

Queensland



Parliamentary Debates
[Hansard]

Legislative Council

THURSDAY, 11 DECEMBER 1884

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LEGISLATIVE COUNCIL.

Thursday, 11 December, 1884.

Railway from Ipswich to Warwick.—Burrum Railway Extension.—Defence Bill—committee.—Cooktown Railway Extension.—Fassifern Branch Railway Extension.—Maryborough Wharf Branch Railway Extension.—Adjournment.

The PRESIDENT took the chair at 4 o'clock.

RAILWAY FROM IPSWICH TO WARWICK.

Upon the following notice of motion being called—

That there be laid upon the table of this House, copies of all reports, letters, and estimates of cost to the Minister for Works by Mr. Phillips, Chief Surveyor of Railways, or any other surveyor, on the proposed railway from Ipswich to Warwick, to construct which £500,000 appears on the Loan Estimates—

The HON. J. F. McDOUGALL said: In the absence of the Hon. Mr. Taylor, I beg to move the following motion—

The HON. W. H. WALSH: If the hon. gentleman will allow me—I rise to a point of order. It is absolutely impossible, according to parliamentary practice, for one member to move a resolution in the name of another member. He may ask leave to postpone it. The Hon. Mr. Taylor might utterly disallow the action of the hon. member when he attends in his place in the House.

The PRESIDENT: Unless the hon. member states that he has been requested by the hon. member in whose name the motion stands to deal with it, I think the Hon. Mr. Walsh is quite right. If the hon. member states that he has been requested to move the motion, and the House does not object, there will be no objection to the motion being put.

The HON. J. F. McDOUGALL: I have not been requested to move the motion. I therefore beg to move that it be postponed.

The PRESIDENT: I do not think the hon. member can deal with it at all, except by the request of the hon. member in whose name it stands.

The HON. W. H. WALSH: I may be allowed to differ from the hon. the President. I think the hon. member may ask leave to postpone the motion.

The PRESIDENT: Will the hon. gentleman quote the Standing Order, please? I am not aware of it.

The HON. W. H. WALSH: I am quoting the practice at this moment.

BURRUM RAILWAY EXTENSION.

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

1. That the plan, section, and book of reference of the proposed extension of the Burrum Railway from Howard to Bundaberg, from 18 m. 08 chs. 79½ lks. to 54 m. 42 chs. 10½ lks. at 0 m. 6 chs. 70 lks. on the Wharf Branch, North Bundaberg, as received by message from the Legislative Assembly on 3rd December last, be referred to a Select Committee, in pursuance of the 111th Standing Order.

2. That such Committee consist of the following members, namely:—Mr. A. C. Gregory, Mr. Walsh, Mr. Raff, Mr. Macpherson, and the Mover.

Question put and passed.

DEFENCE BILL—COMMITTEE.

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

Clause 1—"Repeal of 42 Vic. No. 7"—passed as printed.

On clause 2, as follows:—

"In the interpretation of this Act the following terms shall, unless the context otherwise requires, have the several meanings set against them respectively, that is to say,—

'Governor'—The Governor as Her Majesty's Representative;

'Minister'—The Colonial Secretary or the Minister for the time being administering the provisions of this Act;

'Defence Force' or 'Force'—The defence force hereby authorised to be created;

'Commandant'—The officer commanding the defence forces for the time being;

'District'—A district appointed under this Act;

'Division'—A division of a district so appointed;

'Corps'—Any battery of artillery, troop or company of cavalry or mounted infantry, company of engineers, company of naval volunteers, company of marines, ship's company, torpedo corps, company of infantry, or any corps of cadets; but so that where two or more companies of infantry are formed into a battalion or regiment into one district, the battalion or regiment shall be the 'corps';

'Commanding Officer'—The officer commanding the corps;

'Existing Corps'—A corps whose services have been accepted under the said repealed Act;

'Member'—Any member of a corps;

'The Army Act'—The Act of the Imperial Parliament called 'The Army Act, 1881,' and any Act or Acts amending or in substitution for it, including the Articles of War, made under the authority of such Act or Acts, and for the time being in force;

'The Naval Discipline Act'—The Act of the Imperial Parliament called 'The Naval Discipline Act, 1866,' and any Act or Acts amending or in substitution for it, including the Articles of War, made under the authority of such Act or Acts, and for the time being in force.

'Municipality'—A municipality under the Local Government Act of 1878, or a division under the Divisional Boards Act of 1879, or any Acts amending or in substitution for those Acts respectively;

'Regulations'—Regulations made by the Governor under the provisions of this Act;

'Prescribed'—Prescribed by this Act or the Regulations."

The POSTMASTER-GENERAL said hon. gentlemen would see that he had had printed a large number of proposed amendments, to which he had referred on the second reading of the Bill. They were intended simply to make the Bill complete with regard to the provisions for the naval force, and to deal with a few unimportant matters of detail that had been overlooked. The first of those amendments was in relation to the interpretation of "Commandant"—to omit "defence" and insert "land," so that it would read, "the officer commanding the land force for the time being."

Amendment agreed to.

The POSTMASTER-GENERAL moved the following new definition to follow "Commandant":—

"Senior naval officer"—The senior commissioned officer of the marine force for the time being.

Amendment put and passed.

On the motion of the POSTMASTER-GENERAL, the word "seamen" was substituted for the words "naval volunteers" in line 7, and the words "or vessel" inserted after the word "corps" in line 13.

Clause, as amended, put and passed.

Clauses 3 and 4 passed as printed.

On clause 5, as follows:—

"1. The following persons, between the ages of eighteen and sixty years, shall be exempt from enrolment, and from actual service at any time:—

The superintendents, gaolers, and warders of gaols, and the officers, keepers, and warders of all public lunatic asylums;

Persons disabled by bodily infirmity;

The only son of a widow, being her only support.

"2. No person shall have the benefit of exemption unless he proves his right thereto in manner hereafter prescribed.

"4. When exemption is claimed, whether on the ground of age or otherwise, the burden of proof shall be upon the claimant.

"5. Exemption shall not prevent any person from serving, if he desires it and is not disabled by bodily infirmity."

The Hon. A. J. THYNNE said that in clause 16 a distinction was made between men who were seamen or sailors and those who were not. Was it intended that they should be exempt?

The POSTMASTER-GENERAL said there was a distinction made between seamen and others, because seamen would be members of the marine force. It was not intended to enrol and enforce the attendance of persons in the land force who were eligible for the marine force; and it was necessary that a distinction should be made by the enrolling officer.

Clause put and passed.

Clause 6—"Classification of the population for the purposes of service"—passed as printed.

On clause 7, as follows:—

"The defence force shall be divided into active and reserve force, land and marine.

"The members of the marine corps shall be seamen, sailors, and persons whose usual occupation is upon any steam or sailing ship.

"The reserve force, land and marine, shall consist of the whole of the men who are not serving in the active force for the time being."

The POSTMASTER-GENERAL moved the insertion of the words "or has been" after the word "is" in line 24.

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

On the motion of the POSTMASTER-GENERAL, clause 8 was amended so as to read thus:—

"1. The active land force shall consist of regiments and troops of cavalry, batteries of field artillery, companies of mounted infantry, companies of engineers, companies of submarine miners, batteries of garrison artillery, and battalions, regiments, and companies of infantry, in such proportions as the Governor shall appoint;

"2. The active marine force shall consist of companies of seamen, companies of marines, torpedo corps, and seamen serving on armed ships or vessels, in such proportions as the Governor shall appoint.

"3. The strength of each such regiment, troop, battery, battalion, company, or corps shall be regulated from time to time by the Governor."

The POSTMASTER-GENERAL said, in connection with that clause, he might refer to a matter that had been considered elsewhere, and to which he had referred on the second reading of the Bill. In the Bill, in its original shape, it was proposed by the Government that the defence force in times of peace should consist of 2,000 volunteers, if volunteers offered up to that number; but if a sufficient number of volunteers did not offer, the Governor in Council was authorised to bring the force up to the required number by balloting from the various classes. His feeling was very strongly in favour of the Bill as at first presented to the Legislative Assembly. He felt they would not be offering the authorities an opportunity of bringing about a satisfactory defence force if they did not provide them with the material. As the Bill now stood it was left entirely optional with the people of the country to offer their services, and if they did not offer their services there would not be sufficient material available for the authorities to establish a really permanent and efficient force. The only circumstances under which they would be able now to compel the attendance of men in the service of their country would be in the event of a war or an imminent invasion, or some similar

emergency arising. There seemed to be a strong feeling in the other branch of the Legislature against throwing any responsibility upon the people for service in times of peace. It was now left entirely voluntary with them to join the force, and, as he had said, his feeling was the other way.

Clause, as amended, put and passed.

Clauses 9 and 10 passed as printed.

On clause 11, as follows:—

"Every volunteer corps whose services have been accepted under the said repealed Act shall continue in existence as a corps under the provisions of this Act, in the same manner as if it had been formed under this Act: Provided that any volunteer, being a member of any such corps, may within three months after the passing of this Act, retire from such corps, on giving fourteen days' notice in writing to his commanding officer of his intention so to do.

"The period for which any man has been an efficient member of an existing corps may be counted for or towards the period of three years' service in the defence force under this Act."

The POSTMASTER-GENERAL said he felt inclined to consent to the excision of the 2nd paragraph of the clause. The paragraph was originally inserted to meet the case where compulsory enrolment was brought into effect, and provided that where a man had already served a certain period as an efficient member of the force it was to count towards the period of his service under the new system. He thought that when a volunteer volunteered to come under the new system he should volunteer in the same way as any other man, and give three years' service, subject to the conditions in subsequent parts of the Bill. In the earlier part of the clause they gave a man three months within which to make up his mind to serve or not. If he exercised the choice of serving he ought to be put in the same position as any other person. What they wanted was to have a definite period during which they could rely upon volunteers continuing in the force.

The Hon. A. J. THYNNE said that if the volunteers were not to get the benefit of the time they had already served in making themselves efficient in the past they would really gain nothing by the work they had already done. They would put to themselves the question—"Will I bind myself now for three years' service, or will I retire altogether?" and the chances were they would retire altogether unless the monetary inducements were sufficient to cause them to remain in the force. He thought the man who had been two, three, four, or five years up to the present time in the service, and had done fair work, had the right to get the credit of the work he had done. He would get no benefit by entering for a new period of three years' service on the same footing as persons who only joined for the first time after the passing of the Bill. He did not know whether there was any exemption from re-enrolment, but it seemed to him that the man who had already served three years ought not to be liable to be called upon in the first instance. He would have done his duty for the three years, and it should fall upon other people of the same class as himself before he ought to be called out again. It would be to the benefit of the country to have the greatest possible number of men capable of doing their duty efficiently. If the hon. gentleman's suggestion was carried out those men who had already passed three years in the service would gain practically nothing more than those who newly joined it.

The POSTMASTER-GENERAL said those were the very men they wanted to get hold of. They were men trained at the expense of the country, and were not liable to be enrolled unless in cases of emergency. Those men would be

trained men, and they were the most eligible men that could be got hold of for the force. They would only run the same risks as other persons of the same class with themselves, and it was only right that the country should receive some return for the money spent upon their training.

The HON. A. J. THYNNE said the Bill had been framed in the expectation that there would be a certain number of men fixed as a permanent force in times of peace. By the amendments made in another place it had been put out of gear to some extent, and consequently a number of those provisions about enrolment were really somewhat misleading.

Clause passed as printed.

On clause 12, as follows :—

"The Governor in Council may from time to time by proclamation appoint any part of the colony to be a district for the purposes of this Act, and may divide any such district into regimental or company divisions, and direct what force shall be established in such districts and divisions respectively."

On the motion of the POSTMASTER-GENERAL, the clause was amended by the omission of the words "regimental or company" in the 3rd and 4th lines of the clause.

Clause, as amended, put and passed.

Clauses 13 to 20, inclusive, passed as printed.

On clause 21, as follows :—

"1. Any man of the active force who during any period of service attains the age of thirty years or forty-five years, according to his class, shall notwithstanding be required to complete the full period for which he volunteered or was balloted to serve."

"2. No officer or man shall be allowed to remain in the active force in any capacity who is over the age of fifty-five years, except in case of war, or invasion, or danger of either."

The POSTMASTER-GENERAL moved that the following words be added at the end of the clause, "or by the special permission of the commandant or senior naval officer," and said the effect of that amendment would be that under ordinary circumstances no officer or man would remain in the force in time of peace after he attained the age of fifty-five years unless by special permission of the commandant or senior naval officer. There was at all events one officer of that age in the force at the present time, whose services it would be desirable to retain, and the amendment would enable the commandant or senior naval officer to allow such a person to remain in the active force. In the vast majority of cases, however, it was desirable that when a man reached the age of fifty-five years, the authorities should have the opportunity of saying—"You are past doing good service to the State, and your services must be dispensed with under this Act."

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

On clause 22, as follows :—

"No officer or man of an active corps shall be permitted to retire therefrom in time of peace without giving to his commanding officer six months' notice in writing of his intention, unless the commandant shall see fit to dispense with such notice under special circumstances."

The POSTMASTER-GENERAL moved that the words "or senior naval officer as the case may be" be inserted after the word "commandant" in the 4th line.

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

Clauses 23 to 25, inclusive, passed as printed.

On clause 26, as follows :—

"In order to provide for the care and protection of forts, magazines, armaments, warlike stores, and other such service, and to secure the establishment of a school

for military instruction in connection with the defence force, the Governor may raise, station, and maintain one battery of artillery, the whole strength of which shall not exceed one hundred and fifty men. The officers of this corps shall be appointed during pleasure, and the men shall be enlisted in the prescribed manner for periods of three years' continuous service."

"2. This corps, in addition to performing garrison and other duties, shall serve as a practical school of military instruction, by affording officers, non-commissioned officers, and men, of the defence force opportunities of study and training by joining the corps for such periods as may be prescribed."

"3. The officers, non-commissioned officers, and men of this corps, as well as the officers, non-commissioned officers, and men attached to it from time to time for instruction, shall, for purposes of discipline, be deemed to be called out for active service, and be subject to the laws and regulations which under the provisions of this Act apply to officers, non-commissioned officers, and men called out for such service."

"The Governor may also raise and maintain such and so many officers and seamen as may from time to time be required to man any armed ships or vessels belonging to Her Majesty's Colonial Government. The officers of such ships shall be appointed during pleasure and the seamen shall be enlisted in the prescribed manner and for the prescribed period of service."

The POSTMASTER-GENERAL moved that the 4th paragraph be omitted, with the view of inserting a new clause.

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

On the motion of the POSTMASTER-GENERAL, the following new clause was inserted after clause 26 :—

The Governor may also raise and maintain such and so many officers and seamen as may from time to time be required to man any armed ships or vessels belonging to Her Majesty's Colonial Government. The officers of such ships shall be appointed during pleasure and the seamen shall be enlisted in the prescribed manner and for the prescribed period of service. All such officers and seamen shall, for purposes of discipline, be deemed to be called out for active service, and be subject to the laws and regulations which under the provisions of this Act apply to officers, non-commissioned officers, and men of the marine force, called out for such service."

On clause 27, as follows :—

"Men who have served in the permanent force for a period of three years or, with the approval of the commandant, for any less period, and are certified by him as efficient, may be drafted into a permanent force reserve, and shall thereupon be attached to some corps of the active force established in the district or division in which they reside, and shall serve as ordinary members of such corps until called upon to rejoin the permanent force."

"Such men, in addition to their pay as ordinary members of the corps to which they are attached, shall receive such reserve pay as may be prescribed."

"If any man who retires from the permanent force goes to reside in any part of the colony not comprised in any district or division, he may nevertheless be drafted into the permanent force reserve, and shall be entitled to receive such reserve pay if he serves annually for not less than eight days with the permanent force, or with any other corps of the active force appointed by the commandant for that purpose."

"Men of the permanent force reserve shall, so long as they continue to receive such reserve pay, be bound to rejoin the permanent force at any time when called upon in the prescribed manner so to do."

The POSTMASTER-GENERAL moved that the words "or senior naval officer as the case may be," be inserted after the word "commandant" in the 2nd line of the 1st paragraph.

Amendment agreed to; and clause passed with a further consequential amendment.

On clause 28, as follows :—

"All men who are hereafter engaged for service in the Police Force shall become members of the defence force, and may in case of any emergency be called upon by the Governor to serve in the active force, and shall thereupon become members of such force for as long a period as the Governor may direct, not exceeding that for which other men are enrolled for active service under the provisions of this Act. Every man hereafter

engaged for service in the Police Force shall, at the time of his engagement, sign an agreement to the effect following:—

"I, A. B., hereby undertake to serve in the Queensland Active Defence Force, if called upon to do so by lawful authority, at any time during my service in the Queensland Police Force.

"Men now serving in the Police Force may sign the said agreement: and between men otherwise equally eligible for promotion or reward in the Police Force, when promotion or other reward is to be given, preference shall be given to a man who has signed the said agreement over a man who has not done so."

The HON. SIR A. H. PALMER said he did not at all like the way in which the clause was drafted. He would make it much more compulsory than it stood at present. He thought the Police Force should be compelled to serve, and that it should not be left to individual members to volunteer. He did not like the system proposed in the latter part of the clause—

"Men now serving in the Police Force may sign the said agreement; and between men equally eligible for promotion or reward in the Police Force, when promotion or other reward is to be given, preference shall be given to a man who has signed the said agreement over a man who has not done so."

He could not understand on what ground that provision was left in the clause. If he remembered aright, a similar provision extending to the Civil servants of the colony was struck out in the other House altogether; and he did not see why men should sign an agreement to do what he considered they were bound by their oath to do at present. There should be no exceptions made, and no privilege granted to one man more than another. He believed that the men in the Police Force would be quite satisfied to serve, if the Act said they were. They were liable now to be called out in cases of emergency, and upon as dangerous or much more dangerous duties than were likely to arise in, at any rate, the very near future, and they never objected. He was quite sure, from what he knew of the Police Force—and he knew a great deal, having had a considerable experience in connection with them as Colonial Secretary for many years—that good men would not object to serve; and as for bad men, the sooner they got rid of them the better. He was perfectly certain that from the Commissioner of Police down there would not be the slightest objection to the clause being amended in the manner in which he proposed to amend it. The amendment he suggested was to this effect: that "all men who now are or hereafter may be engaged for service in the Police Force, may in case of any emergency be called upon by the Governor to serve with the active force." He had spoken to the hon. the Postmaster-General on the subject and he partly agreed with his proposed amendment. He (Sir A. H. Palmer) should, if possible, like to go a little further and have the police to serve as much as possible as an independent body; that was that, if practicable, they should be under the command of their own officers, under the orders, of course, of the senior officers of the active force. Since he had spoken to the hon. the Postmaster-General on the subject he saw that there would be some difficulty in the way of that, but it might be provided for in the regulations; or the commanding officer might so regulate the matter that, where it was possible, the police should act together as much as possible. But he could not see how they could avoid becoming members of the active land force, and he should be glad to support any clause of that sort. He did not see that there was the slightest necessity for the men signing an engagement. The law should be that they were to be called out for active service; and the signing of any document of the sort proposed would only cause crawlers to rush in and sign anything, not thinking that they would ever be called upon to serve; and it

might cause, perhaps, a great deal of cavilling when opportunities of promotion or reward arose. He hoped the hon. the Postmaster-General would adopt a clause to the effect he had indicated.

The POSTMASTER-GENERAL said he was very much struck by the views of the Hon. Sir Arthur Palmer, and he should be very glad to fall in with them. He had no doubt that all members of the Police Force who were worth anything—and he believed they were an excellent body of men, taking them all round—would be only too glad to give their services in defence of the colony, when called upon at any time, without entering into any special written engagement to that effect. He therefore proposed to meet the objection of the Hon. Sir Arthur Palmer by omitting the words "who are hereinafter engaged for service" in the 1st line of the clause, with the view of inserting "for the time being of serving"; and to omit all the words after "Act" in line 8.

The Hon. A. J. THYNNE said he had no doubt that the great majority of the members of the Police Force would be very glad indeed to fall in with the requirements of the Bill, but at the same time there might be some men who objected, from some reason or other, to do so, and such cases ought to be taken into consideration. The Hon. Sir Arthur Palmer in speaking on the subject said the members of the force were only asked to do what they were required by their oath to do; but he had looked into the oath and he found that it was limited especially to the duty of constables:—

"I do swear that I will well and truly serve our Sovereign Lady the Queen * * without favour or affection, malice, or ill-will * * and that I will cause Her Majesty's peace to be kept and preserved, and that I will prevent, to the best of my power, all offences," etc.

So that the oath did not extend to military service.

The HON. SIR A. H. PALMER: I am quite aware of that; I never said it did.

The Hon. A. J. THYNNE: He must have misunderstood the hon. gentleman, because that was the inference he had drawn from his remarks. He certainly thought they should take into consideration how it would affect the present members of the Police Force before they adopted the amendment. By the amendment the members of the Police Force would be at once made portion of the defence force, and they had adopted already a provision in clause 21 that—

"No officer or man shall be allowed to remain in the active force in any capacity who is over the age of fifty-five years, except in case of war, or invasion, or danger of either."

The effect would be to place the commandant of the defence force in an awkward position in regard to the Commissioner of Police. That was a difficulty that might arise in regard to some members of the force.

The POSTMASTER-GENERAL said he agreed with the Hon. Sir Arthur Palmer that men who were not prepared to defend the country in case of emergency were not fit to be in the Police Force at all, and the sooner they got rid of them the better. At the same time he believed that they had a good body of men in the Police Force who would be prepared to do their duty under any circumstances. With regard to the matter of age, he did not think there were many men in the force who were over fifty-five years, and even if there were, the difficulty could be arranged by the commander-in-chief requesting the commandant not to discard them, but to allow them to remain in the force. It was as well that the Committee should understand that

if the amendment were carried every member of the Police Force who objected to serving his country as a soldier in the event of need would be obliged to clear out of the force. He did not see that there was any hardship in that.

The HON. J. C. HEUSSLER said he did not think that any man who was accustomed to arms would do such a thing. In case of need he supposed they would all have to defend the colony, whether they were in the Police Force or not, as it would be their duty as citizens to do so. He had no doubt that the police would be only too glad to assist in the defence of the country if called on.

The HON. SIR A. H. PALMER said either he did not make himself clearly understood or the Hon. Mr. Thynne had misunderstood his previous remarks. He never said that it was intended that the police should be called out for military service. What he did say was that they were now liable to be called upon for as dangerous service, or more dangerous service than they were likely to be called upon to perform in the near future, even if they were required to serve in the defence force. They were liable now to be called upon to arrest bushrangers, if they had any in the colony as they had had; they were liable to be called upon to put down a mob of any sort or description, and those were services more dangerous than any they were likely to be called upon to perform in the very near future in connection with the defence force. And as to the men who did not choose to come under the Act, he said, with the Postmaster-General, the sooner they got rid of them the better. They must be rebels in their hearts—Fenians, or something of that description—and the sooner they got rid of such men from the paid force the better it would be for the colony. He thought the amendment a very good one, and hoped it would be carried.

The HON. A. J. THYNNE said he thought his remarks had been misunderstood. He wished to make it clear to the Committee that there were men serving in the Police Force under a particular contract, and it was proposed to impose upon them, "willy-nilly," a new condition. They had certain rights conferred upon them by the Act, and if even one man—be he a craven or whatever he might be—objected to the new condition, they had no right to impose it upon him. There might be men who were very good constables who might not care to be brought into the defence force in times when there was no invasion. If hon. gentlemen looked at the clause they would see that there might be occasions when the defence force was so much reduced in numbers that the police force might be called upon to perform other duties, and those men might not care to be called upon to perform guards of honour, and so on, in addition to their ordinary duties. He thought the matter worthy of consideration, and the more discussion they gave it the better. Practically, he did not see that any very great injury would be done by the amendment, but he contended that they had no right to impose a new condition upon men, who had made a certain contract, without their consent.

The POSTMASTER-GENERAL said that if the Bill became law, the police, whether they liked it or not, would be members of the defence force, and could be balloted for as well as any other member of the community. The country had been put to the expense of instructing and drilling them, and they would be capable, owing to their training, of being of value in case of emergency, and on that ground alone the country should be in a position to demand their services when occasion required.

The HON. A. J. THYNNE said he believed the great majority of the Police Force—certainly all those with whom he had come in contact—would be glad to serve in the defence force, but there might be some who would not be inclined to do so.

Amendment put and passed.

On the motion of the POSTMASTER-GENERAL, the word "land" was inserted after the word "active" in line 15, and all the words after the word "Act" in the 18th line were omitted.

Clause, as amended, put and passed.

On the motion of the POSTMASTER-GENERAL, clause 29 was amended so as to read thus—

"1. There shall be appointed an officer, to be styled the 'Commandant of the Queensland Defence Force,' who shall be charged, under the orders of the Governor, with the military command and discipline of the land force, and who, while holding such appointment, shall have the rank of colonel in the defence force.

"2. The senior naval officer shall be charged under the orders of the Governor with the command and discipline of the marine force."

Clause, as amended, put and passed.

On the motion of the POSTMASTER-GENERAL, clause 30 was amended so as to read thus:—

"Commissions of officers in the defence force shall be granted by the Governor. Warrant officers shall be appointed by the Minister. Sergeants in the land force shall be appointed by the commandant, and all other non-commissioned officers therein shall be appointed by the commanding officer of the corps to which they belong. Petty officers in the marine force shall be appointed by the senior naval officer.

"All officers shall hold their rank during pleasure."

Clause, as amended, put and passed.

On clause 31, as follows:—

"No person shall be appointed an officer in the active force, except provisionally, until he has obtained a certificate of fitness from a board of officers of the active force, to be constituted as the Governor may appoint; or unless he had obtained a certificate of competency before the passing of this Act; and the regulations may prescribe conditions as to the qualifications of officers of different grades. The Governor may order the assembling of such boards as often as may be expedient, and may dispense with the conditions of this section in the case of men who have served as officers or non-commissioned officers in Her Majesty's regular army, or in an existing corps.

"2. In time of peace no person, except the commandant, shall hold higher rank in the defence force than that of lieutenant-colonel."

On the motion of the POSTMASTER-GENERAL, the clause was amended by the insertion of the words "or navy" after the word "army," in the 10th line of the clause, and by the substitution of the word "land" for the word "defence" in the last line of the clause.

Clause, as amended, put and passed.

Clause 32—"Staff officers"—passed as printed.

On clause 33, as follows:—

"1. Officers holding commissions in the defence force may be placed on the retired list, with honorary rank not exceeding that of lieutenant-colonel, or without honorary rank, as prescribed by the regulations; and the Governor may appoint officers on the retired list to commissions in the active force, but no officer on the retired list shall be bound to serve in the defence force in a lower grade than that of his retired rank."

"2. The Governor may place officers of the defence force on an unattached list, and may nominate fit and proper persons to commissions on the unattached list, and officers on such list may be employed for duty with any corps or on the staff."

On the motion of the POSTMASTER-GENERAL, the clause was amended by the insertion of the words "in the case of the land force, or commander in case of the marine force" after the word "lieutenant-colonel" in the 3rd line.

Clause, as amended, put and passed.

On clause 34, as follows :—

"The relative rank and authority of officers in the defence force shall be the same as the relative rank and authority of officers in Her Majesty's regular army; and any body of the force assembled on parade shall be commanded by the combatant officer highest in rank then present on duty and in uniform, or the senior or two or more combatant officers of equal rank: Provided that no officer whose rank is provisional only shall under any circumstances command an officer of the same grade whose rank is substantive."

On the motion of the POSTMASTER-GENERAL, the clause was amended by the insertion of the words "or navy, as the case may be," after the word "army" in the 3rd line.

Clause, as amended, put and passed.

On clause 35, as follows :—

"Officers of Her Majesty's regular army shall always be reckoned senior to officers of the defence force of the same rank, whatever be the dates of their respective commissions."

On the motion of the POSTMASTER-GENERAL, the clause was amended by the insertion of the words "or navy" after the word "army" in the 1st line.

Clause, as amended, put and passed.

Clauses 36 and 37 passed as printed.

On clause 38, as follows :—

"The value of all such articles of public property as may become deficient or damaged while in possession of any corps, otherwise than through fair wear and tear or unavoidable accident, may be recovered by the commanding or any other person authorised by him, from the commanding officer, who shall be personally liable therefore, unless he can prove that the loss occurred without any negligence on his part."

"The value of any such articles of public property or property of any corps as have become deficient or damaged while in possession of the corps, otherwise than through fair wear and tear or unavoidable accident, may be recovered by the commanding officer from the officer, man, or men, by whom such deficiency or damage was occasioned, and the commanding officer shall not be personally liable except as aforesaid."

On the motion of the POSTMASTER-GENERAL, the words "or senior naval officer, as the case may be," were inserted after the word "commandant," in the 4th line of the clause.

Clause, as amended, put and passed.

Clauses 39 to 44, inclusive, passed as printed.

On clause 45, as follows :—

"1. The Governor may order the officers and men of the active force, or any portion thereof, to be trained and drilled for a period not exceeding sixteen days nor less than eight days in each year, at such time and places and in such manner as he may think fit; and for each day's drill every officer and man shall receive the prescribed pay of his rank."

"2. All sums of money required to defray any expense under the foregoing provisions may be paid out of the Consolidated Revenue Fund."

"3. The Governor may order the active force or any corps thereof to assemble in a camp, fort, or other place (and in the case of the marine force, in a ship or ships, which may be ordered beyond the waters of the colony), for continuous drill and training, for a period of not less than eight days in each year (which period is included in the sixteen days hereinbefore mentioned); and when so ordered to assemble the force or corps shall be considered to be on active service during the whole of the period for which they are called out, and all ranks shall receive rations and shelter in addition to their daily pay."

"In such cases the daily pay shall be for each day of twenty-four hours, and the drill and duty to be performed in camp, or on shipboard, or in going to and from the camp, or ship, shall be as ordered by the officer commanding for the time being."

The POSTMASTER-GENERAL moved that the words "of not less than" in the 5th line of the 3rd paragraph be omitted with the view of inserting the words "not exceeding," and said that the clause as it at present stood fixed an absolute invariable period of eight days' con-

tinuous training in each year; and as circumstances might arise when it would be undesirable to have eight days' continuous training in any particular year, it was proposed that the Governor in Council should have the power of determining what period up to eight days should be fixed for continuous drill at any one time in each year. Instead, therefore, of saying that the training must be "not less than eight days" in each year, the contrary would be stated in the clause—namely "not exceeding" that period.

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

Clauses 46 to 51, inclusive, passed as printed.

On clause 52, as follows :—

"The Governor may sanction the organisation of rifle corps or clubs, and of associations for purposes of drill, under such conditions as may be prescribed, and may provide arms and ammunition for them."

The HON. A. J. THYNNE said he had an amendment to propose in that clause, which was that the following words be added at the end of the clause :—

"The members of any such rifle corps, club, or association may be sworn in, be called out for active service, be subject to discipline, and liable to punishment for breach of discipline, or of the regulations applicable to them, and be entitled to exemption from tolls, in the same manner as members of the defence force."

Officers and non-commissioned officers thereof shall be appointed, and be subject to removal in the same manner, and shall pass the same examinations and have the same active rank, as officers and non-commissioned officers of the defence force."

The regulations may prescribe a standard of efficiency for the members of any such rifle corps, club, or association, and efficient members thereof shall be exempt from enrolment in the defence force."

The management of the civil affairs of any such rifle corps, club, or association may be regulated by rules adopted on the formation thereof, or subsequently amended in the prescribed manner. Such rules, or any amendments thereof, shall not have force unless or until approved by the Governor."

He did not think it was necessary for him to say much in support of the amendment, as he believed that the Postmaster-General and he were at one in regard to it, and that it was thoroughly understood by every member of the Committee. He might, however, just remark that it was intended by the amendment to make fuller provision for a force on the purely volunteer principle than was done by the Bill. There were many men who were willing to make themselves efficient members of the force without being paid. They preferred to follow in the footsteps of their fellow-countrymen in Great Britain, and would be more proud of being members of a purely volunteer body than of any paid force.

The POSTMASTER-GENERAL said he had no objection to the principle of the amendment proposed by the hon. gentleman. In fact it was covered by the short clause as it now stood in the Bill. His own idea was that the regulations and conditions which the Governor in Council would prescribe under that clause for the enrolment of any force would bring them within the terms of the hon. gentleman's amendment. In any case the amendment was simply an extension of the volunteer principle, to which no exception could be taken. At first he (the Postmaster-General) thought it would be inadvisable to extend the provision so far as it related to clubs and associations, and he was still inclined to that opinion. It would be much better to restrict the principle to rifle clubs alone. However, he did not think much harm could be done by the clause, inasmuch as the Governor in Council would prescribe such regulations as would secure in time of need the valuable services of those clubs.

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

On clause 53, as follows:—

"There may be furnished to any school in Queensland, in which there are instituted classes for instruction in military drill and exercises in accordance with the regulations, such arms and accoutrements as are necessary for the instruction of the pupils thereof over the age of twelve years."

The HON. J. C. HEUSSLER said it struck him that that clause required amendment. In his humble opinion, military drill should be compulsory in schools and colleges. He had intended to say a few words on this subject on the second reading of the Bill, but he had no opportunity of doing so. He would, therefore, make some observations on it now, and in support of his argument would mention the case of Switzerland. He recollected from his earliest youth that there was compulsory drill in all the schools of Switzerland—at any rate in all the public schools. The regulations, he believed, provided that the boys were to be provided with small arms and uniforms, to undergo a proper course of drill and discipline. He had not been able to find anything to fortify his memory on that point until that day, when he came across the following passage in Hepworth Dixon's "The Switzers":—

"In Switzerland every man is drilled and armed, and ready to turn out and fight. Here lies the secret of a cheap defence. The truth is that a soldier learns his business in the school; not only exercise and drill, the use of arms, the habits of obedience, order, silence, cleanliness, the power to listen and to speak; but those yet higher duties of a camp, the will to mingle class with class, to act in bodies with a single soul, to put down personal hopes and fears, and seek no object but the public good."

He thought it would be an admirable thing if the clause could be amended so as to secure proper drill and instruction in every school in order that boys might learn in their youth some of the duties of a soldier, and be able afterwards, should the necessity ever arise, to fight in defence of their fatherland. He would not say any more on the subject except that he hoped they would imitate Switzerland in the drilling and training of their boys so as to infuse into them in their youth the true military spirit.

The POSTMASTER-GENERAL said the hon. gentleman had recommended the amendment of the clause so as to make it compulsory on all public schools in Queensland to have the pupils attending it subjected to instruction in military drill and exercise. He quite sympathised with the hon. gentleman in that respect, but it would be absolutely impracticable at the present time to enforce a regulation of that description. It would be impossible to obtain in the colony anything like a sufficient number of drill-instructors for the purpose; and it would be much better to leave the matter optional as it stood in the clause. It would be absurd to introduce an amendment which it would be impossible to give effect to.

Clause put and passed.

Clauses 54 and 55 passed as printed.

On clause 56, as follows:—

"The Governor may call out the defence force or any part thereof for active service, either within or without the colony, at the time when it appears advisable so to do by reason of war or invasion, or danger of either; and the active force may then be increased to any required extent."

"2. The Governor may, from time to time, direct the furnishing by any district or division, of such number of men as may be required for reliefs, or to fill vacancies in corps on active service."

"3. Whenever the defence force or any part thereof is called out for actual service by reason of war or invasion, the Governor may place them under the orders of the commander of Her Majesty's regular naval or land forces, as the case may be, in Queens-

land or any other place where the force is required to serve, or under the orders of any other officer then in command of the naval or land forces, as the case may be, of any other of the Australasian colonies."

"4. The active force or any corps thereof, or any part of a corps, shall also be liable to be called out for active service with their arms and ammunition, under the regulations, to act as guards of honour, or escorts, or to fire salutes in any of the following cases:—

(a) The opening or closing of any session of the Parliament of Queensland;

(b) For the purpose of attending at any public ceremonial, the Governor or any member of the Royal Family while in the colony."

The HON. A. C. GREGORY said in subsection 3 of the clause it did not appear to be clearly defined within what limits the land force might be employed. It might be possible to interpret it to mean that they might be required to proceed to any other country. He therefore proposed to add at the end of that subsection the following words:—

Provided that the land force shall not be required to serve beyond the Australian colonies.

The POSTMASTER-GENERAL said he preferred the clause to stand as it was. It was highly improbable that the land force would be required to proceed outside the colonies, but yet cases might arise where, for the protection of Australia, it might be advisable to make a counter movement and take the land force, or portion of it, actually outside the four corners of the continent. For instance, there might be a disturbance in regard to New Guinea, which was not part of Australia at the present moment, and it might be necessary to take men over there, which could not be done if the amendment were agreed to. Or in the event of being at war with the French, it might be advisable to make a counter-movement on New Caledonia, and send some men over there. Under those circumstances he thought that no restrictions should be placed as to the limits within which the force might be required to move in the Southern Hemisphere. He thought they could trust to the good sense of Her Majesty's Representative here, and to the responsible Ministers who would be advising him in regard to matters of that kind. The hon. gentleman did not propose any limits within which the naval force was to operate—they could go to New Caledonia or elsewhere, if necessary; and why should not the land force, or some portion of that force, be sent there if necessary? He would rather see the clause left untouched, so that the action of the commander-in-chief would not be hampered in the slightest degree.

The HON. SIR A. H. PALMER said he hoped the hon. gentleman would not press his amendment. He thought, with the Postmaster-General, and it occurred to him before, when the Hon. Mr. Gregory mentioned the matter on the second reading of the Bill, that it would be very unwise to place a limit on the operations of the force. A contingency might arise where it would be absolutely necessary for some of Her Majesty's ships to act on the offensive, in connection with some of the islands in the Pacific. New Caledonia was their immediate danger, in the event of anything of that sort arising; and it would be very unwise to place a limit on the operations of the force which would prevent a contingent of it being drafted there to assist any of Her Majesty's ships. He hoped the amendment would not be pressed. They never knew what might arise, and sometimes a very small force immediately available—even 100 men—would be worth 1,000 after the lapse of a few months.

The HON. A. C. GREGORY said that he stated in his remarks on the second reading of the Bill that his object was chiefly to draw

attention to the matter, so that it should not be passed by as an oversight. If it was the deliberate view of the Council that it was desirable that the Bill should pass as it stood, he himself did not feel so strongly upon the question as to press the amendment. He was quite satisfied that the opinion of the Council should be taken on the subject; and having accomplished all that he had in view, he thought he should be meeting the wishes of the Committee by withdrawing the amendment.

The POSTMASTER-GENERAL said he had an amendment to move at the end of subsection 4. It was to add the following words as a new paragraph :—

(c) For the purpose of protecting any public buildings or property.

The effect of the amendment would be that the Government could, if necessary, call out the active force, or any portion of it, at any time for the purpose of protecting public property of all descriptions.

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

On clause 57, as follows :—

"In time of war or otherwise, when the defence force is called out for actual service under the provisions of this Act, no man shall be required to serve in the field continuously for a longer period than one year; but any man who volunteers to serve for the war or for any longer period than one year shall be compelled to fulfil his engagement; and the Governor may, in cases of unavoidable necessity (of which necessity the Governor shall be the sole judge), call upon any man to continue to serve beyond his one year's service in the field."

On the motion of the POSTMASTER-GENERAL, the words "in the field" in the 4th and last lines of the clause were omitted.

Clause, as amended, put and passed.

Clause 58—"Pay of defence force when called out"—passed as printed.

On the motion of the POSTMASTER-GENERAL, clause 59 was amended so as to read thus :—

"The active land force shall be subject to the Queen's Regulations and Orders for the Army; and every officer and man of the land force shall, from the time of being called out for active service, and also during the periods of annual drill or training, under the provisions of this Act, and also during any drill or parade of his corps at which he may be present in the ranks or as a spectator, and also when going to or from the place of drill or parade of his corps, and also at any other time while in the uniform of his corps, be subject to the Army Act and all other laws then applicable to Her Majesty's troops in Queensland, and not inconsistent with this Act, except that no man shall be subject to any corporal punishment except death or imprisonment for any contravention of such laws; and except also that the regulations may prescribe that any provisions of the said laws or regulations shall not apply to the defence force."

Clause, as amended, put and passed.

On the motion of the POSTMASTER-GENERAL, clause 60 was amended so as to read thus :—

"The active marine force shall be subject to the Queen's Regulations and Admiralty Instructions for the government of Her Majesty's Naval Service; and every officer and man thereof shall, from the time of being called out for active service afloat, and also during the periods of annual drill or training afloat, under the provisions of this Act, be subject to the Naval Discipline Act and all other laws then applicable to Her Majesty's Naval Forces in Queensland, and not inconsistent with this Act, except that no man shall be subject to any corporal punishment except death or imprisonment for any contravention of such laws; and except also that the regulations may prescribe that any provisions of the said laws shall not apply to the defence force."

"Provided that any corps or member of the marine force, not being part of a ship's company, may, when on land, be attached by the Governor to the land force for the purpose of drill, exercise, or active service, and when so attached shall be deemed, for the purposes of this and the last preceding sections, to form part of the active land force."

Clause, as amended, put and passed.

Clauses 61 to 78, inclusive, passed as printed.

Clause 79—"Subscriptions, arms, etc., vested in commanding officer"—passed with consequential amendments.

Clauses 80, 81, and 82 passed as printed.

On clause 83, as follows :—

"No prosecution against a commissioned officer of the defence force for an offence against this Act, or the regulations, shall be brought except on the complaint of the commandant; and no such prosecution against any man of the force shall be brought except on the complaint of the commanding officer or adjutant of the corps to which such man belongs."

"But the commandant may authorise any commissioned officer of the defence force to make a complaint in his name, and the authority of any such officer alleging himself to have been so authorised to make a complaint shall not be controverted or called in question except by the commandant."

"No prosecution shall be commenced after the expiration of six months from the commission of the offence charged, unless it be for unlawfully buying, selling, or having in possession arms, accoutrements, or other articles, delivered to the force, or for desertion."

On the motion of the POSTMASTER-GENERAL, the clause was amended by the substitution of the following paragraph for the 1st paragraph of the clause :—

"No prosecution for an offence against this Act or the regulations shall be brought against a commissioned officer of the land force, except on the complaint of the commandant, or against a commissioned officer of the marine force, except on the complaint of the senior naval officer; and no such prosecution against any man of the force shall be brought, except on the complaint of the commanding officer or adjutant of the corps, or commanding officer of the vessel, to which such man belongs."

The clause was further amended by the insertion of the words "or senior naval officer" in the 1st and last lines of the 2nd paragraph of the clause, after the word "commandant" in each line.

Clause, as amended, put and passed.

Clause 84—"Need not be in writing unless herein so required"—passed as printed.

Clause 85—"Notice of general orders in Gazette"—passed with a consequential amendment.

Clauses 86 to 91, inclusive, and preamble, passed as printed.

On the motion of the POSTMASTER-GENERAL, the CHAIRMAN left the chair and reported the Bill to the House with amendments. The Bill was then recommitted for the purpose of further considering clauses 28, 52, 78, and a proposed new clause to follow clause 82.

Clause 28 was passed with a verbal amendment, substituting the word "be" for "become."

On clause 52—"Rifle and drill associations may be sanctioned"—

The HON. A. J. THYNNE moved that the following words be inserted at the commencement of the amendment in that clause, namely, "The regulations may prescribe that," and that the word "shall" be substituted for the word "may" in the 1st line to make the clause read, "The regulations may prescribe that the members of any such rifle corps, club, or association shall be sworn in," etc.

Amendment put and passed.

The HON. A. J. THYNNE moved that the following words be added at the end of the 2nd paragraph in the amendment which had been passed—namely, "but shall always be reckoned as junior to officers of the defence force of the same rank whatever may be the dates of their respective commissions or appointments," and said the paragraph would then read thus :—
"Officers and non-commissioned officers thereof

shall be appointed, and be subject to removal in the same manner, and shall have the same relative rank, as officers and non-commissioned officers of the defence force, but shall always be reckoned as junior to officers of the defence force of the same rank whatever may be the dates of their respective commissions or appointments." He might state that the object of that was to assimilate the relative positions of the two branches of the force to the rule now existing in Great Britain.

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

The POSTMASTER-GENERAL moved the following new clause to follow clause 81, as printed:—

Any person who, not being at the time a member of the defence force, shall wear any uniform of any corps, shall be liable to a penalty not exceeding ten pounds for each offence.

He said the clause was copied from the Volunteer Act of 1872, and it was very desirable to have such a provision. They had already made it a punishable offence for any man personating persons in the ranks, and he did not think he should be able to personate them elsewhere, or to represent himself as a member of the defence force when he was not.

Amendment agreed to.

On the motion of the POSTMASTER-GENERAL, the CHAIRMAN left the chair and reported the Bill with further amendments.

The Bill was then again recommitted for the purpose of reconsidering clauses 56 and 76.

On clause 56—

The POSTMASTER-GENERAL said, in consequence of having inserted at the end of the clause a new paragraph—subsection (c)—it was necessary to modify somewhat the provisions of the previous part of subsection 4, so as to make it fit in with the amendment that had been made. He therefore proposed that, after the word "escorts," in the 1st paragraph of subsection 4, the words "or as guards and sentries" be inserted.

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

On clause 76, as follows:—

"Any man drafted or liable to be drafted for service in the active force, who refuses or neglects to take the oath or to make the declaration hereinbefore prescribed, when tendered to him by a justice of the peace, or by the commanding officer of the corps to which such man is attached, or which he is required to join, shall be liable to imprisonment for a period not exceeding six months, and for every subsequent neglect or refusal to take such oath shall be liable to a further imprisonment not exceeding twelve months."

The POSTMASTER-GENERAL said it had been pointed out to him that the penalties imposed by the clause were not sufficiently severe to be effective. He noticed that in a number of other clauses the penalties for serious infraction of the provisions of the statute were optional—the court could give hard labour or simple imprisonment, and he proposed to make similar provision in this clause. He moved that the words "with or without hard labour" be inserted between "imprisonment" and "for," in line 7.

Amendment agreed to.

On the motion of the POSTMASTER-GENERAL, the remaining portion of the clause was amended to read as follows:—

"A period not exceeding twelve months, and for every subsequent neglect or refusal to take or make such oath or declaration shall be liable to a further imprisonment, with or without hard labour, not exceeding two years."

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

COOKTOWN RAILWAY EXTENSION.

The PRESIDENT read a message from the Legislative Assembly, forwarding, for the approval of the Council, the plan, section, and book of reference of the proposed extension of the Cooktown Railway from 31½ miles to 50 miles, as laid upon the table of the House on Thursday, 4th December, 1884.

FASSIFERN BRANCH RAILWAY EXTENSION.

The PRESIDENT read a message from the Legislative Assembly, forwarding, for the approval of the Council, the plan, section, and book of reference of the proposed extension of the Fassifern Branch of the Southern and Western Railway from Harrisville to the Teviot, 18 miles 1 chain 10 links to 34 miles 64 chains 60 links, as laid upon the table of the House on Thursday, the 4th December, 1884.

MARYBOROUGH WHARF BRANCH RAILWAY EXTENSION.

The PRESIDENT read a message from the Legislative Assembly, forwarding, for the approval of the Council, the plan, section, and book of reference of the proposed extension of the Maryborough Wharf Branch along Kent street, and sidings to sawmills, Maryborough, as laid upon the table of the House on Thursday, the 4th December, 1884.

ADJOURNMENT.

The POSTMASTER-GENERAL: I move that this House do now adjourn. I am anxious that the House should meet to-morrow, as I understand that in all probability we shall then receive a message from the Legislative Assembly with regard to the amendments we made in the Land Bill; and in that case the message can be discussed on Tuesday next. If the House meet to-morrow we shall be able to pass the third reading of the Defence Bill, which is a matter of considerable importance, and in which we have made several important amendments that will have to be considered by the Legislative Assembly. If we should not meet to-morrow the Legislative Assembly cannot discuss them till Wednesday, but if we meet to-morrow they can discuss them on Monday.

Question put and passed.

The House adjourned at twenty minutes past 8 o'clock.