Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 3 AUGUST 1886

LEGISLATIVE ASSEMBLY.

Tuesday, 3 *August*, 1886.

Appropriation Bill No. 1, 1886-7.—Printing Committee Report.—Question.—Formal Motion.—Motion for Adjournment—Alleged Concession to Messrs. Annear and Clark—Mining by Aliens on Extended Goldfields.—Bundaberg-Gladstone Railway.—Emu Park Railway Deviation.—Divisional Boards Act Amendment Bill.—Elections Act of 1885 Amendment Bill—second reading.—Mineral Oils Bill—second reading.—Mineral Lands (Coal Mining) Bill—second reading.—Offenders Probation Bill—second reading.—Justices Bill—committee.—Adjournment.

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

APPROPRIATION BILL No. 1, 1886-7.

The SPEAKER: I have to inform the House that I presented to His Excellency the Administrator of the Government, the Appropriation Bill No. 1, 1886-7, and that His Excellency was pleased, in my presence, to give his assent thereto, in the name and on behalf of Her Majesty.

PRINTING COMMITTEE REPORT.

Mr. FRASER, on behalf of the Speaker as chairman, presented the first report of the Printing Committee, and moved that it be printed.

Question put and passed.

QUESTION.

Mr. PALMER asked the Minister for Works—

Is it the intention of the Government to carry out a survey of a line of railway from Herberton to Georgetown?—and when will such survey be commenced?

The MINISTER FOR WORKS (Hon. W. Miles) replied—

The intentions of the Government in regard to extending the line beyond Herberton towards Georgetown are to instruct the Chief Engineer to have a thorough examination of the country made, and to report as to the best route to take in making such extension.

FORMAL MOTION.

The following formal motion was agreed to:—

By Mr. BROWN—

That there be laid upon the table of the House a return showing the total amount received by the Government from the sale of town lands within the town of Townsville for the five years ended on the 25th July, 1886.

MOTION FOR ADJOURNMENT.

ALLEGED CONCESSION TO MESSRS. ANNEAR AND CLARK.

Mr. BAILEY said: Mr. Speaker,—I rise to move the adjournment of the House to give an hon. member an opportunity of explaining his position with regard to certain statements that have appeared lately, seriously affecting his seat in this House. So long as the statements were confined to the local papers no importance could be attached to them; but when we find the *Courier*, the metropolitan journal, publishing a telegram stating that this hon. member is a contractor under the Government, and has obtained a particular concession from the Government which has been revoked by the wish of the Chamber of Commerce or the corporation of Maryborough, I think it is only fair that the hon. member should have an opportunity of explanation. If the statements contained in the papers are correct I am quite convinced it would be a matter for a select committee to inquire into; but to make charges of this kind without giving the hon. member an opportunity for explaining himself is so manifestly unfair that I now move the adjournment of the House to give him that opportunity. The report is that the hon. member for Maryborough, Mr. Annear, together with a Mr. Clark, has been granted a concession from the Government to cut timber on a reserve in opposition to the wishes of the corporation of Maryborough, and that the concession has been revoked by the Government; and the plain insinuation is that the hon. member is a fellow-contractor with Mr. Clark. I move the adjournment of the House.

Mr. ANNEAR said: Mr. Speaker,—I am well aware who the sender of these telegrams to the *Brisbane Courier* is. That gentleman for the last two years, in one of the local papers in Maryborough, has slandered me; but I have judged him at the same worth as the inhabitants of that town generally have judged him. I have treated him with contempt and have taken no notice of him whatever; but when I saw a telegram in the *Brisbane Courier*, which contained not one atom of truth as far as I am concerned, I thought it was time for me to take notice of the matter. In the *Courier* of Thursday last the first telegram appears to the following effect:—

"A feeling of considerable irritation has been caused here by the Government having sold to Messrs. Clark and J. T. Annear the right to fell and draw timber off the waterworks reserve."

Well, I am perfectly convinced that I speak the truth when I say that the feeling of irritation in Maryborough exists in the minds of about three individuals. The gentleman who sends these telegrams to the paper is the same gentleman who prophesied in his paper a few months ago the downfall of the Griffith Administration, on account of their corrupt practices in dealing with the Mount Morgan Gold Field. The prophecy was only taken notice of by one paper in the colony —namely, the *Telegraph*, Brisbane; and in one leader that journal gave this individual such a dressing-down that from that day to this he has never dared to reply. But on Saturday morning this matter referring to myself was again mentioned in the *Courier*, this time bringing my colleague's name into the paper in what I consider a very unfair way, if not true; and if it is true, I do not think my colleague was acting right in not asking my opinion before that telegram was sent to Maryborough. It said this :—

"The mayor has received word from Mr. Sheridan, M.L.A., that the Government have revoked the permission recently granted to Messrs. Annear and Clark to cut timber on the waterworks reserve."

After reading that in the *Courier*, I wrote my hon. colleague (Mr. Sheridan) this letter :—

"Brisbane, 31st July, 1886.

"R. B. Sheridan, Esq.

"DEAR SIR,—On looking at the *Courier* this morning, it is stated that you have wired the mayor that the Government have revoked the permission granted to Messrs. Annear and Clark; surely this cannot be true. The Government never granted any permission to me; I have nothing to do with Mr. Clark further than my firm act as his agents here. This is very unfair to mix my name up in this matter to please Mr. Tooth and Woodyatt. If you do not contradict it, I shall do so at once. Give a matter like this a start, many will believe it.

"Yours truly,

"(Signed) JOHN T. ANNEAR."

This is the hon. gentleman's reply, written a short time afterwards :—

"Brisbane, 31st July, 1886.

"J. T. Annear, Esq., M.L.A.

"DEAR SIR,—I hasten to reply to your note just received, and to inform you that, in my message to the mayor of Maryborough, yours or any other name was not mentioned. I merely informed his worship that 'permission to cut timber on the Maryborough Water Reserve' had been authorised. This I did in your interest as well as in the general interest of my constituents, and certainly not (as you suggest) either to please or displease Mr. Tooth or Woodyatt. Of course, you can contradict whatever you please, and you are at full liberty to do whatever you like with this note.

"Yours very truly,

"(Signed) R. B. SHERIDAN."

I know this is a matter that has no interest whatever for the country at large, but it has some interest for my constituents at Maryborough; it is interesting to the people who know me and trust me, and who also know this gentleman who sends these telegrams to the *Courier*—telegrams which should be of a reliable nature, because the *Courier* is supposed to have the impress of truth in its telegraphic columns, and is looked on as the leading paper of this colony. After this I wrote to the Minister, knowing that there was not one atom of truth in the telegrams. I never in my life applied for permission either for myself or for any other person to cut timber on any reserve; and why my name should be mixed up in this matter I do not know. Of course I do not think it is done for political purposes, because the party of which he is a member does not contain more than about two or three persons. I wrote to the Minister for Lands as follows :—

"Brisbane, 31st July, 1886.

"The Hon. C. B. Dutton.

"SIR,—Mr. Bailey has already drawn your attention to a statement in the local Press connecting me directly as a partner with a Mr. Clark, who got permission from you to cut timber on a reserve in Maryborough under license. In Saturday's *Courier* this statement is repeated in a most offensive form, as if my colleague had wired to Maryborough repeating the statement. I wish you particularly on Tuesday to fully exonerate me and to state all you know, because you are aware that I will not suffer myself to remain under the appearance of any corrupt practice.

"I am your obedient servant.

"(Signed) JNO. T. ANNEAR."

Now, Mr. Speaker, as far as I know, that is the sum and substance of this matter. I have acted, in my capacity as a member of the firm of Cowley and Annear, as agent for Mr. Clark, and all that I have ever done for him in the Lands Office is this : I wrote a letter to the Land Board asking for a lease of land on the Mary River on which to erect a sawmill. That letter was placed before the board, an official reply was received, and I believe the request was granted. Now, this gentleman has indulged in this kind of slander at my expense for two years; he has shown me up in various forms, but I have never taken any notice of him; I have always treated him with the contempt he deserves, and allowed him up to the present time to revel in that atmosphere which at all times seems so congenial to his taste. This is a sample of what has appeared from time to time in his paper. This is a paper, sir, called the *Colonist*. It is what I call the weekly re-hash of the *Chronicle*, with as much scandal as he can obtain to fill up with. This is the *Chronicle* of Maryborough, not the *Toowoomba Chronicle*. Our *Chronicle* at one time, when edited by a gentleman, occupied a position in the Press of this colony similar to that held by the Toowoomba journal; but that gentleman has ceased to be the editor, and it is now edited by one who apes the gentleman—he is never able to act the gentleman. It is not many months since the Mulgrave election took place, and as hon. members are aware, I have not seen Bundaberg for years. This is what he writes :—

"The activity of the gifted senior member for Maryborough, Mr. John Thomas Annear, is so remarkable as to be suspicious. Having barely given himself time to get his second wind after a prolonged and wholly unnecessary 'horation' to his constituents, he hastily travelled—on his Parliamentary free pass—to Townsville, to share in the Ministerial festivities, assist his colleague to respond to the 'Army and Navy,' and cruise in the 'Lucinda,' and now we find him taking charge of the Mulgrave election, or, at any rate, so much of it as the returning officer will permit. Mr. Annear's mission to Bundaberg is to champion the cause of the Griffithian candidate, the absent Walker, and to deliver 'horations' in various parts of the constituency. Whether the mission is undertaken at the instance of the Brisbane Liberal Association, who have still a few hundreds of the money subscribed by Tyson and the squatters for Liberal electioneering purposes, or is a self-imposed task we know not. But knowing John Thomas' pure patriotism, we prefer to take the latter view. We don't believe that our senior member would do the political touting for his party for the paltry few pounds Bulcock usually pays from the fund aforesaid for such jobs. Mr. Annear's services are gratuitous, we are sure, and the only reward he looks forward to is the next vacant seat in the Ministry or a C.M.G.-ship."

That is the style of stuff that is retailed by this man to the people of Maryborough. I say retailed, because it is retail; there is very little wholesale about it except the abuse. I don't suppose that paper is read anywhere outside the town of Maryborough, except in the Parliamentary Library. As to my patriotism, and the patriotism of this gentleman, I will

leave the people of the colony to judge. I have always been able to hold my own with him, at any rate; I have never on any occasion asked him to be my friend. This same gentleman,—I will give his name—his name is Woodyatt,—is more familiarly known in Maryborough as "Slippery Jack." It is this gentleman who is sending telegrams to the *Courier* about Mount Shamrock and the Degilbo rush; and it certainly is not right that such misstatements as appear in these telegrams should be sent from Maryborough, because strangers taking up the paper believe they are true. I would advise my friends, or any person I know, when they hear that this character is the same individual who is taking charge of Mount Shamrock and Degilbo, to exercise every care, and if they want to know whether there is a good investment up that way, to go and inspect for themselves. I advise them never to take as true anything they see in the telegraphic columns of the *Courier* coming from Maryborough while such a character as this has charge of the telegraphic correspondence there.

The MINISTER FOR LANDS (Hon. C. B. Dutton) said: Mr. Speaker,—In justice to the hon. member for Maryborough, I must give some explanation of the matter to which he has referred, so far as the Lands Department is concerned in it. I was rather surprised that he should have expressed so much indignation at the conduct of the papers he spoke of, because I think he has been long enough here to know what the papers are, and, at all events, long enough here to know what the *Courier* is. If there is a paper in the country—barring *Figaro*—that receives and circulates misstatements, it is the *Courier*. That paper gives the greatest facilities for the circulation of misstatements. Some two months ago the firm of Wood and Clark applied to me for permits to cut railway sleepers from some reserves near Maryborough—a camping reserve, the waterworks reserve, and a timber reserve. I inquired as to where these reserves were situated, and I found they were some ten or twelve miles out of Maryborough. They were written to by the Under Secretary, informing them that permission was granted them for cutting railway sleepers alone from these reserves, and that permission is always given. I give every facility to railway contractors and those connected with them to obtain sleepers as near as possible to their works. After the application was granted, the mayor of Maryborough telegraphed that one of the reserves in which permission was granted to these men to cut timber was the waterworks reserve. The Under Secretary dealt with the telegram himself. The information was given that in this particular reserve there was nothing to cut but ironbark of small growth, only fit for railway sleepers. This was represented to me by the hon. member for Maryborough, Mr. Sheridan; and that being the case, I did not think it desirable to continue the permit for cutting timber on the waterworks reserve, and that permit was accordingly cancelled. Mr. Sheridan also told me that the undergrowth on this reserve had been cleared, and there was nothing on it but this small ironbark, and there was an ample supply for sleepers on the other reserves. The permit was continued for the other reserves, and was cancelled for the waterworks reserve. That is the whole case so far as the Lands Department is connected with it.

Mr. SHERIDAN said: Mr. Speaker,—It is necessary I should say a word in this matter, as my name has been mixed up with it. I must confess that I think my hon. friend and colleague has cried out before he was hurt. I know that my experience of the newspaper to which he referred is such that I would not condescend to notice anything that appears in it. Since the present gentleman in charge of it took charge, I have always looked upon it as something considerably below the level of contempt. Although I have had my share of abuse from it, I never condescended to notice it in any shape or form. I saw the telegrams in the *Courier*, and I knew perfectly well that the people of Maryborough greatly objected to any interference with the waterworks reserve, which I considered, and which they considered, had been handed over to the municipal council. I immediately went to the hon. the Minister for Lands to see him upon the subject, and he has told the House exactly what took place. In speaking to Mr. Dutton I did not mention anyone's name, neither Mr. Clark's, Mr. Annear's, nor any other name. This is the telegram I sent to the mayor of Maryborough upon the subject:—

"29th July, 1886.

"The Mayor of Maryborough.

"Permission cut timber Maryborough waterworks reserve withdrawn."

I neither mentioned Mr. Clark's nor Mr. Annear's name in the matter. I may say that in the last number of this newspaper to which I have alluded, and which I have in my hand, I found this most extraordinary paragraph—the most untruthful paragraph I ever read in my life. It is calculated to do as much mischief as possible, and is in no way telling the truth:—

"The mayor received word yesterday from Mr. R. B. Sheridan, M.L.A., that the wishes of the council, in the matter of stopping Clark and Annear from cutting timber from the waterworks reserve, would be attended to, and the permission granted to them would be revoked. We trust that this little game of setting a member of Parliament to catch a member of Parliament will not lead to any slackening of the bonds of friendship between our two representatives. Little has been seen of Mr. Annear, M.L.A., since his arrival in town on Saturday. We have no wish to connect this timber 'rumpus' in which his name is so prominently mixed with the fact that he left Maryborough on Monday and waited on the dredge, 'far from the madding crowd,' for a steamer to take him back to Brisbane."

That has been the style of paragraph appearing in the *Maryborough Chronicle*, and I may say that this is the first instance wherein my name has been mentioned that I took the least notice of what has been said. I can only express my regret that my hon. colleague has condescended to say so much on the subject as he has done. To some extent I am glad he brought the matter before the House, because it has enabled me, I hope, to satisfy not only him, but every member of the House that neither directly nor indirectly did I connect his name with the transaction, nor did I believe him to be guilty or capable of doing what is contrary to the law or the rules and regulations of this honourable House.

Mr. BAILEY: I ask permission to withdraw the motion.

MINING BY ALIENS ON EXTENDED GOLDFIELDS.

Mr. SMYTH said: Mr. Speaker,—I take advantage of the motion for the adjournment of the House to draw the attention of the Government to the Act to amend the Gold Fields Act of 1874, so far as relates to new goldfields. On the goldfield for which I am a member, and which I believe is the second town in the colony at the present time, we have a miners' association, a strong body mustering nearly 400 members. They confine their business usually to matters concerning the goldfields of the colony, and they have lately received several communications asking them to co-operate with those on various other goldfields for the purpose of redressing certain grievances they labour under. Amongst others they have received communication from those in the Clermont

district. One of the principal grievances at present complained of is this: When a goldfield is extended, that portion of it—according to the late decisions of the Supreme Court—included in the old goldfield becomes part of the old goldfield. What the miners of Clermont and others complain of is that if the Act is enforced aliens can come on to the new portion of the goldfield—the portion taken in with the old goldfield—and work there the same as if the whole field had been in existence for many years. It says here in the 1st clause of the Act:—

"Every goldfield shall be deemed to be a new goldfield for the purposes of this Act until after the lapse of three years from the date of the first proclamation of such goldfield."

And in the 5th clause the Act goes on to say:—

"No miner's right issued to any Asiatic or African alien shall, either when originally issued or by way of subsequent indorsement, be made available for any new goldfield.

"But this section shall not apply to any miner's right issued under the Gold Fields Act Amendment Act of 1877, or to any Asiatic or African alien who shall desire to have the miner's right issued to or held by him, made available for any new goldfield of which the first discoverer and reporter, or one of the first discoverers and reporters, was an Asiatic or African alien."

What the miners in the Clermont district, where the principal complaint comes from, complain of is, that the Europeans there have discovered alluvial gold some distance from an old goldfield. The old goldfield has been extended to include it, and the Chinese can come in and work on it the same as on the old goldfield. What the miners ask is that the Government should interfere, and prevent aliens from working on the new goldfield for the space of three years. I know there is some difficulty in the way, as in the Mount Morgan case, whether a lease could be granted on an extended old goldfield. I believe the case so far is not quite settled, so it is not fair to go into it now. I think the Ministers themselves might deal with it as regards mining on extended goldfields by Africans or Chinese.

The MINISTER FOR WORKS said: Mr. Speaker,—I quite sympathise with the hon. member for Gympie, but the remedy would require legislation. I think I may fairly promise that before the session is over action will be taken to remedy the evil the hon. member complained of.

The HON. J. M. MACROSSAN said: Mr. Speaker,—I am very sorry to hear the answer given by the hon. Minister for Works to the hon. member for Gympie. It is a very important question, and has not been decided, as the hon. member for Gympie imagines, by the Supreme Court. They gave no decision in the matter whatever; the decision has been a Ministerial one, and, in my opinion, a very wrong one. Having given it, I do not see well how they can withdraw from it, seeing that such important consequences would result from the withdrawal.

The PREMIER (Hon. Sir S. W. Griffith): What decision is that?

The HON. J. M. MACROSSAN: The decision is that, when a goldfield has once been proclaimed and established as a goldfield, any addition to that goldfield dates from the original proclamation. That, I think, is wrong. Any extension of a goldfield should be taken as a new departure, and the Act should be administered so as to keep aliens off the new portion until the expiration of the time laid down by the Gold Fields Act of 1874. We see the results accruing to the miners in different parts of the country from that wrong decision. What the hon. member for Gympie brings out—and I believe the hon. member for Clermont also has been communicated with on the subject by his mining constituents—is this: New alluvial was discovered outside a goldfield. The miners asked that the new portion should be proclaimed a goldfield, or the goldfield extended to cover it. This was done, and immediately the Chinese walked in and worked alongside the Europeans contrary to law, and contrary to the practice which has hitherto prevailed in the colony of Queensland. That is the evil complained of, and a remedy should be found for it at once. We should not wait for legislation. It could be done by the Minister; there is no legislation required.

The PREMIER said: Mr. Speaker,—I am glad that the hon. member for Gympie has called attention to this matter. The hon. member who has just sat down is, I think, in error with respect to the effect of including a new area in a goldfield. There has been no decision of the Supreme Court on the subject—I am quite certain of that; and I do not think there has been any decision of the department on the subject, except that in one particular case leases were issued before the two years were up. That was done, if my recollection serves me, on the advice of the law officers for the time being, before the present Government came into office. However, I know nothing about that now. The material question is about letting aliens come on the new ground. It occurs to me there would be a way of dealing with the matter without legislation, although legislation is also desirable. That would be, instead of adding new ground to an old goldfield, to create it a new goldfield by proclaiming it under a new name, such as the So-and-so Extended Gold Field. However, I will confer with my hon. colleague on the subject.

Motion, by leave, withdrawn.

BUNDABERG-GLADSTONE RAILWAY.

The MINISTER FOR WORKS said: Mr. Speaker,—I have to ask the permission of the House to withdraw the motion for the approval of the plan, section, and book of reference of the railway between Bundaberg and Gladstone. Before doing so I would like to give the reasons why the Government have come to that conclusion. Since tabling this motion I have made myself acquainted with the plans and sections, and I find that on a considerable portion of the line some gradients laid down by the Chief Engineer are 1 in 66 and others 1 in 33, with low-level bridges. Now, on the other portions of the main line the gradient is uniformly 1 in 50, through very difficult country; and I think it very desirable that this gradient should be the same. This is a main line that will be utilised for the accommodation of the whole people for mail communication, more particularly for the English mails; and the Government have come to the conclusion that it will be very undesirable to have low-level bridges which are liable to be flooded, and a gradient so steep as 1 in 33, which the trains would have to be divided to get over. I would therefore ask the permission of the House to withdraw this motion until such time as I can get plans and specifications prepared—making the gradient uniform along the whole line.

Mr. NORTON said: Mr. Speaker,—I would like, with the permission of the House, to say a few words before the motion is withdrawn. I have learnt from the hon. Minister for Works that he hopes to lay the amended plans on the table in a very few weeks, and will be prepared to go on with them then. For my own part I think that the difficulties spoken of are very great. In one case I notice that the gradient is 1 in 25. I hope the hon. member will lay the plans on the table and get the consent of

the House to them at as early a period as possible. I might point out that the hon. member has departed on this occasion from the rule laid down some time ago. Instead of the matter being referred to a committee of the House, by the notice on the paper it is referred to the House itself.

The PREMIER: Circumstances vary. In some cases it is a good rule, in some not.

Mr. NORTON: I think with regard to railways that it is a very good rule. The other House appoint a select committee to inquire into all these matters. I believe the motion has been made in the manner it has to-day by mistake, and I would suggest to the hon. gentleman that the method adopted last session should be followed in future.

The HON. J. M. MACROSSAN: How is it that Mr. Ballard's name appears on this plan? I always understood that the Bundaberg district was in Mr. Stanley's jurisdiction.

The MINISTER FOR WORKS: Mr. Stanley never goes beyond Bundaberg.

Motion, by leave, withdrawn.

EMU PARK RAILWAY DEVIATION.

The MINISTER FOR WORKS, in moving—

1. That the House approves of the plan, section, and book of reference of the proposed Emu Park Railway deviation, from 17½ to 28½ miles, as laid upon the table of the House on Tuesday, the 27th July last.

2. That the plan, section, and book of reference be forwarded to the Legislative Council, for their approval, by message in the usual form.

—said: Mr. Speaker,—I would ask the leader of the Opposition not to insist on going into committee on this motion, as it is simply the approval of a deviation for the construction of a line for which tenders have been invited, and it is therefore very desirable that it should pass without any delay. I can assure the hon. gentleman that the matter quite escaped my memory when I gave notice of this motion; otherwise, I should have followed the course pursued last session and have proposed it in committee. I would again ask, seeing that this is a small matter, and that the plans, section, and book of reference were approved last session, and that tenders have been invited for the work, that the motion should be allowed to pass, as I am extremely anxious it should, before the tenders come in. The proposed deviation commences at 17 miles 52 chains, and its length is 10 miles 68 chains, which is 3½ miles longer than the section as approved last session. It was discovered when we came to make a permanent survey that the portion of the line where the deviation is was under flood-mark, and that consequently very expensive bridges would be required. In fact, the line would have to be piled for a great portion of the way, and not only that but a sea-wall would also be necessary to keep the land from being flooded. It is therefore absolutely necessary that the deviation should be made, and although it is three and a-half miles longer than the original survey, the cost will not be so great, for, as hon. members can see for themselves, the expense of piling would be enormous. I therefore ask the House to sanction the motion standing in my name, which I now move.

Mr. NORTON said: Mr. Speaker,—I pointed out the departure that has been taken from the system adopted last session in approving of proposed railways in committee, because I understood from the Minister for Works that it had been done by mistake in giving notice of the matter, and because I think that after agreement has been come to by both sides of the House that it is desirable that plans of railways should be approved in committee, that system should be continued. It was not adopted in a merely casual way but after deliberation, and I, for my part, think it is only right that every member of the House should have all the information which can be obtained in regard to railways which it is proposed to construct, and that can best be obtained in committee. That is why I called attention to the matter, and I have no doubt that the Minister for Works will in future propose these motions in that way. So far as this deviation is concerned I do not intend to oppose it, nor have I any wish to delay the passing of it. The House last year approved of the plans—and they were carried by a large majority, I think—and under no circumstances would I oppose a deviation of this kind, where very grave reasons have arisen for the alteration, nor, I think, would it be opposed by any member of the House.

Question put and passed.

DIVISIONAL BOARDS ACT AMENDMENT BILL.

On the motion of the PREMIER, the House went into Committee to consider the desirableness of introducing a Bill to consolidate and amend the laws relating to local government outside the boundaries of municipalities.

The PREMIER, in moving—

That it is desirable that a Bill be introduced to consolidate and amend the laws relating to local government outside the boundaries of municipalities—

said: Mr. Fraser,—It will probably be convenient if I inform hon. members now of some of the changes it is proposed to introduce in the law by this Bill. It is a long Bill, and it may assist hon. members in studying it if I just call attention to the more important matters, which I will do very briefly. The Bill consolidates all the laws at present in force relating to divisional boards, with some important amendments, I think. Going through the Bill from the beginning, the first important amendments will be found in sections 27 and 28, which provide a simple way of determining disputed elections similar to that now in force in municipalities, but which does not apply to divisional boards. It is proposed also that the provisions now in force with respect to corrupt practices relating to parliamentary elections should apply to divisional board elections. That is the law at present with respect to municipalities, and I think it should apply to divisional boards also. It is said that many corrupt practices have taken place under the system of voting by post. The two systems of voting by post and voting by ballot are dealt with separately in two parts of this Bill. Part V. contains the scheme for voting by ballot, and Part VI. contains the scheme for voting by post. Each subject is dealt with separately and completely. Part V.—voting by ballot—contains substantially the same provisions as those embodied in the Elections Act of last year. It is convenient, I think, that there should be one system of voting by ballot in the colony, and I hope before long to be able to introduce that system into municipalities also. In Part VI.—voting by post—provision will be found for the prevention of abuses, founded on the experience we have had with elections in the past. Part IX. of the Bill is new, so far as it relates to divisional boards, and it introduces the system of keeping and auditing accounts as at present in force under the Local Government Act. Numerous instances have occurred lately showing the necessity for very carefully auditing the accounts of some of the boards. Part XI.,

to which I would next call attention, gives to divisional boards powers analogous to those conferred by the Local Government Act with respect to the construction of roads. At the present time their powers in that respect are very meagre, and the amendment to the law will, I think, be found very useful. It will be remembered that when the Divisional Boards Act was being amended in 1882, provision was made that applications for the erection of licensed gates should be made to divisional boards, instead of to justices, and I have inserted in the body of this Bill the provisions of the existing Act relating to that subject. In Part XII.—by-laws—some changes are introduced, to the following of which I call particular attention :—

"(6) Regulating and licensing porters, public carriers, carters, water drawers, and vehicles plying for hire, and requiring any persons carrying on such businesses to obtain licenses from the board;

"(7) Regulating the width of the tires of wheels of vehicles used in the district;

"(8) Requiring any vehicles used in the district to obtain licenses from the board;

"(9) Regulating the traffic upon tramways within the district, and the form and construction of cars used thereon, and requiring the drivers and conductors of such cars to obtain licenses from the board;

"(11) Establishing and regulating markets, and imposing market dues."

I should have called attention also to the provision for the destruction of noxious weeds, which will be found in section 186. It is there provided that the boards may take necessary measures for the extirpation and destruction of noxious weeds on any land whatever in the district, whether belonging to the Crown or to private persons; and the charge is laid on the boards of extirpating them from reserves under their own control. The next section to which I will direct attention is the one dealing with the question of valuations, which probably will be found the most difficult matter to deal with in the whole subject. I will not at present explain why the particular system proposed here is proposed, leaving that for the second reading of the Bill; but I will call particular attention to clause 200, which provides :—

"The annual value of the land shall be deemed to be a sum equal to two-thirds of the rent at which the same might reasonably be expected to let from year to year, on the assumption (if necessary to be made in any case) that such letting is allowed by law, and on the basis that all rates and taxes, except consumers' rates for water, gas, or other things actually supplied to the occupier, are payable by the owner.

"Provided as follows:—

(1.) The annual value of rateable land which is improved or occupied shall be taken to be not less than five pounds per centum upon the fair capital value of the fee-simple thereof.

But this proviso does not apply to any land which, in the opinion of the court of petty sessions appointed to hear appeals from valuations, is fully improved—that is to say, upon which such improvements have been made as in the opinion of the court may reasonably be expected, having regard to the situation of the land and the nature of improvements upon other lands in the same neighbourhood."

That means shortly this : that the rateable value is two-thirds of the rental value, as a general rule; but that the minimum value is 5 per cent. of the capital value unless the land is fully improved. If a man has fully improved his land, the annual value is two-thirds of the letting value, without any minimum, so that by putting up further improvements he will not be taxed additionally if he could not obtain more rent for it. Another proviso states that the annual rateable value of unimproved land shall be not less than 8 per cent. nor more than 10 per cent. That provision is exactly the same as at present, and so also is the provision with respect to pastoral leases. The same provision is applied to grazing farms. There is a special provision with respect to homestead selections, conditional selections, and agricultural farms substantially the same as the present law. I commend this part of the Bill to the most careful attention of hon. members. It is also proposed that the notice of valuation sent to the ratepayer shall state the basis on which the valuation is made, setting forth in each instance what is the estimated two-thirds of the letting value, and also what is estimated to be 5 per cent. of the capital value. And then, if a man is charged 5 per cent. on the capital value—that being more than two-thirds of the letting value—he can appeal if he has fully improved the land. A provision, somewhat analogous, was very much approved here last year when we were dealing with the Local Government Act. In section 209 provision is made that if a divisional board has a lot of money at the beginning of a year the Government may excuse them from making any rates during the year, and there is a corresponding provision that, under certain circumstances, the Government may withhold the endowment if it is not required. Section 240 requires that persons transferring any land within a division shall give notice of the name of the transferee to the board. Part XVIII. of the Bill is the Agricultural Drainage Act introduced here two years ago. That measure relates specially to divisional boards, and it is convenient that it should be embodied in this Bill. I will also call attention to the provision contained n section 275, which states—

"When a portion of a division is severed and constituted a municipality or included in a municipality, then if either of the local authorities affected is indebted to the Crown in respect of moneys advanced to it by way of loan, the Governor in Council may, by like Order in Council, declare and apportion to the liabilities of the respective local authorities or either of them in respect of such loan, and may declare upon what part or parts or upon what subdivision or subdivisions of the district of either of the local authorities any part of such loan shall, as between the several parts or subdivisions of such district, be chargeable, but so that the whole of the apportioned part of the loan shall, as between the local authority and the Crown, be chargeable to the whole of the district of the local authority."

Supposing a division is heavily indebted, and it is desirable for any reason that some particular district now forming part of a division totally free from debt should be joined to it—such district would naturally object to share that debt, which was incurred for purposes from which it could have derived no benefit. It is proposed that in such cases the whole municipality shall be responsible to the Crown, but, as between the different parts, the debt shall be apportioned. I believe it will be found to be a very useful provision, and will enable many municipalities to amend their boundaries when that could not otherwise have been done with justice. These are, Mr. Fraser, the more important changes in the law to which I desire to call attention. Of course, there are a great number of incidental changes made throughout the Bill, but these are matters deserving special attention, and it is with the view of assisting hon. gentlemen in reading the Bill that I make these few remarks. I may add that I hope this session we shall be able to introduce a Bill to amend the Local Government Acts in some of the more important of those particulars, such as the question of valuation, powers of borrowing, and powers of making by-laws, which require placing on a more satisfactory basis. I do not anticipate any difficulty in passing a Bill of that sort almost as a matter of form. I beg leave to move the resolution.

Question put and passed; and the resolution having been reported to the House, the report was adopted. The Bill was introduced, read a first time, and the second reading made an Order of the Day for Tuesday, 17th instant.

ELECTIONS ACT OF 1885 AMENDMENT BILL—SECOND READING.

The PREMIER said: Mr. Speaker,—This Bill is brought in to amend the provisions of the Elections Act so far as relates to the form of claim. Hon. members will not have forgotten that last year, when the Elections Bill was passing through, it was suggested by the hon. member for Townsville, Mr. Macrossan, that provisions should be made to purge the rolls by requiring everybody this year to send in a fresh claim. Those provisions were made, and in consequence a great many more claims have been made this year than were made in any previous year. An attempt was made last year when the Bill was going through to simplify the form of claim, and it was simplified to a great extent with the view of assisting claimants to fill up the required form. However, experience since that Act was passed has shown that the form at present in use is not nearly simple enough. A great many mistakes have been made, and this Bill is introduced for the purpose of further assisting claimants in sending in their claims. A great deal of difficulty has arisen with respect to natural-born and naturalised subjects, because in the latter case he must give the date of naturalisation. It is necessary that a man should be either natural-born or naturalised, and that the claimant should state which; but in a great many cases a difficulty has arisen with respect to the date. Then the directions as to residence require that the number or portion of the allotment shall be stated, and although that is very properly required, in many cases it cannot be at once found out. The occupiers do not know, and have no convenient means of finding out, and really it is unnecessary so long as the locality is sufficiently described for purposes of identification. I need not comment further upon the defects of the present Act. All the Bill proposes is to substitute another form for the one provided in section 30 of the Act of last year, and it is not to affect claims that have already been sent in. The form proposed to be substituted, instead of the tabular form of the Act—which is rather confusing and does not give sufficient room for writing—will be in the ordinary form, starting from the top of the page downwards. It is to be addressed to the registrar of the district. It then sets out the claim—the name of the claimant, that he is twenty-one years of age, and is a natural-born or naturalised British subject. At present the date of naturalisation must be given, but it is very often impossible to comply with that provision, because many people have forgotten the date, and have no means of finding it out. It is, in fact, an unnecessary provision, so long as it is stated that he has been naturalised for six months. Then there are three headings, giving the christian name and surname, residence, and particulars of qualification. It is provided that the claimant must, opposite to the word "residence," give such a description of the locality of his residence as will enable it to be easily and clearly identified. With regard to the particulars of qualification, it is provided that the claimant must give a description in one of the several forms provided, which forms, I think, will be found to be very convenient. Then there is a general provision requiring that the situation of the property in respect to which registration is claimed must be specified in such a manner as to enable it to be easily and clearly identified. The 4th clause provides that forms of claim may be provided by the Government Printer, with the sanction of the Minister, and that every claim shall have printed at the foot, or on the back, a note giving directions to be observed in filling up the claim, being, in fact, exactly in accordance with what is provided in the 3rd section of the Act. That is the whole of the Bill, sir, with the exception of the 5th clause, which is inserted to correct a clerical error that occurred in the principal Act. I believe it will facilitate the registration of electors—an object which we all have in view—and I believe that it will be found a very useful measure. I do not think I need occupy the time of the House any further respecting it. I beg to move that the Bill be now read a second time.

Mr. NORTON said: Mr. Speaker,—I do not intend to say much about this Bill. I believe that under the present Act great difficulty has been experienced by many persons in filling up the forms correctly. So long as we can identify the place where a man lives, I think that is all that is required.

Mr. SCOTT said: Mr. Speaker,—I would like to ascertain the meaning of the words, "I am a natural-born British subject [or a naturalised British subject, and have been so naturalised for six months and upwards]." Is it intended that this is to show whether a man is a natural-born subject or a naturalised one?

The PREMIER: He must be one or the other.

Mr. SCOTT: If they are to be distinguished, this will have to be altered in some way or another. If they are not, it will do as it is.

Mr. DONALDSON said: Mr. Speaker,—I have only just had the Bill placed in my hands. I am aware that the forms which have been sent out are very difficult to fill up, and I have heard of a great number of cases in which they have been returned as informal. So far as I can see this Bill will simplify matters a little, but I think it might have gone a great deal further. I must confess to a feeling of disappointment with regard to ratepayers. I cannot see why ratepayers should have to fill up the forms. The names on the ratepayers' rolls might be adopted, and if any amendment is to be made at all it should be made in that direction.

The PREMIER: That would be an entirely different system.

Mr. DONALDSON: I think the Premier could draft a clause or two that would settle the whole matter. If the names of ratepayers of shire councils, borough councils, or divisional boards, as the case might be, were placed upon the electoral rolls it should be sufficient. Why should they be put to the trouble of having to continually register themselves? It is all very well for the floating population of the colony, but the system I suggest has worked well in other colonies and why should it not work well here? Why should not all the work be done by the police, as it is in New South Wales? It would be better done than it is now. Some persons will not take the trouble to register themselves, and others are registered for various purposes. If the whole of the people were canvassed by the police or by some other persons appointed for the purpose it would be more complete. There are objections to all systems, but the present one is very objectionable, and could be made far less so.

Mr. FRASER said: Mr. Speaker,—I will point out what I consider to be a few objections. For instance, the residence qualification enjoins that anyone claiming the qualification of resi-

dence shall give the situation and number of the portion or allotment (if any), or otherwise describe the locality of residence so as to identify it. It would be quite impossible for a mere resident to do that; he might not have the means of doing so. The same thing applies to a householder. A householder ought to be able to claim the same conditions as a resident, because in many cases it is utterly impossible for him to ascertain the number of the allotment upon which the house he resides in is built.

Mr. FOOTE said: Mr. Speaker,—I think it is very possible to overdo this matter. Of course the present Act has not been sufficiently long in force for people to understand it. I notice that Acts which affect the public take them some time to understand; such Acts, for instance, as the Land Act or the Divisional Boards Act. The people require to be educated up to a certain point to be able to understand it. I argue that if the restrictions are removed and the means of registration made as simple as they have been hitherto, we shall just fall back upon that state of personation and corruption in which we were under the previous Act. I know of men who put in claims for registration in half-a-dozen electorates prior to this Act. Under this Act we do not find that, because the people have not the qualification. If we make it as easy for men to get their names upon the electoral rolls as formerly, we shall have the same results. Even the Act as it stands at present will work very well in a short time, when the populace become acquainted with the manner in which applicants are to send in their claims. There is nothing to prevent even a lodger in a municipality giving the number on the rate-paper, because his residence is sure to be rated, and just the same in the outside districts in reference to leaseholds and other qualifications as described here. The amendment makes it easier, but not very much more so. Even with this amendment, it will be some time before people are sufficiently acquainted with the Act; but when they are, all difficulty will be removed. The House should be very careful not to make any alteration which will enable persons to take advantage of the Act to register themselves for qualifications which they do not possess.

Mr. ANNEAR said: Mr. Speaker,—I am very glad to see that the Premier has brought in these amendments to the Elections Act of 1885, and I cannot agree at all with the hon. member for Bundanba. My opinion is that putting names upon the roll should be made as simple as possible. In this colony we are supposed to have universal suffrage or almost so—that is, any person twenty-one years of age, with six months' residence in the colony, is entitled to have his name on the electoral roll of the district in which he resides. The The Act should be made as simple as possible, so that every man of the age of twenty-one years may be put on the roll. Now, there are many men living as boarders and lodgers, and even householders, and hundreds of freeholders, who will now be disqualified by not knowing the number of the section or allotment on which they live. We all helped to pass the Elections Act of 1885, and it was an oversight that matters were not made more clear, but no better system could be devised for leaving two-thirds of the people of the colony off the rolls. I am satisfied that barely one-third of the qualified voters will find their names on the roll after the revision courts have been held, and therefore the more simple we can make the provisions for getting the names of people on the roll the better it will be for the colony.

Mr. PALMER said: The remarks made by the member for Warrego apply in a great measure to all large pastoral districts in the interior, and I can quite understand that when the new rolls come into force there will be seen a great difference between them and the old rolls. Not that there will be any fictitious names on the lists, but hundreds and thousands in the interior will neither have had the opportunity of filling up the forms, nor will they understand how to fill them up. They will not receive the forms that have been posted to them. I must have been under a misconception when the Act was going through as to the revision of the rolls, because I understood that the present rolls would be abolished and new ones established, and that the names on the rolls that were known to be the names of *bonâ fide* voters would be left on. I know that these forms are being sent to every voter, and if they do not return the forms properly filled up, their names will be left off the rolls. The 1st section of the 128th clause of the Act says that all names shall be left off—

"Unless such voter is personally known to the electoral registrar as possessing a qualification."

Surely the electoral registrar must have known that I had a claim in a district in which I have resided for twenty years; but my name would have been left off the roll if I had not forwarded my claim.

The PREMIER: No.

Mr. PALMER: It would. I maintain that if I had not filled up that form I would have been left off the roll. That is intimated in the form, and that is the position in which hundreds of men who are following such occupations as droving, overseering, and working on stations will find themselves in. If I, the member for the district of Burke, and known to have been residing there so long, am left off the roll, how will it be in the case of hundreds of others? I am certain that in the large pastoral districts it will be found, when the new rolls come into force, that hundreds of men have been disfranchised although I understood when the Act was going through that the court would exercise its discretion in leaving on the names of persons who were known to be *bonâ fide* voters. What has been done is to start with a blank sheet, and commence compiling the rolls *de novo*. That system is probably suitable in towns where the electoral district is within a range of a few miles; but in large districts of 60,000 or 80,000 square miles, and in the case of the Burke, a much larger district, how will the system work? The Bill before the House does not deal with that, but simply alters the system, and simplifies the form of application without altering in any way the mode of recording the names on the roll. That is why I agree with the hon. member for Warrego, that some other plan should be adopted of revising the electoral rolls and collecting names. If the Chief Secretary could devise some alteration in the matter, it would be of quite as great importance as merely the alteration of the form of filling up the voters' claims. That is all I can say of this Bill. According to what the Premier says, the spirit of the principal Act has not been carried out in revising the electoral rolls.

The PREMIER: They did not come in until yesterday.

Mr. PALMER: If an election takes place next year, there will not be half the number of voters on the rolls that there were under the old Act.

The HON. J. M. MACROSSAN said: I am inclined to agree with the hon. member for Burke in his contention that there is a risk of a

man having his name struck off the electoral roll if he does not fill up the form sent in to him, and for that very reason everyone to whom the forms are sent should, if they possibly can, fill them up. I myself had my name struck off the electoral roll years ago—since I was a member of this House—and the result would have been that, had there been an election in the meantime, I should have been disfranchised. My name was struck off conscientiously by the gentleman who was presiding at the revision court, and the same thing may happen now to anyone. I do not think that an amendment of the principal Act is required already, further than simplifying the form by which a man may claim his vote. We have not given a sufficiently long time to the Act to get into working order; in fact, the new rolls are the first results of the Act. That is the only work that has been accomplished so far, and I think we ought to give the Act a fair trial before any other proposition is made to amend it. But this amendment is really necessary, as many intelligent men find it difficult to follow out the form of application. I do not quite agree with the idea that the form of application should be so simple that dummies and men who have no qualification should be able to get on the rolls, and that is the reason why we erred last year in the other direction. We made the form rather too strict, but I think it is better to err in that direction than err in the direction of allowing men to get their names on the roll who have no qualification whatever. I think this Bill will provide all the safeguards that are necessary to prevent unqualified persons from getting their names on the electoral rolls.

Mr. ALAND said: Mr. Speaker,—We ought to be much obliged to the hon. member for Burke for calling attention to this matter, but I still think that the returning officer for his electorate, notwithstanding the fact that he may not have sent in the usual notice, would have put his name on the new roll though he had not sent in the form again. It is true that the form sent out by the clerk of petty sessions or the electoral registrar contains this paragraph—"If you do not send the claim before that day your name will be omitted from the roll"; and, of course, anyone receiving that notice would think that was really going to be carried out in its true meaning; but the Act of Parliament itself gives some exceptions to the rule, and in the case of the hon. member for Burke he would be so well known that the registrar would know he was entitled to have his name placed on the roll. I received a similar notice from the registrar in Toowoomba, but did not fill up my paper correctly. I did not discover my mistake till a week or two afterwards; but when I asked the registrar whether my name would appear on the roll or not, he said—"Most decidedly. You are well known; and no name on the old roll known to the registrar or revising justices will be left off whether the application forms have been filled in correctly or not, but more attention will be paid to new applications." I agree that it should be made simple and easy for electors to get their names placed on the roll; at the same time they ought to give good reason why they should be placed on the roll, because, as we all know, revising justices come across name upon name which have no right to be placed on the rolls of their districts. We know that people buy £10 allotments and send in applications as freeholders, so that they may get their names on the roll; but I do not think it was ever contemplated that that should take place. I know several instances in the neighbourhood of my own electorate where persons have gone to Government land sales at which land has been put up at £8 per allotment and on buying their land have had themselves registered as electors for that constituency as freeholders. I am glad to see some alteration has been made, though the form now introduced does not appear much more simple than the previous one.

Mr. BUCKLAND said: Mr. Speaker,—I am glad this amending Bill has been introduced, for I have found a difficulty, and lots of people who have come to me have found a difficulty, in regard to filling up the present qualification papers. Though this Bill simplifies the matter to some extent, it might have gone somewhat further. I know of an instance where upwards of twenty residents in one electorate have been registered in another electorate, and I think that the necessity has arisen for the boundaries being somewhat better defined. Every electoral registrar should have a map showing the boundaries of his district. I know more than twenty gentlemen who are now registered for the district represented by the Treasurer who should be registered for the electorate of Oxley. This should not be the case, and the defect could easily be remedied if coloured maps describing the actual boundaries were issued to the various electoral registrars. Again, difficulties have arisen in connection with the latter part of clause 3, which provides that a man who cannot write must have his mark witnessed by a magistrate. I think we might adopt something like the affirmation clause introduced into the registration of land, by which, if you cannot get a magistrate, any man handy can witness the mark, and the affirmation can be made before a magistrate afterwards. There are lots of persons in my electorate who cannot, without a great deal of trouble, get a magistrate, and in consequence are debarred from getting on the roll. These difficulties have come under my notice, and may easily be simplified in the way I have pointed out.

Mr. MURPHY said: Mr. Speaker,—I think that the remedy for a great deal of the evil complained of in connection with this form of collecting voters' names is in the hands of the Government themselves. If they would revert to the old practice of sending the police round in all the districts to collect the names, we should then be sure that all the men entitled to vote would have their names placed on the roll. They might even go so far as to alter the Bill so that electors' rights might be issued, and they might even charge a small fee for collecting them. I am sure that would prevent a great many names, in the country districts at all events, from being left off the rolls. In my own constituency collecting this new roll will have the effect of leaving nearly all the names off the roll, except the names of those who live in the towns. Many of the men are walking about looking for work, and none of their names will be collected, though they are entitled to vote. I repeat that if the Government will revert to the old practice of sending the police round it will put an end to all the complaints likely to arise from names being left off the roll.

Mr. McMASTER said: Mr. Speaker,—It has been stated that the clerks of petty sessions can retain the names of parties well known on the rolls if they do not send in any claim. If that is so, how is it that clerks of petty sessions have sent papers to those persons who are well known

The PREMIER: Read the Act.

Mr. McMASTER: I have read the Act, and the clause says that unless your paper is returned before the 1st August your name will be omitted from the electoral roll. I am inclined to think that clerks of petty sessions have sent papers to

all parties whose names appear on the roll; therefore those parties are in duty bound to return them before the 1st August. Another question that occurs to me is this: what effect will this Bill have on the papers already sent in?

The PREMIER: None.

Mr. McMASTER: I am very certain that as many as two-thirds of the papers which have gone in will be found to be informal and returned to the parties to whom they were sent to be filled up again, and, in many instances, those persons will not take the trouble to refill them, simply because they do not know how to do it. The result will be that half of them will be disfranchised. A person engaged in a mercantile house spoke to me this morning, and asked me how it was that his name had been struck off the roll for the Oxley district, where he had lived for years. He sent his paper to the clerk of petty sessions, but neglected to state the number of his allotment. He got a note from the clerk of petty sessions informing him that his paper was informal, as he had not given the number of his allotment or the portion, and therefore his name would not be inserted on the roll. He told me he should take no more trouble over the matter, but simply put the paper into the waste-paper basket. I said—"Don't do that. I have a paper in my possession. I will fill it up for you, and you can send it in." He sent it in, but if it had not been for me he would have taken no further trouble. If the registrar will insist on having the numbers of allotments or portions in the paper, I am satisfied that one-half of the papers will be rejected as informal. Very few people know the numbers of their allotments. A large number of the working classes who live in the suburbs have bought their land and built houses through building societies. Their deeds are in the offices of those societies, and they will have to make a search before they can find out the numbers of their allotments. The municipal roll has nothing to do with the allotments. The municipal assessor commences at one corner of a street and numbers the houses along it portion so-and-so, number so-and-so. The municipal rate-book does not show the number of a man's title, only the number of his property on the rate-book. If the magistrates who revise the rolls insist upon having the number of a man's allotment or portion before placing his name on the roll, I am satisfied one-half, if not more, will not be placed upon the roll at all. If a person gives a description of the place in which he is living, and states that it is in or between two streets that are well known, that ought to be quite sufficient.

Mr. SHERIDAN said: Mr. Speaker,—The Premier has stated that instructions have been sent out to the various electoral registrars, and I would like to know if instructions have been given to the registrars to receive informal papers, because if no instructions to that effect have been given it is quite certain that a vast number of the electors of this colony will be disenfranchised. One hon. member suggested a mode of collecting the electoral rolls which has been tried already and found to be a big failure. It has been suggested that electors' rights, like miners' rights, should be issued. That was tried at one time, and the result was that the electors' rights were sold to the publicans for grog, and publicans hoarded up a number of electors' rights for use on various occasions. I do not see that the plan now proposed is any more simple than the old one. No doubt, people have learned how to fill up the old forms, and would have for the future very little difficulty in filling them up, with perhaps one exception, and that is the filling up of the number of their allotments. As one hon. member has stated, deeds of land are often in the hands of banks, building societies, and similar institutions, and are not get-at-able to the generality of men. If that matter were simplified it would, I think, be better than to introduce a new form which is apt to confuse people, particularly as they have now become accustomed to the old form.

Mr. PATTISON said: Mr. Speaker,—I am not at all surprised that considerable misunderstanding exists in many electorates as to how the form circulated should be filled in. There is no doubt that instructions have been given that if people want their names on the electoral rolls they must fill in the forms before the 1st August. I was very much confused myself as to the way in which I should fill up my form, and that there might be no doubt on the question I called on the electoral registrar, and was informed by that gentleman that it was not necessary that I should send in the form at all, because it was understood that all well-known persons need not send in any forms, as they would be continued on the roll. I admit, however, in the case of such a constituency as that represented by the hon. member for Burke, there might be immense difficulty, but I know of no other system that could be advanced under which some difficulty would not exist. It has been suggested that the police should collect the rolls. That, I believe, was found to be a most objectionable practice; it is calling on the police to perform a duty that they were never engaged for, and which is altogether outside police duty. No doubt in some of the back districts the police might, in addition to their police duties, assist in the compilation of the roll, but as a general rule to call on the police to do such a thing would be a grievous mistake, and one which in the past has been shown to be a wrong course to adopt. It has been said that the present Act is a faulty measure, and some hon. member has said it has not been long enough in existence to enable us to know whether it is a faulty measure or not. From my own experience of the Act I consider it is a faulty measure, and very confusing, not only to the great bulk of the people, but to some of the most intelligent residents in my district. It is a matter of some difficulty to know what is the proper course to adopt. I know that in the electorate of Blackall some 200 claims were sent in which were entirely irregular. So far as I could I endeavoured to correct that by getting proof forms filled up, and sending them out to the electors as a copy, and I believe a large number of electors have been enabled to get their names placed upon the roll in that way. I find at Rockhampton the Liberal Association have tables at the street corners and follow the course I laid down to instruct the electors, mainly, I think, from my action. It was done simply to get the names properly placed upon the rolls. One hon. member said we have universal suffrage. So we have, or nearly so, and under very liberal conditions. A man who is twenty-one years of age and who has been six months resident in the colony is entitled to a vote, and all the Act asks him to do is to say where he has resided. It is easy for him to describe the street or place in which he resides. Any man can locate himself somewhere, and I therefore see no great reasons for the objections raised by many members. The amending Act is certainly a little improvement upon the old Act, but I do not think that there is any serious necessity for considering such a measure. I think the Act we have might work very well. There are many persons in every district who will take care that persons qualified to vote have their names upon the rolls. I am sure that up our way, though we are not anything like the electioneering people they are at

Ipswich and the Darling Downs and down here, we are trying to get all the names on the roll without stuffing our rolls in the slightest degree.

Question—That this Bill be now read a second time—put and passed.

Committal of the Bill made an Order of the Day for to-morrow.

MINERAL OILS BILL — SECOND READING.

The COLONIAL TREASURER (Hon. J. R. Dickson) said: Mr. Speaker,—The Bill I have to submit to the House, dealing with refined mineral oils, is framed to repair the defects which exist in the Mineral Oils Act of 1879, which, on the whole, has been a very useful measure and of considerable benefit to the community, in preventing the importation wholesale of oils of a highly inflammable and dangerous character, but which, nevertheless, has been found deficient in one or two respects, which the present Bill is intended to remedy. The Mineral Oils Act of 1879 dealt with the system of testing inflammable oils by the method known as the open-cup test, which, at the time the Act was passed, was the recognised mode of testing the standard of these inflammable oils. Subsequently it was discovered that what is known as the close-cup system is by far the more reliable system. This has been confirmed by the experience of the departments in Queensland, and even the importers themselves are better satisfied to have the quality of their oil determined by the close-cup test than by the open-cup test as heretofore. The open-cup test as adopted in Queensland is liable to an imperfection which does not exist in connection with the same system in New South Wales. In that colony the time occupied in the operation was limited to fifteen minutes, and in the Bill now before the House the schedule of the old Act is reintroduced, but the time of the operation is limited to twenty minutes. There was no time specified previously, and the result was that oils from the same package could be made under different conditions to produce different results. If the heating of the oil was confined to fifteen minutes, it would give off an inflammable vapour at a much lower temperature than if the heating occupied three-quarters of an hour. To make my meaning clear, the temperature specified under the open-cup system is 110 degrees Fahrenheit—that is to say, if the oil will not flash at that heat it is considered safe to admit it to general consumption. Now, oil heated in fifteen minutes to 110 degrees may flash and be highly inflammable, while the same oil heated gradually—say, in three-quarters of an hour—to that temperature will, perhaps, not only not flash then, but may be raised even to 120 degrees without flashing. Hence the time becomes a very important element; and one feature of the present Bill is that the time is fixed at twenty minutes. But, sir, in addition to that, the Bill provides that the oil may be subjected also to the close-cup test, which, as I have already said, is of a more reliable character. If the oil fails to satisfy the requirements of the test by the open-cup system, it will be subjected to the close-cup test; and should it fail to satisfy that, it will either be confiscated or be ordered to be exported, as is done at the present time, so that it may not enter into general consumption throughout the colony. The second schedule of the Bill defines the process of the close-cup test, and I may inform hon. members that it has been very carefully studied and certified to by the Government Analyst and the officer of Customs who is charged with the testing of the oils. It is taken from the Petroleum Act in force in Great Britain. The standard under the close test is fixed at 83 degrees Fahrenheit, which is considered the equivalent for 110 degrees under the open-cup system. Hon. members may ask why the close-cup system alone is not adopted, since it has been found more reliable. There is one objection to its being generally adopted in a colony so extensive as Queensland with a tropical climate. The chamber in which the test is conducted must be cooled below 83 degrees Fahrenheit, and we know that at some ports—the Gulf ports, for instance—it might not be easy during some months of the year to cool the testing chamber to that standard. I may say that the Bill has been approved of by those who have large transactions in the importation of mineral oils; as the option given to importers of having their oils tested by either system relieves them of the danger of having oils rejected which are really in a condition to enter into general consumption. I am sure the House will agree with me that it is highly desirable that all proper safeguards should be provided to prevent oils being introduced which are of a dangerous character. The records of the colony show that very sad accidents have occurred through oils not having been carefully tested before entering into general use; and under the Bill which is now presented, while the safeguards are maintained and increased, there is no hardship whatever imposed upon the mercantile community nor upon the trading community that deal in these oils. On the contrary, they are efficiently protected and have the option of two methods of treatment in testing the oils which they have not had hitherto. I have much pleasure in moving the second reading of the Bill.

Mr. NORTON said: Mr. Speaker,—I can quite understand the importance of introducing a measure like this, which provides for the application of a system of testing mineral oils which is not now in force, and which, in some cases at any rate, is very much better than the old system. But there are one or two points about the Bill which I think should be considered now that the subject has been introduced in the House. Of course, it is quite possible to apply proper tests to see that the oils imported and allowed to go into general consumption are of proper quality. But what is to be done with those oils which do not come up to the requirements of the prescribed standard? Are they to be disposed of in some other way?

The COLONIAL TREASURER: They will have to be re-exported.

Mr. NORTON: They must not be used for any purpose in the colony?

The COLONIAL TREASURER: No.

Mr. NORTON: So long as that is carried out it is all right, but if persons are to be allowed to use bad oil for any purpose some other provision is necessary. In the 5th clause there is a provision which appears to me peculiarly objectionable, and the same provision is in the present Act. It is stated there that every package containing oil of an improper quality "shall have distinctly marked on the top side thereof, in black Roman letters, of not less than two inches in length and half-an-inch in breadth, the words 'specially dangerous,' and that oil shall be exported forthwith." I think, sir, that it is about time we had more regard for the safety of the people. It may happen that the ship carrying this "specially dangerous" oil is a passenger vessel, and the unfortunate people travelling by it may have no knowledge of the great risk to which they are exposed. For my part I think that oil which is dangerous ought to be destroyed. Of course, there may be refineries established here, and such oils as those

to which I refer might be used in them and refined. There are refineries in New South Wales, where oil is manufactured from kerosine shale, and there is no reason that I can see why refineries should not be established in Queensland. I do say, however, that oil which is so dangerous that it is not fit to go into general use ought not to be exported at all.

The COLONIAL TREASURER: One hundred degrees is the standard here, but it is lower in other colonies.

Mr. NORTON: Yes, I believe it is lower in Victoria. But the mere fact that we require a higher standard shows that we, at any rate, consider the standard they adopt dangerous, and this bears out my argument that it is not right to allow oil below our prescribed standard to be re-shipped, and thus expose the passengers and persons employed on the ships carrying such oil to great danger. It is contrary to all sense of British fair play that anyone should be exposed to a danger like that. I suppose the oil may be re-exported in steamers as well as in sailing vessels. Gunpowder, however, has to be carried in sailing vessels, except under certain conditions, and I think that while we are amending the Mineral Oils Act we should take the opportunity of amending it in every direction which would have the effect of providing for the public safety, not only in the colony, but out of the colony also. I mention this matter now because when the Bill is considered in committee I intend to propose some amendments in the direction indicated, unless the Colonial Treasurer will do so himself, which I hope will be the case. With regard to the provision in the 8th clause, that one-half of all forfeitures and penalties shall be paid into the consolidated revenue and the other half to the seizing officer or complainant, that may be advantageous sometimes, but the system is a decidedly bad one.

Mr. BROWN said: Mr. Speaker,—I think I understood the hon. member for Port Curtis to suggest that all cases of oil marked "specially dangerous" should be destroyed.

Mr. NORTON: Yes.

Mr. BROWN: Well, I would point out that that might be very unfair under certain circumstances. It is generally understood that our test is higher than the test in either New South Wales or Victoria, and it is a common thing for oil that will not pass the test in Queensland to be re-exported to New South Wales or Victoria, and go into consumption there.

Mr. SHERIDAN said: Mr. Speaker,—I have had some experience in testing mineral oils, and I cannot say that I agree with a portion of this Bill. I think it is very unfair, after we have discovered a danger—a very great danger too—that we should quietly ship that danger to our neighbours' doors. Although there may be a lower test in New South Wales and Victoria, there is no reason why this oil should go amongst other human beings, whom it is calculated to destroy as it would destroy the inhabitants of Queensland; and I hope that when oil is found of a sufficiently bad character not to stand the test fixed by law it will be destroyed, and that no one's life will be put in danger by its being exported and carried to other countries. With reference to such oil being carried on steamers, I believe it is the habit to carry it on deck; but it is never stowed in the hold of any steamer, and of course with such precautions there is little danger in the carriage. But the danger still exists in those places to which the oil is exported, and I again reiterate that it is very unfair to ship our dangerous material to the doors of our neighbours.

Mr. CHUBB said: Mr. Speaker,—With reference to the point argued by the leader of the Opposition, that the exportation of oil which will not stand the test should be forbidden by law, I think we should start from the principle enunciated by the lady who said, "In cooking a hare, first catch it." Bad oil can only be forfeited after it is landed, and if there is no auxiliary clause introduced into the measure there will be no power to prevent such oil being exported. Such a thing as this would probably happen: A man would send up a few cases to be tested, and if they did not pass the test he would take his cargo away; so that we cannot make a law which would give us absolutely the right of dealing with oil below the standard in the way suggested, unless we get it in the colony. I wish, however, to refer to a matter that occurred some time ago, which specially bears upon the question of the Government forfeiting bad oil. There was a prosecution some years ago of a man named Spriggs, under the Customs Act, in which a large quantity of white spirit and other deleterious liquors was seized and forfeited. It was declared to be so bad that it was not fit to be used for any purpose. It was, however, forfeited, and actually sold to the public; and I believe that was done by the Government to which I belonged. Having that case in view, we ought to take steps to prevent the recurrence of a similar state of things. There is nothing in the Bill to provide what is to be done with the oil if it is forfeited. It is said that if the oil does not stand the test it is to be forfeited, and then it is provided that the Government may remit the forfeiture if it is labelled "specially dangerous," and is exported forthwith; but if that ameliorating provision is not adopted there is no provision as to what is to be done with the oil if it is absolutely forfeited. There should be some provision that it should be destroyed—agreeing, as I do, with hon. members that it should not be allowed to go into consumption. With regard to the 8th section, giving a portion of the forfeitures to the seizing officer, that has been the law with regard to excisemen since we have had laws of this kind. It is a bad system, because it often tends to oppression and is always liable to abuse. What can be substituted for it is this: provide that the whole of the penalty shall go to the revenue, from which the Governor in Council may award a gratuity to the seizing officer.

Mr. FRASER said: Mr. Speaker,—I cannot at all agree with some hon. members that because the oil does not come up to the standard required here, it should therefore be destroyed. We might be destroying very valuable property, and property which would be serviceable elsewhere, either in consequence of a difference of temperature or going through an additional refining process. If we protect ourselves—although that may be considered a very selfish matter—we do all that is required of us, and we leave to the owners of the oil valuable property to do the best they can with it elsewhere. I do not see the fairness of destroying it.

Mr. GRIMES said: Mr. Speaker,—I am glad to see that this Bill provides another test for kerosine besides the open-cup test. There has been a great deal of dissatisfaction with that system of testing oil, and numerous complaints have been made about it. Anyone witnessing the open-cup test must be quite aware that it requires the most careful manipulation. Although the Bill provides also for the close-cup test, I do not see why the oil should have to pass both.

The COLONIAL TREASURER: Not both; one or the other.

Mr. GRIMES : But the 2nd section says :—

"From and after the passing of this Act, all refined mineral oils which give off an inflammable vapour at a temperature of less than one hundred and ten degrees of Fahrenheit's thermometer under the test prescribed in the first schedule to this Act, and at a temperature of less than eighty-three degrees of Fahrenheit's thermometer under the test prescribed in the second schedule to this Act."

I read that to mean that the oil must pass the two tests ; if the contention of the Colonial Treasurer is correct, it would be made clearer by substituting "or" for "and" as the conjunction between the clauses of the sentence. Apart from that, however, I would point out that when the officer appointed to look after these mineral oils takes a quantity to test it, it is only fair that he should leave half the quantity with the proprietor of the oil, so that he may have an opportunity of testing it privately to see whether the official test has been fair and correct. He would then be able to decide whether it was worth while to contest the soundness of the official test. Provision is made in the Bill for proper testing, and perhaps the proprietor of the oil might think it worth doing in some cases. Some importers of mineral oils are, I believe, provided with tests for the purpose, and if they had half the quantity left with them they might check the Government Analyst in the tests he applied to the oil. With respect to marking packages, it would be a considerable expense to go over a cargo of oil, especially if it was not landed. Why should we insist upon this oil being marked if it is not landed on our shores? It cannot go into consumption in the colony if it is not landed. Why not, therefore, allow it to be sent off to the other colonies, or elsewhere, without compelling it to be marked? I cannot agree with some hon. members, that we have to act as a kind of protector for all the colonies in this matter. If we protect our own colony and people against the dangers arising from very inflammable oil, we do quite sufficient ; and it would be rather a hardship on importers of oil, when the oil did not quite come up to our test, to say that they should not be allowed to ship it elsewhere.

Question—That the Bill be now read a second time—put and passed.

Committal of the Bill made an Order of the Day for to-morrow.

MINERAL LANDS (COAL MINING) BILL—SECOND READING.

The MINISTER FOR WORKS said : Mr. Speaker,—The Government have been induced to bring in this Bill owing to the numerous applications that have been made within the last eighteen months or two years from parties who are desirous of prospecting for coal. Under the present Mineral Lands Act there are no provisions whatever to assist such persons. All it does is to allow them to take up 160 acres at 10s. an acre, and they are compelled to comply with the labour conditions. Under these circumstances the Government have considered it advisable to introduce a measure giving facilities to miners to prospect for coal on much more liberal terms than under the Mineral Lands Act. The only clauses of that Act relating to coal-mining are the 15th and 16th, which provide that the rent shall be 10s. an acre per annum ; and many of those who have made application to take up land to mine for coal have thought that very hard when they were only prospecting. There was, however, no provision that the Government could make to relieve them of the difficulty, and therefore the necessity for this Bill. Clause 2 provides :—

"Any person who is desirous of prospecting Crown lands for coal may make application in the prescribed form to the proper commissioner for a license to occupy any Crown lands described in the application, and not being of greater area than six hundred and forty acres, for the purpose of searching for coal thereon.

"Every such application shall be accompanied by a description of the land sufficient to identify it, and the applicant shall pay to the commissioner when he lodges the application a sum equal to sixpence for every acre of the land comprised in the application.

"If two or more applications are made for the same land, or comprising in part the same land, the first applicant shall be entitled to priority.

"Upon receipt of the application the commissioner shall give to the applicant a license to occupy the land for the period of twelve months from the date of the license, and to dig and search for coal therein."

Clause 3 provides :—

"The licensee shall be entitled, during the period of the license, to occupy the land and to dig and search for coal therein, and to depasture upon the land any stock used by him in and about the digging for coal or kept for the use of the persons employed by him in and about such digging, and to cultivate the land for the maintenance of such persons or stock, and to cut timber for the purposes aforesaid, but shall not be entitled to use the land for any other purpose."

This clause simply enables anyone prospecting for coal to make all necessary arrangements for his people and the plant he may require. Clause 4 provides :—

"The license may be renewed by the commissioner for another year upon payment of a further sum equal to one shilling per acre of the land comprised therein, and upon proof to the satisfaction of the Minister that the licensee has during the period of the license used reasonable endeavours to search for coal upon the land, and has not used the land for any purpose not hereby authorised."

I may mention, Mr. Speaker, that in the Mineral Lands Act there is no provision for exemption from labour conditions, and that has been one very great drawback in preventing persons from prospecting the country for coal. Clause 6 provides :—

"The yearly rent of land leased for the purpose of mining for coal shall be at the rate of sixpence per acre, and there shall also be reserved in the lease a royalty at the rate of threepence for every ton of coal raised from the land during the first ten years of the term of the lease, and at the rate of sixpence for every ton raised during the remainder of the term.

"The times and mode of ascertaining the amount of any royalty so payable and the time for payment thereof shall be prescribed by the lease.

"If land leased for the purpose of mining for coal is used for the purpose of mining for any other mineral, rent shall become payable in respect thereof at the rate of ten shillings per acre in addition to the royalty, if any, payable in respect of coal raised therefrom."

The Mineral Lands Act provides that the term of the lease shall be twenty-one years. I believe that the royalty charged in New South Wales is 6d. per ton, but the Government here thought that 3d. per ton would be ample to charge at the start so as to encourage people to prospect for the discovery of coal. Hon. members know perfectly well that until a mineral is discovered and brought to the surface it is useless and valueless ; and I think this rate will be an inducement to people to prospect for coal. I believe hon. members will agree with me that the rate of royalty is not at all excessive. Clause 7 provides :—

"In the case of a lease granted for mining for coal the Minister may, by license under his hand, dispense with the performance of the lessee's covenant to work the mine continuously if, upon application made to the commissioner in open court, it is proved to the satisfaction of the commissioner that the lessee has made reasonable efforts to work and develop the mine, and that continued working of the mine would result in unnecessary loss to the lessee.

"Any such license shall be for a period not exceeding six months, and shall be subject to such conditions as the Minister may think fit.

"A license may be renewed from time to time for a further period not exceeding six months upon fresh application and proof to the commissioner as aforesaid, and may be so renewed subject to the same conditions as those to which the first license was subject, or different conditions."

I have found from the working of the Gold Fields Act that it is very desirable that this provision should be made. It oftentimes occurs that persons working under these mining leases get no return whatever for a considerable period; they expend large sums of money in machinery and perhaps work twelve months or more and get little or no return. It is therefore very desirable that people in that position should be relieved from labour conditions until they are able to recruit and go to work again. This clause makes the same principle apply in mining for coal as in mining for gold. I hope hon. members will give their serious attention to the Bill, believing, as I do, that it will assist materially in encouraging people to prospect the country for coal. I may mention that the provisions of the Crown Lands Act of 1884 deal simply with mining for coal on reserves. I beg to move that the Bill be now read a second time.

Mr. NORTON said: Mr. Speaker,—In regard to the principle of this Bill, I must say that in some respects it offers greater facilities to miners for coal than are given under the present Act. Under the present Act, a man holding a miner's right is protected with respect to the land he occupies, but under this Bill he has a larger portion of ground granted to him to occupy during the time his prospecting license is to last. He will pay a lower rent, also, than under the present Act. In that, I daresay, there are certain advantages. I presume that the holder of the lease must have a miner's right, for no man has a right to mine at all under the principal Act unless he has a miner's right. It does not say so here, but I suppose it must be the same in this Bill. A man will be able to occupy 640 acres of land, for which he will have to pay 6d. an acre during the time his license lasts; and the only other payment he will have to make is after he begins to take out the coal, when he will be charged a royalty, so that to a man who has not much capital it offers great advantages. Then, if he has not succeeded in his prospecting during the first twelve months, he may, on further payment of 1s. per acre, have the license renewed. I presume this Bill intends to give him a renewal of the license for one year only, although it does not say so. I would point out that, according to the Bill as it is worded, it renews the license year by year, as long as the Government are willing to do it; but the intention of the Bill evidently is to give a license for one year and a renewal for one year after. I think if he succeeeded in finding coal he ought not to be protected any longer, for the very reason that the protection has the effect of preventing others searching on the land who would be disposed to do so if he were not there. The Minister for Mines, referring to this particular subject, spoke of the labour conditions being dispensed with; that is to say, that power was given to the Minister to dispense with the labour conditions if, after the prospector had been at work for a certain time and was not able to go on, he wished to "hang up" the mine. The object of imposing labour conditions under the present Act, so far as I recollect—and I recollect that part of the discussion—was this: that if there was known to be a mineral in any land which was likely to be worked, the man who took it up should not be allowed to hold it, or to divide it, unless he was prepared to carry out those conditions—it would be forfeited the same as a mining lease. That was the principle by which the House was guided in passing the present Act. It is true that under that Act, as under the Gold Fields Act, the holder of a claim could hang it up for six months, or for whatever time was granted, and could get authority to dispense with the labour conditions for a time. I do not think there is the same necessity in dealing with a mineral like coal to allow a man to suspend work that there is in mining for gold. I believe in almost all cases the nature of the country itself is easier to work for coal than it is to work for gold. I believe there is less expense attached to working for coal—the mere sinking—than there usually is in working for gold. I would point out that in most places where coal is likely to be worked—of course there are some exceptions—it will be either near the coast or close beside a railway. There will be very little prospecting for coal in any other position. But it is not the same with looking for gold. Gold-miners must go away into all kinds of out-of-the-way places, and it is impossible for them to take up a reef, and carry on the work properly and efficiently until they get machinery. They go on working as long as they can waiting for the machinery, and I believe that one of the principal objects in granting exemptions is to enable them to carry on work. Simply from the want of machinery they are prevented from working it properly; so that I think miners searching for coal are scarcely entitled, under the conditions under which they work, and considering the localities in which they are likely to work, to the same amount of consideration that gold-miners are. Of course, I believe, Mr. Speaker, that every reasonable encouragement should be given to miners of all classes; but I do not think we should lose sight of the fact that, in working for coal, the locality is likely to be such that there will be no great difficulty in getting machinery on to the ground. We can understand that anyone taking up a 640-acre block to search for coal should be allowed to carry on until he has been able to arrange with capitalists to provide the machinery for him; and, so far, he is entitled to a certain amount of consideration. Still I do not believe that a man searching for coal is entitled to the same amount of consideration, so far as exemption from the labour conditions is concerned, as a man searching for gold. Then, with regard to this royalty. Of course, royalty is a question that everyone who wishes to work for coal or anything else has to consider for himself—whether it is to his own advantage to work under the royalty system or under the present system, by which, when he gets his coal, he is entitled to the free use of it, without giving any account of it whatever. Of course, there may be some who will be glad, for the small comparative expense which they are obliged to incur at once, to take up country under the conditions prescribed in this Bill. At the same time, I believe that by far the greater majority of persons will prefer—even though it cost them three times or four times, or even ten times as much—to take up land and work coal under the present Act than under the Bill; because it is not merely what they have to pay in the shape of a royalty on all the coal they take out of the ground, but it is the annoyance, and being bound down to the conditions connected with the payment of that royalty, the inspection of their books—or of their affairs at any rate—by Government officers, that they object to. I believe, in nearly every case, if land is taken up under this Act, and coal is found to exist; when it is working properly, the owners would very much rather they held it under the present Act than under the provisions contained in this Bill. For my own part, I do not see any objection to the Bill being passed, because it gives an opportunity to those who wish to go in for coal-mining to take up the land under either the present Act or the Bill now introduced. There is no particular harm in its being passed. I think it would be a disadvantage if, under any circumstances, power were given to renew these licenses for more than one year.

I believe it is intended that it should be only renewed once. The Bill says that the license may be renewed for another year, but it does not say that that is the first license. Any license that is held, I presume, may be renewed either for the second, third, or fourth year. At the same time, I think with regard to the conditions that the more stringently they are enforced the better. If they are not enforced stringently, land will be taken up by speculators who will do a certain amount of work—as little as possible—and then hang on with the object of making some arrangement with others to take the work off their hands. In places such as the country about the Burrum, along the railway line, where coal is likely to be worked, the circumstances are quite exceptional. It is quite evident that those who go in for coal-mining as a business will have a fair amount of capital, and if they have a reasonable amount of capital, if they do not meet with extraordinary difficulties—I presume water is one of them—they will be able to carry out the work whether there is good mineral there or not. Of course, the Minister for Works, having had communications from a number of people on the subject, will have a better idea than I have as to how far the provisions of the Bill are likely to be availed of. I understood him to say that a large number of applications had been made to him that something of the kind should be brought forward as an amendment of the present Act. For my part, I have not heard of many who wished to work coal under any other conditions than those under which they now work it, but until I know a great deal more than I know at present I should think that the Bill is quite unnecessary. At the same time, I am quite willing to admit that no great harm will be done by passing the Bill in its present form, or a Bill of this nature, because it gives an opportunity to those who are not in a position to work under the present Act to work under different conditions. I do think, however, that it may have the effect of preventing capitalists who have means from taking up country, simply because it will be held under the licenses which this Bill proposes to give.

Mr. MELLOR said: I am very glad the Government are introducing a measure of this kind for the purpose of searching for coal on vacant lands in the colony. It is well known to most hon. members here that the coast lands particularly are supposed to be coal lands. There is a very large extent of land between here and Maryborough—tens of thousands of acres—which is supposed to be coal land. The surface of the land is no good whatever; there are nothing but grass-trees upon it, but it is all supposed to be good coal land, and I believe that coal does exist to a great extent between here and the Burrum. I know that coal has been found between here and Maryborough. There is coal at Noosa, there is coal on this side of Noosa; and these lands at the present time are not worth anything to anybody. In reference to the Bill itself, I must say I cannot altogether fall in with the increased taxation upon those who prospect for coal.

The MINISTER FOR WORKS: It is a decrease.

Mr. MELLOR: The Minister for Works says it is a decrease. Ten shillings an acre was the price before, and now it is reduced to sixpence an acre. So far as that is concerned, we may say it is a decrease; but let us look at the royalty. See what a company that is working for coal would have to pay under this Bill. Supposing a coal-mine is discovered, 25,000 tons in the year would be a very little output for a coal company. I know there are coal-mines in this colony that produce 60,000 tons; but take the lowest output of the new mine at 25,000 tons, the royalty upon it of 3d. a ton would be over £300 a year, and at the end of ten years it would be £700 a year, and at the end of twenty years the Government would have received for the land £7,000 or £8,000. Now, what land in the colony will give a return of anything like as much to the Government? I do not think that any land in the possession of the Government should pay such a heavy due as is proposed by the Bill. I believe myself that a royalty is a very good and beneficial thing provided that it is not too heavy; but that proposed by the Government is altogether too much, at all events to start with.

The MINISTER FOR WORKS: In New South Wales it is nearly double.

Mr. MELLOR: I have tried to find the New South Wales Act, but have not been successful, and I think that they must work under regulations. I do not know the conditions under which they work, but if they are charged nearly double the royalty proposed by this Bill, then it must be upon coal land that has been already discovered. There is a vast difference between actually knowing that coal is upon land and having to prospect for it. I believe that the Government ought to prospect the lands of the colony, because we know that where coal or other minerals are found the colony as a whole reaps great advantage. Not only coal but all the other minerals which are found in Queensland are a great inducement for people to come here, and we know that wherever coal exists and is worked successfully it adds greatly to the prosperity of the country. I think, when the Bill gets into committee, it would be well to consider the desirableness of reducing the royalty, at all events. Now, in reference to another matter, I think that prospectors should have greater inducements offered them in the shape of prospecting over larger areas of land than are mentioned in the Bill, and when the Bill comes into committee I shall be prepared to move some amendment to that effect. I do not altogether agree with the proposal to raise the rent after the first twelve months, nor would it seem just to do so if prospectors have been unsuccessful, and have at the same time been fulfilling all the conditions, and been earnestly searching for coal. I think it will be very much better to lower the rent to encourage them to continue prospecting. If they have been unsuccessful, though searching diligently, and the matter is represented to the Minister, and he is satisfied with their representations, they should be encouraged to remain there. The same mistake is made in reference to the increase of the royalty. The royalty for the first ten years is 3d. per ton; after that it is to be raised to 6d. per ton. I think that whoever may work the lands the first ten years will have the best of it, because they can work them more economically than they can be worked afterwards. We should think about this matter, which can be arranged when we are in committee. I do not see that there are any labour conditions in this Bill, and I think the Minister for Works will see there is some need for labour conditions in connection with the working of these lands. We do not want to hamper the miner, nor do we want to see the lands locked up. We want to see them legitimately prospected and worked; and I hope the Minister for Works will be able to explain satisfactorily the arrangements with regard to conditions.

The MINISTER FOR WORKS: The principal Act provides for them.

Mr. MELLOR: As I said before, I am glad to see that the Government have introduced a

measure to encourage the prospecting for coal; and I hope the hon. gentleman will accept amendments having for their object the full development of this industry. I hope every hon. member will assist in making this a measure which will be of benefit to the community.

The HON. J. M. MACROSSAN said: Mr. Speaker,—The question of the fulfilment of labour conditions raised by the hon. member for Port Curtis is a very important one. I think the Minister for Works has the power of enforcing those conditions under the regulations which have been put into force under the provisions of the present law; but if that is not so I should like to hear what the hon. gentleman has to say on the subject. If the labour conditions at present existing under the regulations can be enforced, that sets the question at rest; but it will be a very great misfortune if we allow a Bill of this sort to pass without making sure that there is authority to impose labour condtions. One of the chief reasons for passing the Mineral Lands Act was that so many thousands of acres of land had been acquired under the old Land Act and locked up. Between 50,000 and 60,000 acres of mineral lands obtained in different parts of the colony were absolutely locked up, and the Government had no control over them in the way of getting them worked. They were acquired on little harder conditions than the Mineral Lands Act or this proposed amendment of that Act, but it seemed to pay speculators instead of working them to hold them unworked for the purpose of obtaining enhanced values afterwards. Whether they worked them afterwards or not, no doubt they paid well for the holding. Whether labour conditions can be enforced under the regulations is a point that should not be lost sight of, as it would be a great misfortune to allow mineral lands to be locked up. It was never intended by the Government which passed the Mineral Lands Act that it should be held to apply to coalfields. I was a member of the Government at the time, and am therefore in a position to know. It was their intention to have passed another Act specially dealing with coal; and I think it a very good thing that the present Minister for Works has introduced a measure applying specially to coal. The hon. gentleman has just handed me the regulations applying to conditions, so that there can be no danger in passing this amending Bill. The Mineral Lands Act, as I said, was not considered applicable to the working of coal, and it was the intention of the Government to pass another Act. I went out of office shortly afterwards, and the Ministry went out shortly after that, so that we were not able to carry out our intentions. Therefore I am glad to see that the Minister for Works has introduced this Bill, because 160 acres is rather too small an area for prospecting for coal or even for working coal. I do not think 640 acres too much for prospecting purposes. Then the question arises as to the royalty. I am of opinion that coal in Queensland is not quite equal to the coal found in New South Wales and elsewhere, and as little additional burden as possible should be put on the coal found here, so as to allow it fairly to come into competition with imported coal. The question is whether the royalty imposed by the Bill, which will be increased after ten years' operations, is not a greater burden than the original cost of 10s. per acre. In many cases especially, as pointed out by the hon. member for Wide Bay (Mr. Mellor), it would be an additional burden, therefore it is a matter for consideration whether we should impose a royalty or not. I think that a royalty is not, perhaps, the best means of obtaining a revenue from the raising of coal. It was, under the old system, considered that a tax upon gold was a very good thing; in fact, it was imposed for a long time, and defended on the plea that it was the man who got the most gold who paid the most taxes. That is a good plea as far as it goes, but it is not a good thing to put a tax upon our own exports. It is very well to tax imports; but I do not think we should tax exports. If we look forward to exporting coal, we should make it as free as possible; if not, it will amount to this: the firm which develops their coal-mine the best and gets the largest quantity of coal will have the largest amount of taxation to pay; and I do not think that is fair, seeing that we must compete ultimately—in fact, we are competing now, to some extent—with New South Wales. And the longer we go on and the more coal-mines are opened up, the greater will be the competition. It is a question for us to consider when we are in committee, whether it will not be better to abolish the royalty and let the coal-miners compete—I will not say on equal terms, because the terms cannot be equal where the coal is not so good, but on more favourable terms—with New South Wales. In that colony there is a royalty of 6d. per ton, but the coal is somewhat superior and they can very well afford to pay that together with the other charges, and bring their coal to this colony to compete with us. For instance, if the people of the Burrum send coal to Rockhampton, Townsville, or Cooktown, they are placed rather unfairly in competition with the people of New South Wales. It is much more expensive for the mine-owners on the Burrum to get coal to the seaport than it is for the miners around Newcastle to get the coal on board the steam and sailing vessels there, and if we impose an additional expense here in the shape of a royalty it will only make matters worse. I hope that in committee the Minister for Works will see his way to abolish the royalty, because after all it will be much better to encourage the output of coal. By so doing we shall increase the number of men employed, and I am quite sure the Treasury will gain correspondingly in whatever amount they may lose by not having a royalty. I shall support the Bill, and I think it a good Bill as far as it goes, with the exception of the proposal for the imposition of a royalty.

Mr. LUMLEY HILL said: Mr. Speaker,—I take a very great interest in this Bill, which has been earnestly sought for by a good many of my constituents, who want additional facilities, additional securities, and additional inducements in order to enable them to search for coal with any prospect of ultimate success, more especially in the neighbourhood of Cooktown. So far as the labour conditions are concerned I hope they will not be introduced into this Bill with any stringency. They are the greatest possible obstacle to the development of an industry of this kind. I hope the labour conditions will be made as light as possible. As to the land being locked up without these conditions for years, that is not the difficulty. The difficulty is that the coal in the land has been locked up for thousands of years—since the creation. We want to unlock the coal that has been locked up long enough. As to people paying 6d. an acre for land, and then because it might be hung up, and the holders might get that bogey—that bugbear—the unearned increment, we ought to make these stringent conditions, I consider that if these conditions are imposed it will only hinder the production of what would be a more than useful—an essential mineral to the whole of the colony.

The MINISTER FOR WORKS: The application came from your own constituents.

Mr. LUMLEY HILL: I know it did, but I say if the Bill is going to be hampered with labour conditions you might just as well not have brought it in at all. If persons get a right to search for coal on lands at a reasonable rental, and are secured by reasonable terms afterwards, then there is some chance of the coal, if there is any, being found and worked. But if you give them a favour with one hand, and, as it were, take it away with the other, there is no good in it at all, and it will be practically worthless. It would be of the greatest value to the colony if coal could be discovered up north, and a source of immense commercial wealth to us; and every inducement should be offered by the Government, at all events, towards the first step in the direction of developing coal that has been found. When the Bill goes into committee I shall be in favour of making the terms as easy as possible. I do not know about doing away with the royalty altogether, but I should put it at a lower figure, and in committee I shall be prepared to move a reduction in the royalty stated. What is a fair royalty at Newcastle is a very different thing from what would be fair at Cooktown, or on the Burrum, or anywhere else in Queensland. The Newcastle coal is worth fully 1s. per ton more than any coal to be got in Queensland, so that they can easily afford to pay 6d. a ton royalty there and still compete with us. The Bill is a step in the right direction, and I hope the Minister for Works will not hamper it with any detrimental labour conditions.

Mr. FOOTE said: Mr. Speaker,—I am favourably disposed towards the Bill. I do not know what hon. members want, unless they want the Government to bring in a Bill authorising persons to go and search on Crown lands for coal, and afterwards give the land to them in perpetuity. Of course, I know the discovery of coal is only the first step in the development of the industry. It requires immense resources and a vast amount of labour in order to develop a coal-mine. I consider the measure a very liberal one—6d. an acre per annum for 640 acres is but a very small amount to have to pay to enable a man to search for coal upon a selection of that size. There is quite sufficient time given for persons who know how to go and look for that mineral to discover all the seams there may be on the selection. In the next place, when he has made the discovery, unless he is a person of considerable means, he will want to float a company to work the coal; and he is given time under the Bill to float his company by paying the additional rental for the next year. I do not say that the labour regulations should be oppressively enforced, but they should be adhered to very stringently. In reference to the royalty proposed, I think it a very reasonable one. I know of leases taken where a royalty of 6d., 9d., and even 1s. a ton has had to be paid; and I know many cases where parties are paying from £20 to £100 per acre for coal lands, and I do not see the difficulty some hon. members see in it. We know that at the present time it is of no use persons going on to coal land at a great distance from a market, where they may have long carriage to provide for. That would handicap them in such a way as to render them unable to compete in the market unless they had a superior class of coal. I believe the measure is a very reasonable one, and I do not see why the proposed alterations in committee are necessary to foster this industry. The Bill allows the first applicant for land to secure it right through until he gives it up. For myself, I would look very carefully to see that the labour conditions were fulfilled. The hon. member for Townsville said that he knows of instances, and many other members of this House know of instances, where lands have been taken up under the old Mineral Lands Act, simply locked up and held by persons who knew that they would be enhanced in value without working them at all. That is not what the Bill contemplates. This Bill contemplates that the mine should be worked by the party who takes it up, or else be abandoned and taken up by some other party. I trust the Bill will be passed in its integrity, and I am quite sure I shall give it my support.

Mr. SMYTH said: Mr. Speaker,—This is a very small Bill to deal with such an important subject, and yet there are many good clauses in it. There are in the colony a lot of mineral lands lying idle; in the Burrum district I believe there are about 64,000 acres. Many coal lands have become freehold, but the owners have no intention of working them; they are simply holding till the lands become enhanced in value. Now, with regard to this Bill, I believe that instead of the prospecting area being 640 acres it should be 1,000 acres; and some account should be taken of the distance from the nearest coal workings. Say at Bowen or Cooktown, there should be a larger area allowed for working than at Burrum or Ipswich, because they are opening up a new district.

Mr. FOOTE: There is no Government land in Ipswich.

Mr. SMYTH: I would remind the hon. member of what took place at Newcastle. There a lot of Government land was leased to companies at a royalty of 6d. a ton, while other leaseholders had the freehold of their land. When there was competition between the coal companies they were selling coal at about 7s. a ton, and the consequence was that the freeholders were able to elbow out the people who were paying a royalty. Here a royalty of 3d. or 6d. is too much; we cannot afford to pay 6d. for the Queensland coal. The Newcastle coal-seams are thicker and more easily worked; the Burrum coal-seams are, I believe, very faulty. For another thing, I believe the principal reason for bringing in this Bill is to give persons encouragement to go deeper and see if they can get better shipping coal. Many vessels go from here in ballast to get coal in Newcastle. Some provision should be made here that 320 acres might be granted to persons searching for coal at a certain depth, say 400 feet, within a 1,000-acre prospecting area; then if they continue to sink without taking out coal for profit, an extra acre for every foot they go down. If they get coal at 1,000 feet, they deserve that 1,000 acres on account of the increased cost of sinking the shaft. Now, the deeper they go in coal-mining the more danger there is; and there is a clause in the New South Wales Act which should have been inserted here—that in all cases where a coal-mine has been opened out and worked provision should be made for sinking a second shaft as an outlet. Many hon. members will remember a colliery accident that took place some years ago in England, when 400 or 500 men were killed. Part of the machinery broke and fell down the shaft, destroying the lining and choking up the ventilation, and so entombed all the men. There was no get-away for them; they were in a trap; and I believe that since then they are compelled in Great Britain to sink a second shaft as an outlet. That should be provided in this Bill; and as coal-mining is becoming such an important industry here we want a larger set of regulations than we have before us to-night. In New South Wales they have a very elaborate set of regulations. With regard to the second clause of the Bill we know that not very much sinking can be done in twelve months. In the first place, these people will not commence sinking at once; they will get boring-rods and

test their seams, which will take a good while. Sinking a shaft is a very expensive business, and nothing is coming in all the time; so I think this 6d. an acre is quite sufficient. It puts the Crown in the position of a landlord, and so it is far better able to look after its own property than if the holders had the fee-simple. I think that is a very wise provision. The New South Wales Act allows roads to be made through the land so that persons can get in and out, cut timber, and so on. The Crown only leases the coal, not the surface of the ground. The labour conditions I think can be got over easily. You could not expect coal-miners to be under the same labour conditions as gold-miners—a man for each acre; but you might insist that in sinking a shaft for coal they should employ not less than two shifts of men; and the warden or Minister for Mines should have power to give those people registration whenever they wanted registration to erect machinery, or for any other purpose. I should like to see the area increased from 320 acres to 640, and in places like Cooktown where they are very anxious to get coal, I would make the area 1,000 acres.

Mr. FOXTON said: I think, sir, that this is a most excellent Bill. Unlike the hon. member who has just spoken, I am of opinion that the 320 acres for which a lease may be claimed is too much. My impression is that it should be reduced to 160 acres, the area mentioned in the principal Act, because, to any man paying a royalty of 3d. a ton, 160 acres with anything like good coal on it is simply a fortune. I happen to know something about this. The hon. member for Gympie has stated that the man who pays a royalty will never be able to compete with the man who has a freehold.

Mr. SMYTH: He is handicapped.

Mr. FOXTON: Now, I think the boot is all on the other leg. I know of my own knowledge that £35 an acre was paid the other day for something like 270 acres of coal land, which only cost the man from whom it was purchased 10s. an acre. I should like to know where the handicap is there—whether the persons who sank that capital in coal land are not handicapped, as against the man who has only to pay 3d. or 6d. a ton royalty? That is by no means an excessive price. As the hon. member for Bundanba said, frequently as much as £100 an acre is paid for good coal land; in fact, I believe in the Ipswich district that is recognised to be about the standard value of land known to contain a good workable seam of coal; and any man who gets it at that has a very good property indeed. I have said that I think the area too large; I am speaking now of the area for which a lease may be granted. I certainly think that the area for which a license may be granted to a man to search for coal—namely, 640 acres—is by no means too large. It is a very fair area to fix, and it must be borne in mind that the man who gets the license in respect of that 640 acres only pays £16 a year for his license, and he has the right to search for coal over that area for twelve months to the exclusion of anyone else. At the end of that time—twelve months should be ample time to prospect the land—he is at liberty under the provisions of this Bill to take up any portion of that land not exceeding 320 acres, and obtain a lease of that area for the period mentioned in the principal Act. I think 160 acres would be a very nice property for any man if any workable coal was found upon it, and the 3d. per ton royalty will be a mere bagatelle compared with the revenue he will derive from it. And I would further point out to the hon. gentlemen who oppose the principle of a royalty that we are here not merely to consider the case of the men who will take up land for coal-mining purposes—the licensees or lessees—but to consider also the rights of the public. The land belongs to the Crown, to the general public, and it is but right that we should get as much as possible for it—at all events a reasonable sum for the use of public property by private individuals. That is a principle which we adopt throughout the whole of our legislation in dealing with Crown lands. We charge a rent for the grass which is consumed by the cattle of the grazier and the land still belongs to the Crown. It is true that we do not charge it in the shape of a royalty, because it would be impossible to pay a royalty on the grass.

Mr. PALMER: The royalty should be on the wool.

Mr. FOXTON: I do not know that that would work very well. It seems to me, however, that the man who gets a large quantity of coal—that coal being the property of the country—should pay more for it than the man who gets a small quantity. Threepence per ton is a very moderate royalty indeed. I know from experience that it is by no means unusual for men to take up leases of coal lands, as the hon. member for Bundanba has stated, at 9d. and 1s. per ton royalty, and make an excellent thing out of it, and that where there are twenty miles of carriage by rail before they get the coal to deep water. If that can be done it certainly seems to me that the Crown, in receiving 3d. per ton royalty, will be receiving rather less instead of more than it is justly entitled to. It has been said that the examination of the books of anyone working a coal-mine for the purpose of ascertaining the royalty will be a great hardship. I do not think so. It is really no hardship whatever. Experience shows that in the case of leases between private individuals it is not considered the slightest hardship that the lessee should have to disclose the amount of coal he gets in order that the lessor may know the amount of royalty to which he is entitled, and I see no reason why lessees from the Crown should find any more difficulty in complying with that condition than lessees who hold from private persons. I must say that I am entirely in favour of the Bill, and I shall give it my hearty support.

Mr. BAILEY said: Mr. Speaker,—The hon. member for Carnarvon was unfortunate in his allusions to royalty, when he spoke of squatters paying a royalty for the natural grasses.

Mr. FOXTON: I did not say anything about them paying a royalty.

Mr. BAILEY: Well, that the rent which they pay is equivalent to a royalty.

Mr. FOXTON: No; I did not say that.

Mr. BAILEY: I understood the hon. member to say something of the kind. However, in the case of land leased for coal-mining, there is nothing on the surface to rent, and there may be nothing below. I take it that this Bill is intended to encourage people to prospect the Crown lands of the country at their own expense, not at the expense of the Government or of the public, and the chances are whether there is anything below or not. It is quite a different matter in the Ipswich district where there are known coal areas. Searching for coal there is not real prospecting. The country in which proper prospecting takes place is country with regard to which it is perfectly unknown whether it contains coal or not. For instance, a proposal was made to the Government the other day by a few persons in Maryborough, in reference to some Crown land which no one would take up, which was of no benefit to the State and never would be, to prospect for coal there at their own expense, and prospect,

probably, to as great a depth as 1,000 feet. I must say that the Government only met them in a half-hearted way. But that would be prospecting—real prospecting—for it is extremely probable that those persons would not meet with coal and that they would lose their money. I think that people generally who take up land for purposes of that kind should be encouraged as much as possible, and not discouraged by the imposition of royalties and rents such as are proposed to be put upon them by this Bill. Under the provisions of this measure, they will pay rent for land which may be perfectly valueless; but if that should not be the case, when they have got to a certain depth—which will involve great expense—if they find coal then, and work it for a year or two, they will have to pay an extra rent for finding it. I think the Government would make far more revenue out of the number of persons who would be employed in mining for coal if sufficient encouragement was offered, than out of the rents and royalties which might be obtained under this Bill. I believe that taxation in this way does more harm than good. What we want is many working people, and if they are employed we shall derive more revenue from them than from all these rents and royalties. I fully agree with the hon. member for Gympie as to labour conditions. It is a very pitiful thing to see men owning very valuable mineral land—or rather land which is supposed to be valuable for its minerals—acting as shepherds from year to year, and people longing to have a try and see whether it contains any mineral. I remember being in company with the hon. member once at Stanthorpe, where we saw a large estate, which was all freehold. Some men wished to prospect it for tin, but the difficulties which the persons holding the land imposed made it utterly impossible for anyone to work it successfully.

Mr. FOXTON: Those persons are getting £5 per ton royalty for that now

Mr. BAILEY: More fools those who pay such sum! As to the Ipswich district, I should like to know what royalties it ever paid to the State? What amount was paid to the State for the land? Was it £1 an acre, or 10s.?

Mr. FOXTON: Ten shillings an acre.

Mr. BAILEY: We are now referring to another thing altogether—that is, a proved coalfield; but the object of this Bill is to induce men to try other fields—such as the Burrum—where they will have to go to very great depths; and further north to Bowen and Cooktown, where they will have to work under great difficulties. I was very proud indeed when that deputation came down from Maryborough and made such generous terms to the Government as have never before been offered by any body of citizens. That company is formed not so much for making profit for themselves as for the good of their town and district and their country. If they succeed in finding coal at a depth of 1,000 feet, as I hope they will, the Government have 64,000 acres of barren land which they will be able to sell, as the hon. member for Carnarvon says, at £25 per acre. Consider the immense gain to the country that would accrue from the sale of 64,000 acres of Crown lands at that price, in one block! I have very little faith in coal being found there, even at that depth. Still there is a possibility of its being there; and it speaks volumes for the pluck of those Maryborough storekeepers, and others like them, when they put their hands into their pockets and consented to spend £2,000 or £3,000 in prospecting the ground.

Mr. GRIMES said: Mr. Speaker,—I am somewhat surprised to hear from the hon. member for Wide Bay that we are legislating under this Bill for a particular district of the colony. If that is correct we ought to have been told so by the introducers of the Bill. I was under the impression that we were dealing with the whole of the waste lands of the colony that were not at present under lease.

The PREMIER: So we are.

Mr. GRIMES: The hon. member is also labouring under a great mistake when he says that coal lands are of no use for any other purpose. It is well known that there is coal under nearly every part of the Darling Downs; in the centre of the Downs, indeed, there is a colliery from which good coal has been obtained. Under this Bill the leaseholder gets a valuable privilege. For the rental of 6d. an acre he can depasture the cattle required for himself or the use of his workmen; he can cultivate as much of the ground as he likes for fodder; and he can cut what timber he needs for the mine or for coke-burning. In fact, he has complete control over the whole 640 acres he takes up under the Bill; and for that 6d. an acre is a very small rent to pay. He can very well afford that, and when he strikes a good seam of coal he can also well afford to pay a royalty of 3d. per ton on the output. There will be no difficulty whatever in getting information as to the output of coal from the mine. The work is done by contract; generally speaking there is a regulation size of truck, four going to the ton, and the men are paid by the truck, and it is entered in the books. There is, I think, a provision in the original Act for getting this information from the persons employed to "keep tally," so as to allow the Government to stand between the men and the coal proprietors in that respect. I think the Bill will be a very useful one. There is no doubt that under most areas of our Crown lands coal-seams lie hidden, and it will be a good thing for the colony if those lands could be utilised. Those who are successful in finding a good seam of coal anywhere near water carriage or railway carriage will make a very good thing out of it, and will be well able to afford a royalty of 3d. per ton.

Mr. ADAMS said: Mr. Speaker,—I certainly object to the proposed royalty, because I do not believe we ought to tax any of our products that go out of the colony; and I also think the provision might well be altered in committee about the prospectors' 6d. per acre rent for the first twelve months. Capital and labour generally go hand-in-hand, but in this instance the labour would have to be undertaken first, and the coal found before capital stepped in to develop the mine. For the second year, on getting a renewed lease, these working miners will have to pay 1s. an acre rent. Now, I maintain that two or three working men searching at any great depth over 640 acres for coal during twelve months might not be in a position to pay the increased rent, or any rent at all; and it would be a pity if, after working hard for a year, and just as they were on the point of success, they should have to abandon it because they had not the money to pay the rent demanded by the State. The object of legislation of this kind should be to encourage the working man. With the prospect of these blemishes being removed in committee, I have great pleasure in supporting the Bill.

Mr. SHERIDAN said: Mr. Speaker,—As the representative of a large constituency who are greatly interested in coal-mining, I deem it my duty to say a few words on this very interesting subject. I think it the duty of a Government, in a new country like this, to do all they can to aid in the development of its industries. As we are all aware, vast sources of wealth in the shape of coal are believed to exist all around us; and it is our duty to facilitate in every possible way

the bringing to the surface of this great wealth. Neither in Ipswich nor the Burrum has there been, up to the present time, any really good coal discovered.

An HONOURABLE MEMBER: Don't run down our coal.

Mr. SHERIDAN: I am not running it down; I am trying to get it up to the surface. So long as it remains under the surface that immense wealth is of no value to us—no more than was the gold of Gympie or Charters Towers. Coal is just as valuable to the colony as gold, and the production of it from great depths is just as likely to add to the colony's welfare. In Maryborough at this moment, as the hon. member for Wide Bay has stated, a most spirited enterprise has been started for the purpose of searching for coal at great depths. The inhabitants there have subscribed a large amount of capital. They are willing to test the depth of the Burrum coalfields, and the only facility they ask from the Government is merely to be granted a protection area. In the Bill which I now hold in my hand, sufficient area is not allowed in the way of protection. It certainly ought not to be less than 640 acres, and I believe it would be much more advantageous both to the country and to the prospectors if it were 1,000 acres. The Bill, on the whole, is a very good one, but I have no doubt that it will be very much better by the time it has gone through committee. It is only waste of time, I apprehend, to make long speeches on the second reading of any Bill. It is in committee the work has to be done, and I do hope that when the Bill goes into committee every hon. member—for the subject is one in which everyone is deeply interested—will give all his time and attention to it in order to make it of great value to the country. To discuss the royalty or the price per acre I look upon as inopportune at this moment, and I shall reserve the right to do so when the Bill goes into committee, when I shall render all the assistance in my power to make it a good measure.

Question—That the Bill be now read a second time—put and passed.

Committal of the Bill made an Order of the Day for to-morrow.

OFFENDERS PROBATION BILL—SECOND READING.

The PREMIER said: Mr. Speaker,—This Bill proposes to introduce an innovation in our criminal law. I derived the first idea on the subject from Mr. Howard Vincent, who was for some time Director of Criminal Investigations in London, and who lately visited this colony. While he was here I had the opportunity of discussing several matters with him, and in particular he called my attention to a system that is in operation in some parts of America called "the probation system," of allowing persons convicted for the first time instead of going immediately to gaol to be released on probation; that is to say that if they behave properly during the time they would otherwise be serving sentence they are released. I lost the pamphlet he was good enough to leave with me on the subject and did not find it again until last night, so that this Bill is drawn without reference to the details of the system that is in force in America. I shall be glad to lend the pamphlet to any hon. member who desires to see it. I did not find out until last night that the Bill proceeds upon somewhat different lines to those adopted in America, but I do not think that is of any importance. There can be no doubt about the advantages of probation in many cases. All of us who have any acquaintance with criminal proceedings know that men—very often young men—when convicted for the first time are at once committed to gaol, and under our present system they must undergo the sentence. However much the offender may have repented—however much ground there may be for believing that if he had another chance he would reform—there is at present no provision of law by which he may be given another chance. I think that is a great misfortune. I believe a great deal of good may be done in many cases by giving a man another chance. I am not prepared to say for a moment that the chance will not sometimes be abused, but I think it would be better for the State to give that chance in a great many cases, even if it were only taken advantage of in a few. There can be nothing more lamentable—nothing more lamentable has come under my notice than when I was in charge of the Colonial Secretary's Office to see the list of prisoners in Brisbane Gaol, which was frequently brought before me. A very large proportion of them were young men under twenty-two or twenty-three years of age sent there under sentence on first convictions; and I could not help thinking that if they were given to understand that if they behaved themselves properly during the term of their sentence they would be excused from serving it, in a great many cases they would take advantage of the privilege, and we should not hear of them again as criminals. I believe we are all agreed as to the principle; the details upon which the proposition is based is a matter upon which, of course, there may be differences of opinion. The general scheme upon which the Bill is drawn is this: that it is only to apply to persons convicted of minor offences. I do not think the privilege should be extended to persons guilty of aggravated offences—that is, offences for which they would have to serve, say, five or ten years. Therefore it applies only to minor offences of which an arbitrary and, I think, convenient, definition is inserted in the Bill; that is, offences for which, in the opinion of the court, a sentence of penal servitude or imprisonment, with or without hard labour, for a shorter period than three years would be an adequate punishment. It has occurred to me since the Bill was framed that possibly an exception should be introduced with regard to this. There may be some offences of an aggravated character, such as injuries to the person, and many offences against women, for which the maximum penalty would be less than three years, and possibly they ought to be excepted. That, however, is a matter of detail. The scheme of the Bill is this: If the court thinks a man who has committed a minor offence may have another chance it will proceed to pass sentence upon him in the usual form, so that the offender may know what the sentence is; it may, nevertheless, suspend the sentence upon the offender entering into recognisance to be of good behaviour for the period of the sentence, or for any longer period, not being less than twelve months, on condition that during that period he shall not do or omit to do any act which would render his recognisance liable to forfeiture. When that is done the offender is to be discharged from custody, but on doing anything to forfeit his recognisance he is to be liable to be committed to prison to perform his sentence. Supposing a man was sentenced to twelve months' imprisonment, and conditionally on his undertaking to be of good behaviour he was discharged from custody, and he continued to behave himself properly for six months, and then did something which would forfeit his recognisance, he would have to serve the other six months in gaol—he would forfeit his privilege. In fact, during the time of his sentence he will only be

discharged upon conditions; the sentence will be still hanging over his head and liable to be enforced; but so long as he behaves himself, the period during which he does behave himself will be considered as part of the performance of the sentence. It is then provided that the offender shall report himself to the police at intervals of not longer than three months. I think that is desirable; but provision is also made that he may report himself by writing instead of personally, because there might be cases in which, if you required a man to attend the police office to report himself, you might make him a marked man as a criminal; and the object of the Bill is to avoid that consequence as much as possible. Then the conditions upon which he is to be liable to be re-committed to serve his sentence are—first, if he fails to report himself to the police; second, if he is convicted of getting his livelihood by dishonest means, an expression which is used in the Imperial Acts relating to tickets of leave; third, if he gives a false name and address—that is also found in those Acts; or if he commits an offence under the Vagrant Act, or an indictable offence. Any offence against the Vagrant Act may be considered to be proof that he is making his livelihood by dishonest means. In any of these cases he may be sent back to prison. Perhaps there may be other conditions which should be added; I do not know that there are. Then it is provided that if during the whole time he is of good behaviour he shall be discharged from his sentence, and his conviction shall not be brought against him as a previous conviction, in consequence of which he may receive a heavier punishment on a second conviction. The 6th section of the Bill provides that the Governor may extend mercy on behalf of Her Majesty to offenders on the same conditions. That is not the law at present; but it will be a very useful law, as at the present time, of course, the judge pronounces sentence, and the Governor, representing Her Majesty, exercises the prerogative of mercy. The result of this section will be that if the judge does not think fit to show this merciful treatment to the prisoner, the Governor may do so. At present the judge may give six months or twelve months, and the Governor may reduce it, but it is proposed that the new power which is given to the judge may be exercised also by the Crown. I have explained briefly the scheme of the Bill. The idea, as I said before, will, I am sure, commend itself to everyone; but upon the details there may be some difference of opinion. I should add that in Boston, where the scheme is carried out, it is only applied within municipalities. It is not of general application, and there is an officer called the "probation" officer whose business it is to attend in court, and it is only upon his recommendation that the court may extend mercy to the offenders. The "probation" officer has special charge of the offender during the period of sentence. I had forgotten that part of the scheme when the Bill was framed; but I do not think it will be convenient to introduce that part of it here. We could not have it, certainly, all over the colony. The only persons who could act here would be the police officers, and they are already provided. The judge would naturally ask the police what was known of the prisoner, and so far as that goes we have the machinery already provided. I hope the Bill will become law in this or some similar form. I think the experiment is worth trying, and even if we make mistakes at first we shall not regret bringing it into operation. I move that the Bill be read a second time.

Mr. NORTON said: Mr. Speaker,—I have no doubt that if the Bill becomes law in its present or any other form approaching its present one, there will be some offenders who will take advantage of the opportunity it affords, and will not reform, as the Bill proposes that they shall do. At the same time I believe that the great majority of first offenders who are released under the Bill, instead of being sent to prison, will be most decidedly benefited by it. I do not profess to understand the system which is carried out in America. I have never seen the Act which is in force there, but I have seen reports upon the subject, some of which are in the library of this House now, and some of them are most decidedly in favour of the system carried out in the United States. Of course, there will be men who will take advantage of it. The proportion of those who do not commit themselves is stated to be about nine out of ten.

The PREMIER: Not quite so large as that, but a very large proportion.

Mr. NORTON: I therefore think a Bill of the kind is desirable to be introduced for every reason. I am sure that members of this House must know individual cases where the mere fact of young fellows who have committed offences for the first time being shut up in prison has been the ruin of their lives. I could quote several such cases myself. I think the Chief Secretary is to be congratulated upon having introduced a Bill to deal with this question. There are one or two matters connected with it that I have no doubt will be discussed a good deal in committee. I do not think it is necessary to go into small matters; but I would point out to the Premier that the 3rd section is, to my mind, rather confused—that is, the commencement of it. It does not seem to me to express clearly what it is intended to express. I do not know whether I am right or not, but at at any rate it might be made a little clearer. There is another matter for discussion, and that is where the prisoner is allowed out under the probationary system. If he commits himself during that time, and has to be arrested, is it desirable that only the balance of the term should be enforced against him? Of course, it may happen that he may be re-arrested within a week; but it is a matter for discussion whether, under such circumstances, he should not be punished to a greater extent than the mere balance of the term. The object of the Bill is to show leniency to men who have not become steeped in crime; and every consideration should be given to those who have been convicted and still have an opportunity of reforming. Every opportunity should be given to reform, if there is any hope of their doing so; but at the same time there are some who, having that opportunity, will not avail themselves of it, and by their conduct bring themselves under the law in such a manner that it is impossible to overlook the fact that any leniency which has been shown to them has been perfectly thrown away. In these cases it is advisable that power should be given to deal with them more severely than with those who, having an opportunity to amend their lives, have done their best to do so. I have very great pleasure in supporting the Bill.

Mr. MIDGLEY said: The Premier has described this Bill as an innovation, and I think that as such, in dealing with a matter so important, it ought to receive very close inspection. I have never felt in so great a dilemma in regard to any Bill as I feel in regard to this. If I were not a member of this House, and had nothing to do with the making of laws—if I were not put in a position of responsibility as to the effects those laws will produce upon the community—if I were just consulted as an outsider, as a private individual—perhaps I should at once assent to this proposal in its entirety. But I think we should make haste slowly. We should consider

this proposal very, very carefully indeed. We have to consider what will be its probable effects upon the criminally disposed population of this colony. I regret to think, Mr. Speaker, considering the lack, the absence, of many of the overwhelming and irresistible incentives to crime that there are in older lands, that crime is fearfully, dreadfully prevalent in these young colonies, and we ought to take care, in proposing a measure of this kind, that we are not holding out a premium to first transgressions. I think it would be found, after going into statistics as to the crimes of the colonies relatively to the population, that our crime of various kinds is abnormal, fearful; and passing a measure of this kind, in which we deliberately propose that first transgressors may be really completely condoned and entirely pardoned, we ought to pause and consider. This may be a measure of most injurious tendency and most injurious results. If the principle proposed by the Bill is to be carried out—and I am not prepared to say that it should not be — though it seems to me to be a very serious proposal, and one that I say ought to be very carefully considered—if, I say, it is to be carried out, it should be in some other way than as here proposed. By clause 3 it is left to the caprice of a judge—a class who are very often very capricious men indeed—to say whether a criminal who has been tried before him shall suffer for his wrong-doing or whether he shall not. The temper, the health, the spirit, the mood of the judge may be just the one thing upon which a man's fate may depend; and while one man at the option of a judge may get off entirely, another man, who has done nothing worse, may have to submit to his sentence. Men will be really desirous to be tried before a particular judge, and I do not think that an optional power of this kind should be left in the hands of any judge. We have had evidence in this land of the almost, I would say, wantonness, the caprice, the uncertain temper of judges, which make them the laughing-stock of the community. Now, I think this is what we ought to do—and I give expression to the feelings that come uppermost in my mind—I think that we should provide a system of very moderate sentences for first offences. Do not let a man because it is his first offence escape from punishment altogether, but let the sentences be restrictive and limited. But why a man should escape from punishment because his offence is a first one, and then have to submit to a sentence because the offence is his second offence, I do not see. Let there be a system of moderate and merciful sentences, and then in addition to that, when a man has finished his punishment, let there be some regard paid for him. Let his chances in life be considered when he gets out of prison. I believe a much greater evil than the heavy punishment of first offences is, that when men come out of gaol they have been branded for life. They have been hunted from one place to another and hounded to death. I am not prepared to say that I would go the length of opposing this Bill or voting against it, but I only ask members of this House, if it is not presumptuous of me, not to be carried away merely by the merciful aspect of the Bill, but let us consider also what will be likely to be its effects upon the community at large.

Mr. CHUBB said: I am unable to agree with the opinions expressed by the hon. gentleman who has just sat down. He seems to have entirely misconceived the objects of this Bill. It is not a Bill to let every criminal off on recognisances; and he further assumed that the Act would only be administered by judges.

Mr. MIDGLEY: No.

Mr. CHUBB: The hon. gentleman said "judges," but if he had looked at the interpretation clause he would see that it gives power to justices of the peace, and those are the gentlemen who will, I have no doubt, have the greatest amount of work in connection with this Bill, because it will be before them that the first offences will be tried, and they will be the gentlemen who will deal with first offenders committing minor offences. The hon. gentleman also made another statement which is quite wrong, and that is that crime is more prevalent here than it is in Great Britain. That is not a fact, and if the hon. gentleman will look at the statistics he will see that it is not a fact.

Mr. MIDGLEY: I said, considering the incentives to crime.

Mr. CHUBB: There are no doubt certain classes of crime in this colony which are more prevalent than others, because the people who require protection are not as readily known as they are in other countries. But, with regard to the Bill itself, the thing to be borne in mind is this: that young persons especially commit offences under circumstances of great temptation. They are not wholly hardened criminals; they break down under sudden temptation. Well, these are the objects of mercy, and, as Shakespeare says:—

> "And earthly power doth then show likest God's
> When mercy seasons justice."

It is for that class of persons that this Bill is intended to provide. If those persons are associated with hardened criminals they become hardened criminals themselves, and the association in gaol with persons who have been convicted more than once is quite sufficient to poison their minds to all sense of honour and honesty afterwards. Not only that, but having served a sentence in conjunction with those criminals, when they leave gaol they are marked in a sense, and very rarely escape from the influence brought to bear on them. I have been told on very good authority — and I believe it is true — that even in this city there are some persons holding respectable positions, who in other countries had the misfortune to come under the criminal law. They are known as criminals here, and have paid blackmail to have the matter concealed. I know it to be the case in England that when once a man has fallen, and it is known to criminals, they make money out of it. That is a thing that can be avoided by giving those who fall once an opportunity of reformation. As already stated, this Bill is limited to minor offences, and is an experiment. The hon. member for Fassifern said that under it people received no punishment, but I say that passing sentence is punishment in itself. If it is recorded that a person has received a sentence for a criminal offence, that is a degradation. And what is imprisonment but degradation? They are both punishments, but in different degrees. Under the provisions of section 3, the court may suspend the execution of sentence upon the offender entering into a recognisance for his good behaviour for the period of his sentence or such other period as may appear proper to the court. I should have liked to have seen the principle of compensation introduced into this section. Under the old law that was a prominent feature. If a man committed an offence he was allowed to make compensation to the injured person, the object being to redress the injury and punish the offender. In a case of assault, where the person assaulted suffered a personal injury, incurs expense, and is prevented from following his usual occupation, the principle of compensation might be introduced in addition to the recognisance. The offender might be ordered to make compensation to the

injured party in those cases where compensation could be awarded. That would be, to a certain extent, a guarantee that the offender would, during the time of his probation, have an inducement to show the court that he was contrite, and willing as far as he could to make reparation for the wrong he had done. The Bill, as far as I read it, does not sufficiently clearly say whether the first offence is to refer to offences committed in this colony. If a person has committed an offence in another place, does he come under the category of clause 3? The words in the section are large enough to exclude a person who has committed an offence in any other colony, but it would be better to make it clear so that it should apply to cases of persons who have not been convicted before except for offences under that section. Then the last proviso of section 5 provides that if during the period of probation none of the contingencies named have arisen, then the sentence is not on a subsequent conviction recorded against him to be deemed a previous conviction; but provision has not been made for it to be treated as a first conviction in the event of his not complying with the provisions of the section. That is to say, while, on the one hand, if he does behave himself and does not break the conditions of the 5th section, the conviction is not to be pleaded against him on conviction of a second offence; but if he does break them, the Bill is silent as to whether it shall or shall not. The inference is that it would be counted as a first offence; but a few words there would make that clear. Of course this is an experiment. None of us can tell how it will work, but I am prepared to accept the principle of the Bill and assist in passing it through committee, with the hope that we shall see from it in course of time beneficial results.

Mr. S. W. BROOKS said: Mr. Speaker,—In moving the Address in Reply I singled out this Bill with a few others for some special mention, and I now desire to support the second reading of it. In doing so, I may say I am not moved by any of that maudlin sentimentality which prevails with some people. I would not make a prison a palace; I would not supply the prisoners with turtle-soup or plum-pudding, or anything of that sort, but would have a prison really a prison. In supporting the second reading of this Bill, therefore, I am not moved by any of those feelings, but I do so because I consider it is a right thing and a step in a really right direction. This innovation, as I take it—a really good and noble innovation—is a step which takes us still further away from that old fashion of doing things when men were hung for stealing a shilling—hung and done for. We have taken a good many steps in judicial procedure since that old fashion of doing things, and I think a good many steps have yet to be taken. I hope I may be allowed to say this, by the way: that some of those other steps will be taken very soon—steps which will separate us very far from the old mode of punishment. In dealing with crime there is room for great improvement by the classification of crime and of criminals, in fact the whole subject of prison discipline, by the adaptation of punishment to the crime, and the adoption of the principle of restitution. That has been referred to by the hon. member for Bowen, and it seems a direction in which we might very well look with some earnestness—that a man who robs another should be compelled to make restitution; that a man who brutally kicks his wife, or any fellow-creature, shall have it taken out of his own skin; that he should be thrashed if he thrashed another; that a man guilty of some skilled vice shall be punished in some way akin to the evil he has committed. I think there should be some harmony between the offence a man has committed and the punishment meted out to him. In that direction I say there is room for improvement. Indeed,—I am not a lawyer; if I were, perhaps I should not go so far as I am going now,—I say that our whole system of judicial procedure needs some overhauling. There are anomalies and disproportions of sentences which shock the lay mind. I have in my hand a scrap which contains an account to this effect:—

"On Saturday," says the late issue of a Birmingham newspaper, "for the second time during the Warwick assizes, the Lord Chief Justice commented upon disproportionate sentences. It transpired that a prisoner named Christopher Owens, charged with stealing two fowls, had already undergone eighteen months' imprisonment for a similar offence, whereupon his lordship said: 'I cannot impose such a sentence as that. What should I do if a prisoner came before me for committing some outrageous crimes, if eighteen months is not thought too much for stealing two fowls?' His lordship then proceeded to pass a sentence of six weeks' imprisonment with hard labour."

That, I think, is a direction in which we might well look. So far as I am concerned, I am in some agreement with the hon. member for Fassifern. I do not think it ought to be left in the hands of one judge to pass any sentence upon a fellow-creature of, say, more than three years. I do not think that any one man should be allowed to take a larger slice than that out of the free life of any of his fellow-creatures. I think that there ought to be a provision saying that no sentence of, say, more than three or five years should be allowed to be given by any one man. If such a power is allowed, I think we should know that the judge's digestion is good, and if he slept well on the night before. We ought also to know if he is subject to any strong prejudices, social or political. I do not believe in the infallibility of any man. I do not believe that judges are more infallible than I am. In that view, I do not think that one judge should be allowed to impose those long sentences upon any man. That is, of course, all by the way; but coming back to the Bill, I think the preamble furnishes good ground to work upon. Hon. members will see that it says "Whereas there is reason to believe that *many* offenders might be induced to reform"; not all offenders. It recognises that there is a distinction. There are criminals and criminals. Reference to-night has been made to Shakespeare, and if he were living now and the right afflatus came upon him, he might say, "Some men are born criminals; some men achieve criminality; and some have criminality thrust upon them." As far as those who are born criminals are concerned, I daresay this Bill will have little effect upon them. Criminality is bred in them, bone and blood. They are born bad, and inherit the criminal tendencies of goodness knows how many generations. But some who are not born bad become bad — achieve criminality. They ought not to be treated in the same way as the last class, but should have some chance given them to reform and of being saved from that badness which they have achieved, or which has been thrust upon them—I like that expression better. A sudden accession of temptation with opportunity conjoined may have brought them to a position they were never born for. They may have been born of good parents. How often do we find that the sons of clergymen are the very worst in the lot! Such persons might be affected by this Bill. The sons of good men we often find in such a position, sometimes because the father is too good and goes out every night, perhaps to some religious exercise, and leaves the children, the boys, in charge of their mother, who may be very weak. They gradually get the upper hand of her, and go from bad to worse until they find themselves one day in the grip of the law. It is for those, I take it, that the Bill provides some hope; it will give

them some chance of reformation, in the hope that some of them may be reformed. Hon. members will probably have received, as I did, the report of the Commissioner of Police, and if they have they will find on referring to it that of persons under nineteen years of age, during the year 1884, there were no less than 479 convictions—479 boys or youths under nineteen. That to my mind is a very serious consideration—that 500 youths should, before they get to the age of nineteen years, have come within the scope of the law. Many of these may be led into temptation and evil, and I think we are bound to do what we can to save them from a life of shame. There is no doubt that is what it means. If we send a youth of that sort —whether led into crime, or having had crime thrust upon him—to gaol, to consort with old gaol-birds, as he must of necessity do under our present system, he will be marked with an indelible brand, and will have hardly any chance to get rid of it. I support this Bill, Mr. Speaker, on quite another ground. I support it upon financial grounds, and I think that is a very good reason for supporting it. Consider the enormous cost of punitive justice in this little colony—little as regards population. I grant that the old method was a far cheaper one than the present. When a man stole a shilling or a turnip he was hanged and done with, and caused no more trouble or expense. That was a cheaper method, though, perhaps, not a better one than the present. Under our present method the prisoners are kept in comparative idleness, because, as hon. members will see from the report, scarcely any employment can be given them. They get a little work in cutting wood and in keeping the prison clean, but they spend three, five, seven, or ten years, in almost absolute idleness, while we outsiders who do not commit crime have to pay to keep them. Consider, then, how much could be saved if we could lessen the number of those whom we have, perforce and willy-nilly, to keep in idleness. The question has already been raised in the House whether we should not do something to make the prisoners keep themselves. My own opinion is that the prisoners should by their work be made to pay to the uttermost farthing for the cost of their keep; but that is a subject we might perhaps talk about when the Estimates come on, and we are discussing the question of prisons. I would point out that from a financial point of view, in the way of lessening expenses, this Bill might very well be considered. The Premier opened up the principal provisions of the Bill, and there is therefore no need for me to go into that; but in the speech I made at the opening of Parliament, in moving the Address in Reply, I made reference to a plan proposed by a Judge of the Supreme Court of Mauritius. Some hon. members may have seen it, as it has been reprinted in the *Pall Mall Gazette*. The judge himself said that his suggestion might provoke some little amusement, but it was one which was yet worthy of being considered. This plan was to set a mark—a real literal mark—upon offenders, on a part of the body where it could not be seen by anyone but the offender himself—that men who committed offences should be tattooed, or have some mark made upon their bodies. If a man committed a second offence, he might either have a second mark, or, if the marks were to be cumulative, might have two additional marks; and if he committed a third offence, he would either get a third mark, or three extra marks. It was proposed also that a limit should be fixed—say of twelve or fifteen marks—and when a man reached that number his life of liberty was to be ended. He must go to prison. All that time he would know very well what was going on. He would see day by day those marks on his body, and he would know, as those marks crept up in number, that his chance of freedom was gradually diminishing; and, unless he was one of the class I spoke of as born criminals, he would be very likely to stop short of the number which would deprive him of his liberty.

Mr. W. BROOKES: Is that for dealing with coolies?

Mr. S. W. BROOKS: No; for general criminal proceedings. The 4th section in the Bill, I think, is a very good provision. The offender may personally attend at the police court, or he may report himself by post-letter signed by him. He is not to be under close police surveillance. That, as the hon. member for Fassifern says, is, I believe, one of the causes that sends men down and down still further—if they see the eyes of the police always on them. This will clear them from that. It is a good provision, too, that on any subsequent conviction this first shall not be deemed to be a previous conviction. This last clause, I confess, made me feel considerably glad. I believe there are men to-day who ought to be out of gaol. I believe there are some men who have been sentenced by judges to terms of imprisonment they did not merit, and who ought to be amongst us to-day as free men. They are no more criminals than we are, and it seems to me that in this clause there is some hope. Here is a chance for them; and if this Bill becomes an Act, and the Chief Secretary, or the Minister having charge of this Bill, asks me to name one to whom this provision should be applied, I will soon give him an answer. I know one who I believe is no more a criminal than I am; yet he is sentenced to Brisbane Gaol. I will support the second reading of this Bill with great pleasure. It might be a good deal improved. The principle of restitution, of harmonising punishment with offence, might be introduced in some way. The other point—that sentences of more than three years should not be given by one judge—is perhaps too much to hope for at present. One step at a time, and, as far as I am concerned, I am very glad that this step is such a good one.

Mr. BROWN said: Mr. Speaker,—I intend to support this Bill. There is one feature which seems to me to have been overlooked. I understand that the chief object of this Bill is to prevent first offenders from being contaminated by association with old offenders.

The PREMIER: That is one object.

Mr. BROWN: Well, a case of this sort might arise: A young offender might be committed for trial in some out-of-the-way place, and have to stay two or three months in gaol awaiting his trial. I think some provision should be made by which this young offender should not be necessarily brought into contact with other prisoners during the time he is awaiting his trial. It seems to me that this is a matter of some consequence, and I suggest it for the consideration of the Chief Secretary before the Bill gets into committee.

Question—That this Bill be now read a second time—put and passed.

Committal of the Bill made an Order of the Day for to-morrow.

JUSTICES BILL—COMMITTEE.

On the Order of the Day being read, the House went into Committee to further consider this Bill in detail.

Clauses 178 and 179 passed as printed.

On clause 180, as follows:—

"Any person charged—

(1) With having committed or attempted to commit larceny from the person; or
(2) With having committed or attempted to commit any offence by law deemed or declared to be simple larceny, or punishable as simple larceny; or
(3) With having as a clerk or servant, or while employed for the purpose or in the capacity of a clerk or servant, fraudulently embezzled any chattel, money, or valuable security, which has been delivered to or received or taken into possession by him, for or in the name or on account of his master or employer; or
(4) With having obtained or attempted to obtain by any false pretence any chattel, money, or valuable security, with intent to defraud; or
(5) With having been an aider, abettor, counsellor, or procurer in the commission of any such offence;

and whose age at the period of the commission or attempted commission of such offence did not, in the opinion of the justices before whom he is brought, exceed the age of sixteen years, may be tried for such offence in a summary manner before two or more justices, and shall, upon conviction thereof, be liable to be imprisoned, with or without hard labour, for any term not exceeding six months, or to a penalty not exceeding twenty-five pounds."

The ATTORNEY-GENERAL said that was an improvement on the law as it stood at present. There were several juvenile offenders' Acts. The first provided that justices should have power to deal with cases of simple larceny when the offenders did not exceed fourteen years of age. Then there was an amended Act by which persons guilty of larceny whose age did not exceed fifteen years might be dealt with by justices when the goods stolen did not exceed 5s. in value. Subsequently there was a provision made in the Towns Police Act—the Act 36 Victoriæ, No. 8—extending those provisions to cases of larceny and embezzlement, where the value of the stolen property did not exceed 40s.; but those last provisions would probably be restricted to places to which the Towns Police Act was proclaimed applicable. The clause before them provided that any person whose age did not exceed sixteen years might be dealt with summarily by the justices for any of the offences specified.

Mr. CHUBB said the clause made the value of the property stolen immaterial, and dealt with offenders whose age did not exceed sixteen years. It had been thought by some persons that, instead of sending juvenile offenders to prison or fining them, provision should be made for punishing them with the birch; and he would like to know whether anything of that kind was contemplated in the Bill.

The ATTORNEY-GENERAL: There is a section further on applying it to offenders under twelve years of age.

Clause put and passed.

Clauses 181 and 182 passed as printed.

On clause 183—"Option given to be tried by a jury"—

The ATTORNEY-GENERAL said that part of the clause was taken from the existing law, which provided that justices might ask an accused person whether he objected to be dealt with in a summary way, and if he did object then the case went to a jury. That alternative was still allowed.

Clause put and passed.

Clause 184 passed as printed.

On clause 185—"Confession of simple larceny or stealing from the person, or embezzlement, or obtaining or attempting to obtain money by false pretences"—

The ATTORNEY-GENERAL said that clause as well as the next section was from the Imperial Act. It provided that in the case of a person charged with larceny, embezzlement, or obtaining money by false pretences, the justices might, after taking the precautions prescribed in the succeeding section, deal with that person summarily, no matter what the value of the property might be.

Clause put and passed.

Clauses 186 and 187 passed as printed.

On clause 188, as follows:—

"If the justices upon the hearing are of opinion that the offence is not proved, or that it is proved but that it is not expedient to inflict any punishment, they may dismiss the defendant on finding a surety or sureties for his future good behaviour, or without such sureties, and may in such case, if they think fit, make out and deliver to the defendant a certificate under their hands stating the fact of such dismissal"—

Mr. CHUBB said he thought it was desirable that some limit should be fixed for which an offender should be called upon to find sureties for his good behaviour.

The ATTORNEY-GENERAL said that was the same provision as existed in the present law, but he would move that the clause be amended by inserting after the word "behaviour" in the 4th line the words "for a period not exceeding twelve months."

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

Clause 189 and 190 passed as printed.

On clause 191—"Summary trial of children for indictable offences"—

The ATTORNEY-GENERAL said that was a new clause, and contained a series of provisions taken from the Imperial Summary Jurisdiction Act of 1879. It provided that where the age of a child did not exceed twelve years, and the child committed any of the offences named in that section, the justices might deal with the offender summarily, and inflict the same description of punishment as might have been inflicted had the case been tried on indictment. It further gave them power, with certain precautions against abuse, when the child was a male, to have him privately whipped with not more than six strokes of a birch rod, or cane, or leather strap, in addition to or instead of any other punishment. If the parent or guardian wished, he could be present at the whipping, or he might be present at the hearing of the charge and object to the child being dealt with summarily, and in that case the offender would be dealt with in the ordinary way. There was a verbal error in the 2nd subsection, where the word "court" had been printed by mistake. He moved that it be omitted with a view of inserting the word "justices."

Mr. NORTON asked by whom was the whipping to be done?

The PREMIER said the whipping would be done in the police yard, but the person by whom it was to be done could not be put into the Bill.

Mr. NORTON said that with regard to paragraph (*d*) he scarcely thought it desirable that the parents should be present while the whipping was going on.

The PREMIER: Why not?

Mr. NORTON: Some parents, perhaps, could not bear it, and would be much better away.

The ATTORNEY-GENERAL: Their attendance will be quite optional.

Mr. CHUBB suggested that some provision should be made for handing over the child to its parents, if under a certain age, without any punishment at all.

The ATTORNEY-GENERAL said that was provided for in subsection 5, which stated that the sections should not apply to any child who was not above the age of seven years.

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

Clauses 192 to 196 passed as printed.

On clause 197—"Complaint praying for surety of the peace"—

The ATTORNEY-GENERAL said that, as he had pointed out on the second reading of the Bill, the provisions in that part of it were the express provisions, with some slight alterations, of the present law with regard to sureties of the peace and for good behaviour; but those provisions did not at present exist in statute form, and to put them in statute form would be of great service.

Clause put and passed.

Clause 198 passed as printed.

On clause 199, as follows :—

"Upon the making of any such complaint as aforesaid, the justice may receive corroborating affidavits of third persons in support of the matters stated in the complaint"—

Mr. MELLOR suggested that the word "may" be altered to "shall if required."

Mr. CHUBB asked whether the clause referred to additional evidence to justify the justice in issuing the summons, or to evidence to be received at the hearing?

The ATTORNEY-GENERAL said the object of the clause was to enable the justice to get further evidence as to the necessity of issuing the summons. A man might make out a very strong case before a justice, but he might know the individual to be a doubtful character and have a suspicion of his *bona fides*, and he might require his evidence to be supported by the affidavit of a third person before he issued a summons.

Clause put and passed.

Clauses 200 to 204 passed as printed.

On clause 205, as follows :—

"If the defendant is in gaol under a commitment for want of sureties at the time he enters into recognisance, then the justice taking the same shall issue a precept to the keeper of the gaol to discharge him"—

Mr. BAILEY said he thought cases of hardship might arise under that clause. In the country districts magistrates very often resided long distances from the court of petty sessions; a man might be called upon to find sureties and not be able to find them in time to be taken before the justices who were sitting, and in the meantime they might go home. He thought the clause should leave it open so that any magistrate should have power to accept the sureties.

The PREMIER: So they have. That is provided in another clause.

Clause put and passed.

Clause 206—"Estreating recognisance"—passed with verbal amendment.

Clause 207—"Costs"—passed as printed.

On clause 208, as follows :—

"If any person feels aggrieved by a conviction or order of justices he may apply to the Supreme Court or a judge thereof, in chambers or on circuit, for an order calling on the justices and the prosecutor or other party interested in maintaining the conviction or order, to show cause why such conviction or order should not be quashed, which order may be made returnable on any day on which the Full Court is appointed to sit."

Mr. BAILEY said he wished the Attorney General would give the magistrates of the colony some authoritative statement as to the position they occupied in connection with those appeals. He knew that a great many justices of the peace feared appeals very much; they were always afraid that they might be let in for costs.

The ATTORNEY-GENERAL: They need not be.

Mr. BAILEY said he remembered one occasion when nearly the whole bench of magistrates at Gympie resigned in a body on account of an appeal against their decision. Whether they had to pay costs or not he was not sure.

The PREMIER: They had in that case. There have been two cases of the kind in the colony.

Mr. BAILEY said he wanted to know whether in those appeal cases magistrates were always liable to pay costs, or was it only on particular occasions?

The ATTORNEY-GENERAL said magistrates were never made to pay costs except it was manifest from the proceedings before the court that there had been want of good faith in the adjudication they made which formed the subject of the prohibition. A case illustrating the position of not only magistrates but public officers had come before the Full Court that day. One of the officers of police at Bundaberg had laid an information against an individual for a breach of the Licensing Act of last year. There was a defect in the information, in respect to which the defendant, who was fined £30, moved for a prohibition, and a rule *nisi* was obtained, which called upon the constable who set the law in motion against the defendant to show cause why he should not pay the defendant's costs. A motion to make the rule absolute was heard before the court that day, and the result was that not only was the constable not made to pay the defendant's costs, but, inasmuch as it was not apparent on the face of the proceedings that the constable had acted in bad faith, the defendant was made to pay the constable's costs. So that, so far from any rule being likely to be made by the court bearing harshly upon justices of the peace, or upon those who were to administer the law, as long as they acted in good faith—as long as it was apparent that there was an absence of bad faith, to put it in a milder form—the court would never order the authorities to pay costs.

Mr. FOOTE said he did not know what the Attorney-General meant by bad faith in that sense, because he remembered an instance where two justices who heard a case at Harrisville under the late Publicans Act had to pay their own costs—a considerable amount, too—something like £60——

An HONOURABLE MEMBER: Served them right!

Mr. FOOTE: And yet we are now told that justices had not to pay their own costs.

The PREMIER: Unless they misconduct themselves.

Mr. FOOTE: It was said that in certain cases they had to pay their own costs, and then that it served them right. He thought that the sooner justices knew that the better.

The ATTORNEY-GENERAL said the hon. gentleman was not present the other evening when he explained the circumstances with reference to the case at Harrisville. The papers in that case came before him, and he told the justices themselves that the affidavits which were put in by the parties in support of the prohibition were such as disclosed a gross want of good faith on the part of the magistrates. They had made no attempt to answer those

affidavits, and the court had no alternative but to allow the rule to go and allow costs. It would be perfectly plain in that case that the magistrates did not act as magistrates actuated solely by a desire for the public good ought to have acted.

Mr. CHUBB said that case was becoming historical. The justices were compelled to pay costs for giving judgment before they heard the case. It was a very proper case for them to pay them. He thought the words "or on circuit," in the 3rd line, were unnecessary; they were never acted upon.

The PREMIER said it might be very convenient to retain them. They had been acted upon; some persons might be in gaol unjustly.

Mr. NORTON said he knew of one case in the neighbouring colony of New South Wales where a magistrate was nearly ruined because he had to pay costs.

The PREMIER said the costs could not have been more than £50 or £60.

Mr. NORTON said he was not fully acquainted with all the facts of the case. He knew that the man was in a good position—a professional man—and a man who was held in high esteem in the town where he lived. He was ruined in consequence of having to pay costs, and came to Queensland, where he died.

Clause put and passed.

Clauses 209 to 213, inclusive, passed as printed.

On clause 214—"Party called upon may consent to order being made absolute; costs in such case"—

The ATTORNEY-GENERAL said that was a new provision in their law, and would be found a most useful one for reducing costs in proceedings of that kind. When a person who was served with an order to show cause in the first instance saw that he really had no good ground for doing so, he could surrender at once, instead of having to wait until the court sat, and a motion was made for the rule to be made absolute, by which time the costs would have vastly increased. He might stay the proceedings at once by giving notice that he did not intend to show cause. The proceedings would be quashed without the case going before the court at all. The registrar could deal with it in Brisbane, or the associate when on circuit.

Mr. CHUBB said he did not like the phraseology in the case of the words "shall be awarded." "Awarded," of course, meant by order of the judge. The word "allowed" might be substituted.

The PREMIER: It does not matter which it is.

Clause put and passed.

Clauses 215 to 224, inclusive, passed as printed.

On clause 225—"Justices, on application of a party aggrieved, to state a case for the opinion of the Supreme Court"—

The ATTORNEY-GENERAL said that was a new provision so far as the law of this colony was concerned, and was taken from an Imperial statute. It provided a remedy the want of which had been very long felt. Under the present law a person who had an order made against him could always obtain redress, but a complainant who had had his case improperly dismissed had no remedy.

Mr. CHUBB said the clause provided that the applicant, after receiving the case as stated by the justices, was to forward it to the Supreme Court, and hence it would have to go to the judges. It would be better to insert the word "registrar."

The ATTORNEY-GENERAL moved the insertion of the words "registrar of the" on the 5th line.

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

Clauses 226 to 234 passed as printed.

On motion of the ATTORNEY-GENERAL, clause 235 was amended to read as follows:—

"The judges of the Supreme Court may make general rules and orders to regulate the practice and proceedings in reference to stating cases under this part of this Act."

Clauses from 236 to 239, inclusive, passed as printed.

Clause 240—"Proceedings to be transmitted to district court"—passed with a verbal amendment.

Clauses from 241 to 250, inclusive, passed as printed.

On clause 251—"Where action lies against justices"—

Mr. MIDGLEY asked for information respecting the position of justices with regard to actions performed in their official capacity. It would be a boon to some of his "J.P." constituents to send them a brief summary of their liabilities under the Bill.

The ATTORNEY-GENERAL said that justices were quite safe—as he had already explained to the hon. member for Bundanba—from liability to pay costs, unless they did not act *bonâ fide*. They would not be held responsible by the court for stupidity, for making any errors, but if they went wrong intentionally—if they did not act in good faith—they must look out for the consequences.

Clause put and passed.

Clauses from 252 to 264, inclusive, passed as printed.

Schedules I. and II. put and passed.

On Schedule III.—

The PREMIER moved a consequential amendment providing for the omission of the words "and seal" and the letters "L.S." in the following forms of the schedule:—6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 66, 67, 68, 69.

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

Schedules IV. and V. and preamble passed as printed.

The House resumed, and the CHAIRMAN reported the Bill to the House with amendments.

The adoption of the report was made an Order of the Day for to-morrow.

ADJOURNMENT.

The PREMIER said: Mr. Speaker,—I beg to move that the House do now adjourn. It is proposed to recommit the Justices Bill to-morrow for the purpose of substituting another clause more carefully framed in place of the new clause inserted last Thursday evening, with two or three consequential amendments. After that the order of the business will be—Elections Bill, committee; Mineral Oils Bill, committee; Local Authorities (Joint Action) Bill, committee.

Question put and passed, and the House adjourned at twenty-three minutes to 11 o'clock.