Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

THURSDAY, 10 SEPTEMBER 1885

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LEGISLATIVE ASSEMBLY.

Thursday, 10 *September*, 1885.

Petition.—Customs Duties Bill—third reading.—Local Government Act of 1878 Amendment Bill.—Beer Duty Bill—committee.—Townsville Jetty Line.—Adjournment.

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

PETITION.

Mr. MACFARLANE presented a petition signed by 676 of the members of the congregations of the following Ipswich churches—St. Paul's Church of England, Wesleyan, Baptist, Congregational, Presbyterian, and Primitive Methodist—in favour of the Licensing Bill, especially the provisions relating to local option and Sunday closing; and moved that it be read.

Question put and passed, and petition read by the Clerk.

On the motion of Mr. MACFARLANE, the petition was received.

CUSTOMS DUTIES BILL—THIRD READING.

On the motion of the COLONIAL TREASURER (Hon. J. R. Dickson), this Bill was read a third time, passed, and ordered to be transmitted to the Legislative Council for their concurrence, by message in the usual form.

LOCAL GOVERNMENT ACT OF 1878 AMENDMENT BILL.

On the motion of the PREMIER (Hon. S. W. Griffith), the Speaker left the chair, and the House went into Committee to consider the Legislative Council's message of date the 9th instant relating to this Bill.

The PREMIER said that two amendments had been made in the Bill by the Legislative Council, one in clause 4 and the other in clause 5. When those amendments first came before that Committee they disagreed to them, and, as would be found in "Votes and Proceedings" for 27th August, page 92, assigned as the reason for their disagreement with respect to the amendment in clause 4:—

"Because it is not expedient to fix an arbitrary limit to the period for which the time for the commencement of the payment of instalments upon sums borrowed for the construction of waterworks may be postponed."

And added—

"The Legislative Assembly offer this reason without waiving their right to insist upon the further reason that the amendment relates entirely to the public revenue"

It was quite clear that those amendments did interfere with the revenue. By the clause as it was carried by that House it was provided that upon advancing a loan to a municipality for the construction of waterworks the Executive Government might postpone the time at which the instalments should begin to be payable in certain cases, such as those where waterworks would take a long time to construct. That of course would impose a burden on the revenue to a certain extent—to the extent that the Loan Fund would not be recouped so soon, and further that the interest would not be paid so soon either: consequently the burden of the interest would fall on the people and not on the local authority. It was therefore a matter relating to revenue—a matter relating to the conditions on which money should be paid out of and repaid to the consolidated revenue. However, for obvious reasons the Committee did not urge that objection, but gave reasons why the amendment should be rejected on its merits, at the same time stating that they did not waive their right to insist on the further reason that the amendment related to the public revenue. That was the plan adopted on previous occasions under similar circumstances. He thought it was a usual, almost an invariable thing, for the Legislative Council, while not waiving what they conceived to be their rights, to accept the view of the Legislative Assembly. In the present case, however, they had not done so. The Committee had therefore to face the question broadly whether they would acquiesce in the Legislative Council amending a money Bill. The question had been raised in that House a good many times. The position, as he understood it, taken up by the other branch of the Legislature, was this: that they had a

written Constitution; that in that Constitution it was expressly stated that money Bills should originate in the Legislative Assembly, and that there were no negative words in it prohibiting the Council from dealing with money Bills. That was so, no doubt. There was nothing in the written law of England to prohibit the House of Lords from dealing with money Bills, but in practice it had always been recognised that they had no such right. He did not know where there was any instance in which a nominated House had been allowed by the elective House to interfere with money Bills. In some of the neighbouring colonies there were elective Upper Houses, and the point had been taken that the rules of the House of Lords did not apply in such cases, because the Upper House was as much a representative House as the Legislative Assembly. That argument, of course, did not apply in this colony. The question, as he had said, had been before the Parliament of Queensland many times. It was fully discussed in 1879 on the Divisional Boards Bill, which the Legislative Council proposed to amend in some very important points, particularly with respect to the mode of rating property. The Assembly recognised that some of the amendments were improvements. Nevertheless, the hon. gentleman leading the Government at that time, although he would have very much liked to have accepted some of the amendments, moved that they be disagreed to, and the motion was carried. The first instance he had found in which the privileges of the Assembly were strongly asserted occurred in 1864, when Mr. R. G. W. Herbert led the House. He found in the "Votes and Proceedings" for that year that the Legislative Assembly considered the question which had now arisen on an amendment made by the Legislative Council in the Grammar Schools Act Amendment Bill. Their amendment was to the effect that the Government should be bound to establish grammar schools instead of being at liberty to do so under certain conditions. As the Act now stood the Government might establish a school in any locality when a certain amount of money had been raised by the inhabitants. The Legislative Council wanted to make it imperative on the Government to do so, and proposed an amendment to that effect. In the first instance the Assembly did not insist upon its privileges, but sent the following message on the 10th August, 1864:—

"The Legislative Assembly, having had under consideration the Legislative Council's amendments in the Grammar Schools Act Amendment Bill, disagree to the amendments in original clause 1, because the effect of such amendment would be to lead the Government to grant aid to any number of schools that might be established in the same district, although such schools might not be required; and they are therefore injurious to the cause of education, and contrary to the spirit of the Grammar Schools Act of 1860, which was intended to provide each district with one school open to all religious denominations."

The Legislative Council insisted upon their amendment. Then on the 23rd August the following message was transmitted to the Council by the Assembly, stating that they were—

"still unable to agree to those amendments, for the following reasons, namely:—

"1. Because the grounds of disagreement set forth in the message, of date the 10th instant, still appear to them, upon further and more careful deliberation, to be of full force.

"2. Because the amendments in question directly affect the privileges of this House, inasmuch as they purpose to render it compulsory upon the Governor in Council, under certain conditions, to make large disbursements from the public revenue, and are clearly not of the character contemplated by the 263rd Standing Order of this House, which defines the limits within which this House will not insist on its privileges in regard to amendments made by the Legislative Council by way of money provisions to Bills."

The Legislative Council did not further insist upon their amendments. He had not had time that day to search through all the volumes of the "Votes and Proceedings," but he remembered that during the Parliament elected in 1871, of which he was a member, the same question frequently arose. Sir Arthur Palmer was then leader of the House, and no one more jealously guarded and maintained the privileges of that House than he did; he sometimes went rather far and carried it almost to an extreme. In 1876, he remembered very well, two Bills were sent up to the Legislative Council; one was a Bill to amend the Stamp Duties Act, and the other was the Navigation Bill. The first Bill was laid aside at once on being amended by the Council, and in the latter the Legislative Council made an amendment, so far as his memory served him, to allow ships carrying coal only to be free from harbour dues. The amendment commended itself to the Legislative Assembly, who desired to adopt it, so they laid the Bill aside and brought in a fresh one; they did not allow the former one to be amended. The next case he would refer to was that of the Divisional Boards Act, in 1879, and which was dealt with by the hon. gentleman now at the head of the Opposition, when it was returned to the Legislative Assembly. On the 22nd September, 1879, the Bill came back from the Legislative Council with several amendments, and the first ones disagreed to were amendments altering the mode of rating to some extent. The Bill was returned to the Council with the following message, which appeared in the "Votes and Proceedings" for 1879, page 377:—

"Disagree to the amendments in clause 58, because they interfere with the rightful control of the Legislative Assembly over taxation.

"Disagree to the amendments in clause 59 for similar reasons to those given in relation to the amendments in clause 58.

"Disagree to the amendments in clause 74 because they interfere with the rightful control of the Legislative Assembly over revenue."

Those were the reasons adopted by the House on the motion of Sir T. McIlwraith. The Legislative Council sent the Bill back on the 25th September, with the following message:—

"The Legislative Council, having taken into consideration the Legislative Assembly's message relative to the amendments made by the Legislative Council in the Divisional Boards Bill, beg now to intimate that they insist upon their amendments in clauses 58, 59, and 74, because the reasons assigned by the Legislative Assembly are untenable, the Legislative Council having full power under the Constitution Act of 1867 to vary the provisions of any Bill that may be submitted to them for their consideration; and do not insist on those other amendments to which the Legislative Assembly have disagreed."

To that the following message was returned by this House on the motion of Sir Thomas McIlwraith:—

"The Legislative Assembly, having taken into consideration the message from the Legislative Council insisting upon the amendments made in clauses 58, 59, and 74 of the Divisional Boards Bill, on the ground that the reasons assigned for the Legislative Assembly's disagreement are untenable, beg now to re-affirm the undoubted right of this Assembly, as the representative branch of the Legislature, to control the taxation of the colony. Without admitting the right of the Legislative Council to require any reason from the Legislative Assembly other than that given above, it is the duty of the Legislative Assembly to insist further on disagreeing with the amendments in clauses 58, 59, and 74."

Some further reasons were also given, and the hon. gentleman went fully into the subject and quoted from "May." He would read the quotations the hon. gentleman used; he had compared them with the latest edition of "May" and they appeared to be just the same:—

"The legal right of the Commons to originate grants cannot be more distinctly recognised than by these various proceedings; and to this right alone the claim

appears to have been confined for nearly 300 years. The Lords were not originally precluded from amending Bills of supply; for there are numerous cases in the journals in which Lords' amendments to such Bills were agreed to; but in 1671 the Commons advanced their claim somewhat further by resolving, *nem. con.*, 'That in all aids given to the King by the Commons the rate or tax ought not to be altered;' and in 1678 their claim was urged so far as to exclude the Lords from all power of amending Bills of supply. On the 3rd of July, in that year, they resolved, 'That all aids and supplies, and aids to His Majesty in Parliament, are the sole gift of the Commons; and all Bills for the granting of any such aids and supplies ought to begin with the Commons; and that it is the undoubted and sole right of the Commons to direct, limit, and appoint in such Bills the ends, purposes, considerations, conditions, limitations, and qualifications of such grants—which ought not to be changed or altered by the House of Lords.'

"It is upon this latter resolution that all proceedings between the two Houses in matters of supply are now founded. The principle is acquiesced in by the Lords, and, except in cases where it is difficult to determine whether a matter be strictly one of supply or not, no serious difference can well arise. The Lords rarely attempt to make any but verbal alterations, in which the sense or intention is not affected; and even in regard to these, when the Commons have accepted them, they have made special entries in their journal, recording the character and object of the amendments, and their reasons for agreeing to them."

That had been the practice in Queensland since 1865. Merely verbal alterations had been assented to; they could always accept amendments of that kind.

"So strictly is the principle observed in all matters affecting the public revenues that where certain payments have been directed by a Bill to be made into and out of the consolidated fund, the Commons have refused to permit the Lords to insert a clause providing that such payments should be made under the same regulations as were applicable by law to other similar payments."

That was very similar to the case before them.

"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 amendment they were considering violated all those conditions. Then again—

"As illustrative of the strictness of this exclusion, it may be mentioned that the Lords have not been permitted to make 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 revenue of a colony should be paid. But all Bills of that 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 Bills 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."

After making those quotations, and some others which he would not read, the hon. gentleman said:—

"Under these resolutions the power of the Commons was clearly laid down, and anyone looking at the amendments made on this Bill in the other Chamber would see at once that it was an infringement of those rules. He had referred to sufficient authority to make it very clear that it would be inconsistent for that House to permit the other House to alter a Bill of this character, especially in a clause directly relating to taxation. The point had been raised before in the Legislative Assembly, when they refused to assent to the other Chamber to alter Bills imposing taxes or the increase of taxation. He moved that the amendment be disagreed to."

The matter was discussed further, and the point was raised by him (the Premier), whether the rule applied to merely local taxation, and the hon. gentleman showed by further quotations that it applied to local taxation as well as to payments into the consolidated revenue. He at once admitted the authorities quoted by the hon. gentleman and by the then hon. member for Bowen (Mr. Beor) as conclusive. Sir Thomas McIlwraith then quoted from "Dwarris," another high authority on practice in these matters. He would read the quotation, which was contained in *Hansard* at page 1775, and was as followed:—

"The following propositions are supposed by Mr. Hatsell to contain nearly the whole of the Commons' undeniable pretensions:—

"First: That in Bills of aid and supply, as the Lords cannot begin them, so they cannot make any alterations either as to the quantum of the rate or the disposition of it; or, indeed, any amendment whatsoever, except in correcting verbal or literal mistakes; and even these the House of Commons direct to be entered specially in their journals that the nature of the amendments may appear, and that no argument prejudicial to their privileges may be hereafter drawn from their having agreed to such amendments.

"Secondly: That in Bills which are not for the Special Grant of Supply, but which, however, impose pecuniary burthens upon the people—such as Bills for turnpike roads, for navigation, for paving, for managing the poor, etc., for which purposes tolls and rates must be collected; in these, though the Lords may make amendments, these amendments must not make any alteration in the quantum of the toll or rate, in the disposition or duration of it, or in the persons, commissioners, or collectors appointed to manage it. In all the other parts and clauses of these Bills, not relative to any of these matters, the Commons have not objected to the Lords making alterations or amendments.

"Thirdly: Where the Bill, or the amendments made by the Lords, appear to be of a nature which, though not immediately, yet in their consequences, will bring a charge upon the people, the Commons have denied the right of the Lords to make such amendments, and the Lords have acquiesced.

"And, lastly: The Commons assert that the Lords have no right to insert in a Bill pecuniary penalties or forfeitures, or to alter the application or distribution of the pecuniary penalties or forfeitures which have been inserted by the Commons."

Next, Mr. Beor, who was then member for Bowen, quoted a passage also from "May" which was relevant, and which he would read. It was quoted on page 1777 of *Hansard*, and related to the Municipal Corporations of Ireland Act, and was as followed:—

"Lord John Russell said that, before he proceeded to call the attention of the House to the Lords' amendments to this Bill generally, he wished to have the opinion of the Chair upon one of them in particular. The Bill, as it had passed the Commons, contained clauses giving certain powers which were hitherto exercised by the grand juries in Ireland to the municipal bodies instituted or reformed by the Bill. It appeared that the House of Lords had struck out those clauses, whereby in effect those powers hitherto exercised by grand juries, which were taxing powers, and powers of levying money, were continued to those grand juries, as they had by law hitherto exercised them. That was exactly the nature and effect of the Lords' amendment; and without offering any opinion upon the question, he should be glad to hear the opinion of the Chair before he proceeded to propose any further steps.

"The Speaker said that, if he correctly understood the question, it had reference to those clauses in the Bill which transferred certain powers of taxation held under the existing law, by the grand juries of the several counties in Ireland, to the newly created councils in the proposed municipal boroughs, the Lords' amendment upon which he did not think the House of Commons could agree to. It had always been most jealous of any interference on the part of the other House in cases of this description. It did not even allow the House of Lords to change the name of a single trustee in a Turnpike Bill. If a Bill passed the Commons for the collection of rates, it never

consented, and never would consent, to any alteration being made by the other House respecting the body which was to have the control of those rates. He apprehended, therefore, that the Commons having decided that these powers of taxation were hereafter to be exercised by the new municipal councils, and the House of Lords having so amended the Bill as to re-transfer those powers to the grand juries of the counties in Ireland, that the House of Commons could not, consistently with the proper maintenance of its privileges, agree to that amendment."

The motion was, of course, carried unanimously. Later on there was an amendment on the 74th clause, which dealt with the conditions on which loans were to be repaid—a precisely analogous amendment to the one now in question. The then Premier moved that the amendment in the 74th clause be agreed to, but expressed a doubt as to whether the amendment was not open to the same objection as the previous amendments, and remarked that, if it was not objectionable on constitutional grounds, he would like to see it passed. He (Mr. Griffith) then pointed out that the clause referred to money lent to corporations out of revenue, and provided in what way the debtors should repay the loan, and was, therefore, decidedly dealing with the consolidated revenue. The hon. gentleman opposite then admitted that it was so, and moved that the amendment be disagreed to, and the message was sent up which he had read just now. He might say that nobody raised a voice in that House in support of the privileges or so-called rights of the Legislative Council. On the 25th September, when they sent down their message asserting their right to deal with money Bills, the hon. gentleman then at the head of the Government said:—

"When the House disagreed with the amendments in these clauses sent down by the other Chamber, they gave as their reason that they had the constitutional right to have sole control of the taxation of the colony. That was considered by the Assembly a sufficient reason to send back to the other Chamber. It has raised a question which has been long in dispute between the two Chambers, and which has never been brought to the point at which a final decision can be arrived at. It remains now as unsettled as it was before. The position, however, to which it is brought by the message we have now received from the other Chamber leaves it in this way—that the Government are now forced to one of three alternatives: either to send back another message giving further opportunity for the consideration of these amendments by the other Chamber, or to withdraw the Bill altogether, or to insist on our rights exactly in the forms we have sent up before. I think myself a course might have been adopted by the other Chamber which would have preserved all their rights, leaving the question where it was, and not force upon us the other alternative, if we pass the Bill, of admitting at the same time the principle that the other Chamber had a right to interfere in any Bill concerning the taxation of the colony. I cannot possibly ask this House—for it is against all its privileges, and which it must uphold in its own behalf—to admit that the other Chamber have the right to interfere with Bills regulating the taxation of the colony. To accept these amendments would be to make that admission. To have given reasons apart from the reasons we gave why the Council should not make these amendments would be admitting the principle that they had the right to interfere. I did expect and hope that the Council would have adopted conciliatory measures."

The hon. gentleman went on to say:—

"We have always insisted that we have the exclusive right of taxation, and they have insisted upon their right to alter any of the clauses of Bills sent to that Chamber."

He then moved that the amendments be disagreed to, but as no additional reasons were given on the first occasion the hon. gentleman read further reasons on that occasion, as he had already pointed out. Todd, in his book upon "Parliamentary Government in the Colonies," at page 477, dealt with the subject. He said:—

"The Victorian Constitution Act of 1855, sec. 56, and the British North America Act, 1867, sec. 53, severally declare that 'Bills for appropriating any part of the public revenue, or for imposing any tax or impost shall originate in the [Assembly or] House of Commons.'"

It was exactly the same with their own House:

"No further definition of the relative powers of the two Houses is ordinarily made by any statute. But constitutional practice goes much further than this. It justifies the claim of the Imperial House of Commons (and by parity of reasoning of all representative Chambers framed after the model of that House) to a general control over public revenue and expenditure, a control which had been authoritatively defined in the following words: 'All aids and supplies, and aids to His Majesty in Parliament, are the sole gift of the Commons, and it is the undoubted and sole right of the Commons to direct, limit, and appoint in such Bills the ends, purposes, considerations, conditions, limitations, and qualifications of such grants, *which ought not to be changed or altered by the House of Lords.*'

"This parliamentary principle, moreover, has been generally, if not universally, admitted in all self-governing British colonies, by the adoption in both Legislative Chambers of Standing Orders which refer to the rules, forms, usages, and practices of the Imperial Parliament as the guide to each House in cases unprovided for by local regulations."

He then pointed out that—

"In 1872, a difference arose between the two Houses of the New Zealand Legislature, as to the statutory right of the Legislative Council to amend Bills of supply."

The question was submitted to Lord Coleridge, and to the late Sir George Jessel, one of the most eminent of lawyers. They gave the following opinion upon the case:—

"We are of opinion that the Parliamentary Privileges Act of 1865"—

which was an Act declaring that each House should have the same privileges as the House of Lords and the House of Commons respectively—

"does not confer on the Legislative Council any larger powers in this respect than it would otherwise have possessed. We think that this Act was not intended to affect and did not affect the legislative powers of either Houses of the Legislature in New Zealand.

"We think that the claims of the House of Representatives, contained in their message to the Legislative Council, are well founded: subject, of course, to the limitations that the Legislative Council have a perfect right in any Bill passed by the House of Representatives having for its object to vary the management or appropriation of money prescribed by an Act of the previous session."

A little further on the writer added:—

"The relative rights of both Houses in matters of aid and supply must be determined, in every British colony, by the ascertained rules of British constitutional practice. The local Acts upon the subject must be construed in conformity with that practice wherever the Imperial policy is the accepted guide. A claim on the part of a Colonial Upper Chamber to the possession of equal rights with the Assembly to award a money Bill would be inconsistent with the ancient and undeniable control which is exercised by the Imperial House of Commons over all financial measures. It is, therefore, impossible to concede to an Upper Chamber the right of amending a money Bill upon the mere authority of a local statute, when such Act admits of being construed in accordance with the well-understood laws and usages of the Imperial Parliament."

The same principle had been adopted in Canada. Before the Dominion Parliament was established various attempts were made by the Councils of the Provinces to interfere with money Bills; and, after giving a history of them, Mr. Bourinot, who is the Clerk of the House of Commons in Canada, in his work on "Parliamentary Proceedings and Practice," summed up the matter. It must be remembered that constitutional government had been practised longer in Canada than anywhere else, excepting in one of the West India Islands. Mr. Bourinot said:—

"Since 1870 no attempt has been made in the Senate to throw out a tax or money Bill. The principle appears to be well understood, and acknowledged on all sides, that the Upper Chamber has no right to make any material amendment in such a Bill, but should confine itself to mere verbal or literal corrections. Without abandoning their abstract claim to reject a money or tax Bill when they feel they are warranted by the public necessities in resorting to so extreme and hazardous a measure, the Senate are now practically guided by the

same principle which obtained with the House of Lords. and acquiesce in all those measures of taxation and supply which the majority in the House of Commons have sent down to them for their assent as a co-ordinate branch of the Legislature. The Commons, on the other hand, acknowledge the constitutional right of the Senate to be consulted on all matters of public policy.

"As an illustration of the desire of the Senate to keep closely within their constitutional functions, we may refer to the fact that that House has declined to appoint a committee to examine and report on the public accounts, on the ground that while the Senate could properly appoint a committee for a specific purpose—that is, to inquire into particular items of expenditure—they could not nominate a committee like that of the Commons to deal with the general accounts and expenditure of the Dominion—a subject within the jurisdiction of the Lower House, where all expenditures are initiated. It is legitimate, however, for the Senate to institute inquiries by their own committees into certain matters or questions which involve the expenditure of public money. But the committee should not report recommending the payment of a specific sum of money, but should confine themselves to a general expression of opinion on the subject referred to them."

That was the practice in Canada; and the clause of the Constitution Act of British North America referring to the subject was in precisely the same language as the 2nd section of the Queensland Constitution Act of 1867, providing that money Bills must originate in the Legislative Assembly. He had preferred to quote authorities on the present occasion because they would carry more weight than a discussion of the matter from an abstract point of view. He did not intend to discuss the merits of the amendment at all; and he would propose that the amendment of the Legislative Council be disagreed to for the following reason:—

Because it is the undoubted and sole right of the Legislative Assembly to determine and appoint the purposes, conditions, limitations, and qualifications of grants of money from the consolidated revenue, and the amendment of the Legislative Council relates wholly to the conditions under which such grants may be made to municipalities for waterworks.

The Assembly had already given other reasons, but they had not been accepted as satisfactory. He trusted, however, that wiser counsels would prevail, and that the other Chamber would not reject a really valuable measure which would be a great benefit to many municipalities, simply on that ground. As he had said, he did not propose to discuss the merits of the amendment; and as to the reasons urged for them, he confessed he did not understand what they meant. He moved—

That this House insists on its disagreement to the amendment of the Legislative Council in clause 4.

The HON. SIR T. MCILWRAITH said the hon. gentleman had taken a very ingenious way to secure the unanimity of the Chamber on the subject in dispute, by quoting almost verbatim the speech which he (Sir T. McIlwraith) made, on what he said was a similar question, in 1879. He did not think it was a similar question, and on that point would arise any objection he had to the proposition that had just been made by the Premier. The case in 1879 was very different. The dispute then arose over the Divisional Boards Bill, in which provision was made for the taxation of property in various shapes. The Council sent the Bill back with amendments which altered the incidence of taxation, increasing it in many cases, and imposing taxation on properties which, when the Bill was sent up to them, were exempt. That was clearly and definitely an infringement of the rights of the House of Assembly, as they had always been advocated in that Chamber. The case in which they differed at the present time from the Legislative Council was somewhat different. A Bill had been introduced under which the Government could, under certain conditions, lend money to municipalities. An unlimited power was given to the Government by the Bill to extend the time during which they should not insist on the principal and interest being repaid. The Council insisted that that privilege should not be given to the Government for a longer period than five years. Of course that did interfere with the exclusive right of the Assembly to deal with all the financial matters of the colony; but so would interfering with the smallest clause in the most insignificant way of the Bill before them. He said that the interference of the Council with the Assembly's management of the finances of the colony was so remote that it should be entirely covered by the power that was cordially granted to that Chamber to deal generally with subjects that came before the Assembly. He did not believe that it interfered with the right they had always exercised in that House. To show that it was a matter of importance to consider the particular case upon which they took their stand, the action taken by the hon. gentleman himself when he (Sir T. McIlwraith) opposed the Council in 1879 would give the Committee considerable information. After he had made his speech, giving all the precedents that he could quote from all the authorities he knew, in support of rejecting the Council's amendments—all of which the Premier had read that afternoon—the hon. gentleman, who was at that time in opposition, in reply said that not one of the cases quoted applied at all. Of course he argued that matter purely as a lawyer, and at that time he opposed what he (Sir T. McIlwraith) did. After he had made his speech, and given quotations to enforce his argument, the hon. gentleman met him by saying:—

"He should be always one of the first to maintain the privileges of that House—that it had the exclusive right to deal with all matters of supply; but he did not think it would be wise to attempt to extend their claims beyond what had been conceded in Great Britain, and at present he was unable to see that the authorities cited by the hon. gentleman at the head of the Government applied to this Bill, which was one relating to local government, where the taxes did not go into the consolidated revenue. If any authority could be found for that view he should gladly support the hon. gentleman, but he had not been able to find any."

Subsequently, the Speaker, Mr. King, found some authorities on the point, upon which the hon. gentleman (Mr. Griffith) withdrew his opposition to the motion he (Sir T. McIlwraith) had moved, and supported it. The point he (Sir T. McIlwraith) wished to enforce was this: that it depended entirely upon the particular point upon which they disagreed with the Council. As he had pointed out, after all the quotations had been read, the present Premier disagreed simply because the cases did not apply to that particular case in point—namely, cases in which local taxation was enforced. He held that none of the cases quoted by the Premier applied at all, except some very wide claims which were not applicable to the circumstances of the case. The case was one in which the Government lent money to corporations, and according to the clauses in the Bill the Government, when they lent money, could so far relax the statute under which it had been granted as to refrain from asking for payment of principal or interest indefinitely. The Council then stepped in and circumscribed the time during which that power should be exercised to five years. He held that that amendment was too remote to come within the scope of any of the quotations that had been given. There was another point. Of course hon. members understood that, while the Chamber had been claiming its rights all along, the Council had been doing the same, and nothing had been conceded by either. The question stood exactly as it did before. If the hon. gentleman saw any probability or possibility of bringing the matter to a conclusion — that was, to get the other

Chamber to agree to some compromise by which the specific rights of each House would be clearly laid down—then he could see the object of the action taken by him; but the alternatives before them were very clear. If they insisted on disagreeing with the amendment the Bill would be sent back to the other House and would simply be laid aside, and the Government would lose their Bill. He thought himself that the matter was too small to give rise to serious difficulty. If ever they did come to an agreement with the Upper House on the question of the exclusive power of the Assembly over the finances he had not the slightest doubt that they would be granted, by the consent of the Assembly, general privileges which would allow them to interfere with clauses of that kind.

The PREMIER: I am sure they will not.

The HON. SIR T. McILWRAITH: He believed they would, and he thought that it would be a good thing for the colony if they had that power, believing as he did that if that Chamber had the whole control of the taxation and expenditure of the colony the other House ought to have the same general powers to allow them to interfere specifically with clauses of Bills which otherwise applied to money. He believed that that would be granted. At all events the position of the Government, he took it, was that they chose to throw their Bill overboard rather than concede what, according to the opinion of the Premier, had already been conceded pretty often. The hon. gentleman contended in 1879 that he (Sir T. McIlwraith) conceded to the Upper House the right to interfere with money Bills because he gave a reason.

The PREMIER: No.

The HON. SIR T. McILWRAITH: That was the ground taken up by the hon. member. The other House made an amendment in a Bill, and claimed that they had the right to interfere with it. The Assembly insisted that they had not, and gave an additional reason outside the general reason that had been given already—that the Council had no right to interfere. The hon. gentleman then insisted that the very fact of giving that reason put aside the claim of the Assembly to their rights. In reply to the speech in which he (Sir T. McIlwraith) moved his amendment the hon. member said:—

"If this message is to be sent in its proposed form it means plainly enough that this House, while it re-affirms its right, does not insist on the reason it previously alleged, but relies upon the other reasons mentioned in the message. It asserts the bare fact that we insist upon our rights, but it gives quite another reason for insisting upon the disagreement to the amendments. I can understand that the other branch of the Legislature will be well satisfied indeed if we make this idle assertion of our rights and at the same time give the reasons we here offer for our disagreement. If these reasons had been given at first it would have been different. Now that there is likely to be some entanglement, the Government practically recede from the reasons they gave before. I should be ready to agree to the motion before the Committee, but I do trust we shall make some alteration in the proposed message, in order that it may not be supposed we have abandoned our exclusive right to deal with taxation. Talk about making a dangerous precedent! This would be a dangerous one indeed. It is our duty to insist on our disagreement, but not to recede from those reasons which we first gave. Perhaps, however, I have misunderstood the hon. gentleman. His observations did not appear to point to such a course as is proposed to be adopted in sending this message; but, considering the form of message as drafted, I cannot come to any other conclusion than that which I have stated—that the Government are willing, for the sake of peace, to give up the rights of this House."

Now, a precedent was made. His (Sir T. McIlwraith's) motion was carried exactly in the form in which he put it before the House, so that so far from the precedent being in favour of the stringent enforcement of the supposed rights it was against them, because in that case, according to the contention of the hon. gentleman himself, that House had receded from its rights and actually gave reasons. He did not think the amendment was worth the trouble the hon. gentleman seemed to be taking over it. It was not of sufficient importance to hang a dispute on. If he (the Premier) was going to have a dispute with the other Chamber no doubt he would have plenty of opportunities before many sessions were over.

The PREMIER said he thought the hon. gentleman had scarcely apprehended what he (the Premier) had said with respect to giving reasons. The usual practice of the House of Commons and of that House was not to insist upon their rights in the first instance, unless in the case of a very glaring violation. Where the matter was on the border line the practice was not to insist upon their rights, but, while carefully guarding their privileges, to offer some reason which might be sufficient to induce the other House to alter its views on the merits of the case. That was the course he thought the hon. member ought to have taken in 1879; but instead of doing that he insisted on the privileges first and gave other reasons afterwards. That seemed an inversion of the proper order. They now first gave their reasons, stating that the House did not waive their privileges, and then afterwards they insisted on their privileges. As the Bill stood the Government might postpone indefinitely the time within which the money must be repaid into the consolidated revenue by the municipal council. By the amendment of the Council that period was limited to a certain time. If that was not dealing with the consolidated revenue he did not know what was. In 1879 the Divisional Boards Bill, when sent up to the Council, provided that the Government might advance money to divisional boards not exceeding a certain amount, which was to be expended in reproductive works. The Council added a proviso:—

"Such moneys shall be repaid to the Colonial Treasurer by such number of equal annual instalments, not exceeding thirty, as the Governor in Council shall specify at the time such moneys are advanced, but the Governor in Council may, if he think fit, authorise the postponement of the payment of any instalment becoming due within the first three years for a period not exceeding two years."

The other chief amendments consisted of striking out the word "mines" from the list of exemptions from ratable property, and a slight variation in the mode of estimating the value of ratable property. He believed both sides of the House then thought the amendments were improvements. He would not express any opinion as to whether the present amendment would be an improvement or not.

The HON. SIR T. McILWRAITH said the hon. member was wrong in thinking that the House in 1879 approved of the amendments; and he was wrong in under-estimating the very great importance of the amendments made by the Upper House, such for instance as the omission of the word "mines" from a certain schedule, which had the effect of imposing a ridiculous additional taxation on all the mines of the colony. The other amendments had the effect of altering the amount of taxation paid by different individuals, and also of altering the number of persons who came under the taxation clauses. That was a very different case from the present amendments.

The PREMIER said he did not intend to say that the House approved of the amendment about the mines, but it did approve of those providing for repayment in a certain number of years and defining the basis on which country lands should be rated.

The COLONIAL TREASURER said it was beside the question to consider whether the Council's amendment was beneficial or not; the question was whether it was in contravention of the privileges of the Assembly with regard to matters connected with the revenue and taxation of the colony. He remembered that in the Navigation Bill of 1876 the Council introduced an amendment whereby outward-bound vessels carrying coal were relieved of half pilotage. That was not a bad amendment, because it encouraged the exportation of one of the natural products of the colony; but seeing it directly affected the consolidated revenue it was disallowed by the Assembly. There was not the slightest doubt that the Council's amendment before them affected both the revenue and the taxation of the colony. According to the original clause an Order in Council might be issued deferring the imposition of a special loan rate for an indefinite period, and by the Council's amendment the collection of that rate must be made within a period not exceeding five years. That was distinctly interfering with the principles of local taxation and also with the consolidated revenue. On that ground alone it was their duty to maintain the privileges of the House. He had imagined that the hon. member for Mulgrave, who in 1879 had stood up as the champion of their privileges, would have given his cordial support to the action of the hon. the Premier, who had very clearly and explicitly laid before the House the history of the Chamber in resisting similar action on the part of the other Chamber. They were not seeking any quarrel with the Upper House, but they were merely standing up for their privileges, and he saw no reason why they should recede from the position they had very properly taken up in maintaining those privileges.

Question put and passed.

The PREMIER said he confessed the other amendment was on the border line; but the reasons offered by the Legislative Council commended themselves to him as being very good ones—

> "Because, in most instances, the waterworks will extend beyond the limits of the municipality, and water rates will be levied on persons beyond the municipal boundary, and it would be inequitable to divert any surplus to other purposes than those for which the loan was originally obtained, or to works which would not be for the benefit of the whole of such ratepayers."

He would ask the House not further to disagree with the amendment, as on consideration he thought it did not come within the rule.

Mr. NORTON: Yes, it does.

The PREMIER: He thought it was doubtful. The amendment in clause 5 dealt with the municipal fund, a sum of money earned by the council of the municipality, which sum was no part of the consolidated revenue. He begged to move that the Committee do not insist on their disagreement to the amendment of the Legislative Council in clause 5.

The HON. SIR T. MCILWRAITH: What are the hon. gentleman's reasons for not insisting on our disagreement to the amendment in clause 5?

The PREMIER: Because the clause did not deal with the consolidated revenue or with payments into it, but with the municipal fund —a fund that was in the hands of the local authorities. The amendment provided that, if the council of a municipality did not apply any surplus revenue derived from waterworks to the extension of the waterworks, they must apply it to the repayment of their loan. It did not compel them to apply it to the repayment of the loan.

Mr. MACFARLANE said he did not see why, if they disagreed to the amendment in clause 4 on the ground that it interfered with the rights of the Assembly, they should not apply the same principle to the amendment made in clause 5. The amendment in clause 4 limited the time for which the payment of the annual instalments of waterworks loans might be postponed to five years. The amendment in clause 5 provided that any surplus revenue derived from those waterworks should not be carried to the municipal fund, but should be applied in reduction of the principal loan. The Council would have their way in clause 5, but not in clause 4. In other words, they were in one case allowing the Council to regulate the action of a municipality, and in the other not allowing their interference. He thought that a corporation, having obtained a loan for waterworks, had a perfect right to place any surplus revenue to the credit of the municipal fund, and he thought it would be much better to allow municipalities, who knew what to do with their funds much better than the Legislative Council or Legislative Assembly, to do what they thought best, than to compel them to reduce the principal loan. He thought it was the duty of hon. members to maintain the clause as it was passed by the Committee, and he was therefore not inclined to agree to the amendment proposed by the Legislative Council.

The HON. SIR T. MCILWRAITH said clause 4, before it was amended by the Council, provided that the Government should have unlimited, for all time, the power of remitting payment of principal and interest by the local authority. The Council proposed to limit that power to five years. That was considered by the Government an infringement of the "sole right of the Legislative Assembly to determine and appoint the purposes, conditions, limitations, and qualifications of grants of money from the consolidated revenue." Clause 5 originally provided that any surplus, after paying the amount due to the Government for principal and interest of the loan, might be paid into the municipal fund. The Legislative Council stepped in and said, "No; that shall be paid to the Government for the reduction of the principal." Why in one case the Council had infringed the rights of the Assembly and had not infringed those rights in the other case was a perfect mystery to him. If there was any doubt in either case as to their right being interfered with, he would say that the doubt was with regard to the amendment in clause 4, because he had not the slightest hesitation in saying that the privileges of the Assembly, as laid down by the Premier, were infringed by the amendment in clause 5. But he had very grave doubts as to whether the amendment in clause 4 interfered with their privileges. In one case the Premier maintained the rights of the Assembly and gave reasons for doing so, but in the other case he proposed to agree to the amendment of the Legislative Council. That, in his (Sir T. McIwraith's) opinion, would be establishing a very dangerous precedent. As to the merits of the Council's amendment, he had not the slightest doubt that they were right in their proposal. He believed it was a capital amendment, and he was rather astonished that it had received so little consideration when the question came before the Committee the other day. He thought that the hon. member for Rockhampton (Mr. Ferguson) was the only member who spoke on the subject. There must have been a very thin House on the occasion, for he did not remember it going through at all. He quite agreed with the Council, and he thought that to allow municipalities to pay any surplus from water rates into the general fund would be allowing them to divert the money to altogether illegitimate purposes. He believed that if there

was a surplus it should be applied in one of two ways—either to reduce the water rates or to reduce the debt owing by the municipality to the Government, and thereby reduce the cause for rating the municipality so highly as they did. By the clause as it originally stood they were in fact encouraging municipalities to extort a revenue from a very bad source, and they knew that there were municipalities which would run to earth any good means of obtaining money from the ratepayers. That could be done under the provisions of the 5th clause of that Bill, he believed, by extorting a large amount of rates from the users of the water and applying the money so received in some other way. In his opinion the same principle should be applied as was observed in the case of gas companies at home, and he believed in this colony as well—namely, that when the profits reached a certain amount they should be applied to the reduction of the cost of gas or water, as the case might be. Municipalities ought to apply the surplus revenue derived from the waterworks to the reduction of their water rates, or to paying back the principal and interest of the loan.

Mr. SCOTT said it appeared to him that the amendment made in clause 5 by the Council was a first-rate one. The difficulty he had was this: that clause 4 before it was amended by the Council increased the burdens of the people, and the amendment in clause 5 diminished the burdens of the people, because it required municipalities to pay off a part of their debt. That, in his opinion, was an interference with the revenue of the State, so that the same principle applied in both cases. He did not see why the returns from waterworks should be applied to other municipal purposes. It would be altogether unfair. It appeared to him that any argument that went against the amendment in clause 4 went equally against that in clause 5, so far as referred to the revenue.

The HON. SIR T. MCILWRAITH said that surely the hon. gentleman had mistaken clause 4 when he said it increased the burdens of the people.

Mr. SCOTT said that it increased the burdens of the people before it was amended; if he did not say so, that was what he meant.

The PREMIER said he thought the amendment was a very good one, and after full consideration he thought that it did not come within the rule. If the amendment compelled money to be paid into the consolidated revenue it would probably be within the rule: but it gave the Council the option of spending it upon improvements.

The HON. J. M. MACROSSAN said he did not think they need discuss the amendment now; it was quite beyond the question. The hon. gentleman said now it was a very good amendment.

The PREMIER: I have changed my mind.

The HON. J. M. MACROSSAN said that they insisted at first that the surplus should be carried to the municipal fund; but the Legislative Council insisted that it should be applied to the reduction of the principal loan. The distinction which the hon. gentleman had in his mind was very fine indeed.

The COLONIAL TREASURER said he thought hon. members were rather disquieting themselves unnecessarily. He did not believe that any Treasurer would be troubled with applications to reduce the loan. So far as he could see by the clause, there was no direction to pay money into the revenue. It was entirely permissive. It did not say, "shall be applied to the reduction of the principal loan." It was optional; at least, he did not understand that it was directed that the money should be paid into the consolidated revenue of the colony. It was not expressly stated in the amendment that it should be. He thought they might accept the amendment.

The HON. SIR T. MCILWRAITH said that if the hon. gentleman insisted upon that as a reason he placed out of consideration altogether the message that had been proposed by the Premier. They claimed the undoubted and sole right to grant money from the consolidated revenue. The money borrowed never went into the Consolidated Revenue Fund.

The PREMIER: All loan funds go into the consolidated revenue. The Loan Act says so.

The HON. SIR T. MCILWRAITH said the principle did not touch the consolidated revenue at all.

The PREMIER: The Loan Act says: "It shall be placed to the credit of the Consolidated Revenue Fund."

The HON. SIR T. MCILWRAITH said that as a matter of practice, and in usual language, they spoke of the consolidated revenue as including loans. By clause 5 loans were appointed to be paid into the consolidated revenue; so that it might be assumed to be part of the consolidated revenue, and if the money were taken out of the Consolidated Revenue Fund, it might also be assumed that when it was refunded it would be repaid into that fund.

Question put and passed.

On the motion of the PREMIER, the House resumed, and the CHAIRMAN reported that the Committee insisted on their disagreement to the amendment of the Legislative Council in clause 4, and did not further insist on their disagreement to the amendments of the Legislative Council in clause 5. The report was adopted.

The PREMIER said: I beg to move that the Bill be returned to the Legislative Council, with a message, intimating that the Legislative Assembly—

Insist on their disagreement to the amendment of the Legislative Council in clause 4—

Because it is the undoubted and sole right of the Legislative Assembly to determine and appoint the purposes, conditions, limitations, and qualifications of grants of money from the consolidated revenue, and the amendment of the Legislative Council relates wholly to the conditions under which such grants may be made to municipalities for water-works.

And do not insist on their disagreement to the amendments of the Legislative Council in clause 5.

The HON. SIR T. MCILWRAITH: Is this message intended to be in the same language, or to cover the ground that the resolution of the House of Commons, in 1671, covered? Is it intended to cover the same ground as that, and to be in the same language so far as circumstances will allow?

The PREMIER: Yes; the message is framed on the basis of the resolution of 1678.

Mr. MOREHEAD said: The Government are certainly going a long way back for a precedent. I should have thought that the Premier might have found some precedent at a time more nearly approaching our own time than 1671—although I believe this is a regular 1671 Ministry. I believe they are the most old-fashioned Ministry we have ever had. Speaking more particularly to the motion before the House, I think it a pity that this House should bring itself into antagonism with the other Chamber on a comparatively small matter. This is not a big enough matter to fight with the other Chamber about. The Premier might fairly give way in this matter, at the same time recording a protest against this being considered a

precedent. I hold with the Premier that the Legislative Council have no right to act in the way they have done; at the same time I doubt whether it is wise or statesmanlike to go as far as the hon. member is apparently prepared to go. Having entered a protest upon the part of this branch of the Legislature, which really does represent the people, he should have been content with that, and if he is desirous of testing the rights of the Legislative Council, the matter should be decided upon a different question from the one under discussion. He should have flown at higher game than he is flying at now. This is too small an occasion upon which to bring the two Houses into collision. Good may come out of it, but I do not know what it will result in. The occasion is too small to warrant the amount of time wasted upon it.

Question put and passed.

BEER DUTY BILL—COMMITTEE.

On the motion of the COLONIAL TREASURER, the House went into Committee to consider this Bill in detail.

Preamble postponed.

Clause 1—"Short title"—passed as printed.

On clause 2—"Interpretation"—

Mr. BLACK asked whether the phrase "all fermented beverages" would include such a liquor as the ordinary hop-beer?

The COLONIAL TREASURER said the Bill would not affect hop-beer as sold by confectioners. He might mention that the clause was an exact transcript of the interpretation clause in the Victorian Act, and hop-beer manufactured and sold by the confectioners in Victoria had never been subjected to excise.

Mr. BLACK said it did not follow that because there had been an oversight in an Act passed in Victoria the defect should not be remedied here. In addition to hop-beer, ginger-beer was a fermented beverage; and now that the necessity had arisen to pass a Bill of that sort it was important to clearly define exactly what was intended to be included in it. According to the interpretation clause, if passed in its present form, every roadside farmer who chose to brew hop-beer—which was a very harmless beverage—became a brewer under the Act, and would have to take out a license costing him £25. He did not think the Committee wished to discourage the consumption of hop-beer and ginger-beer, both of which were, without doubt, fermented beverages.

The PREMIER said he had always understood that ginger-beer did not contain any alcohol.

Mr. MOREHEAD: Certainly it does.

The PREMIER: Not much more than water. He did not know whether hop-beer was a fermented beverage.

Mr. NORTON said he knew it was, for he had made it himself. It was a common household beverage in all parts of the country.

The PREMIER: How much of it would it take to make a man drunk?

Mr. NORTON said that as it was not a practice of his to get drunk he could not answer the question. He knew, however, that hop-beer was a fermented beverage; in fact, it was not fit for use until it was fermented.

Mr. ISAMBERT said that hop-beer was certainly a fermented liquor, although there was nothing else used in it but hops, ginger, and sugar; but every pound of sugar employed in the brewing of hop-beer produced, when fermented, half-an-ounce of spirits of wine. It was very easy to find out how much or how little alcohol was contained in hop-beer. It would be a great injustice to a good many people who made their own beer if some provision was not made to exempt them from the operations of the Act.

Mr. CHUBB said that under the Publicans Act certain drinks were excepted, and it was always understood that hop-beer came within the definition of spruce-beer. In the 3rd section of that Act penalties were provided for selling liquors without a license, excepting "ginger-beer, spruce-beer, or other refreshing drinks not being spirituous or fermented." There was no doubt that hop-beer was a fermented drink, and that it was not worth drinking until it had fermented. After having boiled hops in water, people put raisins, or grain, or something else in it to make it ferment. There was no doubt that it came within the 1st paragraph of the interpretation clause, and if it was intended to except it it should be stated so in the clause.

Mr. SCOTT said there was another very common household beverage called sugar-beer, which he supposed was much the same thing as hop-beer; that also was fermented. It was a very light drink, still it was undoubtedly fermented.

The COLONIAL TREASURER said, seeing that there was some doubt upon the matter, and as there was no intention to include hop-beer, he would, with the permission of the Committee, move that the words "any other substance than" in the 18th line be omitted.

Amendment agreed to.

Mr. MOREHEAD said he thought the hon. the Treasurer ought to have told the Committee before then what the cost to the country would be if the Bill became law.

The COLONIAL TREASURER said the information asked for was only right and proper to expect, and it had been his intention to give it when they came to the question of stamps. The question was raised by the hon. member for Warwick on the second reading of the Bill, but as he (the Colonial Treasurer) had no right of reply on the motion he could not give the information. As he mentioned when moving the second reading of the Bill, it was the intention of the department to carry it out as economically as possible, and with that view the stamp system had been adopted so as to save the presence continuously of inspectors at the different breweries of the colony. Of course, if the Bill were passed it would be worked in conjunction with the Distillation Department. The expenses of that department for the present year were put down at about £5,000—that was simply for discharging the duties connected with distillation. The Chief Inspector of Distilleries would perform the duties which were assigned by the Bill to the chief inspector of breweries, so that there would be no second appointment. There would, however, be an increase of perhaps from eight to ten inspectors to carry out the provisions of the Bill. It was expected that the total cost, unless a very much larger number of breweries started into existence than there were at present, would be from £2,500 to £3,000 per annum. In Brisbane, Maryborough, and Rockhampton, it would be necessary to have inspectors continuously at their posts at the breweries; but in the case of small breweries in inland towns, where the duties might be performed by other officers of the Government, there need not be any continuous residential officer at the brewery. The system of stamps would enable that to be done; because the whole duty of the inspector would be to see that the stamps on the casks or packages were cancelled. There would be no bonded warehouse attached to the brewery, so that constant residence by an inspector would not be necessary.

Mr. ISAMBERT said he thought beer was a legitimate article for taxation if the Government required revenue. He did not object to the amount of duty imposed on beer brewed in the colony, and if the Government had determined that the tax was necessary and what the amount should be, the next main question was how to raise it?—to raise it in such a way as to interfere least with the industry so taxed, and with the least expense. He thought that was a very common-sense view of the matter. From the statement of the hon. the Treasurer, it appeared to him that the collection and supervision of the tax would cost from 7 to 8 per cent. He should like to know from the hon. gentleman how many inspectors he thought it would be necessary to appoint here?

The COLONIAL TREASURER said he expected that three would be required in Brisbane.

The HON. SIR T. MCILWRAITH: The Bill applies to the whole colony.

The COLONIAL TREASURER: I have been asked how many inspectors will be required in Brisbane.

Mr. ISAMBERT said he thought the Government had been very ill-advised in the matter of how to apply the duty and how to supervise it. One inspector for all the distilleries ought to be quite sufficient, and one for all the breweries was certainly sufficient, and he ought to have easy times of it. He would suggest to the Government whether it would not be better to levy only one-half the amount of duty now proposed on the beer before it had finished fermentation. The excise officer could go at any time into a brewery and ascertain the amount of beer brewed. The brewer would have to keep a correct record of all his doings, and the excise officer could, at any time, by inspection and comparing the record book, see whether the brewer was faithfully keeping his record, and whether the amount of beer was correctly stated. If he was satisfied that the brewer was faithful in his engagements, that was all he had to do, and the duty chargeable could be paid. One-half the duty ought to be levied on the malt imported. It would be just as easy, and would not cost one sixpence more, to collect a duty of 2s. 6d. or 3s. on malt than to collect the 6d. now collected; and when the excise officer had once ascertained the amount of duty chargeable he need not interfere any more with the brewer. He (Mr. Isambert) was afraid that the operation of the Bill would require so much supervision and necessitate so much interference with the industry, that it would be more hampered and injured in that way than by the duty levied upon it. The system he had suggested was the one adopted for collecting excise duties in other countries, where they had a large amount of experience on their side, and he could not see why it should not be carried out here. It would be a far wiser method than that proposed. There was the expense of preparing the duty stamps. He believed that if the Bill passed the umbrella-makers would raise their prices because of the increased demand for umbrellas to protect the duty stamps from being washed off by rain. He would support the tax so far as the amount was concerned, but he thought the mode of collecting it was most clumsy, would interfere mischievously with the operations of the brewers, and would cost, at the least, 7 or 8 per cent. of the receipts.

Mr. MOREHEAD said he hoped that what had fallen from the hon. member for Rosewood would meet with attention from the Committee. The same thing had occurred to him before the hon. member spoke. That gentleman had in no way exaggerated the cost of collecting the duty, but he had not made a comparison with the cost of collecting other duties. From figures he (Mr. Morehead) had roughly taken from the Estimates it would appear that the amount of estimated revenue from the Customs was £1,031,000, and the cost of collection about £47,881—something like 4 per cent; whereas, according to the Treasurer's own statement, the cost of collecting the tax on beer would be about 8 per cent. He was inclined to think that the Bill was brought in to a great extent to provide more billets in the Civil Service; the Colonial Treasurer had told them that it would entail the employment of eight or ten more men. He thought if the hon. member had said that earlier in the debate the Bill would not have gone so far as it had. He objected in the first place to the tax, and in the second place to its being made the medium of giving billets to men who wished to join the Civil Service. They were asked to pass a Bill that according to the calculation of the Colonial Treasurer would produce a revenue of £40,000 at the cost of £3,200 annually to the State, as against 4½ per cent., the cost of collecting other duties. The hon. member had a perfect right to try and swell the revenue as much as possible, but it should be done as cheaply as possible. The tax proposed by the hon. member ought to be very easy to collect and very cheap.

The PREMIER: It is the cheapest way of doing it.

Mr. MOREHEAD said it was a most extravagant way. There were plenty of men employed under the Distillery Act who could be employed in collecting the beer duty without increase of pay, and then there would be no tax on the general revenue of the colony. When he first heard the Treasurer's statement as to the cost of collecting the tax he thought there must be some mistake; because the Customs duties, which required the employment of a much more complicated staff at all the different ports of the colony, only cost about half as much to collect. They would have to employ an additional staff of officers, whose salary would amount to 8 per cent. of the amount they were to collect. He hoped the hon. member had made an error, and if that were not so, that the Committee would protest against such an enormous expenditure over a tax which ought to be so easily collected.

The COLONIAL TREASURER said his estimate was only conjectural. It was intended to use the Distillery Department as far as possible in collecting the beer tax; but it had to be borne in mind that the breweries were very widely scattered; and it was only right that he should look ahead and calculate the maximum amount the collection was likely to cost. He believed the receipts would be far more than £40,000, but he had no reliable data to go on; and if they reached £80,000, as was very probable, the expenses of administration would not be increased. He contended that the proposed system of stamps was the most economical that could be adopted.

Mr. MOREHEAD said the hon. member had not touched the question he had dealt with. He had spoken simply of the figures given by the Colonial Treasurer, who said that £40,000 was the amount likely to be derived in the way of revenue from the impost. The hon. member now stated that it might reach £80,000. There was no doubt the hon. member was a political "Micawber"; he was always looking for something to turn up. He (Mr. Morehead) would predict exactly the opposite effect to that the hon. member expected; the production of beer would be reduced by the Bill as it passed, and not increased. He had not dealt with the question

of stamps—that would come on later; but he had dealt with the cost of collecting that revenue under the conditions named in the Bill. The cost would be inordinately heavy as compared with the general cost of collecting revenue on dutiable goods within the colony. He further stated that that was one of the duties most easily collected. He could, therefore, only arrive at the conclusion that the hon. gentleman had either not considered that matter before he submitted that proposition to the Committee or that he intended still further to swell the ranks of the Civil Service, which were already inordinately swelled. That was, that there would be a larger number of men living on the State and paid by the taxpayers when their employment could be very well avoided. He did not think the Colonial Treasurer had in any way answered the arguments brought forward from that side of the Committee or on the Government side of the Committee. He hoped the hon. gentleman would see his way, if the Bill became law, to reduce the enormous expenditure which it appeared would have to be incurred in carrying out its provisions.

Mr. JORDAN said he understood the Colonial Treasurer to say that he expected to realise £40,000 a year from the tax imposed by that Bill, and that the cost of collecting the revenue would be about £2,500. That only amounted to 6·25 per cent. If the tax produced £80,000 the cost of collection would be a little over 3 per cent.

Mr. MOREHEAD said he understood the Treasurer to state that the cost of collection might be £2,500 or £3,000, but that he was not certain.

The COLONIAL TREASURER: £3,000.

Mr. MOREHEAD: Well, £3,000. He knew the hon. gentleman had made a calculation, and he thought he would agree with him that that would be between 7 and 8 per cent. However, he (Mr. Morehead) was very glad to see that the hon. member for South Brisbane had travelled back again into the fold and acted as an offside jackal to the Colonial Treasurer.

The COLONIAL TREASURER said that at the present time the excise duties showed a very much larger percentage, as regarded cost, than 8 per cent. If there was anything in the hon. gentleman's argument it was that they ought to abolish the Excise Department, simply because the annual charge for collecting the excise was considerably over £4,000 while the receipts were yearly diminishing, and last year were not more than £30,000. As matters at present stood, the operations of the Excise Department showed a very heavy percentage of cost for collecting revenue. He would take that Bill in connection with the Distillation Department and that would reduce the average cost of that department very considerably. He was sure the system adopted in that Bill was one which would furnish a large amount of revenue at a comparative small cost for collection.

Mr. ISAMBERT said he held that the machinery for collecting the revenue obtained through the Excise Department would be quite sufficient with a very little addition for collecting the duty imposed by that Beer Bill. He wished the Government to regard his strictures not as opposition to their raising revenue by a tax on beer, but rather as an intimation that he wished to do them a friendly service and make the collection of the duty less objectionable and less costly. He would suggest that one-half of the proposed duty should be obtained by an increased duty on malt, which practically did not produce a farthing towards the revenue of the country. They could just as easily put on and collect a duty of 2s. 6d. or 3s. a bushel as the 6d. a bushel now levied. Then the duty would be easily collected; much more so than an excise duty, notwithstanding the very heavy penalties attached to an evasion of the latter. Practically, a visit once by an inspector would be sufficient, and that visit need not extend over five or ten minutes. One inspector could keep under control the whole of the breweries in and around Brisbane, and have very easy times indeed; he could also be chief inspector and have control over all the breweries in the colony. In places where there were only one or two breweries the duties of the inspecting officers would be of a very light character. If he happened to be a blue-ribbon man he would not object, because there were always lots of loose beer lying about to which he would be welcome. What he (Mr. Isambert) most complained of was the mischievous interference there would be with the business of the brewers under the Bill. The inspection might be made very simple. If brewers would only carefully enter their operations in a book kept for the purpose; when the excise officer visited the breweries all he would have to do would be to examine the malt and the beer in the cooling vessel, and one glance would be sufficient to show whether the quantity manufactured was in accordance with the entry in the books. The labours of the excise officer could be almost finished at his visit, as all he would have to do after his inspection would be to note down the quantities and calculate the duty payable. He believed that the Government would be consulting their own interest by altering the Bill in the way he had suggested. If an additional tax were put on malt that would encourage farmers to grow barley, so that the brewers might make their malt from local produce. The adoption of that system would, he believed, lead to thousands of pounds' worth of barley being grown in the colony. Local industry would be a most profitable thing for the country generally.

The COLONIAL TREASURER said if the duty on malt were increased to 3s. per bushel, as suggested by the hon. member, it would not produce more than £3,000 or £4,000 per annum, and would not be by any means a substitute for the tax proposed in the measure under the considera- of the Committee. If they wanted to get the revenue he anticipated they must get it in the direction indicated in the Bill. It would be impossible for them to increase the duty on malt in an Excise Bill; and even if it could be done in that measure it would not, as he had said, produce the revenue he desired to obtain. It would be very hard upon the brewer, too, if they were to increase the duty on malt and at the same time put an extra duty on beer. He was not prepared to propose that an increased duty should be imposed upon malt, seeing that that increase would not produce anything like a reasonable amount of revenue. He thought if the hon. gentleman would read the Bill carefully he would find that the brewer would be by no means interfered with. An inspector would visit a brewery, when deliveries were required to be made, at any certain hour of the day, and would see that the stamps to be affixed to the casks were duly defaced. He would also check the accounts of the brewer; but beyond that there would be no interference whatever with the manufacturing process. Under the scheme proposed in the Bill there would be far less meddling with the manufacturer than under the system proposed by the hon. member for Rosewood. He hoped that the manner in which it was intended to impose the tax would be carried out in its entirety, as the Government would derive a large amount of revenue in the most economical manner possible.

Mr. ISAMBERT said he did not agree with the manner proposed by the Treasurer of collecting the duty. He contended that looking after one hogshead of ale would take as much supervision as a whole brewery. He would not block the Bill; but he warned the Government that it would give so little satisfaction as a mode of raising revenue that they would have to come down next year with an amending Bill. If a tax on malt would not bring sufficient revenue they should put a duty of 3d. a gallon upon the imported beer. He had no objection to the Government raising £80,000 in that way upon beer, colonial and imported. That revenue should be collected with the least possible interference with the brewers. The existing machinery for collecting taxes was quite sufficient.

The HON. SIR T. MCILWRAITH said he was astonished to hear the Colonial Treasurer say that the brewer would be but little interfered with. He would be interfered with to a great extent. In the first place he was under constant inspection. Then he had to be registered and pay a registration fee of £25. In addition to that he had to give a bond, by clause 8, in proportion to the stamps he was likely to use for one month. Then his books were to be open to inspection, and the entries were afterwards to be verified, and a certain declaration had to be made as to the truth of those entries. He had to send in every month a return of the business he had done, and if he did not do so there was a certain penalty. If he wanted to remove any beer he could not do so unless he had a permit from the Government inspector, and if he did remove it without such permit he was liable to be punished in a certain way by clauses 24 and 25. So far as he had gone, every clause interfered with the brewer. There was another point which he did not think had been sufficiently discussed, and that was one to which the Treasurer had directed their attention—namely, the cost of collecting the tax. According to his own estimate, which he thought was rather low, the cost would be about 8 per cent. The hon. gentleman had not properly estimated the kind of duties that were required to be performed by the inspector, or he would have allowed a great deal more. The system of paying duty by stamps was taken from Victoria, where the brewing was in the hands of the large brewers. Any brewery there would keep a man employed in stamping and inspecting the works and the books. There was such a large quantity turned out that it paid to have an inspector. With regard to the breweries in Queensland, would it pay the Government to have an inspector at the Bundaberg Brewery, or at those in any of the small towns in the colony? The cost of the inspector would be quite as much as the duty on the beer. He did not wish to mention names—but there was one brewery that he knew, the trade of which was so small that he had calculated that the duty from it would amount to 26s. a day, and he had not the slightest doubt that the cost of inspection would be quite as much as that. The system proposed did not apply there at all; the cost of inspection would be something enormous. The Premier had not any idea of the number of small breweries there were in the colony. The clause would either have the effect of driving those small men out of the trade, or all the revenue derivable from them would be spent in collection. He did not think the Treasurer had given sufficient attention to the point. He had adopted the stamp system wholesale from a colony where similar conditions did not exist at all. It was quite possible that the stamp duty might have been one of the things that caused the ruin of the small brewers in Victoria. Either they must be ruined, or the cost of collection would be so great that it would be better to be without the duty.

The PREMIER said that one would think an Excise Bill could be framed without any provision to prevent an evasion of it. Under what system of excise could they do without supervision? The interference with the brewers under the Bill was far less than the interference with the distillers under the Distilleries Act. The hon. gentleman said that the system of collecting revenue by stamps would be an interference; but the very point about collecting the duty by stamps was that an inspector would not need to be always there; and there need not be a person specially told off to every brewery.

The HON. SIR T. MCILWRAITH said that it was evident that the Premier did not hear the Colonial Treasurer make the speech he did. In that speech the hon. gentleman said that 8 per cent. would be about the cost of collection; but he (Sir T. McIlwraith) had shown that it would be a good deal more than that. They knew perfectly well that there would be a great deal of inspection necessary, and their argument was that the cost of that inspection would be so great that it would form too great a proportion of the tax. They did not require the Premier to tell them that they were aiming at getting breweries established without any necessity for inspection. They knew that inspection would be needed, and that that inspection would be a great deal more expensive than the Treasurer had estimated. Was it worth while to go in for a tax that would involve so much expenditure? As to the argument of the Premier that the collection of the duty by stamps would get rid of much of the necessity for inspection, that was not the case at all, and it never could be the case. The Treasurer told them a few minutes ago that the system would do away altogether with bonds. The goods were never in bond at all, and if they were not in bond and there was no inspector, what was to prevent the brewers removing them when they liked?

Mr. STEVENS said he did not happen to be present during the debate on the second reading of the Bill, and had consequently not had an opportunity of expressing his opinion upon it in the House one way or the other. He was opposed to the Bill, on the principle that if it was necessary for purposes of revenue that the tax should be imposed it should be imposed upon articles imported into the country rather than upon articles produced by themselves. With regard to the clauses of the Bill, he feared the machinery to be employed would be too costly. He agreed with the hon. member for Rosewood that the penalties imposed for any evasion of the Act would be quite sufficient to deter men from trying to evade it. It was not at all unlikely that the revenue derived under the Bill would be insufficient to pay the expenses incurred in collecting it. He considered that the tax of 3d. per gallon—if it was absolutely necessary that colonial beer should be taxed—was too high to commence with, and he was also of opinion that the license fee of £25 was very excessive. It was probable the Bill would be passed; but he hoped that some of the clauses would be modified.

Clause, as amended, put and passed.

On clause 3—"Power of Minister"—

The COLONIAL TREASURER explained that the object of the clause was to confer upon the Minister who had charge of the administration of the Act the same powers and authorities as were exercised by the Colonial Treasurer, in the collection of the stamp duties, under the Stamp Duties Act of 1866.

The HON. J. M. MACROSSAN said that on the second reading of the Bill the Colonial Treasurer told the House that there were nine-

teen breweries in the colony producing so many million gallons of beer per annum. Would the hon. gentleman inform the Committee in what towns of the colony those nineteen breweries were, and what quantity was produced at each brewery?

The COLONIAL TREASURER said there were three breweries in Brisbane—The Castlemaine, Perkins and Company, and Bulimba—one at Toowoomba, one at Warwick, one at Gympie, one at Charleville, one at Cunnamulla, three at Maryborough, one at Bundaberg, one at Rockhampton, one at Cairns, two at Townsville, one on the Burdekin, one at Blackall, and one at Beenleigh. He could not give a list of the quantity of beer produced at every brewery, as he was not in possession of accurate information on the subject.

Clause put and passed.

On clause 4—

"The Governor in Council may appoint fit and proper persons to be inspectors of breweries, and may appoint one of such inspectors to be chief inspector of breweries"—

The COLONIAL TREASURER said that, as he had already stated, the Chief Inspector of Distilleries would also be Chief Inspector of Breweries, and the present officers of excise would also act as inspectors of breweries as far as possible. As to the increase of the staff, there was not much to be apprehended on that ground, because under the Act the brewers themselves were made responsible for the returns of their own manufacture, and that would make the duties of the inspectors very much lighter than was the case with distilleries, where the inspectors were required to be continually on the premises to watch the operation. The brewers were responsible for the stamps and for the returns which they furnished to the inspector, and any evasion of that responsibility would subject them to heavy penalties.

The HON. J. M. MACROSSAN said that in the earlier part of the evening the hon. the Treasurer had told them that it would be necessary to appoint eight or ten new inspectors to carry out the Act, at a cost of from £2,500 to £3,000 a year. In looking over the return that had been handed to him he found that in Bundaberg there was one brewery producing, according to the estimate, 5,000 gallons a year. Was there to be an inspector appointed at that place? Then in Blackall there was a brewery producing 2,700 gallons per annum; one in Beenleigh, producing the same quantity; one in Cunnamulla, producing 4,500 gallons; one in Charleville, producing 2,700 gallons. If inspectors had to be appointed to all these places—and he did not see how inspection was to be carried on without inspectors — the inspection would cost more than the duty collected. He thought the Treasurer should devise some means of inspection besides increasing the number of Civil servants. He was quite certain that it was possible to do so. There were many Government officers in small towns of the colony who were not at all overburdened with work, and who could be appointed as inspectors under the Bill. He did not think that a single inspector should be appointed more than was in the Civil Service now. He certainly objected, on the score of increasing expenditure, to any increase in the number of inspectors. In Brisbane, he supposed the inspectors of distilleries would be able to do the work, and the same in Maryborough; but in small places where there was only one brewery producing from, say, 3,000 up to 30,000 gallons a year, he was quite sure the public officers at present in existence—he meant, for instance, clerks of petty sessions or inspectors or sergeants of police—would be able to do the duty; so that the collection of the tax would cost the country nothing, or at any rate very little. Perhaps those officers would require some little extra pay for doing extra duty, but it would cost very little more than was expended at the present time. He thought that point was worthy of consideration by the hon. the Treasurer. Hon. members on the Opposition side of the House had no intention of obstructing the Bill. They saw that this taxation was inevitable, because the Treasurer proposed it, and they knew it would be passed; but they would like to see the tax bear as lightly as possible upon the people who would have to pay it, and also that the administration of the Bill should cost the country as little as possible.

The COLONIAL TREASURER said he was glad to hear the hon. member for Townsville speak in that reassuring way with regard to the desire of hon. members opposite to improve the Bill. He should be quite prepared to receive any amendments or suggestions which would have that tendency. If he had misled the Committee, or caused any impression that there was to be an immediate increase in the department by the appointment of ten additional inspectors, he had certainly caused unnecessary apprehension. He did not wish to deceive the Committee by endeavouring to lead them to believe that when the Excise Department had to enlarged there would be no increased expenditure. He did not want to bring down estimates, taking hon. members by surprise by showing a considerable increase of expenditure which he had suppressed, knowing well at the same time that it was inevitable. Of course, in connection with this excise duty there would be increased expenditure, but it would be a gradual increase, and, he trusted, not immediately so large as even £2,500, because it was certainly intended that the excise staff should, to the utmost of its powers, carry out the administration of the Act. It was also intended that in towns where a Customs officer was stationed he should be entrusted with the administration of the Act without additional pay. In inland towns, if officers of the Civil Service or of the Police Department could be entrusted with those duties they would be required to discharge them; and he thought they might be entrusted to perform them, because they would not be required to be permanently on the premises. In the case of the smaller breweries mentioned, it would be easy to arrange certain hours for delivery, and the breweries could be visited periodically by such officer as might be appointed for that purpose. He was convinced that the working of the Bill, when fairly tested, would be found to be as economical, all things considered, as could be expected. He could not make any promise that in Brisbane or Maryborough the officers of the Excise Department would be able to discharge the additional duties. He was not in a position, for instance, to say whether in Maryborough the present distilleries were so conveniently situated that they could be easily worked along with the breweries. Of course, if they were a great distance away from each other, that would more or less affect the position. Then again he could not make any promise by which the efficiency of the excise staff with regard to the supervision of distillation might be interfered with. The primary consideration with him would be to see to the efficiency of the inspection in that direction. He did not anticipate that there would be any considerable increase of expenditure, at any rate for the first year; but that would greatly depend on the outcome of the breweries. If breweries increased in number—as he had not the slightest doubt they would with the increase of population and settlement—of course the Government must necessarily look for increased expenditure; but he reiterated

that the system adopted was one under which the most economical administration of the Act could be enforced, because they made brewers in fact their own inspectors up to a certain point.

Mr. ARCHER said, in looking over the return which the hon. the Treasurer had handed to the hon. member for Townsville, he thought that the Inspector of Distilleries had under-estimated the quantity of beer produced. He believed it was nearly double the quantity stated. He thought the hon. gentleman should consider, when he came to clause 7, whether he was going to make all brewers pay the same license fee. If small breweries, which turned out a hogshead or two a week, had to pay £25, the same as large establishments which turned out hundreds of hogsheads in the same time, it certainly would have the effect of shutting them up very quickly. That was a matter deserving consideration. They had different license fees for town and country public-houses, and he did not see why the same principle should not apply to large and small breweries. With regard to inspectors, of course, in small places such as had been mentioned, where the breweries turned out only a few thousand gallons of beer in the year, it would be impossible to have an inspector for that duty alone, and the hon. the Treasurer would have to provide some other means of getting the inspection done without appointing any particular person to do it.

Mr. STEVENS said he was glad to hear what had fallen from the hon. the Treasurer, in regard to working the Act as economically as possible; but if the hon. gentleman would look at clause 20 he would find that in country towns they would require one inspector for every brewery. That clause said:—

"When beer is removed from a brewery in bottles for the purpose of sale or delivery, the stamps denoting the duty payable on such beer shall be affixed upon the butt of the carter's delivery book, and shall be cancelled by the inspector at the time when the beer leaves the brewery."

In small towns people were in the habit of sending for two or three dozen of beer every day, or perhaps two or three times during the day, and it would be impossible for any Government officer in those localities to attend to that particular business unless he was appointed for the purpose.

Mr. SHERIDAN said he had had considerable experience as inspector of distilleries, and he therefore felt qualified to give an opinion on the subject. The distillers were placed under a considerable bond, and he had no reason to doubt that they discharged their obligations faithfully and honestly. The inspector's duty simply consisted in paying an occasional visit to the distillery, examining the books, and seeing that the business was carried on in an honest and upright manner, as he was convinced it was. He quite agreed with the hon. member for Blackall that there should be some sliding scale for the license fees, as was the case with public-houses, which paid £30 in the towns and £15 in the country. The breweries that produced one or two hogsheads a week could not afford to pay £25 a year as a license fee. As regarded inspection, he believed that in the country districts members of the Police Force at the present time were inspectors of distilleries, and it would add very little to their duties to inspect breweries. The excise might be protected by compelling each brewer to enter into an indemnity bond to a considerable amount.

Clause put and passed.

On clause 5, as follows:—

"From and after the first day of October, one thousand eight hundred and eighty-five, it shall not be lawful for any person or corporation to carry on the business of a brewer unless the brewery wherein such business is carried on is registered under the provisions of this Act.

"Any person or corporation offending against the provisions of this section shall be liable to a penalty not exceeding five hundred pounds, and a further penalty not exceeding ten pounds for every day during which the offence is continued."

The COLONIAL TREASURER said the Chief Inspector of Distilleries had had the matter under his consideration for a considerable time, and was prepared to initiate the system on the 1st of October next.

Clause put and passed.

On clause 6, as follows:—

"Every person or corporation desiring to carry on the business of a brewer shall, before commencing or continuing to carry on such business, send to the chief inspector, or inspector (if any) at the place where the business is intended to be carried on, a notice in writing in the form or to the effect set forth in the schedule to this Act.

"Such notice shall be verified by the declaration of the person sending or giving such notice, or, if it is sent by more than one person, then by one of such persons; and every such declaration shall be in the form or to the effect set forth in the said schedule."

The COLONIAL TREASURER said he thought both sides of the Committee would agree as to the advisableness of the registration of breweries. The fee to be paid would come under consideration in the next clause; but he thought there could be no possible objection to brewers being registered in the same way as wine and spirit merchants, distillers, and others dealing in liquors at the present time.

Clause put and passed.

On clause 7, as follows:—

"Every such notice shall be accompanied by a fee of *twenty-five* pounds, which shall be paid into the consolidated revenue.

"The like fee shall be payable upon renewal of the registration as hereinafter prescribed."

The COLONIAL TREASURER said that was a matter on which a great variety of opinions had been expressed; but he would point out to hon. members that though it did not seem fair that a man turning out one hogshead a week or thereabouts should pay the same registration fee as one who produced a hundred, still they did not take that principle of equity into consideration in the registration fee for wine and spirit merchants or publicans—they did not take into consideration the extent of their business. If they were registered as vendors of wines and spirits they had to pay a registration fee of £30, whether they sold ten cases or ten thousand cases a week, and the same principle might very fairly be applied to breweries. They had at present no reliable data as to the output of the various breweries, and if they were to be guided by the extent of the business done it might be asked why they should fix a fee of £25 instead of a sliding fee ranging from a very small amount to a very large one? It had even been represented to him that the fee was far too small. He had been asked why the brewers should only pay £25 while the wine and spirit merchants and publicans had to pay £30, though the extent of their trade was not nearly so great as that of the great brewing corporations. Unless the Committee decided to fix a sliding scale, it would be far better to impose a definite fee which would not be by any means excessive. He was convinced that the inequality of the fee would speedily rectify itself, because men who only turned out a hogshead a week would have to increase their manufacture or relinquish the business. If they maintained the fee at that figure, it would encourage respectable men—men at any rate with means—to go into the business, with results, no doubt, beneficial to the character of the beverage produced. He therefore saw no reason for reducing the amount of the fee.

Mr. BLACK said the Treasurer's speech was the most extraordinary he had ever heard. He would point out that the license fee for public-houses was different in town and country, and he saw no reason why they should not adopt the same principle with regard to breweries. They were told there were nineteen breweries in the colony, and some of those would be inevitably closed, because their production was so comparatively small that the license fee of £25 would be a heavy tax per hogshead, varying from 1s. to 10s., as compared with the merely nominal sum added to the cost of beer produced in large towns such as Brisbane. The low rate of production was not a question of capital, as the hon. member seemed to think, but of consumption. The breweries which the Bill would compel to close produced a good, sound, healthy drink in quantities according to the requirements of the districts in which they were situated. It did not matter how much money was put into the industry; that would not make the people drink more. The breweries which he thought would be shut were those at Warwick, Charleville, Cunnamulla, Bundaberg, Mackay, Blackall, and Beenleigh, so that seven out of the nineteen breweries in the colony would be shut up. If hon. members looked at the return showing the approximate output of each of those breweries they would see that three produced only 2,700 gallons of beer per year.

The COLONIAL TREASURER: That is not thoroughly reliable.

Mr. BLACK: Well, it was an approximate estimate. It was the only information they could get on the subject, and he believed it was sufficiently accurate for the purpose. He had no doubt the hon. gentleman instructed the officers of his department to get the returns, and that those officers had taken every care to obtain the most reliable information. The hon. member for Blackall had referred to one brewery, and said that the quantity of beer which it was estimated it turned out was double what was actually produced. That, however, only gave greater force to his argument. There were two breweries producing 5,400 gallons a year, and two 27,000 gallons. He maintained that any brewer producing under 50,000 gallons would be unjustly handicapped. He would not object to the proposed registration fee so much, but that in passing the Customs Duties Bill the previous evening they had imposed an increased duty of 3d. per 100 feet on imported timber. The Committee adopted that principle in order to protect local sawmills, and imposed an additional tax on imported timber. The same principle ought certainly to be carried out with regard to imported beer. If it was necessary to get a revenue from that article the local brewers should be protected to the same extent as they had protected sawmill proprietors. He hoped that the Committee in passing the Bill would see that the small breweries, which did just as much good in their way in the small towns of the colony as the large ones in the large towns, would not be shut up, as they inevitably would be if the one fee of £25 was to be made applicable to every brewery in the country no matter what it turned out. He would suggest that any brewery making less than 50,000 gallons of beer per annum should pay no registration fee at all.

Mr. ARCHER said he thought the Colonial Treasurer had made a great mistake in the proposal he had submitted to the Committee. There was a wide difference between brewers and wine and spirit merchants. There were no bonded stores in the back country, and anyone who wished to obtain spirits for carrying on a business inland was compelled to buy them from a Brisbane wine and spirit merchant. That made it very easy for the wholesale dealer in wines and spirits to pay an annual license fee of £30. The businesses of such men were all established in the large towns on the sea-coast. It was, however, very different with breweries. A person might put up a brewery at a place like Blackall, or further inland, and under that clause he would have to pay as heavy a registration fee as the large brewer in Brisbane. He hoped the clause would not be passed as it now stood, as it would really cause a great hardship to the small brewer. If, however, the suggestion of the hon. member for Mackay, with reference to a sliding scale, were adopted, that would meet the case. What would be the effect of closing up a brewery? It would not be that people would drink less; they would simply drink whisky instead of beer. A man who had the energy to establish a brewery inland ought not to be discouraged by such a tax as that proposed in the Bill, and he hoped the Colonial Treasurer would think better of the matter and amend the clause.

Mr. STEVENS said the Treasurer was correct in saying that the difference in the license fee payable by town and country publicans was not made on the quantity of liquor sold by one or other; but it was nevertheless generally assumed that the publicans in the country sold less than those in towns. Hence the difference in the amount of the license fee paid by them. He thought the same principle should apply in the case of brewers. It was very unfair that a brewer in a small town should have to pay as much for registration as a brewer in a large city. If a country brewer could afford to pay £25 the town brewer could afford to pay very much more. The Government evidently considered that the town brewers could only afford to pay £25; therefore that amount was too large for brewers in small towns.

The PREMIER said that brewers did not confine their sales to the immediate place in which they made their beer. It did not follow that because a brewery was in a country town it did not do a large trade. Some breweries were situated on railway lines and did a good business. What was the basis on which to distinguish between large brewers and small brewers? It could not be by situation; if it were, then a man had only to erect his brewery at a place not far from a city in order to evade the larger fee. It seemed to him that the amount of the fee was so small that it would not affect the opening or closing of any brewery any more than the present law did the business of licensed spirit merchants.

The HON. SIR T. MCILWRAITH said the Premier evidently did not understand the point in dispute. When the resolutions preliminary to the introduction of that Bill were under consideration in committee it was argued against the excise duty on beer that it would have the effect of extinguishing the small brewers. That was denied by the Treasurer. Now, however, he had admitted it, and he gloried in this as one of the merits of the Bill, that it would have the effect of putting in what he called "respectable men" as brewers. In fact, according to his idea, a man was a respectable brewer if he produced 800,000 gallons a year; but if he only produced 5,000 or 6,000 gallons a year he was not a respectable man, but a shady kind of character. What would be the effect of charging that fee of £25? In the first place, what was the registration fee? The fee charged amounted to 1d. a gallon on 6,000 gallons, and there were five breweries in the list which the Treasurer had just handed round that turned out under 6,000 gallons a year; and in those cases—in some, at any rate—the brewers

would, by the payment of that registration fee, pay 25 per cent. more than the large brewer. That was an inequality that had been pointed out, and the Treasurer had denied that it would take place under the Bill.

Mr. HIGSON said he hoped the Colonial Treasurer would alter the provision in the clause to a sliding scale. He would point out the difference there was between a brewer and a wine and spirit merchant. The wine and spirit merchant paid his license fee of £30 and carried on his business, and if he found it did not pay he need not continue it beyond the year. The brewer, however, before he started his brewery, had to incur a great outlay for plant which was of no use for anything else but brewing. He thought the fee of £25 would seriously affect the smaller brewers, whom it would be very unjust to wipe out.

Mr. DONALDSON said he trusted the Government would not insist on the amount of £25, because it would bear unequally on the large and small brewers. The statement made by the Treasurer in regard to the fees paid by publicans and wine and spirit merchants did not apply. Before a publican erected his building he satisfied himself whether there would be sufficient trade to justify him in going to the expense, but it was quite different in the case of brewers. The men who had gone to the expense of establishing breweries did so when there was no license fee and no duty on colonial beer, and all they took into consideration was the question whether there was sufficient trade to warrant them in establishing breweries. Breweries were established in Cunnamulla and Charleville. He referred to those places particularly because they were the two smallest breweries in the colony; they were established some time ago, and the owners did not anticipate a registration fee or a duty upon what they produced, and if the proposed fee were insisted on it would be unjust to them. He did not think the fee was intended for the purpose of raising revenue, because the total raised all over the colony would only amount to £475. If a sliding scale were adopted it would be more equitable, and he trusted that if that were not adopted the amount of the registration fee would be reduced to £5.

Mr. ALAND said he was rather inclined to the opinion expressed by the hon. member for Warrego. There was an excise duty of 3d. per gallon, and yet they were asked to impose a registration fee of £25. He hardly saw how a sliding scale could be adopted, because it would be difficult to determine the quantity of beer manufactured at each brewery, or to say whether more was produced in a town brewery than in a country brewery. Those which were not in town were generally situated in the neighbourhood of railways and had every facility for sending their products to market, and were thus able to carry on a large trade though not in a large centre of population. He trusted the Treasurer would see his way to reduce the fee so as to make it merely nominal.

The COLONIAL TREASURER said he did not regard the registration fee as a principal feature of the Bill; it had been printed in italics—thus indicating that it might be open to discussion. He did not think that the fee would be oppressive, and he might point out that the first registration covered a period of fifteen months. However, he was quite prepared to hear further the opinion of the Committee as to whether it was desirable to reduce the amount.

Mr. MOREHEAD said it must be admitted that the speech of the Colonial Treasurer was very interesting, because it showed the Committee — and he hoped it would show the country—that they now knew when hon. members who supported the Government were allowed to discuss a question and when they were not. The hon. member stated that it might be clearly seen that the registration fee of £25 was a matter for discussion because it was printed in italics. If the Government would only carry out that principle in all their Bills, the Committee would know when questions were allowed to be discussed by supporters of the Government—when they had free scope to act according to their own opinions. It must be admitted that it was a new departure in regard to Bills, that when they saw words in italics they might know that those who supported the Government would be allowed to discuss those particular points, and that when they were in ordinary print they must vote blindly for the Government. In regard to words printed in italics, if they had any judgment they would be allowed to use it—or would be allowed to talk, at any rate—without being suppressed by the Premier or the Minister for Works. He admitted that a fee of £25 was a matter of very little importance, and he did not believe that even the brewery at Cunnamulla mentioned by the hon. member for Warrego would cease to exist in consequence of such a tax; but he objected to the impost altogether. He thought it was wrong, and it had been shown by the Treasurer that it would bring very little into the Treasury. If there was to be an excise duty, he admitted that there must necessarily be some registration, but the amount should be reduced to a minimum. As to gauging the respective registration fee to be paid by each brewery as regarded its production, any clause based upon that would be absurd; but if the fee were made nominal—say £1—it would meet the whole matter. A brewery would then be registered as a brewery, and would not suffer from the tax whether the brewery were large or small.

Mr. KELLETT said that, as the Treasurer had told the Committee that they might discuss the matter, he would express his opinion. There were some cases where that duty would press heavily upon small brewers, and it seemed to him that all that was wanted was a registration fee. The revenue would come out of the duty on beer, and he would therefore propose that the word "twenty" be struck out, leaving the amount "five pounds."

The HON. J. M. MACROSSAN said that the amount was a matter of no importance. There were several breweries in the colony which produced only about one hogshead a week, and the tax to them would be equal to 9s. 7d. per hogshead, whereas in large breweries it would amount to only a very small fraction of 1d. The consequence would be that breweries at towns on the sea-coast, or within reach of railway communication, would be shut up, because the large breweries could supply those towns at a less rate than the small local ones. The profits on a hogshead would be 9s. 6d., less the cost of freight, which would be very small. The smaller breweries would inevitably be shut up, and he did not think that was what the hon. Treasurer desired. It was better to extend them than close them up. He did not see why a man should be shut up because he had only a small amount of capital, and had established himself in a place where the population was small. They should adopt the suggestion of the hon. member for Balonne and make it a nominal registration.

Amendment put.

Mr. MACFARLANE said he would like to see even-handed justice dealt out to the brewers. It had been shown that the large brewer had an advantage over the small one, and if the fee were

reduced to £5 he would still have that advantage. It would be far wiser to adopt a sliding scale. Suppose they made the maximum £25, they should make the smaller ones pay half that sum. That would meet every objection of his, and would satisfy the brewers.

The COLONIAL TREASURER said there were many difficulties in the way of a sliding scale. It must be borne in mind that the registration was to take place and the fee to be paid before they really knew what was the output of the brewery. Under a sliding scale, they might have to make a refund at the end of the year, after the production of the brewery was ascertained, and it would be necessary to insert a clause to provide for that possible refund. He considered that the fee to be paid was merely a secondary matter; but they ought to pay a small fee. He would be better pleased to see it fixed at £10; but still, if a £5 fee commended itself to the Committee, he would not oppose it.

The HON. SIR T. McILWRAITH said the Premier might inform them what was his object in proposing that fee—was it taxation? Because if it were taxation they would have to consider it in that light. If they considered it in the shape of taxation it was unjust, as it would tax unequally. To large brewers it would be a mere nominal amount, but to small brewers it would be a great deal. He did not see why a tax should be collected at all. What they wanted was registration. Why should they impose that tax in addition to the 3d. per gallon that the Bill proposed? The Colonial Treasurer had told them that in Victoria there was a tax of 3d. imposed on beer, and that there it was manufactured under greater difficulties. He said that in Victoria they had to pay 6d. per pound on their hops, whereas in Queensland they only paid 2d. In Victoria they paid 3s. per bushel on malt, and in Queensland only 6d. In Victoria they paid 3s. per cwt. on sugar, and in Queensland they paid 6s. 8d. He would point out to the Treasurer that the imposition of the taxes there operated in a perfectly different way—to make the expense of brewing more in Victoria than in Queensland—because, while the duties paid on hops and malt were very great there compared with what they were in Queensland, it must be remembered that the brewers actually paid duty on hops and malt here. They really did not pay it in Victoria, because both hops and malt were grown and manufactured in the colony. With regard to sugar, it was said by the Treasurer that sugar was manufactured in Queensland, and therefore they got it free. As a matter of fact the brewers did not do anything of the sort. They paid 6s. 8d. per cwt. simply because there were no brewers' crystals manufactured in the colony. So that really they paid double the amount for sugar that they paid in Victoria. The hon. gentleman was imposing a much larger duty here than was imposed in Victoria, by making it 3d. per gallon.

The HON. J. M. MACROSSAN said that hon. members must not forget, in talking about Victoria, that the Act there was not permanent. The duty on beer there was only for sixteen months. There was no duty there now; the time expired at the end of 1881.

The COLONIAL TREASURER said he must inform members of the Committee that, from information which had been given to him, the statement of the hon. member for Mulgrave was not correct. There was plenty of brewers' crystals manufactured in the colony, and some of their largest breweries used nothing but sugar which was manufactured in the colony. The Customs returns clearly proved that there was no large quantity of refined sugar introduced into the colony. That was the best refutation of the hon. gentleman's speech. The quantity of refined sugar had been annually decreasing under the 6s. 8d. tariff.

The HON. J. M. MACROSSAN said the hon. member no doubt got his information from one of his subordinates. That might be a very good source, but he got his information from the chief source—the brewers themselves. They were willing to use brewers' crystals made here; but those engaged in their manufacture had not succeeded in making them up to the standard requirement, so that the sugar had to be imported, and the brewers paid 6s. 8d. per cwt. upon it.

The HON. SIR T. McILWRAITH said that he had spoken from the information given him by the brewers themselves and from his experience while in office as Treasurer. He was assured that the brewers imported the whole of their brewers' crystals; if that was not so now, he stood corrected. He would like, however, to draw another inference from the statement made by the Colonial Treasurer, concerning the value of the duty placed upon brewers' crystals of 6s. 8d. per cwt. According to the Treasurer, it had the effect of encouraging the manufacture of crystals in the colony. They should apply that argument while considering the beer duty, and they would then have to follow the suggestion of the hon. member for Rosewood and put a heavy duty on malt and hops, and they might thus attain in connection with the production of malt and hops what they had attained—according to the Treasurer's statement—by the imposition of a duty upon sugar.

Mr. NORTON said there was one matter which the Treasurer had forgotten. When the resolutions upon which the Bill was founded were brought down to the House first, the intention of the Government was to adopt a fixed registration fee of £25, and not an annual one. When the resolutions were being discussed, the Treasurer took advantage of a thin House and added to the resolution, making it an annual registration fee. They should therefore, he contended, take into consideration the fact that the intention of the Government in the first instance was that the registration fee should be simply £25, and that it should not be an annual payment.

Mr. KELLETT said that, if his memory served him aright, the Colonial Treasurer had informed them that the printing of the words "twenty-five pounds" in italics signified a blank. He therefore moved that "five pounds" be inserted instead of the blank.

The HON. SIR T. McILWRAITH asked whether the hon. member intended also to omit the other words of the clause—"The like fee shall be payable upon renewal of the registration as hereinafter prescribed"?

Mr. KELLETT said he understood it was an annual payment. He thought that all those fees were annual payments.

Mr. MOREHEAD said he could not understand how the words could be treated as a blank. Did the Chairman mean to tell him that the words were to be considered as a blank?

The CHAIRMAN: No!

Mr. MOREHEAD: I agree with you.

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

The HON. SIR T. McILWRAITH said that he supposed the object was to create a blank, but he would point out that if the amendment substituting £5 was carried, it would not be competent to substitute a lower amount as an

amendment upon that. An amendment would be made to substitute £1; that should have the preference.

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

The HON. SIR T. McILWRAITH moved that the blank be filled up by the words "ten shillings."

The CHAIRMAN: I must put the amendments in the order in which they have been proposed.

The PREMIER: No; the least amount is put first.

The CHAIRMAN said: "May" says—"Where the proposed sum has already been printed in italics and another sum is proposed, the latter is put in the form of an amendment, without reference to the relative amount of the two proposals. Where, for any reason, real blanks have been left, according to the former practice, if it is desired to fill them up with words different from those first proposed, a distinct motion is made upon each proposal instead of moving an amendment upon that first suggested. The Chairman puts the question upon each motion separately and in the order in which they were made."

The HON. SIR T. McILWRAITH said the practice had been universally to propose the smaller sum first.

Question—That the blank be filled up by inserting the words "five pounds"—put.

Mr. NORTON asked what it would cost the department to make the registration fee?

The COLONIAL TREASURER said that was a question he could not answer until returns were made up and forwarded to the Treasury.

Mr. NORTON said he did not want to know what the fee would be, but what the cost to the department would be in making the registration fee. Would it cost the department 6d.? Would it cost the department anything? The long and short of it was that it would cost them nothing, and if that were so it assumed the form of a direct tax. They first put a tax upon the beer and they next proposed to put a tax upon the brewers themselves, and a tax that would fall unfairly upon the small brewer. If, as the Colonial Treasurer had said, he did not attach much importance to having the brewers registered, what was the occasion for charging a fee of £5?

The HON. J. M. MACROSSAN said there were many members of the Committee who thought £5 too high a fee, and he hoped the hon. member for Stanley would withdraw his amendment and allow a lower fee to be proposed. A fee of £5 would mean a tax of 2s. upon the small brewers who produced only a hogshead a week. He hoped the hon. member would withdraw his amendment in the meantime, as after the ruling given by the Chairman it was the only question that could be put.

Mr. KELLETT said he considered the sum of £5 was a very moderate amount, and one which would not press hardly upon any brewer. Any man who could not afford to pay £5 for the purpose should not be a brewer at all. He had been rather doubtful whether the Government would agree to the reduction, and as they had agreed to it he did not think he should be justified in trying for a still smaller amount which he was sure would not be carried.

Mr. MOREHEAD said he had inferred from the remarks of the hon. member for Stanley that he held the opinion that the fee was not to be a revenue-producing fee, but simply a fee paid for registration. He thought that was the hon. member's reason for moving the reduction from £25 to £5. In his (Mr. Morehead's) opinion a much smaller fee than £5 would meet all the necessities of the case, especially as the Colonial Treasurer had stated that it was not intended to produce revenue but to compel brewers to register. For that purpose almost as many shillings would be enough, and he trusted the hon. member would withdraw his amendment for the present and allow some lower figure to be put. He was rather surprised to hear the hon. member say that any man who could not pay £5 for registration was not worth being registered.

Mr. KELLETT said he never made any such remark. What he did say was that no person who could not afford to pay a £5 fee should go into the business of brewing at all. He had never said that the fee should be merely nominal for registration only, and he had moved the reduction to £5 because he did not think there should be a sliding scale.

Mr. MOREHEAD said he thought, and no doubt most other hon. members thought, that the hon. member for Stanley merely wanted to have a small charge for registration, and nothing beyond. As a registration fee the sum of £5 was almost as absurd as the sum of £25. The sum of half-a-guinea would be quite sufficient to meet the case. The hon. member for Stanley seemed to think that a man who could not pay £5 was not fit to be a brewer.

Mr. KELLETT: I did not say that either.

Mr. MOREHEAD: That was practically what the hon. member said. Now that it was settled that the fee was to be merely for registration, and not for revenue-producing purposes, the hon. member should advocate the imposition of a merely nominal charge.

Mr. HIGSON said the way hon. members were wasting time over such a trifle was simply ridiculous. The whole amount only represented the brewer's profit on one hogshead of beer.

The HON. J. M. MACROSSAN said it was a mere matter of opinion whether £5 was a reasonable sum or not. Many hon. members recollected the time when diggers were charged £25, and the legislators of that day thought it was a reasonable sum because some of the miners made fortunes, forgetting how many of them did not. The miner's registration fee, which was then £25, was to-day 1s. He might add that he never knew a member refuse to withdraw an amendment to allow another amendment to be put which could not be put while his blocked the way.

Amendment put and passed.

Mr. NORTON moved, as a further amendment, to omit the 2nd paragraph of the clause.

Mr. MOREHEAD said he had heard no explanation from the Colonial Treasurer why the fee for registration should be an annual charge on the brewer. If it was only a charge for registration—and that seemed to be generally admitted—why should the brewer be compelled to renew it from year to year? There were no italics in the 2nd paragraph of the clause, and he consequently assumed that the followers of the Treasurer were bound hand and foot. He hoped, therefore, that the hon. gentleman, having given way on the previous portion of the clause, would also give way on that, and allow the 2nd paragraph to be struck out.

The COLONIAL TREASURER said the mover of the amendment gave no reason why the 2nd paragraph should be omitted, and he (Mr. Dickson) could see no reason why registration should not be made an annual affair. If they remitted the annual fee, which was now a

very small one, on brewers, they might as well remit it on distillers and others whom the law required to be registered from year to year.

Mr. NORTON said the reason he did not refer to it was because he did not wish to take up the time of the Committee. He gave his reason the other night for not making the fee annual, and that reason was that the Government themselves did not propose it in the resolutions as originally introduced.

The COLONIAL TREASURER: It was carried in the resolutions.

Mr. NORTON: He knew the resolutions were passed with it, and he knew how they were passed. It was by a little manœuvring on the part of the hon. the Treasurer, who—taking advantage of a thin House at a late hour of the evening, when many members on the Opposition side were absent—amended the resolution that was circulated previously so as to make the fee annual instead of an ordinary registration fee. They had been told that the fee was not imposed for the sake of getting revenue. Then what was it imposed for except to cover the cost of registration? The hon. the Treasurer could not meet that argument; he had nothing to say against it. He (Mr. Norton) contended that once a brewery was registered it should not be necessary to register it year after year.

Mr. KELLETT said there were a good many reasons why the fee should be an annual one. For instance: all the breweries would be licensed this year; next year a man might find that he could not carry on the business, and drop out of it. Inquiries would be made as to why he had not sent in his return, and it would be found that he had stopped brewing; but he might commence brewing again next year, without the authorities knowing anything about it, and go on selling beer all over the country for months. He thought it would be absurd to have a registration fee unless it was an annual one.

Mr. BLACK said he wished to point out that if the proposed fee of £5 was to be an annual one it was not in accordance with the registration fee in other cases of a somewhat similar character. Once a company was registered it was registered for all time that it carried on business, and he did not see why the same principle should not apply to the registration of breweries. He found that the registration fee of a trading company whose nominal capital did not exceed £1,000 was £5. That was for one registration—it was not an annual registration—and then there was 5s. for every additional £1,000 of capital. Then again, he found that the registration of a company whose number did not exceed twenty persons was only £2. That was not an annual fee. The company being once registered was registered as long as they carried on business, and as the registration provided for in the clause was merely for the purpose of enabling the Treasurer to know the number of breweries they had in the country, he certainly did not see why a brewery, having been once registered and paid the registration fee of £5, should be put in a different position from any other trading company. £5 seemed to be the usual fee for the registration of these companies, and it seemed to him that breweries should be put in the same position as other trading companies.

Mr. KELLETT said what had been quoted by the hon. member did not apply at all, because when a company ceased to exist it was wiped off the list of registered companies altogether. The fee provided for in the clause was practically a license fee, and ought to be paid annually.

Mr. BLACK said the fee referred to was not a license fee at all. The Government anticipated deriving a revenue by the imposition of 3d. a gallon excise duty on beer, and in order that they might be able to ascertain what breweries they had in the colony, and to enable them to make provision for collecting the excise duty, breweries were to be registered; and he maintained that they should be registered the same as any other trading companies were registered—by the payment of a £5 fee which was not an annual fee. According to all principles of equity, once a company was registered it should not be called upon to be registered again the next year.

Question—That the words proposed to be omitted stand part of the clause—put, and the Committee divided:—

AYES, 26.

Messrs. Rutledge, Miles, Griffith, Dickson, Dutton, Moreton, Kellett, Smyth, Salkeld, Groom, Foote, White, Wakefield, Annear, Mellor, Jordan, Bailey, Brookes, Higson, Macfarlane, Midgley, Wallace, Sheridan, Aland, Campbell, and Isambert.

NOES, 12.

Sir T. McIlwraith, Messrs. Archer, Morehead, Norton, Chubb, Macrossan, Stevens, Lalor, Donaldson, Palmer, Black, and Nelson.

Question resolved in the affirmative.

Clause, as amended, put and passed.

Clauses 8 and 9 passed as printed.

On clause 10, as follows:—

"There shall be charged, levied, collected, and paid for the use of Her Majesty, her heirs and successors, upon all beer brewed or manufactured within the colony of Queensland which on or after the *first* day of October, one thousand eight hundred and eighty-five, is removed from a brewery for consumption or sale, an excise duty of threepence per gallon, which duty shall be paid by the brewer by whom such beer is made in the manner and at the times hereinafter specified."

Mr. MOREHEAD said he did not suppose that the Colonial Treasurer for a moment thought it likely that that clause would pass through without discussion. There would probably be a good deal of discussion on it before it passed. The charge was a very unfair one, and unfair in the very direction the hon. Treasurer and his colleagues would admit was unfair if they carried out in its entirety the policy they had enunciated to the Committee. It was in direct contradiction to their action with regard to timber and machinery. On the one hand, they put on duties which were purely protective in their action, and now they proposed to put on a duty which would not only affect the employment of labour in the colony, but add to the price of an article that was largely consumed by the poorer classes in the community. He could quite sympathise with the Colonial Treasurer if there were any real necessity to meet a large deficit—although the hon. member had shown them that the deficit was not large and might be met by retrenchment—but he particularly took exception to the imposition of a tax of that sort without at the same time increasing the duty on imported beer. The effect of the tax would simply be to close many of the breweries of the colony, to the advantage of the English and foreign brewer. He could not understand why the hon. gentleman, unless he had some special aversion to those who had to do with the manufacture of beer in the colony, did not, at any rate, equalise their position with that of the manufacturers of beer outside the colony. He was no protectionist; but he certainly objected to any injury being done to a growing industry that was not in any way detrimental to the colony. He hoped, therefore, that they would have from the Colonial Treasurer, not merely a bald statement that he wished the

10th clause to pass, but reasons why a growing industry should be in some cases heavily handicapped, and in others completely destroyed.

The COLONIAL TREASURER said the principle of that excise duty had been repeatedly and fully discussed.

Mr. MOREHEAD: No; it has not.

The COLONIAL TREASURER said he did not intend now to justify the action of the Government in imposing the duty. It was a most necessary duty, and he had given good reasons why a further duty should not be imposed on imported beer — because, in brief, it would increase the cost to the consumer. At present the consumer could get the imported article at the same price as the colonial, and if an additional duty were charged on the imported article the vendor would take advantage of that to put an additional price both on the English and colonial beer. The present proposition would not have that effect, because the profits of the industry were so great that the excise duty could well be borne. However, he would not go into a detailed argument, since the question had all been discussed before, and if he were to talk for hours he could not change the opinions of hon. members opposite. He thought hon. gentlemen might recognise the fact that a majority of the House approved of the duty; and he was now quite prepared to proceed to a division.

Mr. MOREHEAD said it had come to this—that if they disagreed with the hon. member they were actually to be allowed to divide on the question. The height of insolence could not go farther. The Colonial Treasurer refused to give any reasons for the duty he desired to impose, and told them that if they did not like it he would allow them to divide, and if the majority were in favour of the Government they would no doubt be ruled by it. What was the position taken up by hon. members opposite when they were in opposition? What would the Minister for Works have said of such conduct on the part of the Government? What would the Premier have said? Or what would have been said by the Attorney-General, who was dumb since he had received the fees of office, and who looked like a full-fed Liberal? He only asked hon. members to look at the Attorney-General; the hon. gentleman was speechless—he could not talk now. But they were told that if they did not like the duty they could divide against it, as the Treasurer knew he had a majority. That was not the way in which they legislated in the old days. There were times when some consideration was shown to the arguments of hon. members; but things were changed now, not only with regard to the Government themselves but also with regard to the supporters of the Government. He had never seen a session in which members had acted as the supporters of the Government had acted this session. Last session they were dumb dogs. This session they were not dumb dogs; they were allowed to talk and they expressed their opinions, but always voted with the Government, no matter what those opinions were. Next session there would be a greater variation probably, because by that time the constituencies were likely to be appealed to, and then hon. members on the Government side of the House might express their opinions and vote for them, and not against them. That ought to be the outcome of the next session. He could not, however, agree with the Colonial Treasurer that because the Government had got a majority they should go to a division and not put their views before the country. He believed that the speeches of the members of the Opposition were read quite as much as the speeches of the Colonial Treasurer.

The COLONIAL TREASURER: They have been put before the country so repeatedly that they are becoming wearisome.

Mr. MOREHEAD said he never made long speeches like the hon. gentleman; he never made a prelude of three-quarters of an hour before he said what he had to say. He believed that people preferred the short speeches of ordinary members to the long—he might almost call them attenuated—addresses of the Colonial Treasurer. He described the hon. gentleman many years ago as a man of polished, lavish diction, and he was afraid he had not altered since. He (Mr. Morehead) repeated that he most distinctly objected to the statement made to the Committee that evening, that simply because the Government had a majority at their back the matter was beyond discussion, and should not be discussed, and that if they had any doubt about the statement they could go to a division. He objected to that mode of argument entirely, and he objected to the clause as it stood. It was a most unjust clause, which would materially affect the poorer classes of the community, and one upon which every member—the hon. member for Maryborough would agree with what he said—was bound to express his opinion, and let it go forth to the country. They only wanted fair play—not protection for a native industry; that was to say, if that excise duty were imposed on the colonial article an additional tax should be charged on imported beer.

The PREMIER said the hon. gentleman asked what would the Government do — himself in particular—if they were in opposition? When they were in opposition when resolutions for additional taxation had been agreed to in Committee of Ways and Means they never obstructed the Bill in committee. The principle of that tax had been affirmed in Committee of Ways and Means. Hon. gentlemen had a whole evening to debate it again on the second reading, and now the hon. member wanted to discuss the whole thing over again. The function of the House in committee was to see what mode of raising the tax should be adopted, and, if the best way was not proposed, to amend it; but to discuss the matter over and over again was simply obstruction.

The Hon. J. M. MACROSSAN said the Premier had told them that that was obstruction—and the Committee had already got to clause 10 in the Bill! The hon. gentleman had also told them what the present Government would have done under similar circumstances—that was, he gave his version of what they would do. It might be necessary for him (Hon. Mr. Macrossan) to give his version of what they did do.

The PREMIER: Take an analogous case.

The HON. J. M. MACROSSAN said the hon. gentleman remarked that the subject-matter of the Bill had already been discussed and passed in Committee of Ways and Means. Did the hon. gentleman not know that the taxation now proposed was in accordance with the views he had expressed at the beginning of the term of office of the last Government? He wanted to force that Government into taxation, but they declined to do so. The hon. gentleman moved a vote of want of confidence in that Ministry because they would not tax the people. Now hon. members on his side were opposing the taxation policy of the present Government. That was the difference between the positions of the two parties. The hon. member for Balonne was simply doing his duty in pointing out to that Committee and to the country that the mode of taxation on beer was totally and entirely different to the mode of taxation on timber as adopted on the previous evening by the Committee. The

Premier had told them that if the consumer of colonial beer did not like to drink it after the new tax was imposed he could drink English beer—that was, patronise the English capitalist to the detriment of the colonial capitalist—patronise English industry to the detriment of colonial industry; but the argument used by him the other night in reference to the timber trade was very different. A royalty had been imposed on timber which amounted, to a certain extent, to a detriment to timber-getters; therefore, as a compensation to them, the Government put a tax on imported timber, not caring whether it would raise the price of timber, nor did they deny that it would do so. All the taxes imposed would, he (Hon. Mr. Macrossan) believed, have the effect of raising the prices of the commodities taxed. But was that the sort of policy for the Government to carry on in that House? He said it was not the sort of thing that should be done by any Government. If the hon. gentleman wished to be consistent with the policy adopted on the previous evening, and act fairly towards colonial industry, the Government should put a corresponding tax on the imported article—a duty of about 3d. per gallon—and not run away with the paltry excuse that it would increase the price to the consumer. The hon. gentleman's friends were importers, and that was where the shoe pinched; his friends were importers, not manufacturers, and he wished to protect them to a certain extent by imposing a duty on the colonial article. If no other member of that Committee moved that the amount be reduced to a very small sum, he would do so, farthing by farthing if necessary, and go to a division.

The PREMIER said the hon. gentleman told them plainly that he was going to obstruct the Bill. Very well, let him begin. If they were going to obstruct—if they were going to treat the Bill in that way, let them begin as soon as possible. The principle of the Bill had been carried by a large majority, and been fully discussed in Committee of Ways and Means. The second reading had been passed by a large majority, and the tax clearly commended itself to a large majority in the House, and as clearly to a large majority in the country. As to whether the proposal now made was consistent with the conduct of the Government in reference to the tax on timber, he did not himself care to claim consistency. There was no system of taxation absolutely and perfectly logical. If the hon. gentleman wanted to be consistent why did he not use the same arguments as he used the previous evening in regard to timber. If he did he would be supporting the present Bill most strenuously. He (the Premier) did not claim to be consistent. There had never been a consistent tariff, that he was aware of, in Queensland or in any of the other colonies. There were some people who talked a great deal about freetrade who were in practice strong protectionists. As to talking about the friends of the Government being importers, that was all nonsense. The question was whether it was a fair tax, and if so what was the best way to raise it?

Mr. ANNEAR said he wished to be consistent, and to use the same argument he used on the previous night. He looked upon the breweries as a local industry, and it had been clearly shown by the leader of the Opposition that when the duty was paid on malt, hops, and sugar used for brewing, together with the excise duty of 3d. a gallon, the tax was as much as on the imported article. Therefore, in order to equalise the duty so that the local industries would not suffer, the Treasurer ought to put another 3d. a gallon on the imported article. That would be studying the interests of a very great vested interest in the colony. He was glad to hear that brewing was a good trade. They wanted some good trades in the colony, and he hoped the Treasurer would adopt the suggestion which had been made in order that the trade might not suffer. What were the duties passed yesterday for but to support local industries, and keep money in the colony? As he said before, an additional 3d. on the imported article would be doing justice to those who were brewing beer in the different towns of Queensland.

Mr. NORTON said the Premier had a great horror of what he was pleased to call obstruction; but he would ask the hon. gentleman whether he had ever obstructed?

The PREMIER: Yes; twice.

Mr. NORTON said he was not now discussing the question whether the tax should be imposed or not, but replying to the objection made by the Premier to the action of the Opposition in what the hon. member called obstruction. It was well known that when the hon. gentleman was leader of the Opposition they were kept for nights by the purest obstruction. That was when the hon. gentleman objected to the mail service which had since been acknowledged even by himself to be of infinite advantage to the country. What a difference it made on which side a man sat! If the hon. gentleman had been in opposition, any similar measure which met with his disapproval would have met with more opposition than the Bill under consideration had received. Numbers of measures had been passed since the hon. gentleman became leader of the Government—measures to which the Opposition strongly objected, but to which they offered no lengthy opposition. Surely members were bound to express the opinions they held; and for the head of the Government to get up and object to the expression of those opinions—which he called obstruction—was simply ludicrous, especially when they remembered the course of action adopted by the hon. gentleman himself when leader of the Opposition.

The HON. J. M. MACROSSAN said they did not intend to obstruct.

The PREMIER: You said you were going to.

The HON. J. M. MACROSSAN: I did not.

The PREMIER: You said you were going to move a reduction, farthing by farthing.

The HON. J. M. MACROSSAN said that he stated he would do so if necessary; but he thought they would be quite justified in obstructing when the Premier and Colonial Treasurer appealed in the most brutal manner to the majority behind them. That was the way they reasoned, because they had a number of sheep behind them instead of men.

The PREMIER: We have had two divisions already.

The HON. J. M. MACROSSAN: And the shepherd was not far off. They would be justified in obstructing under the circumstances. Twice that night had the Colonial Treasurer told them to come to a division—he had a majority; and the Premier told the Committee just now, before he sat down, that a majority had affirmed the resolutions. They knew very well that the majority would affirm anything the hon. gentleman wished. He believed that if the hon. gentleman proposed to execute one of the members of the Opposition the majority on the other side would agree to it.

The PREMIER: We would spare you.

The HON. J. M. MACROSSAN said the hon. member was wrong when he said the majority of the country agreed with him. He was very much mistaken there, or else the number of telegrams and letters he had been receiving from

the part of the country he represented must have been sent in mistake. Not ten minutes ago he had received a telegram from the mayor of Townsville calling upon him, in the most strenuous terms, to oppose the taxation proposals of the Government. The mayor represented a public meeting——

The PREMIER: Seven persons.

The HON. J. M. MACROSSAN: Times must be very brisk in Townsville when a public meeting could be rounded off by seven persons. He knew something about public meetings in Townsville, and the hon. member for Kennedy (the Attorney-General) knew something about them too. That hon. member knew that it was easier to get a public meeting of 700 than 7.

The PREMIER: When they take any interest in the subject.

The HON. J. M. MACROSSAN said that beer and timber were subjects that interested the people there very much. He believed the Townsville brewery turned out 130,000 or 140,000 gallons a year — a very considerable amount for a town of 10,000 or 12,000 inhabitants. They certainly took a great interest in the taxes on timber and machinery—especially the latter. But was it seriously intended to impose a tax of 3d. per gallon on colonial beer, and not do anything towards imposing a corresponding tax on the imported article? The Premier said the Opposition were not consistent, because they did not carry out what they said last night; but they were following up the arguments they used last night. They argued then against one portion of the colony being taxed for the benefit of another portion of the colony. What they were arguing now was, why should the whole of the colony be taxed for the benefit of the English manufacturers? That was what it came to. Their arguments that night were much stronger in the same direction than last night. Why should the whole of the consumers and manufacturers in the colony be taxed for the benefit of the English manufacturers, as, according to the Colonial Treasurer, they would be benefited to the extent of 3d. per gallon? To equalise the matter, they ought to impose a corresponding duty upon the imported beer. By so doing they would not only be dealing out fair play to the manufacturers in the colony, but would be putting an additional tax upon a class of people who were best able to bear it.

Mr. MACFARLANE said the hon. member for Townsville was very complimentary to the Government side of the Committee, in terming them a "lot of sheep," but that was scarcely as bad as the hon. member for Balonne, who called them "dumb dogs." He thought hon. members on his side had shown that they had enough independence to do and dare when they did not agree with their own side of the Committee. They had lost sight of the argument altogether in reference to that small tax. The question they should discuss was whether it would press heavily upon any part of the community, either the maker or the consumer. He maintained that the tax would not touch—at least only very slightly—either the maker or the consumer. It would not increase the cost of the drink to the people. They would only have followed the example of Great Britain, which received £8,500,000 per annum from the tax upon beer, which was at the rate of 2½d. per gallon. The late Chancellor of the Exchequer, Mr. Childers, proposed to put another 1d. per gallon on beer, and estimated that the revenue from that direction would be about £11,500,000. However, he went out of office over it; he wanted to go out. The party would have had a quite sufficient majority, had it not been for their own friends—or those who professed to be their friends, the Parnellites—allying themselves with the Conservatives. The real question before them was—Would the tax press heavily upon the consumers? He said it would not. There had been no argument brought forward to show that it would be a burden upon the people. He did not know whether the people of Queensland were as good beer-drinkers as they were in the old country. If they were, the tax proposed to be put upon beer would bring in an income of about £110,000 a year. Of course the people here drank imported beer as well as the other. In reference to putting a tax upon imported beer, hon. members should remember that there was a differential rate just now on draught beer of 9d. When the proposed tax of 3d. was put on it would be 6d., and then there was the freight, which amounted to not less than 3d. per gallon. The profit of the colonial brewers must, therefore, be very large when there was such a differential duty. There had been a good deal said about this being a tax upon the poor man. That statement was a mere bagatelle—a nothing—and not worth considering. Had they not a perfect right to receive a very small revenue from beer? Could any hon. gentleman in that Committee mention any article that could better bear taxation? He had not heard any hon. member mention an article better able to do so. At the rate they were going on it would be December before they got through the session, and he would like to remind hon. members of how they suffered last year in the hot weather.

The HON. J. M. MACROSSAN said the hon. member who had just sat down spoke as if the people of Queensland were not taxed at all—as if they were simply putting on a new tax or initiating a new system of taxation. Did he not know that the people of Queensland were more highly taxed per head than the people of England, or New South Wales, or Victoria, or in fact of any colony in the world except New Zealand and Western Australia? Every additional penny put on in the way of taxation was an additional straw on the camel's back. The hon. gentleman seemed to forget that. He should have thought that he would have been the first to assist him in proposing to put a tax upon the imported article, seeing that he was opposed to drinking beer in any shape. Therefore, to carry out his principles in their entirety, he should be prepared to put such a tax upon these articles as would prohibit their consumption altogether; he was not consistent in his blue-ribbonism. The hon. gentleman ought to support any proposition, coming from either side of the Committee, to put a tax on the imported article. As to the tax at present being in favour of colonial beer, they knew it was, and so it ought to be. The two articles were at present upon an almost equal footing so far as cost went, because the English beer could be made so much cheaper than the colonial, in spite of freight, and they should not disturb that equality which existed between them by putting a tax upon the colonial article, and not putting one also on the imported beer to preserve the equality.

Mr. MACFARLANE: We may require to do that next year.

The HON. J. M. MACROSSAN moved that the word "threepence" be omitted from the 3rd line.

Question—That the words proposed to be omitted stand part of the clause—put, and the Committee divided:—

AYES, 25.

Messrs. Rutledge, Miles, Griffith, Dickson, Dutton, Moreton, Salkeld, Foote, Sheridan, Kellett, Wakefield, Campbell, Bailey, Mellor, Smyth, White, Jordan, Aland, Isambert, Brookes, Groom, Higson, Midgley, Wallace, and Macfarlane.

NOES, 14.

Sir T. McIlwraith, Messrs. Archer, Morehead, Norton, Macrossan, Chubb, Black, Annear, Hamilton, Lissner, Nelson, Lalor, Palmer, and Stevens.

Question resolved in the affirmative.

Question—That clause 10 as read stand part of the Bill—put.

The HON. J. M. MACROSSAN asked if the Treasurer would give him a reply as to putting a tax upon the imported article? It was an injustice to tax the colonial beer as against the imported beer.

The COLONIAL TREASURER said the hon. gentleman knew very well that it was impossible in an excise Bill to introduce any impost in the shape of an import duty. It would have to be introduced in an entirely different form. So far as he was himself concerned, he said most distinctly that he should not give the publicans of the colony—as he would if he increased the duty on the imported article—he should not give them an opportunity of a colourable pretext for increasing the cost of consumption to the consumer.

Question put and passed.

Clauses 11 to 21, inclusive, passed as printed.

On clause 22, as follows :—

"Any brewer may upon obtaining a permit remove or cause to be removed from his brewery to a depôt, warehouse, or other place occupied by him and used exclusively for storage or sale of beer in bulk, any quantity of beer of his own manufacture, in quantities of not less than five barrels at a time, without affixing stamps on the casks containing such beer.

"Every such permit shall be granted by an inspector upon the application of the brewer and under the prescribed conditions.

"The brewer shall affix upon every cask containing beer so removed before it is removed from such depôt, warehouse, or other place, the same stamps, and shall procure the same to be cancelled in the same manner and under the same penalties as are herein prescribed with respect to beer removed from a brewery."

The COLONIAL TREASURER said that as the definition of the place to which the beer might be removed on a permit was not quite so clear as could be wished, he would move the omission of the words, "depôt, warehouse, or other place occupied by him and used exclusively for storage or sale of beer in bulk," with the view of inserting the words, "bonded warehouse approved by the Collector of Customs under the Customs Act of 1873."

Amendment put and passed.

The HON. J. M. MACROSSAN asked whether the limitation to "not less than five barrels at a time" would affect those small brewers whose produce was only a hogshead a week?

The COLONIAL TREASURER: I do not think they will export beer.

The HON. J. M. MACROSSAN: It is more than a week's produce at some of the small breweries.

The PREMIER: Then it is not likely they will want separate warehouses.

The HON. J. M. MACROSSAN: But they might want to put one barrel in bond, and why should they not be allowed to do so?

The COLONIAL TREASURER moved the omission of the words "depôt" and "or other place" from the 3rd paragraph of the clause.

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

Clause 23—"How permits to be affixed to casks"—passed as printed.

On clause 24—

"If any beer is knowingly removed or conveyed from any brewery or place of storage contrary to the provisions of this Act or the regulations, then such beer, together with the casks containing the same and the boat, cart, carriage, or other conveyance in which the same is found, together with all horses or other animals made use of in such removal or conveyance, and any chattels, articles, or things made use of for the purposes of such removal or conveyance, shall be forfeited and may be seized by any inspector or officer of police."

The COLONIAL TREASURER, in moving that the words "place of storage" in the 2nd line be omitted, with the view of inserting "warehouse," said the object of the amendment was to make the clause correspond with the amendment in clause 22.

The HON. SIR T. MCILWRAITH asked if it was intended to move any other amendments in the clause? As it now stood, if beer was illegally removed from a brewery, not only was the beer forfeited but also the cart in which it was conveyed. It seemed to him very unjust that they should punish a carter—who was called upon to remove the beer, and who could not possibly know that what he was doing was illegal—by forfeiture of his horse and cart.

The COLONIAL TREASURER said the power conferred by the clause was precisely the same as was contained in the Customs Act, as the hon. member knew full well. It certainly did seem very harsh, and no doubt would be so if enforced against an innocent man, but at the same time the inspector would have full power to deal with such cases, and doubtless on the true representation of the case the carter would not be punished. But it was only right that the clause should be very stringent to prevent collusion.

Mr. NORTON said the words of the clause were, "If any beer is knowingly removed." It was only the owners of the beer who would know that it was being removed improperly; how was the carter to know? The brewer simply employed a drayman to remove so many casks of beer from one place to another, and if he did so his cart was forfeited. The word "knowingly" only applied to the party who removed the beer; it did not apply to the man with the cart.

The COLONIAL TREASURER said no case of hardship had been reported in consequence of the similar clause which existed in the Customs Act. They knew that Customs Acts were at all times algerine in their character if strictly carried out, but, as he had said, no case of hardship had ever been inflicted upon anyone by the operation of that clause, and he thought it was only right that they should have the same power in the Bill.

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

Clause 25—"Power to inspector to examine vehicles"—put and passed.

On clause 26, as follows :—

"Any person who knowingly removes or receives from any brewery any beer contained in any cask or package on or in respect of which the proper stamp has not been affixed, or on or in respect of which a fraudulent or false stamp is affixed, or on or in respect of which a stamp once cancelled is again used, shall be liable to a penalty not exceeding fifty pounds."

The COLONIAL TREASURER moved, by way of amendment, that in the 2nd line of the clause the words "or warehouse" be inserted after the word "brewery."

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

Clauses 27 to 29, inclusive, passed as printed.

On clause 30, as follows :—

"Every brewer shall by branding cause to be marked upon every cask containing beer brewed by him before it is removed from the brewery the name of the brewer and the place where it was brewed.

"Any brewer who fails to comply with the requirements of this section shall be liable to a penalty not exceeding ten pounds for each cask not so branded.

"Any person other than the owner of a cask so branded, or some person lawfully authorised by him so to do, who knowingly and wilfully removes or defaces such marks therefrom shall be liable to a penalty not exceeding ten pounds for each cask from which any mark is so removed or defaced.

"Provided that when a brewer, for the purpose of supplying his customers, purchases beer finished and ready for sale from another brewer, the purchaser may, after giving the prescribed notice to an inspector of his intention so to do, furnish his own casks, branded with his name and the place where his brewery is situated, to be filled with the beer so purchased. And such casks may be filled with beer and removed from the brewery as in other cases.

"But the stamps hereby required shall be affixed to the casks and cancelled before removal."

Mr. NORTON said there was a curious proviso to the clause. He had often heard of false labels being kept for the purpose of being put upon bottles which were not what they were represented to be; but here they had the Government absolutely encouraging brewers to supply their customers with beer obtained from other breweries as their own. Under the clause any brewer might purchase beer from another brewery, put it into casks bearing his own brand, and supply it to his customers as his own beer. If a brewer sold beer which was not his own, why should he not inform his customers of the fact? Why should Allsopp's beer be sold as Foster's, or Foster's as somebody else's? That was just the same thing. Surely it was not honest! The brewer who purchased beer in that way from another brewery had to give notice to the inspector, and why should he not be required to give notice to his customers as well? It was an absolute fraud.

The COLONIAL TREASURER said, why should they interfere with the ordinary course of trade? The practice was one which was now carried out. They were not introducing any new feature, but were simply protecting the revenue. Notice had to be given to the inspector of the transaction between the two brewers, and he did not see that the Committee had anything whatever to do with it. It was for the inspectors to see that the packages received by the brewer were subject to duty, and that they could be traced. He did not see why they should step in and intercept the ordinary trade transactions which took place between one brewer and another.

Mr. NORTON said he did not see why they should legalise deception. By that clause they would give a man a legal right to sell one article as something else, which was equivalent to legalising the substitution of false labels. So far as bottled beer was concerned, the labels indicated that it was brewed and bottled by different people; and if brewers wanted to do that sort of thing let them do so, but do not let a law be passed giving them a legal right to do it without informing their customers.

The HON. SIR T. McILWRAITH said the clause defeated its own object. It was introduced to provide that the brewer should keep faith with his customers, and in order to insure that he had to put his own brand on his beer. Then there was a proviso that he might be allowed to put someone else's name on it. What was the use of the clause with a proviso like that?

The PREMIER said the first part of the clause was very valuable to prevent fraud. They would know where a cask came from if it were stamped.

Mr. ARCHER: With a false name on it?

The PREMIER said the purchaser should deal with someone on whose assurance he could rely. There was no peculiarity about a peculiar brand of whisky—at least there was in one sense, for he himself preferred one sort to another—but people who took draught whisky did not care what the brand was so long as it was good. In Scotland, if a man asked for whisky of a particular brand they would not know what he meant. If you went into a public-house and asked for Usher's whisky or Royal Blend they would not know what you were talking about.

Mr. NORTON said he always understood Scotchmen were good judges of whisky.

The PREMIER: So they are.

Mr. NORTON: It would appear from the hon. member's remarks that while he had an excellent taste in whisky common people did not know good whisky from bad.

The PREMIER: Yes; but they do not go by the name, they go by the quality.

Mr. NORTON: That was a very poor argument. The great bulk of the people who went to a hotel for a glass of whisky asked for a particular brand; as a matter of fact, the waiter generally asked what brand was wanted.

The PREMIER: That is in this country.

Mr. NORTON: It was this country they were dealing with. As for beer, he was told that there was a particular brand of colonial beer in great favour with the navvies, and large quantities of that brand were sent up to Townsville. If they preferred that brand why should another brand be palmed off on them? There could be no justification for it. Take another case, which would be familiar to gentlemen accustomed to stock. Suppose he wanted to buy a number of bulls, and having heard that So-and-so's brand was good he bought a number of bulls, taking the brand as indicating their quality. If the seller had bought his calves from someone else, and shoved his brand on them to palm them off on the buyer as his own breeding, it was a downright piece of roguery. He did not mean to say that because such a clause was in the Bill brewers would practise any rascality of that kind, but the Bill would legalise it.

The PREMIER said he did not think it was a matter of much consequence one way or the other; but the arguments on the other side appeared very strange. Did hon. members suppose that people who made wine always grew it themselves? Did they suppose the owners of vineyards never sent out wine that was not from their own grapes?

The HON. J. M. MACROSSAN: They select the wine carefully.

The PREMIER: So they would with beer. A man who had a reputation for good beer would not get bad beer and sell it as his own. He saw no reason why a man should not buy beer by the vat as well as by the hogshead or bottle.

Mr. HIGSON said he had had a good deal of experience in connection with the beer trade, and he had found that when a particular brand of beer began to fall off in quality it would drop out of the market. Sometimes they got Tennant's beer of an inferior brew, and sometimes Foster's, and it always dropped out of the market for the time. If the brewer got inferior beer he would not sell more than one cask of beer before it would recoil on himself. He would be obliged to get beer equal to his own or lose his trade.

Mr. MACFARLANE said he confessed he did not like the clause. There was dishonesty about it. A man had no right to palm on his customers beer he did not brew himself while trying to make them believe it was his own. It would be much better if, instead of putting another man's beer in his barrels, and sending it to his customers as his own brew, he were to sell it as the brew of the person he got it from.

The COLONIAL TREASURER said he thought there was very unnecessary importance attached to the matter. As far as he could see, it was not likely to affect Queensland for some time to come, although it was in the Victorian statutes and was taken advantage of there. Hon. members seemed to forget that a brewer of established reputation was not likely to allow a man of inferior character to have the benefit of his good name. By omitting that clause they might inflict material injury on brewers. The works of one brewer might get out of order, and he would perhaps arrange with a large manufacturer to get a certain quantity brewed with which he would supply his customers. He would not want to lose the benefit of his connection. He did not think the good brewer was likely to lend himself to transactions that were not straightforward, and he did not think the bad brewer was likely to obtain the benefit of it. He thought that they had better let the clause stand.

Mr. MACFARLANE said that, in the case of flour, one or two brands brought a higher price in the market than other brands, and men sometimes put the inferior article, which was not always cheaper, in bags bearing the brand of the superior flour. The same thing might happen in the case of brewers. A brewer whose beer was not of the best quality might buy beer produced by a good brewer and sell it as his own, and by that means make a good name for himself.

Mr. SHERIDAN said there surely could be no objection to one brewer buying another's beer, and no one would for an instant think of prohibiting that. He quite agreed with the hon. member for Ipswich that there was a certain amount of dishonesty in allowing one brewer to put another brewer's beer into his casks and sell it as his own manufacture. Suppose there were two brewers in the colony, one of whom made good and the other bad beer; the man who made the bad beer might, to save his reputation, purchase the good beer made by his rival and sell it as his own. He did not think the Legislature would countenance a fraud like that.

The HON. SIR T. MCILWRAITH said the hon. gentleman had stated that no brewer of good beer would allow another man to purchase his beer and put it in his own casks and sell it under his brand. That was quite true, but that was a different thing from what the Treasurer proposed. The hon. gentleman proposed to make it legal for a man to do that, so that if something happened to a brewer by which his works were stopped, he might obtain beer from another brewer and sell it as his own. The honest way for a brewer to act in such a case was to sell it with the proper brand. It was an inconvenience to him of course, but he should try to work his business so as not to allow his brewery to come to a standstill and be compelled to purchase other beer in order to supply his customers. It was not the duty of the Committee to provide for departmental arrangements but for the security of the public, so as enable them to get what they actually purchased; but the proviso in that clause made it legal for a brewer to purchase beer from anybody else and sell it in casks branded with his name and the place where his brewery was situated.

Mr. JORDAN said he would like to see the clause omitted or altered. It was a dishonest practice for a brewer to deliberately sell under his own brand beer purchased from another brewer.

Mr. NORTON said he thought the best way to bring the matter to an issue was to propose the omission of the 4th paragraph. He therefore moved that the 4th paragraph be omitted.

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

Clause 31—"Certain kinds of liquor not liable to duty"—passed as printed.

On clause 32—"Drawback on spoilt beer"—

The HON. SIR T. MCILWRAITH asked what was the practice of the department just now with regard to spoilt English beer?

The COLONIAL TREASURER said the supposed practice was that it should be run to waste. Applications had been made from time to time by distillers, when beer was spoilt in bond, for permission to convey it to the distilleries for the purpose of manufacture there, but that was not permitted.

Clause put and passed.

Clauses 33 to 40, inclusive, passed as amended.

On the schedule—

Mr. ISAMBERT said the beer brewed in the colony seemed rather innocent of malt, and the schedule might be so amended that the returns should show how much malt, hops, and sugar were used in making the beer.

The COLONIAL TREASURER said the schedule was the form of notice to be sent in by brewers before they were registered; it was not to be sent in periodically in connection with the beer manufactured.

Schedule put and passed.

Preamble put and passed.

The House resumed; the CHAIRMAN reported the Bill with amendments, the report was adopted, and the third reading of the Bill was made an Order of the Day for to-morrow.

TOWNSVILLE JETTY LINE.

The SPEAKER read a message from the Legislative Council intimating that the Council had approved of the plan, section, and book of reference of the Townsville Jetty line from 0 miles, Northern Railway, to 2 miles 40 chains and 53 links.

ADJOURNMENT.

The PREMIER said: I beg to move that this House do now adjourn.

The HON. SIR T. MCILWRAITH: It is not intended to take any Government business to-morrow, of course?

The PREMIER: No.

Question put and passed.

The House adjourned at fifteen minutes past 10 o'clock.