Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

WEDNESDAY, 4 AUGUST 1886

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LEGISLATIVE ASSEMBLY.

Wednesday, 4 *August*, 1886.

Petition.—Questions.—Motion for Adjournment—Treasury Returns.—Justices Bill—adoption of report.—Justices Bill—recommittal.—Message from the Legislative Council.—Elections Act of 1885 Amendment Bill—committee.—Mineral Oils Bill—committee.—Local Authorities (Joint Action) Bill—committee.—Adjournment.

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

PETITION.

Mr. FOOTE presented a petition from the General Assembly of the Presbyterian Church in favour of the repeal of the Contagious Diseases Act, and moved that it be read.

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

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

The SPEAKER said: I think it is my duty to call the attention of the House to the wording of the petition presented by the hon. member for Bundanba. To be in accordance with the Standing Orders, the language of a petition must be respectful to the House; but in this particular case, in place of praying the House to repeal the Act referred to, the petitioners say "We insist upon its repeal," which is scarcely respectful to the House. The petition having been received, I can hardly ask the House to rescind the motion for its reception; but I would point out that in cases of petitions containing similar language being presented to the House in future it will be my duty to ask the House not to receive them.

QUESTIONS.

Mr. SMYTH asked the Minister for Mines—

What is the greatest depth at which coal is being worked in Queensland, and the name of mine and place of working?

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

Three hundred and fifty feet—Bremer Basin mine, situated about one mile from Ipswich.

Mr. JORDAN asked the Colonial Treasurer—

When tenders will be invited for lengthening the Dry Dock at South Brisbane?

The COLONIAL TREASURER (Hon. J. R. Dickson) replied—

Tenders will be called immediately for the work in connection with the lengthening of the South Brisbane graving dock, as recommended by the Engineer of Harbours and Rivers in his report for the last year ending 30th June.

MOTION FOR ADJOURNMENT.

Treasury Returns.

Mr. BLACK said: Mr. Speaker,—I propose to conclude my remarks with a motion for adjournment. I wish to get some information from the hon. Colonial Treasurer in reference to certain returns. I wish to refer to what appears to me to be a very unnecessary delay in laying important statements upon the table of the House which have been called for by hon. members. The special returns that I refer to are those called for on July 14th, when I moved for certain returns referring to the Customs revenue, the land revenue, and the general expenditure of the colony since Separation. I had reason to believe that they were returns which could be furnished without any unnecessary delay; but three weeks have now elapsed, and there is no appearance of them upon the table of the House. I think the Treasurer should have an opportunity given him of stating whether these are returns which are not procurable, or what is the reason for the unnecessary delay The hon. gentleman also promised that on as early an opportunity as possible he would lay upon the table of the House, in pursuance of a motion by the hon. member for Burke, a return showing the figures on which the Treasurer, in his recent trip north with the Premier, based certain statements made by him to the effect that the expenditure in the North was very considerably in excess of what the North was entitled to. It was represented that if the correct figures were known the southern portion of the colony would be complaining of the very heavy expenditure which had been going on in the North. That is a statement to which I took exception, and it would be very satisfactory in the present state of feeling on a very important question—that of separation—that hon. members should be in possession of every information on the subject, especially from a financial point of view, that the Government are able to give them. I do not believe for one moment that the Government wish to mislead the public on this matter, and I am sure that I and other members of the House will be only too glad to ascertain whether or not the views held by a considerable section of the community on this important subject are justified by facts. I therefore suggest to the Treasurer that he should give us some information as to whether these figures are obtainable or not. I have the figures myself—that is, I have compiled them to the best of my ability. With reference to the figures moved for, showing the Customs returns since separation from New South Wales, I might state that the late lamented member for Mackay, Mr. Amhurst, in the year 1879, moved for a return, which was published by the Government, giving the Customs returns up to the end of 1879 I myself, five years later, moved for a continuation of that return, which was also laid upon the table of the House; and there are, therefore, only the returns for the two years since then to be added. I am quite aware that hon. gentlemen could get them for themselves, but I think it would be an improvement to have them embodied in the one return. The *Government Gazette* gives the figures every year, and they merely require to be embodied in the one return. With regard to the return I moved for in connection with the land revenue, I last year moved for this return, and it only requires the return for one year to be added to complete it. The Treasurer should be able to furnish these returns in two or three hours if he were inclined to give this matter the notice I maintain it deserves. With regard to the expenditure in the North, stated by the Government party during their recent tour to have amounted to about £5,000,000, it is quite evident the Colonial Treasurer must have been in possession of some figures on which he based that statement. I believe those figures were compiled up to the 31st March last, and from that I infer that it only required the addition of the last quarter's expenditure to make that return complete. I therefore think the Colonial Treasurer should give this House some explanation of what I consider the unnecessary delay in affording this House and the country generally that information which is of great importance to them. I beg to move the adjournment of the House.

The COLONIAL TREASURER said: Mr. Speaker,—I do not think the hon. member has any cause for complaint in the delay in furnishing returns this session. I think the orders for returns have been met very closely up to the present time. But when the hon. gentleman asks for a return extending over a considerable period, and requiring a very large amount of investigation in its preparation, he must be prepared to allow sufficient time to

elapse for the return to be laid on the table in a manner that will stand investigation, and be an accurate return of what it purports to be. The figures to which the hon. member has referred as having been quoted by the Premier and myself in the North were obtained from a statement up to the 31st March last, and it has been deemed desirable that these figures should be continued up to the end of the financial year. I hope this return will be laid on the table next week. It is in type, but has not yet been checked, and I expect to lay it on the table before next Wednesday. The larger return which the hon. member asks for comprises an analysis of the loan money spent in the colony, and divided into general divisional expenditure; and the expenditure in the southern, central, and northern divisions of the colony, and is a much larger one than that embracing the figures to which I referred. I almost regret now that I allowed that motion to go as formal, because I was subsequently informed by the Under Secretary to the Treasury that it will require a large amount of clerical labour to complete it. I can assure the hon. gentleman that I will give every facility for its early despatch. And that there may be no unnecessary delay in the matter I invite him to call at the Treasury, and perhaps a certain form may be submitted which will satisfy him and the House, and give the information desired as speedily as posssible. I can assure hon. gentlemen that the returns asked for by the hon. member for Mackay comprise a large amount of research, and could not be completed in two or three hours, as he has suggested. They extend over a long period, and when laid upon the table of the House will be reliable and full in every respect.

The HON. J. M. MACROSSAN said: Mr. Speaker,—The return which the Colonial Treasurer says will take such a long time to furnish has, I think, been made up already to 1877.

Mr. BLACK: To 1879.

The HON. J. M. MACROSSAN: No. The return of the general and particular debt of the colony I mean. It was made up at the instance of the Financial Separation Commission in 1877.

The COLONIAL TREASURER: That is nine years ago.

The HON. J. M. MACROSSAN: Yes; nine years ago. I remember that the Financial Separation Commission got the returns prepared from the foundation of the colony up to the end of 1877, and it was done in a very short time. Mr. Drew was a member of the commission, if I do not mistake; at all events, I am sure he attended the commission, and that he furnished the returns in less than a fortnight. The principle upon which that return was to be made out is known now, and there should therefore be very little trouble in furnishing the return. It is simply a matter of a clerk or two being employed for a few days at it. I am quite sure they could do it in two days. There is another return I wish to call attention to, and that is the return I called for in regard to the applications for the mining claims on Mount Morgan. Surely that should not take a long time to furnish to the House! There can be no difficult investigation necessary to furnish that return. It simply required a letter or telegram to the warden at Rockhampton, instructing him to send the report by the following mail. A period of a fortnight or nearly three weeks has elapsed since the House ordered these returns to be laid on the table, and there have been at least five or six mails from Rockhampton in that period.

The MINISTER FOR WORKS said: Mr. Speaker,—For the information of the hon. member for Townsville I may state that I had a telegram from the warden to-day to say that the report had been posted, and will be here by the first mail. There is no desire on the part of the Government to keep back these returns. There is nothing for them to be afraid of.

Mr. BLACK said: Mr. Speaker,—In reply to the remarks of the hon. the Treasurer, pointing out the intricate nature of the returns called for, I would direct his attention to a return I hold in my hand:—

"Return to an order made by the honourable the Legislative Assembly of Queensland, dated 16th September, 1879. That there be laid on the table of the House a return showing—

"1. The Customs collections at the different ports of the colony, from 1861 to 30th June, 1879, with the totals for each port, and for each of the four financial districts for the same period.

"2. The general debt and the local debt of each of the financial districts apportioned in accordance with the proposed Financial Districts Bill of 1879, including the apportionment of the three-million loan, authorised by Parliament during the present session."

That return, Mr. Speaker, was laid on the table of this House, and embraced the whole loan expenditure of the colony at the time, which amounted to £13,249,086. That is the return I wish to have continued up to the present date. Since then there has been a loan of £3,000,000, which does not require any very intricate calculation to apportion. Then we come to the £10,000,000 loan, of which I think I may safely say the North has had nothing at all yet. It is not a matter of very much importance how it has been apportioned in the southern and central portions of the colony. What I wish to point out is that the difficulty the hon. member referred to is more imaginary than real. The return I now produce really embraced almost the whole of the figures about which I want reliable information up to the present time. However, the hon. the Treasurer has expressed his willingness to furnish the return as soon as possible, and I hope no unnecessary delay will take place. It is a very important matter to a large section of the community. The preparation of the return would not necessarily entail a very large amount of work on the Treasury Department. At the same time, I would be very glad to meet the Under Secretary for the Treasury and discuss the matter with him. I had recently an opportunity of speaking to him upon the subject, and I understood, on that occasion, that matters in connection with the Estimates had really caused the delay. I beg to withdraw the motion for adjournment.

Motion, by leave, withdrawn.

JUSTICES BILL—ADOPTION OF REPORT.

On motion of the ATTORNEY-GENERAL (Hon. A. Rutledge), this Order of the Day was discharged from the paper.

JUSTICES BILL—RECOMMITTAL.

On motion of the ATTORNEY-GENERAL, the Speaker left the chair, and the House went into Committee for the further consideration of clauses 104, 125, 127, 128, 136, 137, 214, 217, 218, 238, and 261 as printed, the new clause inserted after clause 137, and the third schedule, and for the further consideration of a new clause to follow clause 112.

On clause 104—"Statement of defendant"—

The ATTORNEY-GENERAL moved that the clause be amended by the omission of the words "justice or" in the 3rd paragraph.

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

The ATTORNEY-GENERAL moved that the following new clause be inserted after clause 112:—

If the defendant, on being asked as aforesaid whether he wishes to say anything in answer to the charge, says that he is guilty of the charge, the justices shall further say to him the words following, or words to the like effect:—

"Do you wish the witnesses again to appear to give evidence against you at the court to which you will be committed? If you do not, you will now be committed for sentence instead of being committed for trial, and you will not afterwards be able to deny your guilt."

And if the defendant then says that he does not wish the witnesses again to appear to give evidence against him, his statement shall be taken down in writing and read to him, and shall be signed by the justices, and by the defendant if he so desires, and shall be kept with the depositions of the witnesses, and shall be transmitted with them to the proper officer as hereinafter provided.

In any such case the justices, instead of committing the defendant for trial as hereinbefore provided, shall order him to be committed for sentence before some court of competent jurisdiction, and in the meantime shall, by their warrant, commit him to gaol to be there safely kept until the sittings of that court, or until he is delivered by due course of law.

When a defendant is so committed for sentence, the court to which he is so committed shall, upon the arraignment of the defendant for the offence with which he was charged before the justices, and upon production of the depositions, and the aforesaid statements of the defendant, direct a plea of guilty to be entered, and shall pass sentence upon him according to law.

He said hon. members would remember that when the Bill was going through committee the other evening it was suggested that a new clause should be inserted providing that a man who was charged with an indictable offence might plead guilty before the justices, and that in such a case the depositions, with the plea of the accused person, might be sent on to the Supreme Court or the district court, as the case might be, so that the necessity of a trial of the case might be obviated, the plea of guilty taken, and sentence passed at once. A clause to that effect was drafted on the spur of the moment, but it had been thought desirable to make the provision a little more ample and complete than the provision then passed by the Committee. He therefore proposed the new clause which had been circulated among hon. members. It provided that if a defendant before the justices said he was guilty of the charge against him, the justices might ask him formally, "Do you wish the witnesses again to appear to give evidence against you at the court to which you will be committed?" And he would be informed thereupon that, instead of being committed for trial, he would be committed for sentence, and he would not afterwards be able to revoke the acknowledgment of his guilt, if he made such an acknowledgment. Then, if he did not wish the witnesses to appear to give evidence against him his statement would be taken down in writing, read to him, and signed by the justices, and would accompany the depositions. Those would be laid before the court on the occasion of the man having an information presented against him in the ordinary way, and the necessity of a trial involving a great deal of delay and expense would be obviated, as the plea of guilty would be taken and sentence pronounced in the same way as if the accused had been tried before the superior court and the jury had returned a verdict of guilty. The provision was a very great innovation—an experiment—and it was introduced as it appeared to be the unanimous wish of the Committee that such a clause should be inserted in the Bill.

The HON. J. M. MACROSSAN said he would draw the attention of the hon. gentleman to the great latitude which that new clause gave to the justices. It provided that the question which the justices should ask the defendant should be, "the words following, or words to the like effect." The justices should, he thought, be confined to the words prescribed in the clause, as it was quite possible, as they all knew, that a justice with the best intentions might not put the question with exactly the same meaning as was contained in the words in the clause. There could be no difficulty in using the exact words, as the justices would always have a copy of the Act before them.

The ATTORNEY-GENERAL said the words "to the like effect" were necessary in order to prevent proceedings from being called into question by the justices departing slightly from the strict literal form which was there provided. For example, a justice, instead of asking the question, "Do you wish the witnesses again to appear and give evidence against you?" might say, "Is it your wish that the witnesses should appear?" etc. Accurate readers sometimes made a slip like that, and some smart person might notice the difference and raise the quibbling point that the magistrate did not put the question in the words prescribed by law. It was to meet such cases that the words "to the like effect" were inserted, and it was the form always adopted in cases of that sort.

The HON. J. M. MACROSSAN said it seemed to him that it was preventing one possible mistake and leaving the door open to half-a-dozen others.

The PREMIER (Hon. Sir S. W. Griffith) said the clause provided for the making of an additional statement by the defendant to that provided for in clause 104, which had been the law in the colony for a very long time, and as nearly as possible the same phraseology was used. In that clause it was stated that the justice, or one of the justices, should say to the defendant, "these words, or words to the like effect." Those words were always introduced into clauses of that kind, and were only meant to cover slips of the sort referred to by his hon. colleague. He believed that as a matter of fact the words were always read to the defendant.

The ATTORNEY-GENERAL said that to make the phraseology of the clause conform to that of clause 104, he would move, by way of amendment, to insert after the word "justice" the words "or one of the justices."

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

Consequential amendments, necessitated by the adoption of the foregoing new clause, were made, on the motion of the ATTORNEY-GENERAL, in clauses 125, 127, 128, 136, and 137; and verbal amendments in clauses 214, 217, 218, 238, and 261.

On motion of the ATTORNEY-GENERAL, several consequential amendments were made in the 3rd schedule of the Bill.

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

The report was adopted, and the third reading of the Bill made an Order of the Day for to-morrow.

MESSAGE FROM THE LEGISLATIVE COUNCIL.

The SPEAKER announced that he had received a message from the Legislative Council, forwarding, for the consideration of the Legislative Assembly, a Bill for facilitating sales, leases, and other dispositions of settled land, and for promoting the execution of improvements thereon.

On motion of the ATTORNEY-GENERAL, the Bill was read a first time, and the second reading made an Order of the Day for Tuesday next.

ELECTIONS ACT OF 1885 AMENDMENT BILL—COMMITTEE.

On the motion of the PREMIER, the Speaker left the chair, and the House went into Committee of the Whole to consider this Bill.

Clause 1 passed as printed.

On clause 2, as follows :—

"The thirtieth section of the principal Act is hereby repealed, and the provisions of the next following section of this Act are substituted therefor; but such repeal shall not affect the validity of any claim which has been or may be hereafter delivered or sent to an electoral registrar by any person, if such claim shows that the claimant is entitled to be registered as an elector. And every such claim shall be dealt with in all respects as if this Act had not been passed"—

The PREMIER said the hon. member for Bundanba asked the other evening how the claims would be affected that had already been sent in, and he replied that they would not be affected. The Bill provided that they should not be affected prejudicially, but they ought to be affected beneficially; that was to say, if a claim already sent in would come under that Bill, although it did not comply with the provisions of the old Act, it ought to be allowed. He therefore proposed that the following words be added at the end of the clause—namely, "except that no such claim, which contains the particulars required by this Act to be stated in a claim, shall be rejected for insufficiency."

Mr. CHUBB said before that was passed he would like to draw attention to a previous part of the clause which provided that "such repeal shall not affect the validity of any claim which has been or may hereafter be delivered or sent to an electoral registrar, if such claim shows that the claimant is entitled to be registered as an elector." How long was that to go on?

The PREMIER : For ever.

Mr. CHUBB : If that is so, it is all right.

The PREMIER said a great number of the old forms were scattered about the country, and he dared say it would be a long time before the new ones reached some places; and they did not know when the Bill now before them would be assented to. It would be absurd, therefore, to provide that claims sent in on those forms should be rejected; nor indeed did it matter in what form a claim was made so long as it contained the required particulars.

Mr. STEVENSON said he would like to know whether the amendment made it unnecessary to send in fresh claims? Would the names now on the roll be retained there if no objection was made to them, notwithstanding that fresh applications were not sent in?

The PREMIER said the form of claim now in use had been found to be too complicated. A great number of persons in filling up those forms had really given sufficient information to show that they were entitled to have their names put on the roll, but had not complied with the requirements of the law as it stood, the provisions being rather more stringent than necessary. The object of the present clause was to provide that claims now being sent in should not be invalidated by the repeal of the clause under which they were sent in, but that if they showed a claim to be registered the applicant's name should be put on the roll. The amendment he had just moved would allow a claim which would have been insufficient under the old Act, but which would be sufficient under that Bill, to be received. It did not of, course, provide that persons who sent in claims and did not show any right at all should be registered, but only that all persons whose claims showed that they were entitled to be registered should be registered.

Mr. CHUBB said, in fact, although they were repealing the 30th section of the old Act, claims might be made under that section as well as under the present Bill.

The PREMIER said the 30th section of the principal Act authorised claims to be sent in in the form prescribed in that Act.

Mr. CHUBB : But either form may be used now?

The PREMIER said that was so. The repeal of the section referred to would not affect the validity of the claims hereafter sent in if they showed that the applicants were entitled to be registered as electors.

Mr. CHUBB : The form in the 30th section of the principal Act contains more information than is required under this Bill?

The PREMIER : Yes.

Mr. PALMER said he understood the hon. gentleman to say that it did not matter in what form the application was made.

The PREMIER : It must contain all the necessary information.

Mr. STEVENSON asked, did he understand that if an elector did not make a fresh application he would be struck off the roll?

The PREMIER : I do not quite apprehend the question.

Mr. STEVENSON said what he wished to know was, whether supposing an elector did not send in a fresh application his name would be struck off the roll under that Bill?

The PREMIER said the Bill did not deal with that question at all. The Act passed last year required a fresh roll to be made, and it provided that notice should be sent to every elector that if he did not send in his claim in the prescribed form his name would be left off the roll, and that would be done unless the electoral registrar knew that he was entitled to be registered, or someone who knew him made a declaration to that effect. The Bill did not alter the law in that respect.

Mr. PATTISON said it was stated that the claims should be sent in by the 1st of August, and he understood the hon. member for Normanby to ask what would happen if that provision was not complied with?

Mr. GROOM said he might observe that there was some little misconception in the public mind, and also in the minds of those charged with the administration of the Elections Act, with regard to the particular portion of the Act referring to the sending in of claims by the 1st of August. He would give a case as an illustration. He supposed that before he came to the House this session he had filled in some 400 or 500 claims for electors in his district, and on Saturday last he saw the clerk of petty sessions at Toowoomba, and asked him what number of claims had been sent in. That officer told him the number, and he then asked when the claims would be dealt with. The clerk said, "They will have to remain now until the revision court in November, and that court will deal with them." He then inquired what would be done with the claims sent in after those which had now been received, and the officer replied that "they will be treated as new claims, and dealt with at the court held in the month of October, but the claims which come in after that will not be dealt with at the revision court in November, but at the registration court which would be held in the month of January." That was the opinion of one officer

who was called upon to administer the Act. There was evidently, therefore, some misconception in the public mind as to the real object of sending out forms which were to be filled up and sent in by the time prescribed by the Act. Many thought that if their names were not sent in by the 1st August they would be struck off the rolls. Of course that was not so, but every elector had not a copy of the Act, and it was just as well that the misconception to which he had referred should be removed. Therefore the hon. member for Normanby was justified in calling the attention of the Premier and the Committee to that particular clause now, so that it might be made clearer to the outside public.

Mr. PALMER said a form had been sent to him to fill up, and he inferred from that that if he did not fill it up and send it in his name would disappear from the electoral roll.

Mr. STEVENSON asked whether, supposing an elector who had been on the roll for years happened not to be in the colony before the 1st August to fill up the application, could he do so by his attorney? If not, it might be a very serious matter to a man; he might even be a member of the House, and thereby rendered incapable of taking his seat.

Mr. FERGUSON said that if that were so he himself was a case in point. He had been away from the colony six months, and must therefore be off the roll by this time. Even if it were not so, it was evident that too much power was left in the hands of clerks of petty sessions. It was not right that any one individual should have the whole management of the electoral roll of a district in his hands.

The PREMIER said that if hon. members would only refer to the 128th section of the Act they would see that there was no cause for alarm on that point. That section provided that in the event of any elector not having sent in his claim by the 1st August his name should be omitted from the electoral list, unless "such elector is personally known to the electoral registrar as possessing a qualification as an elector for the electoral district, or unless some person, personally acquainted with the facts, proves by solemn declaration delivered to the electoral registrar before the 20th August that such elector possesses a qualification as an elector for the electoral district." With regard to the first of those conditions, the electoral registrars had been instructed to make ample inquiries to perform that duty properly.

Mr. STEVENSON: What about appearance by attorney?

The PREMIER said that anyone personally acquainted with the facts might lodge a declaration to that effect before the 20th August, and if the electoral registrar was satisfied that such elector was entitled to remain on the roll his name would be retained on it.

Mr. STEVENSON: Then it is not enough for a person to send in his application by his attorney?

The PREMIER: He cannot send it in by his attorney.

Mr. STEVENSON said he had a personal reason for asking the question. Mr. Morehead, the hon. member for Balonne, was at present absent in Europe. Mr. Morehead's name was on several electoral rolls, and he, as the hon. member's attorney, had made the application in several instances. In every case there had been a refusal on the ground that Mr. Morehead himself should sign the application.

The PREMIER: That is quite right.

Mr. STEVENSON: But supposing Mr. Morehead did not return during the present session, and had not obtained leave of absence, he might lose his seat; and then he would not be eligible to come forward again for a constituency until his name was restored to the roll—which would of course be a matter of time.

The PREMIER: All you have to do is to make a declaration and send it in before the 20th August.

Mr. STEVENSON said that not one of the clerks of petty sessions to whom he sent in the application said a word about that, and it would be a good thing if instructions were sent to them to put people in the way of complying with the law on that point. Everyone did not know the Act, and in cases of that kind the electoral registrar ought to state the proper course to adopt.

Mr. NORTON said it was evident the Act was very much misunderstood. The idea seemed to be that if the papers were not filled up and sent in by the 1st August the elector's name would be struck off the roll altogether. Anyone who was acquainted with the Act knew that provision was made for retaining names on the rolls under certain circumstances. Still, if the Act was better understood there would be less uneasiness about it.

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

On clause 3, as follows:—

"A person claiming to have his name inserted in any electoral roll may deliver his claim or send it by post to the proper electoral registrar for the district in the roll for which he claims to have his name inserted.

"The claim must be in the following form or to the like effect, and must set forth sufficient facts to show that the claimant is possessed of a qualification under this Act:—

"THE ELECTIONS ACT OF 1885.

Claim.

"To the Electoral Registrar of the [Division in the] Electoral District of .

"I hereby give you notice that I claim to have my name inserted in the electoral roll for the electoral district of , my name and qualification being as hereunder stated. And I hereby declare that I am possessed of such qualification and am of the full age of twenty-one years and upwards, and that I am a natural-born British subject [*or* a naturalised British subject, and have been so naturalised for six months and upwards].

"(1.) Christian name and surname:

"(2.) Residence:

"(3.) Particulars of qualification:

"(4.) I elect to vote in the polling district, which includes the post-office [*or* court-house] at

"Dated this day of , 18 .

"(Signed) A.B.

"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.

"The claimant must, opposite to the words 'Particulars of qualification,' give a description of the particulars of his qualification in such one of the following forms as is applicable, or to the like effect:—

(*a*) Residence for six months at [*giving the situation and number of the portion or allotment (if any), or otherwise describing locality of residence so as to identify it*];

(*b*) Possession for six months of a freehold estate at [*describing situation as above directed*], of the clear value of one hundred pounds above all encumbrances;

(*c*) Householder at [*describing situation as above directed*] for six months, the house being of the clear annual value of ten pounds;

(*d*) Holder of a leasehold at [*describing situation as above directed*], of the annual value of ten pounds, the lease of which has eighteen months to run;

(*e*) Holder for eighteen months of a leasehold at [*describing situation as above directed*], of the annual value of ten pounds;

(*f*) Holder for six months of a license from the Government to depasture land at [*describing situation as above directed*].

"The situation of the property, if any, in respect of which registration is claimed, must be specified in such manner as to enable it to be easily and clearly identified.

"The claimant may, at his option, fill up or not fill up the blank in the line relating to a polling district.

"The claim must be signed by the claimant with his own hand, or, if he cannot write, his mark must be attested by a justice."

Mr. STEVENS said he thought this clause a great improvement upon the one in the original Bill, but still there was one point that was not very clear. It seemed to him that there was some slight incongruity between subsection 4 and clause 64 of the original Act. The 4th subsection of the Bill provided that the claimant must say, "I elect to vote in the polling district which includes the post-office [*or* court-house] at ——" Then there was a foot-note saying it was optional whether he should put that in his claim or not. Clause 64 of the original Act said that the electoral district should be defined in a certain polling district, and that an elector residing in such district, but having a claim in another of those districts, must register his vote in that district. If it was compulsory under the Act, why should it be optional under subsection 4 of the clause of the Bill? It was left open in one case, and in the other it stated that the elector must give his vote in one of the polling places, and if he voted in another he must give his vote in an open manner; and in the event of anyone having personated him in the polling district in which he elected to vote his open vote would be declared informal. That, again, opened up another question, because in such a case the elector's own proper vote would be declared informal, and that of the man who personated him would be taken as formal. He should like the Premier to explain those matters.

The PREMIER said the hon. member had lost sight of the provisions of the 23rd section of the principal Act, subsection 8 of which provided:—

"Any person whose name appears in a list may, at any time before the court appointed for revising such list has completed the revision thereof, notify to the court that he elects to vote in the polling district which may include any specified post-office or court-house in or near to the part of the electoral district in which his qualification arises or is situated"—

And so on. The 64th section of the principal Act only dealt with those persons when they had elected to vote in a particular place. The provisions requiring an elector to vote within the polling district in which his qualification arose did not apply to electors who had elected to vote at a particular place. The compulsory part of clause 64 had no application in this case. If a man chose to say, "for the purpose of preventing personation I shall always vote in Brisbane," then he must do so. The principal Act provided that he might at any time before or during the sitting of the revision court notify that he elected to vote in a certain polling district.

Mr. STEVENS asked the Premier whether, in the event of a person declaring in the prescribed form he would prefer to vote in a certain place, he would be able to alter it afterwards?

The PREMIER: Not until next revision court. The hon. member for Leichhardt (Mr. Scott) yesterday suggested that some difficulty might arise in the statement of claim by the insertion of the words "natural-born British subject," or "a naturalised British subject, and have been so naturalised for six months and upwards," because a great many people would not know whether to leave both in, or strike out one and leave in the other. That difficulty, having occurred to the hon. member, might occur to others. If so, it was very easy to deal with it by putting in a paragraph to the effect that the claimant must strike out "natural-born subject," or "naturalised subject, and have been so naturalised for six months and upwards," as the facts might require. He did not think it his duty to propose such an amendment unless hon. members thought it would facilitate the making of claims.

Mr. BUCKLAND said the difficulty that had arisen in connection with the naturalisation clause had been to get the date of naturalisation, and as the hon. the Premier had pointed out that the date was now omitted, that would very much facilitate the working of that provision of the Bill. At the same time he thought, as he suggested yesterday, that some provision should be made for witnessing the signatures of marksmen—some such system as was adopted in the Real Property Office. There were objections to it, he admitted; but, at the same time, there were great difficulties in sparsely populated electoral districts in getting justices when required. He hoped the Premier would introduce something to provide for that.

Mr. STEVENS said he thought the Premier's suggestion to insert another clause instructing claimants how to deal with "natural-born," and "naturalised subject," a very good one. Too much trouble could not be taken to make the thing plain and simple. However simple the form might be, there would be a great many mistakes made. Some people could not understand the simplest thing put before them. An instance had come under his own notice in which an elector said he felt quite insulted when asked in the printed form if he was a natural-born subject, and that he wrote underneath his name "born in wedlock." That was a fact.

The PREMIER said, with regard to "natural-born" and "naturalised subject," these were the two forms of words, and all the claimant had to do was to strike out one or the other. He doubted whether it was necessary to put that into the Act. It might be inserted in the form issued from the Government Printing Office; he thought that would be sufficient. With regard to the suggestion of the hon. member for Bulimba of allowing marks to be altered by anybody provided they made a declaration before a justice, there was something to be said on both sides. Fictitious claims might very easily be made in the name of marksmen. Still, if it were considered desirable that it should be done, there would be no difficulty in framing a form for the use of marksmen, something analogous to that in use in the Real Property Office. The question was whether it would facilitate improper claims.

Mr. SHERIDAN said the words "British subject" would cover the whole question. As soon as a foreigner was naturalised he became a British subject.

Mr. STEVENSON said it would be a good addition to the clause to allow a claimant to sign by his attorney. He did not see why he should not. A man could sign everything else by his attorney, and it seemed rather hard that he should not in that case.

The PREMIER: That is open to the same objection as voting by attorney.

Mr. STEVENSON said that if a man showed his power of attorney he could prove whether a man was qualified to vote or not. His attorney was better qualified to prove a man's qualification than anybody else.

Mr. STEVENS said, with regard to a person making a claim who could not write having his mark witnessed by a person other than a justice of the peace, he did not think it would be a good plan. It would be far better to have the mark attested by a justice of the peace, who would be

known and could be followed up if there were any trouble about it. There might be hundreds of fictitious claims sent in signed by fictitious names. It was in accord with natural morality to have the claims witnessed by justices of the peace.

Mr. STEVENSON said, supposing that the claimant could not write, and his mark was to be attested by a justice of the peace, and he could not write either, what would follow?

The PREMIER: He would have to get another one.

Mr. STEVENSON said that was a very likely thing to happen. Would the mark of such a justice be taken as sufficient?

The PREMIER said the time had passed when men were appointed justices of the peace who could not write. There was a period when seals were more used than signatures, but they must remember that last week, in dealing with the Justices Bill, they left out all mention of seals, thereby assuming that all could write.

Mr. PATTISON said the Premier might recollect very distinctly a case that occurred when he (Mr. Pattison) was returning officer for a divisional board election. He refused to receive certain signatures simply because they were marks witnessed by marksmen, and his decision was appealed against in the case of Dempsey *v.* the Chairman of the Board. A decision was given against him in the Supreme Court simply because he properly refused to receive a marksman's signature witnessed by a marksman.

The PREMIER said he remembered the circumstances of that case. So far as the facts appeared, the hon. gentleman acting as returning officer rejected a number of votes on the ground that they were witnessed by a person whom he conceived to be the agent of one of the candidates. That was the ground on which the election was set aside.

Mr. PATTISON said that was only part of it. It was decided improperly. As he had said, it was simply a case of a marksman's signature being witnessed by a marksman.

Mr. S. W. BROOKS said some difficulty had been experienced in filling in the freehold qualification. He had met with several cases. Some persons had imagined that it was necessary for them to state the value of their property. He admitted that the clause would not lead anyone who thought at all to imagine that; but it would be clearer if the words "at least" were inserted before the word "one" in the 31st line. Persons objected most strongly to put a valuation upon their property. They thought, in the event of a property tax being imposed, that would rise up in judgment against them. He moved that the words "at least" be inserted before the word "one" in the 31st line.

The PREMIER suggested that it would be better to insert the words "and upwards," in brackets after the word "pounds" in the 31st line. To say that property worth £10,000 was worth at least £100 seemed rather absurd.

Mr. S. W. BROOKS said he would accept the suggestion offered by the Premier, and would move in place of his first amendment that the words "and upwards" be inserted after the word "pounds."

Mr. STEVENSON said he thought the hon. gentleman's first amendment was better than the one suggested by the Premier. "One hundred pounds and upwards" meant that it was over one hundred pounds.

The PREMIER: Put it in brackets.

Mr. STEVENSON said he thought "at least one hundred pounds" was the better way of putting it.

Mr. McMASTER said he thought the qualification was too high. If a person lodging in a boarding-house for six months was entitled to have his name enrolled as an elector, he should imagine that a man holding property worth £20 would have a greater stake in the colony than a man who might leave it a few weeks afterwards. It ought to be reduced to £25 at any rate. If a residence qualification entitled a man who resided in the colony for six months as a lodger to be registered as a voter, he said the possessor of a £25 freehold had a greater stake in the colony, and should be entitled to a vote. He thought the amount set down of £100 was too high a figure. Again, the owner of a property worth a rent of £10 a year could vote, while the man who had a freehold of £25 could not.

The PREMIER said the Bill was intended to amend the law with respect to the form of claim, and not with respect to the qualification. Under the property qualification proposed by the hon. member, Asiatic aliens might be registered; and he did not think it desirable that an Asiatic alien should be entitled to registration for a merely nominal property qualification. It should also be remembered that a person having a property worth £25 was still entitled to vote on a residence qualification, so that there was no injustice in it.

Mr. STEVENSON said he would also point out to the hon. member for Fortitude Valley that £10 a year rent meant more than £25.

The PREMIER said that after all he thought the better amendment to make to meet the view of the hon. member, Mr. Brooks, would be to insert the words "not less than."

Amendment agreed to.

The PREMIER said he did not think it desirable to alter the law requiring a mark to be attested by a justice. An agent might go round with a number of forms, get persons to answer the claims, then ask them to mark the paper, and then go before a magistrate and declare that the marks were made by the persons named. He did not think either that they could trust a casual person to go round and explain the contents of the paper. The proposed amendment involved too many dangers, and he was not prepared to support it.

Mr. BUCKLAND said he accepted the explanation of the Premier and saw that a difficulty might arise, especially where the qualification was residence. He therefore thought it was as well that that part of the clause should remain as it was.

Mr. NORTON said he thought the suggestion made by the hon. member for Normanby, that a man holding a power-of-attorney for a person absent from the colony should be allowed to act for him in the matter, was worthy of consideration. He did not say that a person holding a power-of-attorney only in that particular respect should be allowed to act, but if he held a power-of-attorney to do for another man all he would do for himself if he were present, the power might be given him to exercise it in this matter.

The PREMIER said it would have to be done by a written claim; at any rate, the claim must show the authority to act on the face of it. It would not do for a man to say, "I have a power-of-attorney for such a man." He must produce it in court for investigation. Unless the power-of-attorney could be produced in court, it was quite clear it would not be safe to give any such power. It would also give rise to a very convenient system of roll-stuffing. An agent might say he had a power-of-attorney to get a number of names on the roll. The suggestion, if adopted would open the door to abuse a great deal too wide.

Mr. STEVENS said that under the present Act there was a provision enabling a friend of a person absent from the colony to make a declaration that he was entitled to vote, and therefore the power-of-attorney was not necessary.

Clause, as amended, put and passed.

On clause 4, as follows :—

"Forms of claims may be provided by the Government Printer, with the sanction of the Minister.

"Every claim so provided shall have printed at the foot or on the back thereof a note in the following form or to the like effect, that is to say :—

Directions to be observed in filling in the Claim.

(1.) Name.—The claimant's name must be written in full.

(2.) Residence.—The claimant must write opposite to this word such a description of his address as will enable it to be easily and clearly identified.

(3.) Particulars of Qualification.—Opposite to this must be set out a description of the claimant's qualification in such one of the following forms as is applicable, or to the like effect :—

(*a*) Residence for six months at [*giving the situation and number of the portion or allotment (if any), or otherwise describing locality of residence so as to identify it*] ;

(*b*) Possession for six months of a freehold estate at [*describing situation as above directed*], of the clear value of one hundred pounds above all encumbrances ;

(*c*) Householder at [*describing situation as above directed*], for six months, the house being of the clear annual value of ten pounds ;

(*d*) Holder of a leasehold at [*describing situation as above directed*], of the annual value of ten pounds, the lease of which has eighteen months to run ;

(*e*) Holder for eighteen months of a leasehold at [*describing situation as above directed*], of the annual value of ten pounds ;

(*f*) Holder for six months of a license from the Government to depasture land at [*describing situation as above directed*] ;

(4.) The claimant may fill up the blank in this line, or not, at his option.

N.B.—The situation of the property, if any, in respect of which registration is claimed must be specified in such a manner as to enable it to be easily and clearly identified.

"The claim must be signed by the claimant with his own hand, or, if he cannot write, his mark must be attested by a justice of the peace."

Mr. PALMER said according to the clause forms of claims might be provided by the Government Printer with the sanction of the Minister. It did not say they should be provided. If an application was made for, say, 500 claims for distribution in the outside districts, would they be provided?

The PREMIER : Yes ; that is always done.

Mr. PALMER : Only with the sanction of the Minister?

The PREMIER said some control must be exercised ; it would not do to allow a subordinate officer to incur unnecessary expense in that way. There were two amendments necessary in the clause. The first was a consequential amendment—the insertion of the words, "not less than" before the words "one hundred pounds," as in the previous clause.

Amendment agreed to.

On the motion of the PREMIER, the clause was further amended by the insertion of the following sub-clause :—

(5.) The claimant must strike out from the claim either the words "a natural-born British subject," or the words "a naturalised British subject, and have been so naturalised for six months and upwards," as the facts require.

Mr. BUCKLAND said he hoped the Premier would accept the suggestion he had made on the previous day, and give instructions that plans should be prepared showing the boundaries of the electoral districts.

The PREMIER said he had intended to do so, but was sorry to say he had forgotten it. It certainly ought to be done, and he was glad the hon. member had reminded him of it.

Clause, as amended, put and passed.

On clause 5—

Mr. NORTON said he hoped the amendments they had made in the Bill would really simplify matters ; but he could not help thinking that the more they tried to simplify by adding new conditions, the more they really complicated matters. He believed after all that what they were doing was like shutting the stable-door after the horse was gone.

The PREMIER said he would take the opportunity of pointing out that all claims sent in by the 1st October would be in time for next year's roll.

Clause put and passed.

On the motion of the PREMIER, the House resumed, and the CHAIRMAN reported the Bill with amendments.

The report was adopted, and the third reading of the Bill made an Order of the Day for to-morrow.

MINERAL OILS BILL—COMMITTEE.

On the motion of the COLONIAL TREASURER, the Speaker left the chair, and the House resolved itself into Committee of the Whole to consider this Bill.

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

Clause 2—"Repeal of 43 Victoria, No. 9"—passed as printed.

On clause 3, as follows :—

"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, shall be deemed to be goods absolutely prohibited to be imported into Queensland within the meaning of the forty-first section of the Customs Act of 1873, and to be included in the table of prohibition in that section contained, and shall be forfeited and destroyed, or otherwise disposed of as the Colonial Treasurer may direct"—

Mr. NORTON said he thought that was a convenient time to raise the question of exporting oil which was considered dangerous. That clause provided that oil was not to be used in the colony which was dangerous, but was to be destroyed or otherwise disposed of as the Treasurer might direct. After the discussion that took place on the second reading of the Bill, he should like to ask the Colonial Treasurer whether he did not think that the time had arrived when it was desirable that some restriction should not be put on the re-exportation of dangerous oils?

The COLONIAL TREASURER said he had given the clause considerable thought both before and after the discussion on the second reading of the Bill, and he had come to the conclusion that the Customs should be entrusted with a discretionary power as far as practicable. He thought it would be a great hardship if oil which did not stand the test here, and which was above the standard required in Victoria, should be destroyed. Why should they destroy valuable property in Queensland, when it might be quite safe for the oil to go into consumption in Victoria, where the temperature of the climate was lower? The Customs officers might very well be entrusted with the discretionary power allowed by that clause. Oils presented different results under different conditions, when tested by the open-cup system, so that it

would be very hard on importers to say that the oil which did not meet the requirements of the standard fixed in this colony should be absolutely destroyed. He himself knew that cases had occurred in which oil which had been disallowed here had been subsequently admitted into the Southern market, having passed the test there satisfactorily; and oil that had passed the test in Brisbane satisfactorily, had not passed it in Townsville. He was of opinion that oils which had once passed the test in the colony should be allowed to go into consumption, and that the Customs officers might very safely be entrusted with the administration of the law without making any alteration such as the hon. gentleman had suggested.

Mr. NORTON said he would like to know how the Customs officers had exercised their discretion. Had they hitherto allowed all oil below the standard to be exported, or had they directed it to be destroyed? If they had allowed it to be exported, the probability was that they would continue to do the same after the Bill became law. Therefore, leaving the matter to the Customs officers meant making provision for bad oil to be exported. In this colony it was considered necessary that a certain test should be passed before oil was allowed to go into consumption, because if it was below that standard it was not safe. Of course, a lower standard might be safe in one of the southern colonies where the climate was cooler, and so far as the importer was concerned it might be a great loss to him—probably a loss of 2,000, or it might even be 4,000 cases—if all the oil introduced here below the standard prescribed in this colony were destroyed. That would be no doubt a serious loss to the importer, but they had to consider also the safety of the public. If oil was so bad that it was considered necessary to brand it "specially dangerous" it ought to be destroyed, for if it was exported and an accident happened the ship might be lost with all on board. Officers and crew of a vessel carrying the bad oil which was exported would be exposed to considerable danger, and the probability was that there would also be passengers and they too would be exposed to the danger without having any knowledge of the fact, for oil was often stowed in the hold—the most dangerous place it could be put. It was therefore a question of whether they should consider the importer, or rather the money he would lose, before the passengers, officers, and crews of vessels carrying those "specially dangerous" oils. It would be a serious matter for the Committee to take upon itself the responsibility of saying that it was the right thing that oil considered dangerous should be exported by vessels without the knowledge of the people who travelled by them.

The COLONIAL TREASURER said they had had no oils imported here of the highly inflammable character which might be inferred from the remarks of the hon. gentleman. The oils which had come here were chiefly from America, and the ships in which they had been imported were sailing vessels. The temperature specified under the open-cup system was 110 degrees Fahrenheit, and some of the oils imported ranged from 105 to 107 degrees, and he thought that even if they flashed at 100 degrees there would be no very great risk to the people on board of the vessel on which the oil was carried. He could only repeat that the Customs might fairly be entrusted with the administration of the Act. If it were found that the market was being deluged with low-class oils, then the Customs could destroy them. It had been stated in the debate on the second reading by some hon. member that the cargoes of oil which did not come up to the standard were to be marked "specially dangerous" and exported. Also that cargoes of oil arrived by steamers. Both statements were not quite correct. Before the cargo of a vessel was landed a certain number of cases were taken, and if they did not pass the test satisfactorily, the importer was then allowed to export the cargo. That provision was in the original Act, and it enabled the Customs to deal with parcels of oil that might come, not by ships, but over the border and go into consumption in the interior. Again, cargoes of oil generally arrived by sailing ships. He was of opinion that the provisions of the Bill were by no means harsh, and would not result in any injury to the public. They were not departing to any great extent from the principle of the original Bill, by which the public had hitherto been protected from a great danger.

Mr. NORTON said he did not think it was quite a question of whether low-class oils might come here or not. The hon. gentleman said that hitherto low-class oils had not been introduced, but they were actually making provision in that measure as to what should be done if low-class oils were imported. It presupposed that bad oil would be sent here, and made provision for it being sent away again. That was his objection. He knew they were not departing from the principle of the existing Act, but he contended that now that they were bringing in a fresh Bill they ought to amend the old Act. At that very time they were making provision for the protection of workmen in cases of accident, and defining the liability of employers; they were adopting a protective system for those men who had not hitherto been sufficiently protected against their employers. Ought they not, therefore, when adopting a principle of that kind into their legislation, to consider the men employed on board those vessels, where the employer was not liable so much as the Government which by its laws allowed them to be exposed to such danger? He considered it most objectionable that any oil which they did not deem safe to permit to remain in Queensland should be allowed to be shipped away to some other colony. The Colonial Treasurer might take into consideration whether sufficient time might not be allowed to exporters to make themselves acquainted with the conditions under which oil could be imported into the colony, so that they might know what risks they were running; at the same time giving them to understand that oil not coming up to the Queensland standard would not be permitted to be re-exported. In many cases, he believed, ships bringing oil to Queensland called first at the southern ports. To bring the question to an issue, he would move by way of amendment that the concluding words of the section—"or otherwise disposed of as the Colonial Treasurer may direct"—be omitted.

The COLONIAL TREASURER said he objected very strongly to the amendment, because by adopting it they would be inflicting a very great hardship upon the importers of the oil. The Victorian Act allowed oil to be introduced into that colony which flashed at 100 degrees. He was afraid the hon. gentleman did not clearly see the result of withdrawing from the Cabinet the power of dealing with the oil. Had he witnessed the mode of testing oil he would have seen the very varying results obtained from the same parcel, and would be aware that in drawing a hard-and-fast line he would be inflicting a serious injury on importers. Supposing an oil flashed at 109 degrees — 1 degree below the Queensland standard but 9 degrees above that of Victoria—it would be manifestly unfair to destroy the importers' property because it did not exactly comply with the conditions required by that Bill. Hon. members might say, "Reduce your standard to that of Victoria"; but that also he was opposed to, because it was well known that oil in a warm temperature yielded different

results when tested from what the same oil would yield in a cooler climate. The Act had worked very well in the past, and where there was no intention to bring oil of an inferior character into the market the importers might fairly be allowed to re-export it.

Mr. GRIMES said it could hardly be urged that a mineral oil was dangerous just because it did not come up to the Queensland standard by one degree. If the hon. gentleman wished to protect the vessels which carried the oil, and at the same time do no injustice to the importers, let him get a clause introduced lowering the existing standard. That would give the importers of the oil an opportunity of re-shipping it, and would not endanger the vessel in any way. It would be a great hardship to insist that all oil imported that did not come up to the Queensland standard should be destroyed.

Mr. McMASTER said he understood the Colonial Treasurer to say that oil would be tested before it was allowed to be landed. He was very glad to hear that, although no provision was made for it in the Bill.

The COLONIAL TREASURER: That is in the regulations.

Mr. McMASTER said that last session he called attention to the large quantity of oil landed at the Brisbane wharves, and pointed out the great danger that was incurred thereby. He was informed then by the Colonial Treasurer that there was no law to prevent the landing of the oil on the wharves. On that occasion there were 25,000 cases of oil landed on two wharves. Two of the cases caught fire, but fortunately it was discovered in time to prevent what might have been a great calamity. In his opinion it was perfectly right that the oil should be tested before the ship was allowed to discharge. As other hon. members had said, it would be a great hardship to importers to destroy all oil which did not come up to the Queensland standard. If they legislated for their own safety, it was quite enough; the other colonies could look after themselves, and if they chose to take oil of a lower standard it was their own lookout. A merchant might be nearly ruined by the destruction of a whole cargo of oil which did not come up to the required standard, if the Government were compelled by law to destroy it, and not allow him to dispose of it in some other market. There were merchants in Brisbane who imported a shipload at a time, and the destruction of the cargoes, because they did not quite come up to the Queensland standard, might mean ruin.

Mr. NORTON: They would take care not to bring it here.

Mr. McMASTER said the oil might be shipped for Queensland in the belief that it would come up to the test imposed by the colony; but from some cause it might be found on arrival here to flash at 109 degrees instead of at 110 degrees. The destruction of such a shipment would be a great hardship on the merchant, who might know nothing at all about it. He had known cargoes of oil come to Brisbane which had stood the test in America—that had a certificate attached that they had stood it there—and yet on arriving here it was condemned and not allowed to land. To destroy a whole ship's cargo would be a very great hardship indeed upon their merchants. If they prevented oil which did not stand the test from being landed and getting into distribution amongst tradespeople, he thought they would be doing their duty sufficiently, and that they had no right to be oppressive upon the merchants of the colony by destroying their goods when they could dispose of them in another market.

Mr. BROWN said if the amendment were adopted it would have this result: that merchants here would have to give up importing oils direct in large quantities, and would have to get them in small quantities from New South Wales or Victoria, because an importer who ordered oil from New York could not tell what the result of the test would be when it arrived here. They knew as a matter of fact that oil which had passed the test there, and for which the shipper held a certificate to that effect, on arriving in Queensland had not passed the test. Still that oil was perfectly safe. The fact was, our test was rather a severe one. It would be monstrous to suppose that oil that was quite equal to the test required in New South Wales and Victoria should be destroyed because it would not pass the test here. What right had they to take it upon themselves to order the destruction of a cargo of oil which might be worth the full amount in another colony? It would be a great injustice, and he hoped the amendment would not pass. He trusted the hon. member for Port Curtis would see that it would result in great injury to our trade.

Mr. MIDGLEY said that not only had oil which had passed the test in America been refused in Brisbane, but oil which had not passed the test here had been sent to Melbourne—a cargo of it—and some of that oil had, as the hon. the Colonial Treasurer knew, been sent back to Brisbane in small quantities, been passed, and gone into consumption. He thought that if the hon. the leader of the Opposition had been engaged in that particular kind of business he would have made a proposition in the very opposite direction to the one he had made. He (Mr. Midgley) contended that they should not leave in the hands of the Colonial Treasurer or anybody else power to destroy oil at all. Such an act would be wanton destruction of what might be further refined and made of use. Instead of leaving power in the hands of the Treasurer or Customs authorities to order the forfeiture and destruction of oil, he thought the power should be withdrawn altogether. If oil failed to pass the test let it be prevented from being landed on the shores of Queensland, but let the owners take it away and do what they liked with it. Again, if climate had anything to do with the question—whether it was better that oil should arrive in the depth of winter than in the middle of summer—they should never think of exercising an arbitrary despotic power of the kind proposed.

Mr. FOOTE said it was such cases as the hon. member had pointed out that had led to the necessity of the power referred to being placed in the hands of the Minister. He (Mr. Foote) contended that that power should be vested in the Minister. It was the head of the department who should have the right to say, when he was furnished with the necessary information as to a cargo of oil, whether it should be landed or not. If oil would not stand the test it should in no case be allowed to be put ashore, but the shipper should have the privilege of doing the best he could with it elsewhere. In any case, the fact of the shipper not being allowed to land it, and having to take it to another market, would be a serious loss to him. He thought the standard test here was exceedingly good. They all knew that previous to the passing of the last Act in reference to oils a great many casualties had occurred from the explosion of lamps through the use of oils that would only stand a very low test. Those accidents rendered the Act absolutely necessary, and in his opinion the test was not one whit too high. In fact, rather than see it lowered, he would prefer to see it increased, and he should certainly support the clause as it stood.

Mr. FOXTON said one point appeared to have been overlooked, and that was that the amendment of the hon. gentleman would not have the effect that he thought it would. He (Mr. Foxton) did not know how many cases might be landed out of a vessel—say a dozen, or something of that sort—they might be taken and destroyed, but if the amendment was carried all the rest of the cargo might go elsewhere. There was nothing whatever to prevent it being sent to Melbourne, or any other part of the world, and the object that the hon. gentleman had in view in protecting the interests of people outside the limits of this colony would be altogether defeated.

Mr. CHUBB maintained that if oil that did not stand the test was left in Queensland it ought to be destroyed, but the owner ought to have the right to take it away if he thought fit. In order to provide for that, he would suggest that the clause should be amended in this way: That after the word "shall" in the last line but one the following words be inserted—"if not exported as hereinafter provided." Then the last words, "or otherwise disposed as the Colonial Treasurer may direct," should be omitted, so that the clause would read that if oil had failed to pass the test, and it was not exported as provided by later clauses of the Bill, it should then be forfeited and destroyed. Of course, that would only apply to oil after it was imported, because until it was imported the Treasurer could not deal with it. As the clause stood, oil that did not pass the test would be forfeited or destroyed, or otherwise disposed of as the Colonial Treasurer might direct, but he could not deal with it in any way until he got it into his possession; therefore the amendment he (Mr. Chubb) suggested would apply equally to all the circumstances provided for in the clause.

The COLONIAL TREASURER said what the hon. gentleman suggested was already provided for by the clause—namely, that oil which did not pass the test should be forfeited or destroyed, or otherwise disposed of as the Colonial Treasurer might direct.

Mr. CHUBB: The Treasurer might order it to be sold in the open market.

The COLONIAL TREASURER: Then he would be responsible for such a grave dereliction of duty.

Mr. CHUBB said whatever a Minister might be responsible for, the Bill gave him power to do what he had stated. As the clause stood, it gave the Colonial Treasurer power to do three things—he might forfeit the oil, then he might order it to be destroyed, or he might order it to be sold in the open market to the highest bidder.

Mr. SHERIDAN said the Colonial Treasurer was quite right in stating that samples of oils from packages tested at different times gave different results. That he had frequently seen himself, and he was therefore of opinion that the difficulty they were in might be met, to a great extent, if when the oil was sent away they sent its character with it. Nothing would be more easy than to insert on the ship's papers a mention of the fact that the oil was of a dangerous character; so that people would be prepared. Of course it was not possible that every case of the oil would be tested. But if a vessel arrived here with cholera or some other infectious disease they did not allow her to go either to Sydney or Melbourne without informing the people there of the fact. He did not see why so dangerous a compound as a bad mineral oil should be carried to their neighbours' doors without carrying its character with it.

Mr. ALAND said it struck him that that would be a piece of gratuitous impertinence on the part of the colony. The oil would be deemed dangerous in this colony, but in other colonies they had adopted a lower standard, and it would be tantamount to telling them that they knew nothing at all about it and that in this colony they knew everything. In reference to the matter which had been so long before the Committee, he must agree with the Colonial Treasurer. He did not think that they should destroy those cargoes of oil simply because they were not up to the flashing point which they had fixed upon, more especially as the other colonies had adopted a lower test. Like the hon. member for Bundanba, he should be sorry to see the test made lower. He thought rather that they should raise it. They had had this experience, that since the higher test had been fixed by the Legislature there had been very few, if any, accidents from using inferior oil, and the higher they could fix the test the less likely were they to have any.

Mr. BLACK said he could not entirely agree with the amendment proposed by the leader of the Opposition. The arguments which had been used were perfectly fair, especially when they considered that the high standard which was considered necessary in Queensland, owing to climatic conditions, might not be necessary in the other colonies. In Victoria the flashing point was fixed at 100 degrees. The leader of the Opposition was perfectly justified in endeavouring to protect the people of the colony against unnecessary danger being brought about by any inferior article being brought into consumption, and it was a great pity that the hon. Treasurer did not upon all occasions endeavour to protect the public welfare in the way he proposed in the present case. In the case of another article recently introduced, they found that the Treasurer had adopted a very much lower standard than Victoria. He referred to a shipment of what he was informed were highly diseased apples, which had been utterly condemned in Victoria. However, they were re-shipped to Queensland, and pronounced by the experts in the employ of the Government to be perfectly fit to enter into consumption. He believed also that there were considerable shipments of tea, which although condemned as unfit for consumption in the other colonies, were allowed to go into consumption in Queensland. Although he could not endorse the amendment moved by the leader of the Opposition, he thought the Treasurer, in order to be consistent, should endeavour to protect the welfare of the colony to a greater extent than he had lately in regard to seeing that nothing of a dangerous nature should be allowed to enter in these ports. The matter he referred to about the apples was comparatively small; but still it showed how very apt the Government were to sacrifice the welfare of the people just for the sake of getting the little duty they might derive from allowing those goods to come into the colony.

The COLONIAL TREASURER said it was necessary to clear away some misapprehensions that might arise in the public mind from the remarks of the hon. member for Mackay. He had to state, in regard to that cargo of apples, that they were originally exported from Queensland and were returned. Before they were received, however, the analytical chemist stated that they were perfectly fit to enter into consumption. As regarded the tea, that was a very important matter. Cargoes of very inferior tea had arrived, and were returned to Victoria whence they arrived. The Customs there were informed of the quality of the tea, and they also informed the exporters that if any more of a

similar character arrived it would be destroyed. He could assure hon. gentlemen that the department was using the greatest possible vigilance in regard to allowing inferior tea or apples or anything else to go into consumption.

Mr. CHUBB said the clause gave the Treasurer power of sale after the forfeiture of the oil, and the Treasurer remarked that the Minister would be responsible; of course he would. But he (Mr. Chubb) wanted to know, if the oil were not sold, how the seizing officer would receive his share of the proceeds of the seizure. Under the 8th section the seizing officer should receive one-half of the proceeds of the forfeiture or penalty, and if the oil were destroyed there would be nothing for him unless fines were inflicted. Under the Customs Act, where jewellery was forfeited and sold, the seizing officer received one-half. He thought the amendment he had suggested would be better than that of the hon. leader of the Opposition.

The PREMIER said he thought the hon. gentleman was going a little too fast. The scope of the Bill was to prevent those goods being imported at all. In some respects, however, the clause was defective. He believed the majority of the members of the Committee did not wish to have the oils destroyed. The first clause of the Bill provided that the goods should be absolutely prohibited—it was assumed that they were not to be imported at all. But they might be landed by accident. He thought it would be set right in this way: by making the clause read, "if any such oils are imported they shall be forfeited and destroyed or re-exported, as the Treasurer may direct." He thought that would meet the whole case.

Mr. NORTON said he did not intend to press his amendment, and would, with the permission of the Committee, withdraw it. With regard to the other imports alluded to, he hoped the Treasurer would raise the flashing point of apples, as it was disgusting to think that apples such as had been described should come into general consumption.

Mr. FOXTON said the hon. gentleman was altogether behind the times. These were days of federation and reciprocity, and hon. gentlemen having reciprocity at heart surely could not object, if other colonies took our bad oil, to take their bad apples.

Amendment, by leave, withdrawn.

On the motion of the COLONIAL TREASURER, the clause was amended by the insertion of the words "if any such oils are imported they" before the word "shall" in the second last line of the clause, and by the substitution of the word "exported" for the words "otherwise disposed of" in the last line.

Clause, as amended, put and passed.

On clause 4—"Tests for oil"—

Mr. MIDGLEY said the Bill should make provision that in the case of oil which had been landed and passed the test it should bear some mark to that effect. The only provision of the kind in the Bill was for oil that had not passed the test, and that must be distinctly marked. When a number of cases of oil were taken out of the cargo and passed the test, they should bear some mark to that effect. He supposed the test they had in Queensland was considered thoroughly safe for ordinary purposes, and, having passed it, the oil went into bond and into various stores; but it might happen that there would be some suspicion of it, and it would have to be tested again. The test might vary a degree or two when tested again, and it would not be a fair thing when it had gone in small lots to the storekeepers to have it taken away, or that they should be compelled to export it. For the protection of those who held it subsequently, the oil when it had passed the test should bear a mark to that effect.

Mr. BROWN said he could not agree with the hon. member. His proposition would mean a tax of one penny upon every case. Who was going to mark 10,000 or 12,000 cases? The Government provided in the Bill that the oil should not be landed until after it had passed the test, and he could not, therefore, see any occasion for marking it after it had passed the test.

Clause put and passed.

On clause 5, as follows:—

"Any Customs officer or other person duly authorised by the Collector of Customs may, in the daytime, enter any warehouse or other place where any refined mineral oils are stored, and may draw samples thereof for the purpose of applying the tests prescribed by this Act; and any refined mineral oils found therein of such a quality that their importation is prohibited under the provisions of this Act shall be forfeited.

"Provided that the Governor in Council may remit the forfeiture on condition that every package containing such oil shall have distinctly marked on the side or top 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 the oil shall be exported forthwith. There shall be paid in respect of every package so marked, to the officer marking the same, a fee of one penny, which shall be paid into the consolidated revenue."

Mr. GRIMES said he wished to have some words inserted in this clause to give consignees an opportunity of testing the oil privately if they thought fit. He would therefore move that the words "and shall, if required, deliver a portion of such samples to the owner or consignee of such oil" be inserted after the word "Act" in the 5th line of the clause.

The COLONIAL TREASURER said he had no objection to the amendment, but he really considered it superfluous, because the practice of the department was to give the owner or consignee every opportunity of being present when the test was being proceeded with.

Amendment agreed to.

Mr. NORTON said he would ask the Colonial Treasurer whether he thought it necessary in the event of oil being found in the stores below the mark that it should be branded "specially dangerous." Although the oil might be considered dangerous here, perhaps it would not be considered dangerous in colonies where the test was lower. As an hon. member on the other side had said, it would be a piece of impertinence to mark oil as specially dangerous when it was going out of the colony, because the other colonies could judge for themselves whether the oil should be used or not. He thought it was unnecessary that the owner should be put to that expense of a penny a case. The words ought to be omitted.

The COLONIAL TREASURER said it would be unnecessary if they were dealing only with oil imported coastwise, but they had to look a little further afield. There was oil imported across the border in the interior, and it might have a long transport before it could be re-exported, so it was necessary that it should have some distinguishing mark for the protection of those places through which it would have to pass, lest it should be sold before reaching the border. It would be different if the oil were in port, where the vessel could proceed at once to sea.

Mr. PALMER said there was another class of oil which had not been mentioned—neither imported coastwise nor over the border—but

which might be produced in the colony. Was any provision made for testing oil which might yet very probably be produced here? It was produced in New South Wales.

The PREMIER said he thought it would be practically impossible to brand all the packages in the hold of a ship because some of them were found bad. The importer would, of course, not bother about landing the rest. He thought it would be advisable to make the provision apply only to packages which had actually been landed in the colony.

The COLONIAL TREASURER proposed to insert after the words "such oil" the words "which has been actually landed in the colony."

Amendment agreed to.

Mr. BROWN moved that the words "specially dangerous" be omitted with a view to inserting the word "under Queensland test." He did not think it was their business to say that oil was specially dangerous when it had not passed the test. All they wanted to say was that the oil did not come up to the Queensland test.

Mr. LISSNER said he would support the amendment, because he thought everyone should mind his own business. Why should they mark the cases "specially dangerous" in letters two inches long? If we were satisfied, let other people satisfy themselves.

The COLONIAL TREASURER said he approved of the amendment. It was desirable that the words "under test" should be placed on the packages, because the oil might not be considered "specially dangerous" in other colonies, and they had no right to do anything to depreciate the value of any man's property.

Mr. SHERIDAN said what he understood by the words "under test" was in the operation of being tested. The words should certainly be explained in the interpretation clause. "Under test" meant that the oil was at that particular time being tested.

Mr. NORTON said he thought they were really getting into some doubt as to what they wished the clause to mean. One hon. member got up and said that it occurred to him that the words "under test" might mean in the act of being tested. All the Treasurer wished to do, he understood, was to mark the cases so that they would be known as condemned cases while in the colony; so that he (Mr. Norton) did not think it mattered much whether the cases were branded "specially dangerous" or whether even they were branded with the broad-arrow. He wished to ask the Treasurer what precautions were taken against the introduction of oil below the standard flashing point by rail across the border or introduced overland in any manner. A great amount of goods were brought to the south-west portion of the colony by rail from New South Wales, and a great deal of oil might get into the colony in that way.

The COLONIAL TREASURER said that up to the present time the Government had not been able to take the precautions which he desired. They had not had the means of testing oils in the interior, but certainly it would be the duty of the Customs officials to see that oil was up to the required standard when brought overland into the colony. At present there were no proper appliances at the border towns for testing, but that would be remedied.

Mr. McMASTER said he saw a great difference between the words "specially dangerous" and the words proposed by the hon. member, Mr. Brown. Supposing that ten cases of oil were landed for the purpose of being tested and having been found inferior, the ship cleared out down south; it might occur to some evil-minded person to wire down south and say that that brand of oil was lying in Brisbane branded "specially dangerous," and thus the prospect of disposing of it in a market where the test was not so severe would be very small, or reduced a great deal. He thought if the oil was marked in such a manner as to prevent it going into consumption in this colony that would be sufficient. It occurred to him that branding the oil in the manner proposed in the clause would be like putting a card on a man's back declaring him to be a thief. He should certainly support the amendment.

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

Clauses 6, 7, 8, 9, 10, and schedules 1 and 2, passed as printed.

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

On the motion of the COLONIAL TREASURER, the Speaker left the chair, and the Bill was recommitted for the purpose of further considering clause 5.

The COLONIAL TREASURER said that in dealing with the clause when in Committee there were so many suggestions made by hon. members as to obscure due perception, and he had been induced to move an amendment which had no proper bearing on the matter dealt with in the clause—namely, entering into warehouses for the purpose of testing oils there, which, of course, must have been landed. The amendment was the insertion of the words "which has been actually landed in the colony" after the word "oil," an amendment which, as hon. members would see, was perfectly unnecessary; and he therefore moved that the words "which has been actually landed in the colony" be omitted.

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

On the motion of the COLONIAL TREASURER, the CHAIRMAN left the chair, and reported the Bill to the House with a further amendment.

The report was adopted, and the third reading of the Bill made an Order of the Day for to-morrow.

LOCAL AUTHORITIES (JOINT ACTION) BILL—COMMITTEE.

On the motion of the PREMIER, the Speaker left the chair, and the House went into Committee to consider the Bill in detail.

Preamble postponed.

On clause 1—"Short title"—

Mr. FERGUSON said he was not present when the discussion took place on the second reading of the Bill and did not hear the Premier's explanation, so that he must now ask for some information on a matter affecting the town which he represented. Some time ago when the municipality of North Rockhampton was a part of the Gogango Division, the Government forced the corporation of Rockhampton to take the control of the Fitzroy Bridge, which abutted on the boundary of the Gogango Division. The corporation had expended a large amount on the maintenance of the bridge; but since the municipality of North Rockhampton had been formed the Government had taken the control of the bridge out of the hands of the other municipality. In his opinion there should be in the Bill a provision applicable to such a case, by which the corporation of Rockhampton should be recouped for the expenses incurred by them in maintaining the bridge. He had seen the measure for the first time that day, and had not been able to

discover any provision to that effect; but perhaps the Premier would explain the matter. The main traffic of the Gogango Division went through North Rockhampton over the Fitzroy Bridge, so that the division and both municipalities were all interested in its maintenance, and he was of opinion that the expense should be borne by the three local authorities jointly.

The PREMIER said the hon. member would find both the matters he referred to fully dealt with in sections 33 and 34 of the Bill. The first paragraph of section 33 provided that every boundary road and every boundary bridge should be under the joint care and management of the local authorities whose districts abutted on such road, or, in the case of a bridge, on the river, creek, or watercourse. Section 34 provided that any local authorities having the joint care and management of a bridge, if such bridge was situated upon a main road, might request any other local authority or local authorities who had the benefit of it to contribute towards the maintenance of such bridge. The case of the Fitzroy Bridge was brought under the notice of the Government last year when the Local Government Bill was framed, and clauses were introduced into the measure which would meet the case; and those clauses, in a more ample form, were in Part V. of the Bill now before the Committee.

Clause put and passed.

Clauses 2 and 3 passed as printed.

On clause 4—"Interpretation"—

The PREMIER said there were two words in the clause which were not necessary. He found that the words "municipal" and "divisional" were only used in connection with municipal and divisional funds, and it was really not necessary to define what they meant. He therefore moved that lines 13 and 17 be omitted.

Amendment put and passed.

Mr. NORTON said he wished to call particular attention to the definition of a main road, and would at the same time point out that there were very great objections to roads being taken as the boundaries of divisions. It was considered by some that they were the worst boundaries that could be adopted, because the adjoining local authorities were always disputing about the maintenance of such roads. The hon. member for Fortitude Valley would no doubt remember a case in his electorate—namely, that of James street. There were great complaints made because the municipality and divisional board disagreed about the maintenance of that road. With regard to the question of main roads, he referred to a matter bearing upon that point when speaking on the second reading of the Bill. He then pointed out that it was hardly fair that the shire of Toowong should be charged with the maintenance along the river from Brisbane to the cemetery, because the people in Brisbane certainly used it far more than the people of Toowong. He thought that road should be included in the definition of a main road contained in the Bill.

The PREMIER: No.

Mr. NORTON said the whole of the money of the shire was taken up by the expenditure on that road along the river. Only the other day he was speaking to a member of the council, and he stated that while the council had to maintain that road it was impossible to give proper attention to the other roads in the shire.

The PREMIER said the definition did not cover a case of that kind, and he did not see why it should. If such a road were included in the definition, then, on the same principle, they might make the Brisbane Municipality contribute towards the maintenance of a number of other roads about the city, as, for instance, the Bowen Bridge road, Breakfast Creek road, and the Norman Creek road. Where would they draw the line? He did not think it was practicable to include roads of that kind. The only way would be to throw the burden on the general Government, the very thing these Bills were intended to avoid.

Mr. NORTON said he admitted the difficulty; they had known it all along. He would point out another case in which a divisional board suffered great hardship in having to maintain a particular road in their division. He referred to the road from the city to the manure depôt. It was not only an abomination to have the depôt stuck where it was, but the road was cut up by the carts of the municipality, and yet it had to be maintained by the divisional board.

Mr. CHUBB: Let them put a toll on.

Mr. NORTON said it was all very well to say put a toll on, but there would be no end of difficulty if that plan were adopted. It really was very hard that the divisional board should have to incur extra expenditure in the maintenance of a road cut up by the sanitary carts of the city.

Mr. MELLOR said he thought the definition of a ferry should include a boat as well.

The PREMIER said a ferry was generally understood to mean boats. It was an old term known for many centuries, but lest it might be said that the definition was restricted to that limited meaning, it was provided that "ferry" should include, in addition to its ordinary meaning, "a punt or floating bridge."

Mr. NORTON said he believed that, in the case of the Fitzroy Bridge, the difficulty was that North Rockhampton was on the north bank of the river, and Rockhampton proper was charged with the maintenance of the whole bridge.

The PREMIER said that was not the difficulty. The difficulty about the Fitzroy Bridge was that the provisions about boundary bridges and roads were inserted in the Divisional Boards Act Amendment Act of 1882, and only applied to cases in which divisional boards were interested. When that Act was passed there was a municipality on one side of the Fitzroy river and a divisional board on the other. Afterwards there was a municipality on both sides, and the obligations which previously existed upon the municipality and the board ceased to exist when the board became a municipality also. That difficulty was dealt with in the Bill introduced last year which did not become law.

Clause, as amended, put and passed.

Clause 5 passed as printed.

On clause 6—"Joint local authorities constituted for certain purposes"—

Mr. NORTON called attention to what he believed to be an omission in the 1st subsection, which read, "the formation and maintenance of boundary roads, main roads, or boundary bridges." He thought they could hardly speak of a bridge being formed, and he would therefore move, by way of amendment, the insertion of the word "construction" after the word "formation."

Mr. McMASTER asked whether the 3rd subsection—the carrying out of any public work for the common benefit of the district of the joint local authority—would cover the Stratton drain? Could they enforce the carrying out of such a work as that? It had been before the country for some time; it had been before the Supreme Court; and it was desirable that it should be disposed of in some way or other.

The PREMIER said it would decidedly cover it, subject to the condition that the joint local authority had no power to borrow money for the purpose—which must be done by the separate authorities.

Mr. McMASTER said the municipality had constructed the drain to the boundary, and they had no powers to compel the Booroodabin division to continue it. The Central Board of Health had evidently refused or neglected to compel the board to carry out the work, and the nuisance existed almost within the city boundary. Unless the divisional board would contribute, if the corporation was called upon to contribute to the work outside the boundary, it ought to be reimbursed a portion of the amount expended inside.

The PREMIER said that, if he remembered rightly what took place at the court the other day, it was all the fault of the city and not of the Booroodabin Board.

On clause 7, as follows :—

"Subject to the provisions hereinafter contained, the Governor in Council may, from time to time, by Order in Council—

(1) Constitute any two or more local authorities whose districts are conterminous a joint local authority;

(2) Join, for the purposes of this Act, the whole of the district of one local authority, or a subdivision or other part of such district, to the whole or a subdivision or other part of the district or districts of another local authority or other local authorities;

(3) Constitute a joint local authority for the management or control of any district consisting of districts or parts of districts so joined;

(4) Determine and alter, subject to the provisions of this Act, the constitution of any joint local authority;

(5) Alter or vary the area of a district under the management or control of a joint local authority;

(6) Rescind, alter, or vary any such Order in Council;

(7) Settle and adjust any rights, liabilities, or matters which in consequence of the exercise of any of the foregoing powers require to be adjusted."

Mr. FERGUSON, referring to subsection 1, said the Gogango Division was not conterminous with any other division, and asked how it was proposed to form a joint local authority there should such be deemed necessary ?

The PREMIER said that, strictly speaking, the word "conterminous" implied that the boundaries ran together. The question had been asked, if two divisions were separated by a river, would they be conterminous ? His opinion was that they would.

Mr. PATTISON said the peculiar fact about the Gogango Division was that it surrounded the municipalities of Rockhampton and North Rockhampton.

The PREMIER moved, as an amendment to subsection 1, that after the word "conterminous" the following words be inserted—"or separated by a river, creek, or watercourse."

Amendment put and passed.

The PREMIER said it had been pointed out to him that the clause did not contain express power to dissolve a joint local authority. He proposed, therefore, to insert after paragraph 5 the words, "dissolve joint local authority."

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

Clause 8—"Order in Council to assign name and date of commencement"—passed as printed.

On clause 9, as follows :—

"In the exercise of the powers hereby conferred, regard shall be had to the wishes of the several local authorities which, or the districts of which, will be affected by the Order in Council. But the Governor in Council shall not be bound to wait for any representation of the wishes of any local authority before exercising any of the powers hereby conferred, or to comply with any such representation."

The HON. J. M. MACROSSAN said that seemed to be a rather strange, contradictory kind of clause. It told them in the first instance that regard should be had to the wishes of the several local authorities, and then went on to say that the Governor in Council should not be bound to wait for any representations of the members of any local authority.

The PREMIER : They might refuse to make any.

The HON. J. M. MACROSSAN : That is nonsense.

The PREMIER : It has happened in my experience.

The HON. J. M. MACROSSAN said the clause gave the Government power to disregard the members of local authorities altogether. He did not say that that was not necessary in some cases, but he thought the clause might have been drafted differently to what it was.

The PREMIER said the clause was in effect adopting the practice now followed under the Local Government Act—that the powers of the Act might be exercised upon petition or without petition. The Government were not bound to act upon petition. That was stated in very elaborate words in two or three clauses in the Act, and the clause under discussion summed it all up. Instances had occurred frequently in his experience, both in regard to divisional boards and marsupial boards, showing the necessity for the provision. Not very long ago a divisional board kept a matter going on month after month and would say nothing. They would give no answer and express no opinion. The Government then assumed that they did not object to the course proposed, which was desired very much by another board, but the moment action was taken the board referred to at once objected strongly, and said they would abandon everything if their wishes were not carried out. In the case of the marsupial boards the same difficulty arose. It frequently happened that one board of apparently intelligent men would urge a thing being done, while another would give no answer either one way or the other ; and it was therefore desirable that the Government should have power to act either with them or without them. He thought it was very necessary to make provision that the Government should not be bound to give effect to the wishes of any local authority. There must be a compulsory power in order to make the thing work at all. The present Act was unworkable, because they could do nothing unless all the boards agreed. Even when they got the body constituted, they could do nothing unless all the parties agreed to a certain thing.

The HON. J. M. MACROSSAN said he was glad to see that the ideas of the hon. gentleman were progressing on the question of local government. He recollected the hon. gentleman contending strongly against the Governor in Council having the power now proposed, and he was glad that he had come to the conclusion that the Government should have that power.

The PREMIER : It was a very different kind of Bill.

Mr. NORTON said it would seem that the particular side of the House a member sat upon had a great deal to do with the opinions he held.

The PREMIER said he thought he might say "*Tu quoque*" there. When they were discussing the subject of local government some years ago they did not know nearly as much about it as they did now. If they had not learned a good deal about it during the past five or six years they must have had their eyes very much shut indeed. He confessed to having learnt a good deal and also to having seen a good deal of the practical working of the system. The Act of 1878 was passed, and came into operation about two months before the Government of which he was a member left office. Those two months were occupied with a general election, so that they had no experience whatever of the working of it. That was the first compulsory Act passed, and since then they had had no experience until they came into office again. Now, however, he had had a good deal of experience, and, so far as he was able to see, he thought no Government seriously desired to interfere with the wishes of local authorities. Except in very extreme cases, they did not interfere with the wishes of those bodies, and he thought that was a right principle. He believed it was the settled principle of the colony for the administration of the Acts now, and that they might safely act on that basis.

Mr. BUCKLAND said he thought the clause a very good one. He believed several hon. members were aware that it was very necessary that the powers given in the latter part of the clause should be placed in the hands of the Governor in Council, because, as it stood before, they would not be able to get two boards to agree to having any particular work carried out.

Clause put and passed.

On clause 10, as follows :—

"The governing body of a joint local authority shall be a joint board, consisting of a representative or representatives of, and appointed by, every local authority having jurisdiction within any part of the district of the joint local authority.

"The number of representatives to be appointed for the several local authorities shall be prescribed by the Governor in Council by the Order in Council constituting the joint local authority.

"The number of representatives for each of the several local authorities need not be the same, but the number of representatives for any one local authority shall never be more than one-half of the whole number of members of the joint board, *and, if there are more than three component local authorities, shall be less than one-half of such whole number.*

"In determining the number of representatives for each local authority regard shall be had, as far as practicable, to the rateable value of the property within those parts of the districts of the several component local authorities which are comprised in the district of the joint local authority.

"The representative or representatives for each local authority shall be elected by it from its own body.

"If a local authority refuses or neglects, for one month after the constitution of a joint local authority, to elect a representative or representatives, the Governor in Council may appoint some ratepayer or ratepayers of the municipality or division rated in respect of property within the district of the joint local authority to act as such representative or representatives.

"If any person, elected or appointed as aforesaid, refuses or neglects to act, or to attend any duly convened meeting of the joint board, all lawful acts and proceedings of the joint board shall be as valid and effectual as if they had been done or authorised by the full board."

The PREMIER said he had mentioned some points in connection with this clause in moving the second reading of the Bill, but there was only one amendment that occurred to him as actually necessary in it. He thought it necessary to provide that when persons who were elected as representatives of a local authority ceased to belong to that authority they should also cease to be such representatives. The first meeting of the boards was proposed to be held in April, which was just after the annual elections of the local authorities. With regard to the words in italics, he might mention that they were printed in italics by accident; they were intended for the information of his hon. colleagues, and not for the Committee. It was a provision in the Act of 1884, and he had very grave doubts as to the necessity for that provision with such a strict limitation, as was contained in the rest of the clause. It was intended to apply to cases such as the joint boards about Brisbane, where there were six or seven component local authorities, so that one municipality should not have more than one-half of the members. Under the altered scheme of the Bill, he doubted whether it was necessary, because it might happen that some of the local authorities would comprise a very small part as compared with the central one. In the case of Rockhampton, it might include the whole of Rockhampton and North Rockhampton, and a very small part of the outlying districts. In the case of Brisbane, the centre was very important in proportion to the parts of the surrounding districts that would be included. He believed that the clause would be better without the provision.

Mr. NORTON said he did not think it would be fair to give too great a preponderance to any division in the joint local authority. He believed that if one-half, or more than one-half, of the representatives belonged to one, there would be a great deal of difficulty.

The PREMIER said he preferred to leave the provision out, because with the next paragraph they would be perfectly safe. He moved that the words in italics be omitted.

Amendment agreed to.

Mr. NORTON asked if the Premier intended to fix a time for the cessation of office by the members of the joint local authorities?

The PREMIER proposed to insert after paragraph 6 the words :—

When an elected representative ceases to be a member of the local authority by which he is elected he shall cease also to be such representative.

And—

A representative shall not remain in office as such for more than two years, but shall, if otherwise eligible, be eligible to be re-elected or re-appointed.

Amendment put and passed.

Mr. NORTON said there was no provision made for a member who had been appointed a representative, and had neglected to act, ceasing to be a representative. Of course, it was undesirable that, having been a representative, he should be allowed to retain the office for two years and refuse to act during that time. His seat under those circumstances ought to become vacant after a certain time.

The PREMIER said the fact was, something must be left to the members of the board. They could attend or not, but they had no means of making them attend.

Mr. NORTON said the difficulty was that a member who might be elected or appointed might purposely neglect to attend, or he might forget that it was necessary for him to resign, and go home, and if he did not resign before he went home nobody could be elected in his stead. There should be a period after which, if a member continued to absent himself from the board meetings, his seat should be declared vacant.

The PREMIER said he thought this would meet the whole case. He proposed to insert the following as a new paragraph :—

If a representative fails to attend three or more consecutive duly convened meetings of the joint board, extending over a period of not less than three months, without leave of absence obtained from the joint board, he shall cease to be such representative.

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

On clause 11, as follows:—

"In the case of a joint local authority constituted for administrative purposes only, the Governor in Council may dispense with any of the provisions of the last preceding section relating to the number and relative proportions of members of the joint board, and requiring that there shall be a representative or representatives of, and appointed by, every local authority having jurisdiction within the district of the joint local authority, and may direct that any two or more of the component local authorities shall proceed in such manner as may be directed by the Order in Council to elect one or more members of the joint board, and that another or other of the component local authorities shall separately elect a member or members.

"And when two or more local authorities so directed to concur in electing a member or members shall fail to do so for one month after the constitution of the joint local authority, the Governor in Council may appoint some ratepayer or ratepayers of one of the municipalities or divisions of such local authorities to act as such member or members.

"For the purposes of this section, the term 'administrative purposes' means and includes any of the following purposes—

(1) Regulating traffic;
(2) Licensing and regulating porters, public carriers, carters, water-drawers, and vehicles plying for hire;
(3) Imposing and collecting license fees for any of such purposes, and expending the moneys raised by means of any such fees;
(4) Such other purposes as all the component local authorities concur in referring to the joint local authority so constituted."

On the motion of the PREMIER, the clause was amended by the substitution of the words "proceed to elect" for the words "concur in electing," in the 2nd paragraph, and by the omission of the word "shall" in the 2nd line of the same paragraph.

Mr. FERGUSON said he hardly understood the last paragraph of the clause, which said:—

"Such other purposes as all the component local authorities concur in referring to the joint local authority so constituted."

If one stood out according to that clause, the rest would have no power to carry out their wishes. The majority of the component authorities should rule, and at all events one should not be able to upset the wishes of the whole of them.

The PREMIER said the clause was for the purpose of trying an experiment which had not been tried yet. The general scheme of the Bill was that each of the component local authorities should be represented by separate members on the joint board. The scheme of the clause was that in the case of a board formed for administrative purposes, instead of each local authority electing a separate member, two or three might elect a member between them. It would only apply to places like Brisbane, where there were a number of local authorities close together, and a board might be appointed to deal with traffic regulations. He confessed he had himself some doubts about the last paragraph, but from a different point of view to that of the hon. member, as to whether some unanimity should be sufficient. However, there could not be much danger where all the component authorities concurred in referring a particular function to the joint board.

Mr. McMASTER said he would like to have seen a clause giving power to appoint a transit commission for regulating the traffic—one that would not change every year. The traffic in Brisbane had become of such importance that it required very careful looking after; and the present board being so large, and being principally composed of members outside the municipality, knew little or nothing of the way the traffic was managed. The members, too, were changed annually, and every new president had some new ideas as to the way the traffic should be carried on. In Sydney and Victoria there was a permanent transit commission, composed of the commissioner of police, the mayor for the time being, and some other person appointed—he was not sure whether it was by the Government or the municipality. Through the commissioner of police being a member, the commission was assisted by the police as well as by the traffic inspectors. A similar board might be appointed in Brisbane. As with the Health Act, no town or division need come under its regulations unless it chose. Other towns in the colony were not so thickly populated as Brisbane, and their traffic was not so great; therefore he would not like to force all divisional boards or small municipalities to have a transit commission, but in the city of Brisbane it was desirable that a board should be appointed who would not be liable to be changed every year. He would give one reason for that. When the municipality regulated the traffic of Brisbane they charged certain license fees; cabs were charged £3 per annum, omnibuses £6, and waggonettes, he thought, £4. Immediately the board was appointed it raised the licenses—cabs to £4 and omnibuses to £8. If there was any necessity for that he could understand it, but as a matter of fact the board had at present £1,000 on fixed deposit in the bank. That ought not to be. The money was taken from the cabmen and omnibus-men, who found it very difficult to make both ends meet. There were constant complaints about cabmen making over charges, but they had to make up the license in some way, and it was the public that bore the loss. To his mind the license fees should not exceed the amount necessary to cover the expenses of regulating the traffic; they should not be imposed for the purpose of getting money to lay out at interest. The men he referred to ought to be protected; they were citizens, and had as much right to the protection of the House as any other ratepayers. The board would not allow a rate to be struck above a certain amount; they would not allow the joint board to make a charge on the local boards to exceed 6d. in the £1, and he would like to see some maximum fixed, so that the joint local authority could not charge a higher fee than was really necessary for the working of the traffic. The cabmen did not complain of the fees charged by the municipal council, but they did complain now, and there was no guarantee that the next president, or the chairman of the local authority, would not put on a fee of £9 or £10. In fact, it was moved in the joint local board last year by one member that the license fee for omnibuses should be £12. He supposed that would be protection to a certain extent. He would like to see a clause inserted providing that the license fee should not exceed a certain amount; and he would also like to see provision made for the appointment of a permanent transit commission.

The PREMIER said the hon. member would see that it was not practicable under that Bill to do what he proposed. The Bill dealt with the joint action of local authorities, and the hon. member proposed to do something irrespective of the local authorities. He thought the management of the traffic might very well be left to the board constituted under the Bill. It would be a small board of four or five members, or possibly even less, and their by-laws would be subject to the approval of the Government. If they made unreasonable by-laws or imposed unreasonable fees the Government would refuse their sanction.

Mr. NORTON said that although the question raised by the hon. member had nothing to do with the Bill it was just as well it should be referred to, because there was a general feeling

outside that the cabmen had been very harshly treated, and nothing showed it more than the statement that the traffic board, through charging high license fees, had been able to accumulate a sum of £1,000. He did not believe it was the intention of the House in passing the United Municipalities Act that boards should do more than raise sufficient money to cover the expenses of management. He thought that hon. members had a right to express their opinion that no traffic board ought to have authority to levy more taxation on vehicles than was absolutely required. He would point out that, although the Government had authority to disallow excessive taxation, they did not like to interfere with matters of that kind, for if they did the board would say, "Well, if the Government are going to regulate the traffic we will resign"; so that the Government were placed in a very invidious position.

Mr. McMASTER said his reason for calling attention to the matter was that he had noticed in the newspapers the other day that the present president of the united board calmly told the cabmen who waited on him that their license fees were too low, and that they should be raised to £20. If a restriction was not put upon these fees there would be no guarantee that the next president would not increase them £10, £12, or £20.

Mr. CHUBB said where the power was given to levy a tax by means of by-laws, the amount of the tax was not specified by Parliament, but it must be reasonable, for if it were not it could be disallowed. The by-laws had to go before the Attorney-General for revision, and he had the power to reconsider an impost and disallow it if he thought fit. Again, if he had any doubt, or was unable to say whether it was a reasonable charge, the injured persons might apply to the Supreme Court, and if the court was of opinion that the charge was unreasonable they could declare it to be bad. That was the law.

Mr. McMASTER: It is too expensive a matter.

Mr. CHUBB said in any case the matter could not be dealt with in the present Bill, but it was a fact that if an impost was imposed that was excessive, it might be declared void by the common law of the land. The clause under consideration gave power to the joint local authorities to regulate the traffic, but in London it was regulated by the police. He was not sure whether subsection 2 altogether met the question of imposing license fees. He was under the impression that this section had been taken, word for word, from the Divisional Boards Act. He knew there was some question raised not long ago in reference to the 176th section which gave power to make by-laws. There was a distinction drawn by the court, and where the word "licensing" was not used it was held that it should be treated as a distinct subject. He could not say whether the words used covered the difficulty that was raised in the discussion, but he thought they would.

Mr. W. BROOKES said he only rose for the purpose of endorsing what had fallen from other hon. members. He felt obliged to the hon. member for Fortitude Valley for having raised the question of traffic regulation, for it was complained of all over Brisbane.

Mr. NORTON: And outside, too.

Mr. W. BROOKES said people had complained to him that there seemed to be no principle whatever, and that the cab-drivers and waggonette and omnibus drivers seemed to be the victims of a system of taxation which had no other object than getting the largest possible amount of money out of them. He did not think that ought to be. The hon. member for Bowen had showed them a remedy, but that was a remedy that cabmen could not afford to take, and it was perfectly monstrous that they should have to take it. He had not the least idea that they should ever have such a disclosure made as that the tax collectors of the United Municipality had a fixed deposit of £1,000 in the bank. Why, that was so much plunder. There was no other name for it; in the first instance plunder of the cabmen, and in the last instance plunder of the public.

The ATTORNEY-GENERAL said he did not think there was any cause for apprehension, because the figures representing the amount of taxation fixed by local authorities had been subjected to a considerable amount of revision and cut down considerably. In a great many instances, where the charges were really unreasonable, he had cut them down.

Mr. NORTON said, did the hon. gentleman cut down the cab licenses because it had been complained that it was through the cab licenses being made so high that the board had been able to make a fixed deposit of £1,000 in one of the banks? He called that extortion, and nothing else. If the Attorney-General wanted to take credit for having cut down some of the amounts he had better cut down the whole of them. He was sure that, although there were many cab-drivers who would extort more than their due, yet, as a lot, they were as decent a body of men as there were in the colony. He had never met with a single case of insolence, and had been treated with universal civility. With regard to subsection 2, he noticed that ferrymen were not included.

The PREMIER: Because ferries can only be between two local authorities.

Mr. McMASTER said he should like to ask the Attorney-General, as he had given the assurance that he was in the habit of cutting down the charges made by local authorities, whether he would assist in cutting down the present exorbitant cab license fees?

The ATTORNEY-GENERAL: It is too late now; they are passed.

The PREMIER said that would be within the power of the local authorities. He thought the grievances complained of would be redressed, because the Bill gave the local authorities power to redress them—he hoped so at all events. His own opinion was that the cabmen had been very badly treated indeed, and there appeared to be every desire to harass them. He had had experience of cabmen in many places, and the cabmen of Brisbane compared favourably with any other similar set of men he had come across. The hon. member for Bowen had suggested that paragraph 3 did not cover all cases which might arise, and he would move the addition, at the end of the paragraph, of the words "making and enforcing by-laws relating to any such purposes."

Mr. CHUBB said that either the Divisional Boards Act or the Local Government Act, or both, specially provided that by-laws should be subject to the power to disallow, even after they had been confirmed. In reference to the by-laws affecting cabmen, he would point out that if representations were made to the Governor in Council, and it could be shown that the by-laws were oppressive, those by-laws, or any one of them, could be disallowed.

The PREMIER said the 17th section would cover what the hon. member had pointed out. The joint authorities would have the same powers as the local authorities. They could only make by-laws subject to repeal by the Government.

Mr. FERGUSON said he understood the Premier to say that he was prepared to amend the last paragraph, or omit it altogether. If there were more than two or three local authorities, they could not carry out anything they wished to do unless they all agreed. He thought a two-thirds majority should be able to carry any measure they wished, without the approval of the whole of their number.

The HON. J. M. MACROSSAN said he did not see any reason why all the local authorities should be required to consent before the joint local authority could act.

The PREMIER said it was a matter in which they were not separately represented, and therefore he did not think it would be right for the majority to decide. It was an experiment, and he did not like to carry it any further than it went at present.

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

On clause 12—"Joint local authorities may be constituted for same area for different purposes"—

The HON. J. M. MACROSSAN said that power was given to the local authority to do all that was necessary within its own area, and when there was something outside its area which required to be done, power was given for a joint local authority to act; but the clause now before the Committee provided that two, three, or more authorities might have jurisdiction over the same area, or even parts of that area. That seemed likely to lead to a great deal of confusion. In the city of London one authority had jurisdiction over the whole of the city and suburbs in respect to one matter, and another in respect to another matter; and, in his opinion, it would not be advisable to allow more than one joint local authority to have jurisdiction over the same area.

The PREMIER said that under the clause joint authorities could only exercise certain specific functions, which might be of an entirely diverse character. He would give an illustration. There was sure to be a traffic board in the metropolis, taking in the city of Brisbane and the Booroodabin Division. That board would also take in part of Woollongabba and some other districts. Under the present law, that board being once established, no other board could be formed in any part of that area for any other purpose—for instance, the management of a ferry at Bulimba, or the construction of a drain in the Valley. Why should not other joint local authorities be allowed to have jurisdiction in respect to other matters which did not conflict with the affairs of the traffic board? As the several joint authorities would be formed only for purposes different and not conflicting, it was not likely that any danger would arise from there being more than one in the same area.

Mr. CHUBB said there was a danger of excessive taxation, because a rate of 6d. in the £1 could be struck by each of the joint local authorities, and in that way the total amount of rates in some localities might amount to 3s. or 4s. in the £1.

The HON. J. M. MACROSSAN said he did not see any reason why a joint local authority should not have jurisdiction over all the matters mentioned in the Bill. It was the habit of boards and municipal councils to nominate committees for special purposes, and that could be done by a local authority having jurisdiction over a particular district; so that there did not appear to be any difficulty in the matter.

The PREMIER said he would ask the hon. member what had Woollongabba to do with Fortitude Valley or with a ferry over the river at Bulimba? Why should the people of that division be allowed to interfere in such a work, and why should they be called upon to contribute towards its cost? He did not think any confusion would arise with the clause as it stood, especially as it contained the proviso that the purposes for which the several joint local authorities were constituted must be different and not conflicting.

Mr. NORTON said the confusion would arise through all the bodies receiving the same name of local authorities, and it might be better to adopt some other designation.

The PREMIER said the local authorities were not called united municipalities in that Bill, and they would have their name given them by the Governor in Council. For instance, a very good name for the traffic board would be the Metropolitan Traffic Board. That would not be confused in any way with, say, the Bulimba Ferry Board.

The HON. J. M. MACROSSAN: That will not meet the wishes of the member for Fortitude Valley.

The PREMIER: No; I really could not meet his wishes.

The HON. J. M. MACROSSAN said it would be much better that the traffic board should be a permanent body, and if that was the case the members would have to be paid.

Clause put and passed.

Clause 13 passed as printed.

On clause 14—"Meetings"—

Mr. BUCKLAND said it would be better if it were provided that the first meeting of the joint local authority should be held in March instead of April, as the divisional elections took place in February. He would therefore move that the word "April" be omitted and the word "March" be substituted therefor.

Amendment put and passed.

Mr. ADAMS said that the clause would allow great power to the minority of a board. The 2nd paragraph provided that "every such meeting shall be public, and all questions shall be decided by a majority present, and a quorum shall comprise not less than two members, nor less than one-third of the whole number of members for the time being." If there were only one or two or even three divisions or municipalities represented on a joint local authority, and there were only two members from each, when it happened that there were only two members present they could do just as they liked, as they would constitute one-third of the whole number, and they would be able to "pile on the agony" with reference to business to any extent. He would therefore move that the words "two members, nor less than one-third" be omitted with the view of inserting the word "majority."

The PREMIER said he did not think the hon. member would press his amendment when he pointed out a case that might arise. Take the case of a joint board such as that existing at Maryborough—for managing a ferry between Maryborough and the other side of the river. It contained four members—two from each local authority. Where a joint local authority was formed in that way, with two members from each authority, if they insisted upon a majority being present, the representatives of one of them might stay away and nothing could be done. That was the reason why the clause was drafted in its present form.

Mr. ADAMS said the clause would be right enough in such a case, and, under those circumstances, he would withdraw his amendment.

Clause as amended, put and passed.

Clause 15—"President"—was passed with the substitution of the word "February" for "March," on the motion of Mr. BUCKLAND; and the insertion of the words "or at some adjournment thereof" after the words "February in each year," on the motion of the PREMIER.

Clause 16—"Rules"—was passed with a verbal amendment, and with the substitution of the word "any" for the word "three," in the words "adopt the rules of procedure of any of the component local authorities."

Clause 17—"Joint boards may exercise powers specified in Order in Council"—passed as printed.

On clause 18, as follows:—

"When the component local authorities have been constituted under the provisions of different Acts, the Order in Council shall prescribe under which Act such powers, duties, authorities, and obligations shall be respectively exercised, performed, and assumed. And the joint board shall, throughout the district, have, exercise, and perform such powers, duties, and authorities, and be liable to such obligations, under and subject to the provisions of the Act so prescribed in the Order in Council."

The PREMIER said the question had occurred to his mind whether, for instance, supposing the Divisional Boards Act conferred larger powers than the Local Government Act—which it did in some particulars—whether the joint board should be able to exercise those larger powers within a municipality. It was a nice point, and it would be as well to make it clear now. He proposed to amend the clause by the insertion of the word "all" after the word "perform."

Amendment put and passed.

The PREMIER moved as a further amendment the omission of the words, "under and subject to the provisions of," with the view of inserting the words, "as are conferred and imposed by."

Amendment put and passed.

On the motion of the PREMIER, the clause was further amended by the addition of the words "and under and subject to the provisions thereof," and put and passed.

On clause 19, as follows:—

"From and after the constitution of a joint local authority, the several local authorities having jurisdiction within the district of the joint local authority shall cease to exercise or perform therein any of the powers, duties, or authorities, or to be subject to any of the obligations, which the joint local authority is authorised to exercise or perform, or to which it is liable.

"Provided nevertheless that all by-laws of any such local authority which were in force in the district at the time of the constitution of the joint local authority shall continue in force therein, or in that part thereof in which they were in force, until the joint board makes other by-laws repealing, suspending, or superseding them. And the joint board may take under any such by-laws any action which the local authority might have taken if the joint local authority had not been constituted.

"And provided also that no licenses granted or rights arising under any such by-laws of a local authority shall be prejudiced or affected by any such repeal, suspension, or supersession."

Mr. CHUBB said that inasmuch as under the clause the by-laws of the local authority were to cease as soon as the joint board was constituted, when that joint board was dissolved those by-laws should revive again. Some provision should be made for that; otherwise the by-laws of the board would be gone, and they would have to make new ones. A provision of the kind was in force in America, by which, when Congress suspended the laws of a State, on the repeal of that law by Congress the laws of the State revived.

On the motion of the PREMIER, the clause was amended by the insertion of the words "during the existence of the joint local authority" after "shall," in line 3, and agreed to.

Clause 20 was agreed to with a verbal amendment.

The PREMIER said he thought that would be a convenient place to insert a clause providing for the appointment of officers. He therefore proposed the following new clause:—

The joint board may appoint a clerk and such other officers as may be necessary to assist in the execution of their duties, and may out of the common funds pay such salaries and allowances to such officers as the joint board may determine.

At the present time it was necessary for boards to get the sanction of the Governor in Council for the appointment of officers, which he thought was quite unnecessary. If the traffic board wanted to appoint an additional inspector they had to get the permission of the Governor in Council, which was very inconvenient and very absurd.

Clause put and passed.

On clause 21 being moved—

Mr. BUCKLAND said he would suggest to the Premier that the Committee should adjourn. They had done very good work that evening, and there were some very important clauses for consideration, and he should like to have time to go through them.

The PREMIER: Is there any particular objection to the clause?

Mr. BUCKLAND: Not to this one.

The PREMIER said he did not wish to press the Bill any further; but if there were any important points, if hon. gentlemen would briefly mention them he might assist them.

Mr. McMASTER said the clause gave the joint board very arbitrary powers. It allowed them to demand any sum of money they might require. At all events, clause 22 empowered them, upon a precept signed by the president, to demand sums of money from the local authorities for carrying out works. The clauses required to be very carefully considered, and he confessed he should like to read them more carefully. It appeared that the president of the joint local authority was to have more power than was allowed to the mayor of the city, who could only spend up to £10, whereas the president could demand up to 6d. in the £1 from the local authority.

The PREMIER said the hon. gentleman would find, on looking over the clause more carefully, that the president signed the precept as an officer of the board, just as the mayor signed contracts. He did not do it upon his own motion. The powers of the joint board were materially limited by section 23, which stated the maximum amount that could be raised altogether. It must be remembered that the joint board was an elective body, and unless it was provided with the "sinews of war" it could do nothing. That was a matter in which the provisions of the present law were good.

The House resumed; the CHAIRMAN reported progress, and obtained leave to sit again to-morrow.

ADJOURNMENT.

The PREMIER, in moving the adjournment of the House, said: There is only one matter of private business on the paper for to-morrow, and I understand that that will very likely be postponed until next week. We do not want to take more than half-a-day to-morrow for Government business, and I believe a great many hon.

gentlemen do not wish to sit after 6 o'clock. Under those circumstances, we will take Government business in the afternoon instead of in the evening. The paper will stand thus—first, the Coal Mining Bill, and then the Local Authorities (Joint Action) Bill.

The House adjourned at twenty-five minutes past 10 o'clock.