authority. The landholders were taxed for the purpose of keeping the roads in order, and none of them used the roads for heavy traffic very frequently. He did not think anything should be done that might prevent farmers bringing their produce to market, but the timber-getters should certainly be prevented from destroying the roads without contributing something towards their maintenance. He hoped the Government would propose some means whereby divisional boards could effect that object.

The HON. W. GRAHAM said he supposed that the Postmaster-General quite agreed with the Hon. Mr. Gregory, that the only possible way of collecting the tax imposed by the Bill was by means of tolls. He (Hon. W. Graham) did not see any other way of collecting the impost. The Postmaster-General had stated that the Hon. Mr. Heussler and himself lived in an outside district, and paid nothing towards the maintenance of an intermediate road which he traversed when coming into town, because he was outside the division through which that road passed. He (Hon. W. Graham) said he was in the same position, but he would point out that other persons living outside the district in which he resided also used the roads in his division when going to Sandgate, and paid nothing towards the expense of repairing them. He repeated that he failed to see how the tax could be collected except by putting up toll-gates, and that, in his opinion, would be a return to barbarism.

The POSTMASTER-GENERAL said he was of the same opinion as the Hon. Mr. Gregory and the Hon. Mr. Graham, with regard to the introduction of toll-bars. He would be very sorry to see them introduced. That was not the object of the clause. As the Hon. Mr. Gregory had pointed out, toll-bars could be established at the present moment under the Local Government Act of 1878. If the local authorities were not given some protection such as was proposed in the clause, they would be driven, he thought, to erect toll-bars in order to meet the case of timber-getters and others who used the roads without paying anything towards their maintenance. If they were compelled to have recourse to that plan, then not only timber-getters, but every one else, would have to submit to tolls. But that clause did not legalise toll-bars. He thought it would have the effect—it was the intention of the framer of the measure that it should—of allowing divisional boards to impose fees or charges for the use of the roads in their several districts otherwise than by the establishment of toll-bars. For instance, they might pass a by-law enacting that all persons using vehicles of a particular character should not be at liberty to travel over certain roads without paying a fee for doing so. If the words proposed to be omitted were expunged, divisional boards could not pass a by-law to that effect.

The HON. A. C. GREGORY said, admitting for the sake of argument that the timber-getters ought to pay a tax, and if there were no toll-bars, how would the few simple words at the end of the clause enable the local authorities to collect the charges?

The POSTMASTER-GENERAL said they could do so by passing a by-law to say that no timber-getter should traverse the roads of their particular division without having first obtained a license, for which he should pay a certain fee, under a penalty of, say, £10. If a man did use the road without a license then he would be penalised in the same way as the owner of a public vehicle would in places where a by-law was established requiring owners of vehicles plying for hire to take out a license.

The HON. J. TAYLOR said the great difficulty that presented itself to his mind was what would be the upshot if he went, say, from Brisbane to Southport. Would he require to have a license from four or five divisional boards? The Postmaster-General stated that he used a road without paying anything to the local authority who were responsible for keeping it in repair, but he scarcely thought the hon. gentleman cut up the roads as much as timber-carriers. In his (Hon. Mr. Taylor's) opinion, all vehicles other than timber waggons should be exempt from taxation, and he thought it would be an improvement if the clause were amended so as to read, "Such rates or dues may be imposed in the form of taxes or charges upon all vehicles carrying timber."

The HON. W. PETTIGREW said if a person took a bullock team down to Southport to draw timber he would stay there for some time; he was not likely to go down with a team of bullocks and come back directly, but would probably cross the roads a good many times. Such a person ought to be taxed, and that could be accomplished by requiring a man under a penalty to take out a license for a certain specified period. Although he and another hon. member of that Committee were connected with the timber interest, he was still of opinion that timber-getters were justly liable to pay for the use of the roads they traversed, and, entertaining that view, he should certainly agree to the passing of the clause as it stood. How the tax should be imposed was another question, and one that might fairly be left to the divisional boards or local authorities to decide. A man who travelled over a road with a three-ton load on a vehicle with two three-inch wheels cut up the road far more than a man who took a similar load on a vehicle with four six-inch wheels; and he thought that the details of the taxation in such cases should be left to the divisional boards. Some years ago the municipal council of Brisbane had under consideration the question of taxing vehicles that came into town from outside places, but they did not see their way to do so, as it was perfectly clear that any attempt to establish toll-bars would be met by serious opposition. The consequence was that they were unable to compel the owners of such vehicles to pay anything towards the expense of keeping the roads in order, which he thought was a great injustice to the inhabitants of Brisbane. If some such clause as the one under discussion had been law at that time, he dared say that the council would have found the ways and means of making the people he referred to fork out the money for a license. He thought the last three lines should be allowed to remain in the clause. Of course, he admitted that all persons were now taxed to some extent in their own divisions.

The POSTMASTER-GENERAL said he would say something as to the power of the Committee to amend that Bill. He quoted from "May" the previous day on that point, and would now add to that quotation:—

"In Bills not confined to matters of aid or taxation, but in which pecuniary burthens are imposed upon the people, the Lords may make any amendments, provided

they do not alter the intention of the Commons with regard to the amount of the rate or charge, whether by increase or reduction; its duration, its mode of assessment, levy, collection, appropriation, or management; or the persons who shall pay, receive, manage, or control it; or the limits within which it is proposed to be levied."

The HON. A. C. GREGORY: The Lords may reduce but not increase a tax.

The POSTMASTER-GENERAL: The Lords had no power to vary or amend a tax proposed to be levied by the Commons:—

"As illustrative of the strictness of this exclusion, it may be mentioned that the Lords have not been permitted to make provision for the payment of salaries or compensation to officers of the Court of Chancery out of the suitors' fund, nor to amend a clause prescribing the order in which charges on the revenues of a colony should be paid. But all Bills of this class must originate in the Commons, as that House will not agree to any provisions which impose a charge of any description upon the people if sent down from the Lords, but will order the Bills containing them to be laid aside. Neither will they permit the Lords to insert any provisions of that nature in Bills sent up from the Commons, but will disagree to the amendments, and insist in their disagreement, or, according to more recent usage, will lay the Bill aside at once. In cases where amendments have affected charges upon the people incidentally only, and have not been made with that object, they have been agreed to. So, also, where a whole clause or series of clauses has been omitted by the Lords, which, though relating to a charge and not admitting of amendment, yet concerned a subject separable from the general objects of the Bill."

The Hon. Mr. Gregory seemed to be under the impression that the Commons admitted the right of the House of Lords to decrease a tax which the Commons proposed to impose. He (Hon. Mr. Mein) could find no such provision, and had never heard any such contention before. The rule laid down between the House of Commons and the House of Lords was that the Commons would not assent to any increase or reduction by the House of Lords in any impost proposed by the Commons. They knew what the intention of the Legislative Assembly was in that Bill—that it was introduced by message from His Excellency the Governor, clearly intimating that it was a money Bill. And now the Committee proposed to vary the mode of levying a tax which the Commons—the Commons of this colony—had proposed to impose. He wished to attain the same object as the Hon. Mr. Gregory. The hon. gentleman seemed to think that that object would be defeated by the introduction of the clause under discussion, while he (Hon. Mr. Mein) on the contrary, thought it would be secured by that clause.

The HON. W. GRAHAM said he differed from the hon. the Postmaster-General. He did not think the Committee proposed to vary the tax. They contended that as matters stood there was power given in existing laws to make the charges which that clause authorised; and, really, if they were not able to put a veto on a matter that they considered wrong or unnecessary, it seemed to him that the Committee was of very little use at all. Then as to the fear of the Postmaster-General that the amendment would decrease the usefulness of the measure, he (Hon. Mr. Graham) did not care if the Bill was thrown out altogether.

The POSTMASTER-GENERAL said the cause of the introduction of that Bill was, as he had previously pointed out, that doubts had been expressed as to the powers of municipal institutions to levy fees at all under the Local Government Act of 1878, or under the laws relating to divisional boards. He did not think the hon. gentleman was in the House when the second reading of the Bill came on for consideration. He (Hon. Mr. Mein) then pointed out that a case had recently come before the Supreme Court, where a man using a vehicle plying for hire had neglected to take out a license, and it was assumed by the divisional board that he had broken a by-law imposing a tax on all vehicles plying for hire in their district. The court, however, decided that the by-law was *ultra vires*; that notwithstanding that local authorities were authorised to collect fees the Act gave them no specific power to levy or charge license-fees, as that was imposing a tax. It was the intention of the Legislative Assembly in the Bill before the Committee, to remove all doubts as to the powers of local authorities in that respect, and to authorise the different municipal institutions to levy fees for licenses.

The HON. J. C. HEUSSLER said, no doubt there was some reason for introducing the Bill, but he could not see the force of all the arguments of the Postmaster-General, nor did he think they upset the arguments he had advanced. As to the other question the hon. gentleman had raised, with regard to the power of the Committee to amend a Bill, he (Hon. Mr. Heussler) thought they had certain powers given them under the Constitution which they had not always exercised, and that, if they chose, they could amend even money Bills. That, at any rate, was his firm impression.

The HON. G. KING said that was only a Bill to give a power supposed to exist in another Act. There could, therefore, be no objection to passing it.

The HON. W. H. WALSH said there was no doubt that the Bill, and that clause in particular, provided for increasing the burdens of the people; and all the sophistry and argument that could be used to the contrary could not alter the fact. It did seem extraordinary that for the last few years each successive Government that had been in power seemed to have exercised its ingenuity towards the one object of increasing the burdens of the people. There had not been a Bill introduced during the last two or three sessions for removing a single burden, or for the relief of any tax whatever; but the tendency all through had been to increase the burdens of the people. He remembered the time when the great effort of Parliament was to relieve the people of their burdens; but it seemed unpopular now to attempt to do so, and how long that state of things was to continue he did not know. At any rate he thought it was most deplorable for the country that it should become such a fashion as it was becoming. The tendency of the clause, as far as he could see, was to prevent the use of vehicles by persons who were not so wealthy as, say, the hon. the Postmaster-General, and other hon. gentlemen who were likely to support him in this scheme of taxation. He was sure that there were numbers of comparatively poor persons and tradesmen, who now used vehicles, who would not do so when they found they had to pay a tax whenever they went into a division or a municipality. He was quite aware that the argument used by the Hon. Mr. Murray-Prior had a certain amount of force—that an immense amount of damage was done to the roads by timber traffic. That was a reason why that particular kind of traffic should be made the subject of a tax, but it was no reason why persons owning dogcarts and vehicles of every other kind, and who lived in localities that were swarming with divisional boards, should be specially taxed. Brisbane and its neighbourhood was swarming with divisional boards to such an extent as to become an absolute nuisance, with their diverse laws and modes of improving the roads, and their internal quarrels among themselves. Why, from sheer animosity towards each other, or from personal animosity, individuals might be

singled out by different boards to be taxed. It might be a butcher, a baker, a merchant, or anybody else, but as sure as possible they would be subjected to that kind of treatment. The citizens of Brisbane were the very people who ought to rise up and protest against such a Bill. They or their representatives should not complain of the number of vehicles that came into Brisbane and left it. Their prosperity depended in a great measure upon the number of vehicles driven into and out of the place; and surely they were not the people who should complain bitterly of the injury done to their roads. It would be a great injury to their roads if there was no traffic over them; they would soon go to decay then, and be costly to keep up. The Hon. Mr. Thynne was perfectly right, and he (Mr. Walsh) admired his argument when he pointed out that the very traffic along the streets of Brisbane gave a certain value to the lands through which it passed. Look at the benefit that had accrued in that way from the establishment of omnibus traffic! Had it not been for those modes of conveyance, places three or four miles from Brisbane would be still unoccupied and comparatively destitute of value; and yet as soon as omnibus or cab proprietors commenced to run their vehicles to those localities, forsooth they were called upon to pay taxes for them! The fact was, their legislation was retrograding. Their object should be to govern the colony in the most economical manner possible, and to reduce the burdens of the people, and not endeavour to show with how much ingenuity—which now seemed to be the acme of a legislator's aim—they could add to taxation.

The HON. A. C. GREGORY said that, after listening to the various arguments that had been adduced, he had come to the conclusion that that was not the right place to introduce the enactment of a law to regulate the public traffic in the manner that the portion of the clause proposed to be omitted would do. He should be quite willing to accept the clause if it was sufficient to regulate the general traffic over the roads, but it was not. The shire of which he was president was suffering very seriously from the number of heavy vehicles that were being driven over the roads with loads amounting to about six tons, besides the weight of the vehicles themselves. He considered that the only way to levy a wheel-tax effectually would be to introduce a special Bill, in which the various details—such as the breadth of wheels, amount of load to be carried, and so on—should be defined, and not by two or three words, such as were introduced in the clause, which would enable the seventy divisional boards in the colony to pass all sorts of by-laws in regard to traffic, and lead to utter confusion. If it was desirable that all vehicles should be taxed, well and good; but he contended that this was the wrong place to attempt legislation upon the subject. If they passed the clause as it stood, they would enable each one of the seventy divisional boards to make different by-laws, and the result would be that they would have so many forms of government that there would be no end of confusion. They had seen already that in some cases boards had imposed a wheel-tax and got the Government to approve of it, but when they came to put it in force they found that it would not work. They accompanied the by-law with a regulation to the effect that everybody coming into the division was to be charged. In fact, practically it was a toll-bar. They placed a man at a bridge, and although they had not the swinging gates, he demanded toll from all persons except those living in the division, who were exempted. He pointed these matters out to show how necessary it was that if a law of the kind proposed was allowed to pass—imposing a wheel tax—it should be accompanied by such restrictions as would make the system tolerably uniform throughout the colony. Unless it was done in that way it could not be carried out, except in the most vexatious and least profitable form. His contention was not that he should not pay a tax for driving his buggy into the city of Brisbane; he should be perfectly willing to do so, because he believed it would be to his benefit, inasmuch as he would have a very much better road than he had; but he maintained that the clause as it stood would enable divisional boards and municipalities to pass a large number of peculiar by-laws, in which there would be no uniformity, and which could not be carried out without excessive vexation to all parties concerned. It would be far better to pass an Act at once, by which the Government could levy a wheel-tax all over the colony, and divide the proceeds amongst the different divisional boards. It would certainly tend much more to the improvement of the roads. Toll-bars was the only system that could be adopted if the clause passed as it stood; and they all knew what a vexatious thing that would be. If they were erected there would very soon be such an outcry, and the inconvenience would be so forcibly brought before Parliament, that it would be necessary to abolish them. He did not wish to interfere in any way with the Act as it stood in relation to tolls and dues; but what he did object to was, introducing an entirely new tax in the Bill in such a very imperfect form. The Hon. Mr. Pettigrew had pointedly drawn attention to the way in which roads were cut up by the timber traffic, but that was no sufficient reason for enabling divisional boards to frame by-laws which would have anything but a beneficial effect upon the different divisions of the country. The result would be that people passing through different divisions would be called upon to pay all kinds of taxes; a large number of men would have to be employed collecting the taxes, and the greater part of the money collected would go to pay the collectors, while very little would go to its proper destination—the improvement of the roads. He should therefore adhere to his amendment, and take the sense of the Committee upon it.

The HON. P. MACPHERSON said it appeared to him that the Committee had a perfect right to interfere with and alter the clause if they thought fit. They had a perfect right to interfere with anything that did not affect the Supply to be granted to Her Majesty which originated in Committee of the Legislative Assembly; and, although this particular Bill might have originated in Committee of the Whole of the Assembly, it did not come under the restriction imposed upon that House. "May," at page 494, said:—

"Nor has this rule"—

That was with reference to a Bill originated in Committee of the Assembly—

"been held to apply to Bills authorising the levy or application of rates for local purposes, by local officers or authorities representing, or acting on behalf of, the ratepayers."

He thought the Bill came within that rule, and therefore they could alter it if they thought proper to do so. If they could not deal with a Bill of that kind their functions as legislators must be very limited indeed, and they might almost as well not be there at all.

The HON. W. H. WALSH said there was a vast distinction between raising money under the Bill and the raising of money for the purposes mentioned in the authority from which the hon. gentleman had quoted. They must not forget that the proposal for raising money under the

Bill actually involved twice the amount of money raised being expended from the general revenue. Every parliamentarian knew that that Chamber had no right whatever to initiate any expenditure out of the general revenue nor any tax that would flow into the general revenue. Therefore he did not think the construction put upon the matter by his hon. friend, Mr. Macpherson, was strictly correct.

The HON. A. J. THYNNE said, if the argument of the Hon. Mr. Walsh were correct, he thought it would be better to negative the clause altogether. There were so many defects in it, to his mind, that it ought not to pass in any shape. In addition to the objection he had already pointed out, he would call the attention of the Committee to another defect. At the present time they had a dozen or fifteen divisional boards about Brisbane; each of these boards had a right, as the law stood at present—or they were supposed to have the right—to impose fees upon licensed vehicles. In connection with that, he would point out the position of a cabman, who might, in the course of a week or a fortnight, have to go to Sandgate, Cleveland, or other places within fifteen or twenty miles of Brisbane. If all those boards imposed the same fees as had been imposed by the municipality of Brisbane, that cabman would have to pay £30 or £40 a year for licence fees in order to carry on his trade. That was, therefore, not a measure that the House should encourage; at any rate it ought to be amended in such a way as to fix a maximum, so that the boards should not have power to make by-laws which would be actually oppressive, and ruin the trade or occupations of anybody. He should be very much afraid that some of the boards, which seemed to have such a very decided hostility to timber-getters—who did not make such a lot of profit out of their work after all—would impose such taxes upon them as would not only make good the damage done to the roads, but would make them good to a far greater extent than the actual injury done. In fact, they would make the timber-getters maintain the roads altogether, and pay a large portion of the expenses of the division; and perhaps aldermen or councillors would be able to get nice roads made to their own dwellings. If the Committee could not vary or alter the Bill, he thought it would be better to reject it altogether and introduce it in another form.

The HON. J. TAYLOR said evidently the Hon. Mr. Thynne knew very little about timber-getters or timber-carriers. The timber-carriers did not pay a tax.

The HON. A. J. THYNNE: I know they do not.

The HON. J. TAYLOR: The timber-getters had to pay the taxes and not the men who drove the teams. Again, the Hon. Mr. Walsh had stated that they had no right to come upon the consolidated revenue for money. The hon. gentleman evidently presumed that if they raised £1 by a wheel-tax they could claim £2 from the Government, but he must know perfectly well that such was not the case. There was no £2 for £1 given, except for actual rates raised, and nothing else. He trusted the hon. Postmaster-General would press the clause—not that he had any down upon any particular party in regard to the matter, but there was no question whatever that timber-carriages cut up the roads more than all other vehicles put together; and he thought the boards should be protected in some way. It appeared to him the only way in which they could be protected was by imposing a tax of this kind. If the hon. Postmaster-General would agree to an amendment to the effect that only timber-carriages should be taxed he should agree to it.

The POSTMASTER-GENERAL said he thought it was not desirable to interfere with the clause at all, or to raise any point as to the competency of that House to deal with it. Already, under other portions of the clause, power was given to collect, receive, and retain tells, rates, and dues for the use of roads, bridges, wharves, jetties, or markets under the control of local authorities. They had power to do that, as the Hon. Mr. Gregory had pointed out, under the Local Governments Act of 1878, so that it would appear that they were fighting the air after all. Before he sat down he might say a word as to the poor cabmen. They had already passed the United Municipalities Bill to deal with persons using the roads in a large number of municipalities—a Bill by which a union of local bodies could be formed to deal with cases where the roads might be used by different kinds of vehicles; and if they did not pass the Bill before the Committee, the case of the Woollongabba Division might be repeated in regard to the powers of local authorities to charge a license. The object of the Bill was to place beyond doubt the powers of the local authorities to levy a license for the use of roads. It was believed in all the colonies that the power existed until the judgment given in the Supreme Court the other day.

Question—That the words proposed to be omitted stand part of the clause—put.

The Committee divided:—

CONTENTS, 10.

The Hons. Sir A. H Palmer, C. S. Mein, J. C. Heussler, A. Raff, J. S. Turner, G. King, J. Taylor, F. H. Hart, J. Swan, and W. Pettigrew.

NON-CONTENTS, 7.

The Hons. A. C. Gregory, P. Macpherson, W. Graham, J. C. Smyth, W. G. Power, A. J. Thynne, and W. H. Walsh.

Question resolved in the affirmative.

Clause put and passed.

The remaining clauses and the preamble were passed without discussion.

The House resumed, and the CHAIRMAN reported the Bill without amendment.

The report was adopted, and the third reading of the Bill made an Order of the Day for the next day's sitting.

PATENTS, DESIGNS, AND TRADE MARKS BILL.

The PRESIDENT read the following message from the Legislative Assembly:—

"MR. PRESIDENT,

"The Clerk of the Parliaments having, under the provisions of the 20th Joint Standing Order, reported to this House the following clerical error in the Patents, Designs, and Trade Marks Bill, as finally passed by both Houses of Parliament, namely:—

"An amendment having been made in clause 10, substituting the words 'recommend that a patent be granted' for the words 'seal a patent,' a similar amendment becomes necessary in clause 83 of the original Bill, now clause 84.

"And this House, having amended the said error, by the substitution of the words 'recommend that a patent be granted' for the words 'grant a patent' in clause 84, beg now to transmit such amendment to the Legislative Council for their concurrence."

On the motion of the POSTMASTER-GENERAL, the consideration of the message was made an Order of the Day for the next day's sitting.

NATIVE BIRDS PROTECTION ACT AMENDMENT BILL.

The PRESIDENT read the following message from the Legislative Assembly:—

"MR. PRESIDENT,

"The Clerk of the Parliaments having, under the provisions of the 20th Joint Standing Order, reported to this House the following clerical error in the Native

Birds Protection Act Amendment Bill, as finally passed by both Houses of Parliament, namely:—

"The title is 'A Bill to Amend the Native Birds Act of 1877,' no such Act being in the Statute-book, the Act referred to being 'The Native Birds Protection Act of 1877.'"

"And this House having amended the said error by the insertion of the word 'Protection' after the word 'Birds' in the title of the Bill, beg now to transmit such amendment to the Legislative Council for their concurrence."

On the motion of the POSTMASTER-GENERAL, the consideration of the message was made an Order of the Day for the next day's sitting.

SKYRING'S ROAD BILL—SECOND READING.

The HON. F. H. HART said: Hon. gentlemen,—In asking you to consent to the second reading of this Bill, I shall endeavour to be as brief as possible. The circumstances of the case are these: The property in which the proposed road is situated belonged to the late David Skyring, who in his lifetime made certain roads but did not dedicate them to the use of the public. Mr. Skyring died and left the property to his two sons. Upon looking over plans it was found that the late Mr. Skyring had laid out a road running parallel to the river at Bulimba. This road, it appears, has been of little use if any to the district, and by the way it is laid out it has reduced considerably the value of the property on the side which has river frontage. It is proposed by the Bill that the petitioners shall have the right to substitute for this road another further south, running parallel to the existing road. The land on both sides of the existing road is the property of Mr. Charles Skyring, one of the legatees under the will, and the land on the side of the proposed road is also his property; therefore, no interests outside the family are at all concerned. In dealing with it some doubt appears to have arisen as to whether or not the first road made by the late Mr. Skyring was dedicated to the public, and to set aside doubts of that kind the legatees have come to Parliament. There is not much to be said about the matter. I find that beyond the family there is nobody interested in the land, and that the owners of property in the vicinity will really be accommodated rather than otherwise by the change. I may mention that the Bill has been sent up from another House, where it passed through a select committee. The report of that committee is to the effect that the exchange proposed to be effected will be a public convenience, and not injurious to any private interest, "only affecting the parties applying for the Bill, the owners in fee of the land, in the voluntary alteration of its subdivisions, and in the discharge and change of the dedication of part to a road." I think I need not take up the time of the House further, and I therefore move that the Bill be now read a second time.

The HON. A. C. GREGORY said: Hon. gentlemen, I do not intend to oppose the second reading of this Bill. Though it is introduced as a Bill affecting purely private interests, when we come to look into it we find that it would indicate the necessary course to be adopted in a very large number of cases. Doubts have arisen in many similar cases, and it would be a proper thing for some general legislation to be taken in the matter. There are numbers of cases in which parties have marked out roads and sold subdivisions and lodged plans in the Real Property Office; afterwards some person has bought the whole of the land adjoining these accommodation roads, and when he has become the only party interested, he has applied to the Real Property Office to have the roads included in his consolidated transfer, but has been refused on the ground that the roads were not conveyed to him. Then the parties have applied to the Government, and the Government have said, "Even if the roads were dedicated to the public, we know nothing about them and cannot issue a proclamation with regard to their closure." Thereby properties have become depreciated, people being unable to mark new roads through the land, and the public as well as the owners suffered considerably. I think something should be done to cure the defect in the system followed in this particular matter in the Real Property Office. There is another thing I may mention. The preamble states that the land was not dedicated as a road; but the Bill is based entirely on the assumption that it was dedicated as a road. I think some explanation of that might be given. I also consider it desirable that some legislation should take place in regard to cases of this nature, in order that the time of the House may not be occupied by them in future.

Question put and passed, and committal of the Bill made an Order of the Day for next day's sitting.

NATIVE LABOURERS PROTECTION BILL—COMMITTEE.

On this Order of the Day being called, the President left the chair, and the House resolved itself into a Committee of the Whole to further consider the Bill in detail.

Question—That clause 7, as follows:—

"Every native labourer employed on board of, or in connection with, a vessel trading in Queensland waters, whether he was engaged before, or is engaged after, the passing of this Act, shall be discharged and receive his wages in the presence of a shipping master.

"If the master or owner of any such vessel, or any other person, discharges a native labourer who has been employed on board of any such vessel or pays his wages otherwise than as is herein provided, he shall be liable to a penalty not exceeding fifty pounds."

—stand part of the Bill—put.

The HON. SIR A. H. PALMER moved, as an amendment, that the word "fifty" in the last line be omitted, with the view of inserting the word "ten."

The HON. W. H. WALSH said he would strongly recommend the Postmaster-General to be merciful. It was an old attribute which was sure to command respect. He thought that if the hon. gentleman was not a Minister he would take exactly the same view as he (Hon. Mr. Walsh) did. £50 was an excessive penalty, and £10 would be much more becoming to their Statute-book.

The POSTMASTER-GENERAL said he must point out that £50 was not a fixed, but a maximum, penalty. If a man committed an offence against the provisions of the Bill through an oversight, probably the penalty would be a very light one. It was not often that the maximum penalty allowed by the law was inflicted. But he thought if a man systematically broke the provisions of that clause, he should be liable to a very severe penalty, and, under the circumstances, he did not think £50 would be very severe. The matter had been so thoroughly discussed that he felt disinclined to trouble the Committee with any further observations upon it. The Committee had better come to a division at once.

The HON. A. C. GREGORY said he thought it would be consistent with previous amendments to make a reduction in the amount of that penalty. His firm impression was that by putting enormous penalties into the Bill the ends of justice would be, to a great extent, defeated. He should therefore support the amendment.

The HON. T. L. MURRAY-PRIOR said he should also support the amendment.

Amendment agreed to; and clause, as amended, put and passed.

On clause 8, as follows :—

"If any such vessel arrives in any port in Queensland having a less number of native labourers on board than are carried on the ship's articles, the master and owner shall each be liable to a penalty not exceeding one hundred pounds for every native labourer so deficient, in respect of whom such master or owner shall not prove to the satisfaction of the court that he has been prevented, by circumstances beyond his control, from bringing such native labourer to such port."

The HON. SIR A. H. PALMER moved that the words "one hundred" be omitted, with the view of inserting the word "ten."

The POSTMASTER-GENERAL said he hoped the hon. gentleman would not insist upon that amendment. It would be a much more serious one than that which had been made in the preceding clause. The penalty was for the master of a vessel not accounting for a native he might have shot or murdered in one way or other. A captain was bound to have all the men on his articles, and if he came back into port and could not account for a man, surely the exaction of a penalty of £100 under such circumstances as those to which he had called attention was not too great. Hon. gentlemen would observe that the master had an opportunity of satisfying the court as to the absence of the aboriginal who had not returned with the boat, not only by evidence from other sources, but by a subsequent clause he was expressly empowered to give evidence on his own behalf—an unusual provision in criminal prosecutions. Clause 10 said :—

"In any proceeding against any person for a breach of the provisions of this Act the accused person shall be a competent witness on his own behalf"—

And the penalty was for not proving to the satisfaction of the presiding judge or justices how the absent man had been disposed of. If a man had died, or run away, or had been lost in some way or other—under circumstances for which the master was not fairly responsible—he would be relieved of any liability. It was only in cases in which a master of a vessel could not give an account of the native for which he was held responsible that the penalty was to be exacted. When he first saw the Bill he thought that the penalty of £100 was far too small.

The HON. W. H. WALSH said that clause was worse than the one previously amended. He had known instances in which blackfellows—not enrolled on ships articles, certainly, but who could have been enrolled for an hour or two—suddenly disappeared. They had gone to bed on board a ship at night and in the morning they were found missing. Of course they had jumped overboard and swam to the shore. Did the hon. gentleman mean to say, that if a captain of a vessel had such a man as that on board, he would be fined £100 if he did not account to the justices for his absence, should he be missing. It did not matter to a blackfellow whether he was enrolled or not; when it suited his purpose, and opportunity offered, he would jump overboard and travel back to land. Hon. members all knew that. It was absurd, in the first instance, to suppose that ordinary blacks would understand what they were doing when they were enrolled on the ship's articles. That was the first farce played in the Bill. Then a captain of a vessel was looked upon, apparently, as though he were an ordinary murderer, and as though he shot or otherwise got rid of men whom he did not bring back to port. He had seen the most mutual friendship spring up between a black and his employer, and at the same time seen the black slither or glide away at a most unexpected moment. And because a captain could not account for a man of such a disposition, he was to be treated as a murderer. The Committee ought not to be asked to contemplate such a thing at all. There were sufficient laws in the Statute-book to punish a captain who made away with a black in an improper manner, and there were plenty of persons who would lay an information against a captain guilty of such an action. But, according to that Bill, they were to suppose a captain who did not account for a blackfellow, had violently murdered him, and he was to be liable to a penalty of £100 for each native missing. They seemed to be bereaving themselves of their ordinary humanity and reason in indulging in such Bills. They were not the Bills of Christians at all. He thought they were sullying their legislation by enacting, or endeavouring to enact, such an arbitrary measure as that Bill. He was quite sure that they were going back in the art of civilising their subjects by humane legislation.

The HON. T. L. MURRAY-PRIOR said his experience was exactly the same as that of the Hon. Mr. Walsh. He had himself seen blackboys willing to go on board a steamer, and with the consent of their own people, and one of them soon afterwards jump overboard and return to land. The other in his own way said he would not run away, but on getting near the Wide Bay bar—the incident happened in that locality—he coolly jumped overboard too; and he (Hon. Mr. Murray-Prior) believed the man got safely to land. For his part, he regretted that the Committee were not inclined to throw out the Bill altogether. If the Hon. Sir A. H. Palmer would propose the omission of the clause, he would divide with the hon. gentleman. The division the previous day was a surprise to him. The best they could now do was to modify that clause as much as possible, and he would support any amendment in that direction.

The POSTMASTER-GENERAL said the Hon. Mr. Walsh could not have read the clause very carefully. The penalty was for not accounting for a native, and the opportunity was afforded the master of a vessel for accounting for the absent native.

The HON. W. H. WALSH : How could he account for him if he vanished?

The POSTMASTER-GENERAL : He could say the man disappeared in the night-time or that he wanted to go to his friends and jumped overboard. If a captain came into port and was asked by the Customs officials what became of a native, and he replied that he had jumped over in Wide Bay, as he wished to see his friends on Fraser Island—who was there to contradict him? And that statement could be given as evidence on oath. Under the circumstances he thought the penalty was ridiculously small.

The HON. T. L. MURRAY-PRIOR said the Postmaster-General had given a very good reason, not only why the clause should be omitted, but also why the penalty should be reduced. The hon. gentleman said that a captain, having white men on board, if any murder or outrage were committed, there would be witnesses who would bring the offenders before a court of law. He agreed with the hon. gentleman that there would be witnesses. And what had transpired lately was a proof, not only of that, but also that there would be some witnesses who would try to get all they could out of the unfortunate captain. The presence of those witnesses would be sufficient to prevent any such outrages as those described by the Postmaster-General.

The HON. F. H. HART said he would ask the Postmaster-General whether he seriously thought there was any occasion for the

clause. He did not see why they should go out of their way to make more provision for native labourers than for European seamen. It was laid down in the 2nd clause that any native labourers employed on a vessel must be on the ship's articles, and that provision gave all the protection to aboriginals that was given to European sailors under the Merchant Shipping Act. When a vessel arrived in port the master had to report to the Customs; then he had to go to the shipping office and lodge his articles, and explain by his log any discrepancy. If any of his crew were dead or missing he must account for them. And if native labourers were on a ship's articles the master would have to account for them in the same way. Therefore he failed to see why they should make special regulations for them. Under the Merchant Shipping Act if a master could not account for a man he was immediately put on his trial.

The POSTMASTER-GENERAL: Nothing of the sort. I should like the hon. gentleman to quote from the Shipping Act any provision of the sort.

The HON. F. H. HART said that every master coming to the port must account for his crew, and if he could not do so, the authorities took action. He did not see any difference between a native labourer and a European, as far as accounting for them was concerned, and a captain should be equally responsible for one as for the other.

The POSTMASTER-GENERAL said he had not read the Merchant Shipping Act for some years, but he was confident that there was no such provision in it as stated by the Hon. Mr. Hart. The master of a ship might have to lodge his articles in the shipping office; but that was because he had to engage and discharge his hands in the presence of the shipping-master. How was a shipping-master to know whether the persons named in the articles were on board the vessel or not? There was nothing to prevent a person who might have disposed of an aboriginal pretending that that aboriginal was on board his vessel, and the clause was intended to deal with a case of that kind. If the master could not satisfactorily account for a man's absence he was liable to a penalty of £100. The question for the Committee to decide was whether that penalty was too much—whether a man who could not satisfactorily account for a missing aboriginal should be liable only to an extreme penalty of £10.

The HON. K. I. O'DOHERTY said he was still at a loss to understand the interpretation given by the Postmaster-General in reference to the responsibility of a captain in regard to his crew. Surely a captain was obliged to account for his crew at the termination of the voyage?

The HON. W. H. WALSH said the more he thought over the Bill the more it puzzled him to account for its origin. Had any instance come before the Government of captains ill-treating their black crews? Had any mention been made in the newspapers, to the police, or to the Government of such cases? He did not think so. The reason given by the Postmaster-General was that a vessel was supposed to have kidnapped some aboriginals from Hinchinbrook Island. But they were not members of the crew ill-treated by the captain; they were simply passengers. There was an Act already on the Statute-book specially dealing with the only persons who employed aboriginals on the water, and what on earth was the necessity for the Bill? He had never seen a blackfellow enrolled on a ship's books, and he doubted whether the Postmaster-General had ever heard of such a thing. Was the Bill intended to prevent imaginary ill deeds, conjured up by the Postmaster-General? For the last twenty-five or thirty years they had been living in the colony; and the same thing, he presumed, had been going on all the time; but now, all at once, they were called upon to legislate for its suppression. He got quite perplexed in considering the question as to the necessity of taking up the time of Parliament in passing those truly algerine Acts.

The POSTMASTER-GENERAL said one would be almost inclined to ask where the hon. gentleman had been during the last six weeks—if he had not, by his speech, answered his own argument. He began by challenging him (the Postmaster-General) to give an instance where an aboriginal had been on a ship's articles, and not accounted for by the master; and then went on to say that no aboriginal had ever been on a ship's articles. They had already affirmed the necessity for affording protection to aboriginal labourers by placing them on a ship's articles; and having affirmed that, it was proposed by the clause that the captain should account for every aboriginal placed on the articles.

The HON. W. H. WALSH said the hon. gentleman's argument was as weak as that which he attributed to him (Hon. Mr. Walsh), when he said that because they affirmed a certain thing they ought to agree to what followed. They extended a great deal of courtesy to the hon. gentleman, but they were bound, before considering a Bill in detail, to assure themselves that there was a necessity for that Bill. The more he looked into that Bill the less he saw the necessity for its introduction.

The HON. T. L. MURRAY-PRIOR said there was no doubt some reason in what the Postmaster-General said. It was usually understood that when the second reading of a Bill was passed they affirmed its principle. That was one reason why he always liked on the second reading, if he did not agree with the principle, to throw the Bill out; and he believed that any member who did not agree with the principle of a Bill was bound to do his best to throw the measure out. They were not there representing constituencies, but revising legislation. He would not, for the sake of claptrap, or catering to public opinion, shrink from taking the odium of throwing out a Bill of which he did not approve, and if he had been present on the second reading of the Bill now before the Committee, and had received an assurance of support, he would have moved that it be read again that day six months. However, as the Hon. Mr. Walsh had said, in courtesy to the Postmaster-General, who was able as a lawyer—he wished he had the hon. gentleman's ability — to bring forward the points of a Bill which might please, and omit, with his legal sagacity, those which might tell against him, they often gave way to a certain extent. He thought the Government, in placing the hon. gentleman where he was, had done a good thing for themselves. They liked to treat the hon. gentleman with courtesy, and perhaps sometimes they went too far. Many hon. gentlemen were against some of the provisions of the Bill; but yesterday, when the Committee divided on a previous clause, those who held his (Hon. Mr. Murray-Prior's) opinion were beaten by a considerable number. For that reason, he had come to the determination to lower the fines as much as possible, so as to lessen the hardships which would be inflicted by a Bill for the introduction of which he was unable to account.

The HON. SIR A. H. PALMER said there was no doubt, in theory, that by passing the second reading of a Bill they affirmed the

necessity for some measure of the sort; but that did not in any way bind hon. members to agree to all its provisions in committee. If it did, what was the use of going into committee at all? When a Bill was under consideration in committtee, its defects were pointed out, and amended if possible. For himself, having no vote on the second reading, he could say that he had never affirmed the principle of the Bill. As a general practice, apart from theory, a great many Bills were read a second time without having been previously studied by hon. members—they generally studied them when in committee — and he denied, *in toto*, the doctrine laid by an hon. member last night, that by affirming the second reading they bound themselves to the provisions of a Bill. He had said before that the measure was unnecessary; he said so still; and he should like to see it thrown out. But he took it from the temper of the Committee last night when the division was taken that they did not want to throw it out, but to reduce the penalties as much as possible, and make it less algerine in its character. Under the circumstances he believed the Committee were fully justified in reducing the penalties to any extent they chose. As they had reduced the penalty of £50 to £10 in a previous clause, they were only following out a natural sequence in reducing the £100 to £10 in the clause under discussion. In the first the penalty would be £10, but in the second the master and owner would each be liable to a penalty of £10, making a total of £20. He always maintained that the owner should not be held responsible for the actions of the master, of whose doings he could know nothing while he was away; and he thought it was the duty of the Committee to make the penalty as light on him as possible. In spite of the arguments of the Postmaster-General, he could not see the use of the clause. The hon. gentleman pointed out that under clause 10 an accused person would be a competent witness in his own behalf under the provisions of the Bill, and then he proceeded to show that the captain could swear that any number of men who were absent had absconded; and unless there was some white man who could give evidence he might go scathless. If that were so, what was the use of the Bill? White men often disagreed with the captain, and might give a good deal of trouble by saying that the statement of the master was not true. As was stated by the Hon. Mr. Walsh, anyone acquainted with the habits of the black must know that, no matter what amount of wages was coming to them on returning from a voyage, when they got within sight of their tribe they jumped overboard as readily as not, without considering the consequences. If a vessel which had recruited labourers at Dunk Island or Hinchinbrook Island came along the coast, and anchored for the night in any place with which the blocks were acquainted, it was ten to one that the captain, who left everything in security at night, would find everyone gone in the morning. That had occurred over and over again at the fishing stations, where the white men had been left on an island, and in some instances on a reef, the blacks having taken possession of the boat and gone away. That had occurred within the last month. Hon. members who had read on the subject must have seen it stated over and over again; in some instances men had been left on reefs where they were drowned before assistance could reach them. He believed the Bill was uncalled for. It was a piece of over-legislation, and he should like to see it thrown out; but as the sense of the Committee seemed to be in favour of passing the measure in some shape, they should reduce the penalties as much as possible, as they had done in clause 6, which originally provided that—

"If any vessel trading in Queens and waters carries any native labourer with respect to whom the provisions of this Act have not been observed, such vessel and her cargo shall be liable to be forfeited to Her Majesty, and the master and owner shall be jointly and severally liable to a penalty not exceeding five hundred pounds."

The Committee had reduced that penalty to £100. He thought they were bound to go on and reduce all the other penalties, and he hoped they would.

The HON. A. J. THYNNE said he would refer to two clauses in the Merchant Shipping Act of 1854 by way of reply to hon. members who had asked for information. Section 274 provided that—

"In the case of foreign-going ships, the master shall, within forty-eight hours after the ship's arrival at her final port of destination in the United Kingdom, or upon the discharge of the crew, whichever first happens, deliver to the shipping master before whom the crew is discharged such list as hereinbefore described; and if he fails so to do, shall, for every default, incur a penalty not exceeding five pounds, and such shipping master shall thereupon give to the master a certificate of such delivery, and no officer of customs shall clear inwards any foreign-going ship, without the production of such certificate; and any such officer may detain any such ship until the same is produced."

The list referred to contained the names, ages, and descriptions of the crew; "the names of any members of the crew who have died or otherwise ceased to belong to the ship, with the times, places, and circumstances thereof," and so on. In the case of home-trade ships, which term would be applicable to ships trading in Queensland waters——

The POSTMASTER-GENERAL: You are quoting from the Merchant Shipping Act of 1854. "Home-trade ships" means home ships of Great Britain. We have an Act of our own relating to merchant shipping.

The HON. A. J. THYNNE: Section 275 contains a similar provision in reference to home-trade ships:—

"The master or owner of every home-trade ship shall, within twenty-one days after the 30th day of June and the 31st day of December in every year, transmit or deliver to some shipping master in the United Kingdom such list as hereinbefore required for the preceding half-year; and shall in default incur a penalty not exceeding £5, and such shipping master shall give to the master or owner a certificate of such transmission or delivery, and no officer of Customs shall grant a clearance or transire for any home-trade ship without the production of such certificate, and any such officer may detain any such ship until the same is produced."

He thought that applied to this colony, and it afforded ample protection to the crew of a vessel.

The POSTMASTER-GENERAL said the hon. gentleman had quoted from the Merchant Shipping Act of 1854. That was an Imperial statute. "Home-trade ships" meant ships trading in British waters, in the waters of the mother-country. If it was any information to hon. members he might state that they had a corresponding provision to that which had been quoted in the Queensland Act with regard to shipping seamen. It was the duty of the master of a vessel to send in to the shipping-master an account of every seaman who had died or deserted. But that did not answer the objection he had made to the argument of the Hon. Mr. Hart—namely, that a man might cook his accounts. There was no provision to meet that objection. The clause which had been cited afforded a sufficient protection in dealing with white people, because they probably had friends who would take action to punish a captain if a man was maltreated on board his vessel. But it was a different matter altogether in the case of aboriginals. They were unacquainted with the law and had no friends to set it in motion

on their behalf. The subject had been thoroughly ventilated. He hoped they would get rid of the Bill, which had now been before them for an almost indefinitely long period. No arguments that might be advanced were likely to change the opinions of hon. members, and they might as well come to a decision at once.

Question — That the words proposed to be omitted stand part of the clause—put.

The House divided :—

CONTENTS, 5.

The Hons. C. S. Mein, J. C. Heussler, A. Raff, J. Swan, and W. Pettigrew.

NON-CONTENTS, 12.

The Hons. Sir A. H. Palmer, A. J. Thynne, G. King, A. C. Gregory, T. L. Murray-Prior, W. H. Walsh, J. Taylor, P. Macpherson, W. Graham, J. C. Smyth, W. G. Power, and F. H. Hart.

Question, therefore, resolved in the negative.

Question—That the words proposed to be inserted be so inserted—put and passed.

On the question that the clause, as amended, stand part of the Bill,

The HON. T. L. MURRAY-PRIOR said, from what he had previously stated, hon. gentlemen would understand what he was now going to do. He never liked to say that he would undertake a responsibility without performing his promise. He thought the Bill was totally uncalled-for; and under those circumstances he would move, as an amendment, that the Chairman leave the chair, and ask leave to sit again that day six months.

After a pause,

The HON. T. L. MURRAY-PRIOR said he found he could not propose the amendment he had moved. He would therefore withdraw it, and try to effect his object in another way.

Question—That the clause, as amended, stand part of the Bill—put, and the House divided :—

CONTENTS, 7.

The Hons. C. S. Mein, A. Raff, J. C. Heussler, J. Swan, W. Pettigrew, W. G. Power, and J. C. Smyth.

NON-CONTENTS, 10.

The Hons. Sir A. H. Palmer, A. C. Gregory, F. H. Hart, T. L. Murray-Prior, G. King, A. J. Thynne, W. H. Walsh, W. Graham, P. Macpherson, and J. Taylor.

Question, therefore, resolved in the negative.

On clause 9, as follows :—

"All offences against either of the two last preceding sections of this Act may be prosecuted in a summary way before any two justices."

The POSTMASTER-GENERAL said it would be necessary to amend this clause to make it consistent with the alteration that had been made in the Bill by the omission of clause 8. He therefore moved that the words "either of the two last preceding sections" be omitted with the view of inserting the words, "the last preceding section." He had intended not to say anything with regard to the division that had just been taken, but he could not help expressing his opinion respecting it. It was very much to be regretted that hon. gentlemen did not know their own minds last night when he put it very plainly to them that he would take a test division as to proceeding with the Bill or not. As the Hon. Mr. Prior had said, there was then a very decided expression of opinion that the Bill should be gone on with, but that it should be amended with regard to the penalties. Some hon. gentlemen considered the penalties provided by the Bill too severe, but they wished the principle of it to be affirmed and the penalties to be reduced. He then put it very clearly to hon. gentlemen that if they were opposed to the principle of the Bill, let them say so at once, and he would not weary the Committee by discussing a measure that was distasteful to them. By the last division they practically disaffirmed one of the leading principles of the Bill. They took away one of the leading protections the Bill afforded to aboriginal natives. He really failed to see the consistency of hon. gentlemen. It was simply playing at legislation. The matter had been discussed more fully than any other Bill in his experience in that Chamber, now extending over a large number of years; and yet hon. gentlemen, after such lengthy discussion, hardly seemed to know what their own minds were on the subject. If they really wished to shelve the Bill, let it be shelved at once. That would be a much more straightforward, consistent, and sensible way of dealing with it than the course that had been adopted. They were making themselves ludicrous in the eyes of all intelligent people; and he would rather have the matter disposed of at once. If they were going to treat it as a farce, they might as well complete the farce. They had played two acts, and they might as well have the third, and a dénoûment.

The HON. T. MURRAY-PRIOR said it struck him that the hon. gentleman himself was making a farce of the Bill in saying what he had said. They were not playing at legislation, but were trying to legislate. What the Hon. Mr. Walsh had said would very well apply to every member of that Chamber—that the more they discussed the matter, and the more they saw of the Bill, the less they liked it.

The HON. W. GRAHAM said that as he voted against the Hon. Mr. Walsh's amendment last night he thought it would not be out of place if he said a few words in explanation. He should have voted for that hon. gentleman's amendment, but he had entered the Chamber rather hurriedly, and did not know the question exactly. He was most decidedly in favour of the Bill being read that day six months, and if the same vote could be taken over again he should certainly vote in that way; but he believed it would not be in order to move such a motion.

Amendment agreed to; and clause, as amended, put and passed.

Clause 11—"Onus of proof"—passed as printed.

On clause 12, as follows :—

"The provisions of this Act shall not apply to any native labourer who is employed as a boatman on board of any boat in any port in Queensland with the sanction in writing of the principal officer of Customs of that port.

"In the case of a native labourer who is carried direct in a vessel to any such port for the purpose of being engaged under the provisions of this Act (the proof of which purpose shall be upon the person alleging the fact), the provisions of this Act shall not apply in respect of such native labourer while he is being so carried."

The HON. W. H. WALSH said the clause appeared to give most extraordinary powers to the principal officer of Customs at a port. It was making a little god almighty of such an officer at a distant port, and he thought it should be amended.

The POSTMASTER-GENERAL said he would consent to the clause being struck out altogether. He did not think it was at all necessary. As he had before endeavoured to impress upon hon. gentlemen, the Bill did not deal with the case of natives who were employed within the four corners of any port. He did not know how the clause had got into the Bill.

Clause put and negatived.

The HON A. J. THYNNE said, before the next clause was moved, he would point out that he thought it was not wise to expunge clause 12 altogether. The Bill would, in his opinion, apply to a native who happened to be employed within a port. The words "trading in Queensland waters" were merely descriptive of the

vessel. The 2nd clause said, "no native labourer shall be employed or carried on board of any vessel," etc. That did not mean that he must be carried from one port to another. If he was carried on board a vessel at all the Bill applied to him. If the master of a vessel picked up an aboriginal native anywhere inside a port, he would be liable to prosecution under clause 2. He did not approve of the principal officer of Customs at any port having so much power as was given in clause 12, which had been negatived; and he thereupon moved the following new clause, to follow clause 11:—

"The provisions of this Act shall not apply to any native labourer who is employed as a boatman on board of any boat in any port of Queensland.

"In the case of a native labourer who is carried direct in a vessel to any such port for the purpose of being engaged under the provisions of this Act (the proof of which purpose shall be upon the person alleging the fact), the provisions of this Act shall not apply in respect of such native labourer while he is being so carried."

The HON. W. H. WALSH said it struck him that it would be very much simpler if the proposed new clause should read as follows:—

"In the case of a native labourer who is carried direct in a vessel to any such port for the purpose of being engaged under the provisions of this Act (the proof of which purpose shall be upon the person alleging the fact), the provisions of this Act shall not apply in respect of such native labourer while he is being so carried."

He thought that would meet the wishes of the Hon. Mr. Thynne. He did not think there was any necessity whatever to refer to natives being employed within a port.

The HON. A. J. THYNNE said the 2nd section provided that no native labourer should be employed or carried on board any vessel trading in Queensland waters, unless he was on the ship's articles. The words "trading in Queensland waters" were simply descriptive, being inserted merely to describe the class of vessels to which the Act was to apply, as distinguished from vessels which went outside the colony and were engaged in foreign trade. He submitted to the Committee that if a native was employed, in or out of port, on board a vessel coming within that category, the Bill would, in strictness, apply to him. That was his reason for thinking that it was very desirable that the first part of clause 12, with the amendment suggested by the Hon. Mr. Walsh, should be retained.

New clause as read put and passed.

Clauses 13, 14, and the preamble, having been agreed to—

On the motion of the POSTMASTER-GENERAL, the CHAIRMAN left the chair, and reported the Bill with amendments. The report was adopted, and the third reading of the Bill made an Order of the Day for the next sitting day.

QUESTION OF PRACTICE.

The PRESIDENT said: Before proceeding with the next Order of the Day, I wish to call the attention of hon. members to a question of practice. At 6 o'clock, when I, as President, leave the chair, I announce to the House that I will resume the chair at 7 o'clock, that, I believe, being the practice of the House—five minutes' grace being given before resuming business. The Chairman of Committees, on leaving the chair this evening, announced that he would resume it at a quarter past seven. Of course, it is perfectly immaterial to me, whether the House approves of the Chairman leaving the chair at any time he pleases, and resuming it when he pleases; but if the Chairman is at liberty to select his own time for resuming the chair, he might as well resume it at 8, 9, or 10 o'clock. I think the question should be settled as to the hour at which the President is to resume the chair after the adjournment for tea, and when the Chairman of Committees is to resume it. It should not be left to the discretion of either the President or the Chairman to say when he will resume the chair. I only wish an expression of opinion from the House as to the time when the chair is to be resumed.

The POSTMASTER-GENERAL said: The hon. the President having referred to this matter, I may mention that the question of these adjournments has always been a source of trouble to us, and I think it would be much more satisfactory if the matter were settled by Standing Order. Our Standing Orders require amending in several important particulars. Some are very doubtful in their meaning; and constantly little questions, and sometimes important questions, crop up as to their true meaning. Only the other day a question arose as to the meaning of the Standing Order relating to a quorum in Committee, and there was considerable confusion in the minds of hon. gentlemen on the subject. That is one Standing Order that is ambiguous in its terms, and there are several others which are equally ambiguous. I shall be very glad, as a member of the Standing Orders Committee, to co-operate with the other members of that Committee in introducing a new set of Standing Orders which will remove all ambiguity, while retaining the principles of the existing Standing Orders; and we cannot frame them on a better model than those which guide the House of Lords. Some of our Standing Orders are admittedly imperfect, and it is time that we reformed them.

The HON. W. H. WALSH said: The question really is whether we should not adhere to the old practice of adjourning for one hour. Shortly before 6 o'clock, the Chairman of Committees said, "I shall resume the chair at a quarter past 7 o'clock." I was struck at the odd time named, and was not surprised at exception being taken to it by the President. If an hour is sufficient, the question is whether the Chairman, like the President, should not be bound to that time, and not by his feelings or desires. The President was quite right in calling attention to the matter. I think we should confine the Chairman to one hour.

The HON. T. L. MURRAY-PRIOR said: If I remember right, for many years the practice of the President was, at a certain time, to rise and say, "I shall resume the chair at 7 o'clock." But the chair was in reality resumed at half-past 7. Hon. members who have been long in the House will remember that. Though an hour is sufficient for hon. members who have their meals in the Parliamentary Buildings, it is hardly sufficient for those who go elsewhere; and, under the circumstances, it would be desirable to make a rule that the President or Chairman of Committees shall say he will resume the chair at 7 o'clock, but that the adjournment shall be for an hour and a-half. The Refreshment Room is rather small, and several hon. gentlemen do not go there, because they do not think there is sufficient attention. They therefore go to the club or elsewhere.

The HON. J. TAYLOR said: Since I have been in the House there has been no adjournment for an hour and a-half of which I am aware. It has generally been the case that the President or Chairman has left the chair at 6 o'clock, and resumed it at 7 o'clock.

The POSTMASTER-GENERAL said: My experience has been in the direction of that

stated by the Hon. Mr. Murray-Prior. When I first had the honour to sit in this House there were some doubts in the President's mind as to the course which ought to be pursued, and the difficulty was got over by the leader of the Government proposing that the House should adjourn for an hour. Hence it arose that half-an-hour's grace was allowed. The Hon. Mr. Murray-Prior's memory is quite correct: we did not resume labours till an hour and a-half had elapsed. That practice, however, was found inconvenient, and a tacit understanding was arrived at that the President or Chairman, as the case might be, should state that he would resume the chair in an hour's time. That meant that there should be only five minutes' grace. I think that in the Assembly the matter is dealt with in a Standing Order.

The HON. J. C. HEUSSLER said: As an old member of the House I agree with the Hon. Mr. Murray-Prior in so far that the chair was left for an hour, but instead of half-an-hour's grace there was only a quarter of an hour's. That may be the reason why the Chairman this evening said he would resume the chair at a quarter-past 7 o'clock.

The HON. F. H. HART said: I can corroborate what the Hon. Mr. Heussler has said. I have been a member of the House for a great many years, and my memory carries me back to the days when the late Sir Maurice O'Connell was President. His practice always was to adjourn the House at the end of a sitting till 3 o'clock in the afternoon, which meant half-past 3, and that practice was followed by the late Sir Joshua Peter Bell. It was also the practice then, for the President to leave the chair at 6 o'clock for one hour, but he gave a quarter of an hour's grace.

The POSTMASTER-GENERAL said: Instead of proposing a resolution, it will perhaps be as well to come to an understanding that the chairman, whoever he may be, actually presiding over our deliberations, shall, at 6 o'clock, say that he will resume the chair an hour later, meaning that business shall be proceeded with at the expiration of an hour and five minutes.

HONOURABLE MEMBERS: Hear, hear!

The PRESIDENT said: My object in mentioning the matter is to have it settled definitely, and not leave it to the discretion of either the President or the Chairman to name the hour at which he will resume the chair. It seems absurd for the President to name an hour, and the Chairman of Committees an hour and a-quarter. I now consider it settled that the President—or the Chairman, if the House is in Committee—will leave the chair for an hour when business admits, for it is not necessary when we are finishing Bills to leave the chair at 6 o'clock exactly.

The HON. J. TAYLOR: I should like to hear the President's opinion as to what has been the practice hitherto—whether the extra time allowed has been five minutes, a quarter of an hour, or half-an-hour?

The PRESIDENT said: I have no means of stating what has been done hitherto. Since I have been in the chair I have always adjourned for an hour.

GYMPIE GAS COMPANY (LIMITED) BILL—COMMITTEE.

On motion of the HON. P. MACPHERSON, the President left the chair, and the House went into Committee to consider this Bill in detail.

The several clauses and the preamble were passed without discussion.

The House resumed, and the Bill was reported without amendment. The report was adopted. and the third reading of the Bill made an Order of the Day for next sitting day.

MARYBOROUGH TOWN HALL BILL—COMMITTEE.

On motion of the HON. P. MACPHERSON, the President left the chair, and the House resolved itself into a Committee of the Whole to consider this Bill in detail.

The several clauses and the preamble were passed without discussion.

The House resumed, and the Bill was reported without amendment. The report was adopted, and the third reading of the Bill made an Order of the Day for next sitting day.

PETTIGREW ESTATE ENABLING BILL—COMMITTEE.

On the motion of the Hon. W. H. WALSH, the President left the chair, and the House resolved itself into a Committee of the Whole to consider this Bill in detail.

The several clauses and the preamble were passed without discussion.

The House resumed, and the Bill was reported without amendment. The report was adopted, and the third reading of the Bill made an Order of the Day for Tuesday next.

HEALTH BILL—SECOND READING.

The POSTMASTER-GENERAL, in moving the second reading of this Bill, said: Hon. gentlemen,—This Bill deals with a very important subject, and as it is one upon which there is not likely to be any serious difference of opinion, I venture to ask the House to assent to the second reading at this late hour of the evening. I shall not trespass upon the time of the House with many observations, because I feel assured that the leading principles of the measure have commended themselves to the approval of hon. gentlemen, and the only questions that are likely to arise are those which may be more conveniently dealt with in committee. It has for some years past been notorious that the laws of this colony with regard to public health are, if not discreditable to the Legislature, undoubtedly in a most unsatisfactory condition. So far back as 1872 the necessity for legislation upon the subject was felt, and my hon. friend Dr. O'Doherty was, I believe, instrumental in inducing the Legislature to pass the Health Act of 1872. The provisions of the original Bill, unfortunately, were not adopted in their entirety, and, after the measure became law, it was found to be very imperfect indeed. It merely provided for the appointment of a central board of health, assisted by local boards to be nominated by the municipal authorities in the principal centres of population: and no provision was made for raising the funds necessary for carrying the measure into effect. The local boards of health were so constituted that they could not remain in force for a longer period than six months without reproclamation by the Governor in Council; and the result of the proceedings of the local bodies was so unsatisfactory that it was considered undesirable to renew those proclamations, and, practically, the Act has been for some time past a dead letter. The only legislation dealing with the matter of public health that has been passed since, is embodied in the Local Government Acts, which provide that the different municipal institutions may pass by-laws dealing with the subject. Some of the local bodies, particularly the municipal council of Brisbane, have introduced by-laws dealing with these matters, and although, no doubt, some good has resulted, yet the powers

conferred upon those bodies are clearly not sufficient; and we have the fact staring us in the face that the leading towns in the coast districts of the colony, which formerly had the enviable reputation of being the healthiest in the Australian colonies, are now regarded as most unhealthy. Diseases which have their origin in filth are increasing from year to year, and the present Government have, therefore, felt the necessity of introducing a comprehensive measure dealing with the subject, so that every possible precaution may be taken to prevent the recurrence of those diseases which medical science has proved to be avoidable. The Colonial Secretary has made very anxious inquiries into the matter, and the Government have considered carefully all the Acts—when I say all, I mean almost all the Acts dealing with the subject of public health in force in different portions of the United States and in the British dominions. We have now arrived at the conclusion that the provisions of the measure most satisfactory, and most suitable to the requirements of this colony, are embodied in the Act of 1875, passed by the Imperial Legislature upon the recommendation of a board whose labours extended over something like thirty years. Its object is twofold—first, to provide by the adoption of precautionary measures against the origin of disease, and secondly, when disease has originated, to prevent its being spread, by adopting proper measures for that purpose. We have adopted the principle that is in existence at the present time, of placing upon local bodies the onus of looking after the health of their local centres, subject to the supervision of a central board of health to be composed of eminently qualified competent men. The central board is proposed to consist of seven members, presided over by a responsible Minister, who shall be its chairman, and containing amongst its numbers not less than three medical men. This central board is clothed with very important powers, and, I may say, almost absolute authority. It is their duty to see that the local bodies do not shirk their responsibilities and duties. The local bodies are, in the first instance, to be clothed with almost arbitrary powers, and if they refuse to exercise them, the central board will step in and see that those duties are performed. Provision is also made for supplying the necessary funds for carrying on the details of the measure. It is provided in a ater portion of the Bill that for the purpose of raising the necessary funds the different local authorities will have the power of levying general health rates, in the same manner as they levy the ordinary general rates that are now raised. I do not think it necessary to go very much into the details of the provisions of the Bill; but I shall refer to some of the more important clauses in it. At the outset, I may say that it is not proposed to leave to the different local bodies the option of bringing themselves under the provisions of the statute; but the Bill provides that all populous municipalities in existence at the present time shall be at once brought under its operation; and the Governor in Council shall from time to time direct in what other places the Act shall be applied. After enacting these provisions, the Bill goes on to provide, in the 2nd part, for the constitution of the Central Board of Health. I have already referred to the principal feature of this, and the only point I have overlooked is that which enables the Board of Health to take matters entirely out of the hands of the local authorities, when cases of emergency arise. That is provided for by clause 16, which is intended to meet cases in which the more slow operation of the local centres would be inapplicable. For the purposes of prevention, Part III. contains very important provisions. It provides in the first place for a system of drainage being adopted which places all sewers absolutely and at once under the control of the different local authorities; stipulates that every house shall drain into the public sewers; that no house already in existence without drains shall continue to be so, provided facilities are afforded by the local authorities for the drainage of houses into the public sewer; and that no house in future shall be constructed without adequate provision being made for all refuse being drained away from it into some public receptacle. It also deals with the question of privies and closets, and throws the onus upon the local centres of providing that these closets are properly cleansed, either by themselves or by persons using them. At first sight some exception might be taken to the provision in connection with this point—that the local authorities can throw the onus upon the occupier of the premises to cleanse it himself; but there is a saving clause in the subsequent part of the Bill, which provides that if the Central Board of Health are of opinion that the duties ought to be performed by the local authorities they can direct them to do so, and if they fail, then the Central Board of Health can employ some person to carry out that duty at the expense of the local authorities. So that I do not think the provisions—which to judge at first sight would appear as if the local authorities were authorised to shirk their duties—will be likely to act prejudicially. In connection with sewage, provision is made that the jurisdiction of the local authorities shall in certain cases extend beyond the four corners of their municipality. They are authorised to make arrangements with other municipalities, or with persons outside their district, for the flow of sewage into that district, subject to this condition: that they shall, as far as practicable, prevent storm waters flowing from their sewers into adjoining municipalities. I have stated that the Bill imposes the duty upon local authorities of looking after the drainage by them of main sewers, and drains of premises occupied by individuals; and in connection with that I omitted to mention that if they fail to perform their duty in this respect the occupier of any house affected by their neglect can call upon them to perform their duty; and if they continue to fail in performing it they are liable to a penalty, which he can recover in the ordinary way. Clauses 48 and 49 deal with a very important matter, which requires special attention. They provide that the local authorities can direct the purification or alteration of any house which in their opinion, is unfit for human habitation; but they must be put in motion by a health officer. A corresponding provision to this exists in the municipal law in Sydney, where it has worked admirably. There the power of dealing with such cases is reposed in the mayor absolutely; but here we propose that the whole of the municipal authorities shall combine together for that purpose, but that they cannot be put in motion except on the certificate of a qualified medical man. Clause 49 provides:—

> "Where, on the certificate of the health officer or of any two medical practitioners, it appears to a local authority that any house or part thereof is in such a filthy or unwholesome condition that the health of any person is affected or endangered thereby, or that the whitewashing, cleansing, or purifying of any house or part thereof would tend to prevent or check infectious disease, the local authority shall give notice in writing to the owner or occupier of such house or part thereof to whitewash, cleanse, or purify the same, as the case may require."

Provision is also made in a subsequent part of the Bill for the prevention of the accumulation of filth in premises, and for the periodical removal of manure and other refuse matter from premises within the municipal district. In Part IV. another novelty is

introduced into our law. We there provide that no person shall reside in a cellar or underground vault. It is a practice in the old country for a large number of persons to reside in such places; but there is no necessity for anything of the kind here, whatever necessity may exist for it in the old country. I do not know that any persons are residing in cellars here at the present moment; but it is just as well to take the necessary precautions to prevent the adoption of such a practice in the colony. We also provide for the registration of what are called "common lodging-houses." Hon. gentlemen will see that no definition is given of a "common lodging-house." I believe houses of this description have been attempted to be described elsewhere, but no satisfactory definition has been arrived at. It really means a house where any person can go and come as he pleases, and lodge for any definite or indefinite period. It is not intended to apply to cases of large boarding-houses, in the ordinary acceptation of the term, but only to deal with those places where persons can occupy rooms at cheap rates for a night. Distinction is made between "lodging-houses" and "apartments let out for lodgings"—that is to say, houses let as lodgings are regarded as premises which are let in apartments or flats, and not in their entirety. Provision is made for licensing common lodging-houses, and persons who apply for such licenses must satisfy the local authorities that they are persons of good repute. They must submit to inspection; give certain information with regard to their inmates; by-laws may be framed and enforced restricting the number of persons who can reside in a particular lodging-house; and the duty is thrown upon the proprietors of those establishments of furnishing reports to the local authorities whenever any disease breaks out in his establishment. Those are very necessary provisions, so far as my observation has gone with regard to the city of Brisbane. We have at present lodging-houses in all directions—right and left; and it appears from reports in newspapers that in Sydney cases of smallpox have arisen in lodging-houses. I have noticed, also, that here a great number of cases of typhoid fever which have been taken to the hospital have originated in lodging-houses. In Part V. provision is made for the abatement of nuisances, and the inspection of food offered to the public for sale. At present the means of abating nuisances are very expensive. No nuisance can be abated except by an action at the suit of some person affected thereby, or on an information preferred by the Attorney-General; and there are no means by which a nuisance can be abated in a summary manner. I do not think it necessary to read all the articles; but I may say that a large variety of nuisances are defined, and provision is made by which, when an intimation is given of the existence of a nuisance, it will be the duty of the local authority—I refer to the 74th clause—to serve a notice on the person causing the nuisance, to abate it within a specified time. If he does not do so, the local authority can bring the matter within the summary jurisdiction of justices of the peace, who are empowered to direct that the nuisance be abated in a specified time, to prohibit its recurrence, or to both require its abatement and prohibit its recurrence. They may direct that this shall be done at the expense of the offender. If, however, the local authority fails to take action on the information of the party affected, he has an opportunity of complaining to the central board, who may make an order directing the local authority to perform their duty, and, on their failing to do so, may appoint some person to abate the nuisance. Provision is made in the 90th clause against persons carrying on offensive trades without the permission of the local authority. Offensive trades are defined to be those of the blood-boiler, bone-boiler, fellmonger, soap-boiler, tallow-melter, and tripe-boiler. I have been in the unfortunate position of suffering from one of these offensive trades for some years past, and any hon. gentleman who will walk down the main street of the city at midday in the summer can find out for himself what people suffer from the business of a tripe-boiler whose premises abut on the main street. Apparently there are no means of preventing him from carrying on this trade. It is true that under the 90th clause people may carry on what are called offensive trades with the consent of the municipal authority, but there is a saving provision in the 92nd clause, which provides that, when it is certified by the health officer, or two medical practitioners, or ten inhabitants of the district, to be a nuisance, it shall be the duty of the municipal authority to direct a complaint to be made before a justice, who may summon the person offending to appear and be dealt with summarily. Then we come to the 94th and 95th clauses, which contain provisions with regard to meat, etc., offered for sale. The health officer or the inspector of nuisances may, at all reasonable times, inspect any animals, flesh, vegetables, or other articles of food exposed for sale, and intended for the food of man. If any of such food is found unfit for human consumption, the officer is authorised to destroy the article; and the person exposing it for sale is liable to a severe penalty. It is really marvellous that such a provision was not embodied in our Statute-book long before this. Part VI. deals with infectious diseases, and is intended to meet those cases where it is necessary to take precautions to prevent the spread of a disease which has actually come into existence. The local authority is directed — not permitted — where the health officer certifies that the cleansing of any house within its district or any articles therein likely to retain infection, would tend to check or prevent infectious disease, to give notice in writing to the owner or occupier requiring him to cleanse and disinfect the house and the articles it contains. If the owner or occupier fails to comply with the request he is liable to a severe penalty. But if his poverty prevents him from carrying out the requirements of the notice, the local authority is authorised to do it for him, and pay the expenses out of the municipal funds. They are also empowered to direct the destruction of bedding and clothing which have been exposed to infection, and to appoint places for their disinfection. They can also make arrangements for the conveyance of infected persons to the hospital. Clause 102 provides that where infected persons are not receiving proper accommodation, or are lodged in a room occupied by more than one family, the local authority may, on the certificate of a legally qualified medical practitioner, and with the consent of the superintending body of the hospital, remove the infected persons to any suitable hospital in the district. Clause 104 contains an important provision. It enacts that when a person is suffering from an infectious disease he shall not expose himself in the public streets, and shall not enter any public conveyance without previously notifying the fact to the driver. And no driver of a public vehicle is permitted or can be compelled to convey a person suffering from an infectious disease; but if he does do so, he is bound under severe penalties to have his conveyance disinfected before he again plies for hire. Then by clause 108 power is conferred on the central board to make regulations as to the treatment of persons affected with cholera, or any epidemic, endemic, or infectious disease; and for preventing the spread of such disease, as well

on the seas, rivers, and waters of Queensland, and on the high seas within three miles of the coast. Such regulations are to be published in the *Gazette*, and their publication will be conclusive evidence thereof. They are also empowered when any part of Queensland appears to be threatened with, or is affected by, any formidable epidemic, endemic, or infectious disease, to make regulations with the approval of the Governor in Council for the speedy interment of the dead; a house-to-house visitation; compelling the reporting to the local authority of any case of such disease; the provision of medical aid and accommodation; the promotion of cleansing, ventilation, and disinfection; and for guarding against the spread of disease. Clause 110 enables the board to require the local authorities to superintend and see to the execution of the regulations in their districts. Part VII. contains only one clause, which deals with slaughter-houses. It provides that a municipal authority may, if it thinks fit, provide slaughter-houses either within or beyond the district, and shall make by-laws with respect to the management and charges for the use of any laughter-house so provided. Speaking for myself, I should be glad to see a comprehensive measure introduced, dealing with slaughter-houses; but it is considered at the present moment that the case will be sufficiently met, by giving the municipal bodies the powers contained in clause 115. At present there are slaughter-houses on many of the creeks surrounding the city, and I believe they promote disease; but by the provisions of Part VII. the municipal authorities can take the matter into their own hands, and make regulations. The remainder of the Bill deals with matters to which I need not specially refer. I have already referred to the most important, namely, clause 121, by which the municipal authorities can levy a general health rate to enable them to carry out the provisions of the Act. In connection with this I have referred to the provisions of clauses 122 and 123, which enact that, where the local authority neglects to perform its duty, and the central board directs the performance of that duty by an officer under Part II., the officer can borrow money, to be repaid in the same manner as loans by the central Government to the local authority. The other provisions are with regard to legal proceedings, the appointment of officers, and the mode of conducting business and appeals to a higher tribunal; but, as they are analogous to the provisions contained in other statutes, I need not refer to them. I feel confident that the more the Bill is studied by hon. members, the more they will be satisfied that it will make a very valuable addition to the Statute-book, and that it will tend to prevent what we have been deploring for the last two or three years—the recurrence of those diseases caused by filth. I beg to move that the Bill be read a second time.

The HON. A. J. THYNNE said: Hon. gentlemen,—The Postmaster-General has gone so fully and clearly into the Bill that there is little occasion for any speeches on the subject this evening. I only rise for the purpose of calling attention to what may be added to the Bill with advantage, and that is some provision to prohibit the erection of small tenements, in the excessively crowded state in which they are being built at the present time. We need not go far from here to find wooden cottages built at the rate of forty to the acre, on level ground where there is not the slightest possibility of any drainage, and where, if any disease should break out, it would make immense havoc amongst the persons living there. Of late there has been a kind of mania for the subdivision of properties into the smallest possible dimensions —twelve, fourteen, and sixteen perches are a common area; and it is impossible to look to the future of the suburbs of this city without a great deal of apprehension indeed. If we can succeed in grafting on the Bill an amendment which will check this dangerous system, those who come after us, in the course of fifteen or twenty years, if not earlier, will have reason to feel grateful to us for having checked one of the greatest dangers to which this city is now exposed.

The HON. W. PETTIGREW said: Hon. gentlemen,—I wish to occupy the time of the House a few minutes in speaking on this Bill. I am glad that such a Bill has been introduced. It deals with a great many subjects with which the municipality have found great difficulty of late years; and I hope that it will become law. But there are some things as stated by the Hon. Mr. Thynne which ought to be included in the Bill, but which have been omitted. The one he has mentioned is a notorious one; and the want of proper ventilation about the city—the want of fresh air—is another thing that requires consideration. I daresay the Postmaster-General will think that my objections can be better considered in committee, and no doubt that is so; but I will mention what I consider the objectionable part of the Bill now. I refer to sewerage and drainage. In turning to page 2, I find that "drain" means "any drain used for the drainage of one building only, or for premises within the same curtilage, and made merely for the purpose of communicating therefrom with a cesspool or other receptacle for drainage, or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed;" and "sewer" includes "sewers and drains of every description, except drains to which the word 'drain' as above defined applies." Now, I have a definition of my own, which has been adopted in the municipal council. The word "drain" means one for the conveyance of water alone; and "sewer" means a drain or channel for the conveyance of something else besides water-filth. In Brisbane for many years we have objected, as much as we possibly could, to have any filth conveyed along the drains at all, and to accomplish this we have had many prosecutions, and still our drains smell badly. According to clause 37, however, "it shall not be lawful to erect any house, or to rebuild any house pulled down to or below the ground floor, without providing, in or attached to such house, a sufficient water-closet, earth-closet, or privy, furnished with proper doors and coverings." That evidently implies that the filth of a water-closet is to pass into the drains or sewers. Now, the municipality of Brisbane have been fighting against that as much as they possibly could. In 1872, the Central Board of Health passed some regulations respecting the removal of filth from the city. The earth-closet system was recommended and adopted about that time, although in many places cesspits continued to be used and were a great nuisance. The municipal council, in carrying out the regulations referred to, objected most strongly to cesspits, because there is no possibility of keeping them in a clean and healthy state, and the consequence has been that in the East Ward for a long time past there has, with one or two exceptions, been nothing but earth-closets in use; and the East Ward is now perhaps the most healthy part of Brisbane. And for some years after the system was inaugurated, and had got into proper working order, Brisbane was one of the most healthy cities of its size in the world. Some time ago, Mr. Thomas Finney, a member of the Central Board of Health, went on a tour through America, and he volunteered to get what information he could on the subject of sanitary science. He collected a great many statistics

which I have looked through very carefully. According to the information he gathered in cities where the system proposed to be allowed by this Bill was in force, the lowest death rate was from 50 to 100 per cent. over that of Brisbane. I am referring now to places about the same size as this city. I think that fact alone should be sufficient to induce us to give the matter very careful consideration before we authorise a departure from the earth-closet system and the adoption of a much worse one. If we allow this clause to pass we cannot possibly have proper control over the people, and they will make all manner of objectionable closets. I contend that the earth-closet is a perfect system, and that there is nothing to match it on the face of the earth. I could tell hon. members of some three millions of people who adopted it at one time and carried it out most successfully. There is no system that can be worked more economically. A great many people, however, find fault with it because it is not always carried on in its entirety. Dr. Bell has written papers on the question repeatedly, and shown that the urine and excrement should not be mixed together, as, when that takes place, fermentation ensues, and bad smells and poisonous gases are given off. If you allow the filth to go into a drain, the same thing takes place, only on a larger scale. What is wanted in Brisbane at the present time is a system of drains to take away the urine. I have done all I could in the municipal council to get the clause of the Local Government Act relating to that subject put in force, so as to make people drain their properties; but my efforts have not been successful. I am very glad that there are some compulsory clauses in this Bill to effect that object. In fact, with the exception of the provision in regard to "cesspools and water-closets" I have no objection whatever to the Bill. Here is an extract from a report made by Dr. O'Doherty and Mr. Thomas Finney in 1879 :—

"We conclude by summarising the results of our investigations.

"1. The earth-closet system, when efficiently carried out, is the most perfect one for the disposal of fæculent refuse that can be adopted in Brisbane.

"2. Dr. Bell's system is by much the most perfect of the many which have been suggested."

There are some other recommendations made by those gentlemen which bear out my contention, but it is not necessary to refer to them. I could read you a great deal more on the subject, but I do not wish to occupy the time of the House any further upon this point. When the Bill goes into committee I shall move that the words "cesspools and water-closets" be struck out. Cesspools are places where filth accumulates, causing, as I have already said, fermentation, abominable smells, and injury to the health of the citizens. There is another subject upon which I wish to say a few words, and that is the construction of drains. Drains are absolutely requisite to carry away the urine and get the ground into a healthy state, and I would have them made in such a manner that they will not be a nuisance, and that, instead of the sewage running away into some receptacle, it should filter through the soil into deeper drains. In filtering through the soil the liquid should go among the roots of trees, as by that means it will part with any objectionable matter it may contain, such matter being absorbed by the roots of the trees. While touching upon this aspect of the subject, I may state that trees are a double benefit. Not only do their roots relieve the soil of objectionable matter, but the leaves absorb bad gases and filthy air, and thus purify the atmosphere. In connection with this I think it is very necessary that ample space should be left round each dwelling. In the report of a committee of the Central Board of Health, appointed a short time ago to inquire into the cause of the prevalence of typhoid fever in Brisbane and suburbs, there is the following :—

"The point the committee would strongly call attention to is—that whatever the manner in which zymotic diseases are propogated, the death-rate and consequent sickness may be diminished or increased according to the sanitary condition in which the population lives; and that the sanitarian has attained to the absolute certainty that the number of persons who are attacked by this class of diseases can be increased or diminished in proportion to the defects or excellence of the hygienic conditions under which they are living.

"As cleanliness of body is one of the surest ways to preserve health the committee recommend the establishment of a complete system of public baths and wash-houses, also public laundries, with proper conveniences attached for the disinfection of infected clothing";—

Here is the point to which I wish more particularly to call attention—

"more open spaces in all crowded localities for ventilation; and the growth of trees and flowers; houses built on dry and wholesome foundations, and constructed with all the modern advantages of drainage; also that ample space should be provided round each house and each block of buildings, so that air can flow round and through them in every direction, and so that there are no narrow courts and hidden corners for the collection of refuse."

I think that that is one of the most important parts of this report, and yet there is nothing at all in this Bill dealing with the matter to which it refers. If the Hon. Mr. Thynne can manage to draft a clause on this subject I shall be glad to support it. It is very desirable that there should be some legislation in that direction. I would like to see a clause prohibiting the cutting up of land into small allotments, and allowing only a certain number of families to live on an acre of land. I have read in some report a recommendation to the effect that the number should be limited to five families per acre. That I believe will allow of thirty-six perch allotments. If some such restriction were made much good would be effected. But if we allow even ten families to the acre that would be a more desirable state of affairs than exists at present.

The HON. P. MACPHERSON said: In answer to the last remarks of the Hon. Mr. Pettigrew, I must say that I regret very much that the Hon. Mr. Gibbon, a member of this House, is not present, as otherwise I have no doubt he would have enlarged considerably on the point as regards the size of allotments. For my own part, I think that the Government are deserving of the thanks of the country for having placed before us such a comprehensive measure. The advantages of it have been fully dilated upon by my hon. friend the Postmaster-General, and also by my hon. friend the Hon. Mr. Thynne. At the same time the Bill contains 148 clauses, and the subject is so attractive and savoury in itself that I trust the Postmaster-General will give us sufficient time to meditate upon it before he sends it into committee. I merely throw this out as a suggestion.

The HON. A. C. GREGORY said: I think if we had until Tuesday next it would give us time to digest the Bill, if we do not take the whole dose at once.

Question put and passed.

On the motion of the POSTMASTER-GENERAL, the committal of the Bill was made an Order of the Day for Tuesday next.

The HON. A. C. GREGORY said: I should like to move as an amendment that the committal of the Bill be an Order of the Day for Tuesday week.

The POSTMASTER-GENERAL said: I have no desire to hurry the Bill through, but I would point out that it has been on the table for

the last five weeks, and it is really an urgent measure. The motion is carried, but if the House desires to defer the matter to a later day I shall be quite willing to fall in with the general wish.

The PRESIDENT said: The question has been put and passed.

ADJOURNMENT.

The POSTMASTER-GENERAL moved that the House do now adjourn.

The HON. W. H. WALSH moved that the motion be amended by the addition of the words "till Tuesday next."

Amendment agreed to; and the motion, as amended, put and passed.

The House adjourned at 10 o'clock.