Queensland

Parliamentary Debates
[Hansard]

Legislative Assembly

TUESDAY, 10 AUGUST 1886

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LEGISLATIVE ASSEMBLY.

Tuesday, 10 *August*, 1886.

Printing of Papers.—Petition.—Formal Motion.—Employers Liability Bill—second reading.—Opium Bill—second reading.—Local Authorities (Joint Action) Bill—committee.—Adjournment.

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

PRINTING OF PAPERS.

The MINISTER FOR WORKS (Hon. W. Miles) laid upon the table return to an order of the House on the motion of the hon. member for Townsville, relative to the application for and registration of the mining claims of the original shareholders of the Mount Morgan Gold Field; also return to an order made on the motion of the hon. member for Cook (Mr. Hill), for the statement of the claim of McSharry and O'Rourke in respect to the Brisbane Valley Railway and the Bundaberg Railway; and moved that the papers be printed.

Mr. PALMER said: Mr. Speaker,—I rise to ask your ruling upon a question with regard to the powers and duties of the Printing Committee of this House, the question being in connection with the printing of papers. Am I in order in referring to the matter, being a member of that committee?

The SPEAKER: I think the hon. member may speak to the question put from the chair, which is "That the papers be printed." Until that question has been decided in the affirmative or the negative the hon. member may speak to it.

Mr. PALMER said: I ask the question, Mr. Speaker, being one of the Printing Committee myself. During last session, and also this session, I have attended every sitting, and the only matters brought before that committee have been petitions—subjects that I am certain you yourself, sir, could very well decide upon, without bringing four or five members together. In connection with the matter, I refer to the 266th Standing Order, which says:—

"At the commencement of each session a select committee shall be appointed to assist Mr. Speaker in all matters which relate to the printing to be executed by order of the House, and for the purpose of selecting and arranging for printing returns and papers, presented in pursuance of motions made by members."

So that it is evidently intended that other matters besides petitions should be brought before the Printing Committee. If we look at the "Votes and Proceedings"—the numbers of volumes that there are every year, three last session, and three, I think, the session before—we will notice that there is a great deal of matter there that might well be left out. If a great many papers ordinarily printed were submitted to the Printing Committee they might very easily revise them, or have abstracts made from them, which would make the volumes of "Votes and Proceedings" much less cumbersome than they are. I am certain that, if

only petitions are to be presented to the Printing Committee, you, Mr. Speaker, could very well decide which should be printed and which should not. This Standing Order is taken word for word from "May's Parliamentary Practice," which further on says that all papers in the House of Commons are presented to the Printing Committee for their revision. I wish to ask your ruling, Mr. Speaker, whether all papers should not be submitted to the Printing Committee, or only petitions ?

Mr. W. BROOKES said : Mr. Speaker,—The hon. member who has just sat down is undoubtedly right in everything that he said. I believe that if things were done properly all printed matter should come before the Printing Committee; but I would suggest to him and to the House that a departure from the usual practice of the Printing Committee would involve a very great deal of responsibility from which any Printing Committee might very fairly and reasonably shrink. It would virtually amount to this: that if the Printing Committee had it at their option to print or not to print all papers they would incur a very serious responsibility, and might exercise a power that would very soon bring them into collision with the House. I am not prepared to suggest any middle course; but I should rather hesitate, as a member of that committee, to have devolve upon me a portion of the responsibility of the printing or not printing of every paper. Perhaps some middle way may ultimately show itself; but while the hon. gentleman who has just called the attention of the House to the matter is perfectly right, I do not know whether he has considered the enormous amount of responsibility that would be cast upon the Printing Committee if the printing of all papers devolved upon them. It is easily conceivable that many papers which the House would consider ought to be printed might be considered by the committee as not worth the while, and something in the nature of a collision might take place. At the same time, the fact is that a very great number of papers are printed every session which need not be printed, and it might be as well that some discretion should be exercised so as to reduce the printing expenses by one-third, or even by one-half. My object is to point out to the hon. member and to the House that this is a matter that should not be very hastily decided. It will come to this: that a great amount of responsibility will devolve upon the Printing Committee that I am not sure they are prepared to accept.

The PREMIER (Hon. Sir S. W. Griffith) said: Mr. Speaker,—The practice of Parliament with respect to papers presented by Ministers is that as long as the Minister takes the responsibility of asking that they be printed the exercise of that responsibility is never challenged. In a great many instances returns are presented in a printed form, and in other cases Ministers do not ask for them to be printed; and when Ministers, who have the responsibility of the expenditure of money, are of opinion that papers should be printed, I do not think the House is likely to challenge their decision. In other cases, when Ministers do not think that they should be printed, then the functions of the Printing Committee have come into operation, and they have selected from voluminous returns the papers that are material and have recommended that they should be printed. The Printing Committee's functions, as defined by sessional order, are—

"To assist Mr. Speaker in all matters which relate to the printing to be executed by order of the House, and for the purpose of selecting and arranging for printing returns and papers presented in pursuance of motions made by members."

I believe that when Ministers exercise the responsibility of asking that papers be printed, or present them in a printed form, it would not be desirable to devolve that responsibility upon any committee of the House.

Mr. SCOTT said : Mr. Speaker,—I have been a member of the Printing Committee for many years, but I must say that I really look upon it more as a farce than anything else, because nothing is ever done except to consider whether petitions should be printed or not. It is seldom that other papers are brought up, except in cases where papers are laid on the table at the request of some member and when no order for printing has been made. That has occurred on more than one occasion, and in other cases papers have been laid on the table by Ministers which were not called for by members of the House and have not been ordered to be printed. Sometimes the committee would order them to be printed and sometimes they would not. Some years ago I believe a great talk took place about one particular return that was not printed, but as far as the functions of the committee are concerned at present they are really almost worthless except so far as deciding whether petitions shall be printed or whether they shall not, and that is a very small matter indeed.

Mr. STEVENSON said: Mr. Speaker,—I should hope that the Printing Committee have not the power of throwing out any papers that are ordered by the House to be printed. That would be a very serious matter. I hope that all papers are printed when the House orders that they shall be printed.

Mr. BAILEY said: There is another matter in connection with the subject that I should like to bring under your notice, Mr. Speaker, and under the notice of hon. members, and that is, that up to this session a list of members of the different select committees—the Library, Refreshment Room, and Building Committees and others—has been put up at the door of this Chamber, so that members of these committees were always able to see when they were on the committees without waiting for the usual notice. For the first time during my parliamentary experience that list has been taken away, and we have no list by which members of committees are able to know that they are members until they get notice. I do not know who has ordered the removal of the list, but such is the fact, and I wish to bring the matter under your notice in order that the list may be replaced.

The HON. J. M. MACROSSAN said : Mr. Speaker,—The papers that I hold in my hand are those that I asked for some time ago in regard to the mining claims and the names of the original selectors of Mount Morgan Gold Field. Along with the papers there is a mass of correspondence. Perhaps the Minister thinks it is right that all this should be printed, but in my opinion I do not think that even the mining claims or correspondence should be printed. All that I wanted was that the papers should be on the table of the House, but to print all this mass of paper which is simply in connection with the application of three or four miners, or perhaps half-a-dozen, for claims, seems to me preposterous and absurd.

The MINISTER FOR WORKS said: Mr. Speaker,—I can quite understand the hon. member for Townsville not desiring to have that correspondence printed, but to my mind it is very necessary that it should be done. The correspondence refers to some missing papers in connection with Mount Morgan that are missing from the warden's office at Rockhampton. The hon. member for Townsville knew all about this matter when in

office, but other hon. members do not. There are applications which have been missing from the warden's office, and that correspondence refers to them, and, as I said before, the hon. member knows all about this, but other hon. members do not. They have a right to know what became of these papers, and whether Mr. Cribb's predecessor or Mr. Cribb himself mislaid them. I think it is very necessary that the papers should be printed.

The HON. J. M. MACROSSAN said: Mr. Speaker,—That is a matter of opinion. The Minister for Works said I knew all about this correspondence. I did when I was in office, no doubt. They went through my hands, but every hon. member can read them when they are on the table of the House as well as myself. The objection that I am taking is not that there is anything that should not be printed, but it is to the expense of printing a mass of correspondence which I believe is of no use at all, like a great many other papers which are put into the "Votes and Proceedings." Hon. members will see that half of these papers consist simply of applications for claims. The rest is a correspondence which was not asked for, but which has been put on the table by the Minister for Works, in relation to certain applications that were not entered in the register-book. I believe the result of the correspondence was that the officer who had failed to do his duty in not putting the applications for claims in the register-book was removed; in fact, he was threatened at one time with being dismissed or suspended. At any rate, he was removed. So that there is really no necessity for printing the papers. As far as I am concerned, I have no object in preventing the papers from being published or not. It is to a mass of papers going into the "Votes and Proceedings" that I object. I do not know whether it is the idea of the hon. member for Burke to prevent that, but I think if it is he is perfectly right. There is a mass of paper which goes into the "Votes and Proceedings" which never ought to appear there at all.

The SPEAKER said: In reference to the point raised by the hon. member for Wide Bay as to the names of members of the select committees not being on the usual board outside the door, I must remind the House that that has nothing to do with any officer connected with this Assembly. There is an officer called the Clerk in Charge of Select Committees, and it is his duty to see that the names of members of select committees appointed by this Chamber, as well as the names of those appointed by the other branch of the Legislature, are affixed to the doors of both Chambers. If that officer has not done so he has neglected his duty. With regard to the matter raised by the hon. member for Burke (Mr. Palmer), what has been stated by the hon. member for Leichhardt, Mr. Scott, is perfectly true. From the time of the commencement of the present Legislative Assembly up to the present date, the only function the Printing Committee of this House has exercised is in connection with the printing of petitions. It has occasionally happened that the attention of the House has been directed to the question whether it would not be wise when papers are laid on the table to allow the Printing Committee to exercise the function relegated to them every session by sessional order—to go through the papers and see which should be printed and which not. The sessional order passed by the Assembly is precisely the same as the sessional order passed every year by the House of Commons. I will quote for the information of the House the practice adopted by the House of Commons, so that hon. members can decide whether it should be adopted here or otherwise. I quote from the latest edition of "May," page 629:—

"When accounts and papers are presented, they are ordered to lie upon the table, and when necessary are ordered to be printed, or are referred to committees, or abstracts are ordered to be made and printed. Sometimes papers of a former session are ordered to be printed or reprinted. In the Commons, a select committee is appointed at the commencement of each session, 'to assist Mr. Speaker in all matters which relate to the printing executed by order of the House, and for the purpose of selecting and arranging for printing returns and papers presented in pursuance of motions made by members.'"

Hon. members will observe that the sessional order passed by this Assembly is precisely the same as the sessional order passed by the House of Commons every session of Parliament:—

"To this committee all papers are referred, and it is the usual practice of the House not to order papers to be printed until they have been examined by the committee. No distinct reference or report is made; but when papers are laid upon the table, they are, from time to time, submitted to the committee or the Speaker, by whom it is determined whether orders shall be made for printing them in their present form, or for preparing abstracts.

"If not considered worthy of being printed, or if the members who moved for them do not urge the printing, they are open to the inspection of members in an unprinted form; being deposited for that purpose in the library. In some cases papers of a local or private character have been ordered to be printed at the expense of the parties, if they think fit. In other cases they have been ordered to be returned to a public department. Sometimes part of a return only has been ordered to be printed. The orders of a former session that a return do lie upon the table and be printed have been discharged.

"All papers printed by order of the Lords are, by courtesy, distributed gratuitously to members of the House of Commons who apply for them; and also to other persons, on application, with orders from peers; but the Commons have adopted the principle of sale as the best mode of distribution to the public. Each member receives a copy of every paper printed by the House, but is not entitled to more, without obtaining an order from the Speaker. Certain reports and papers, however, of limited interest, are not distributed to members, but may be obtained on application. The chairman of a committee, the member who has brought in a Bill, and others, may obtain a greater number of copies for special purposes; but no general distribution can be obtained except by purchase. The rule is not strictly enforced as regards Bills and Estimates before the House, which may generally be obtained by members, on application at the Vote Office; but more than one copy of reports and papers is not delivered without authority from the Speaker."

That is the practice adopted by the House of Commons. Of course, it is not for the Speaker to determine this matter; it is entirely a question for the House itself to determine. The Speaker himself has no authority but what is delegated to him by the House. The House has appointed a Printing Committee, and if it chooses by motion to direct that any papers laid on the table should be referred to the Printing Committee, it can do so. The practice has been substantially as stated by the hon. member for Leichhardt (Mr. Scott)—that the only papers referred to the Printing Committee during the time this Assembly has been in existence have simply been petitions.

Question put and passed.

PETITION.

Mr. FRASER presented a petition from members, ministers, and delegates of the German, Scandinavian, and Lutheran Churches of Queensland, in synod assembled, praying for 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. FRASER, the petition was received.

FORMAL MOTION.

The following formal motion was agreed to :—

By Mr. ADAMS—

That there be laid on the table of this House, Mr. Surveyor North's report on the Mungar and Gayndah Railway.

EMPLOYERS LIABILITY BILL—SECOND READING.

The PREMIER said: Mr. Speaker,—This Bill proposes to place on the Statute-book of this colony the provisions of an Act which has been in force in England now since 1880, and which has been adopted in a great many other countries. By the common law, a principal is liable for the actions of his agent, a master is liable for the action of his servant; and if a servant or agent is guilty of negligence in the course of the performance of his duty the master is responsible. To that general rule an exception is introduced and allowed to exist in the case of injuries sustained by a workman from the negligence of his fellow-servants. It was laid down a very long time ago, and is now part of the law of the land, except so far as it has been altered by statute, that one of the risks every workman undertakes for himself when he goes into the service of an employer is that of any injury that may occur to him from the carelessness of his fellow-servants. In 1880 it was proposed in England to alter the law in that respect, and render the employer liable to a certain extent and within certain limits. The Act then passed was made temporary, and was to last for seven years only—namely, till 1887, the end of the then next session of Parliament. It has, therefore, been in operation now about six years. Some questions have arisen under it, but so far as I know it has never been suggested that the Act should be repealed, and there is but little doubt that in 1887 it will be made perpetual. That an employer should, in some cases, be liable for the injuries sustained by a workman from the negligence of his fellow-servants, as well as in other cases, is, I think, reasonable. Servants do not engage their fellow-servants. On the other hand, the employer cannot be quite sure of the competency of the men he engages, but he is bound to take reasonable care to engage competent persons. On the whole, I think the removal of the exception from liability which now exists in reference to employers is much more consonant with natural justice than the present rule, which is an artificial one, although it has been laid down a very long time and has become law. It is not proposed, nor do I think it would be fair, to make a master liable for every accident that happens to a servant from the negligence of his fellow-servants. The extent to which protection is proposed to be given to workmen is defined in section 4 of the Bill. I may say that, in dealing with the subject, it seemed to the Government better to adopt the provisions of the law in force in England, which were very carefully considered there for some years before they were adopted, and which have been found to work well since, than to endeavour to make any changes the probable effect of which could not be foreseen. The conditions under which a servant, or workman as he is called in the Bill, may claim damages against his employer for injuries sustained in his service are as follow, when the injuries are caused—

"1. By reason of any defect or unfitness in the condition of the ways, works, machinery, or plant connected with or used in the business of the employer; or

"2. By reason of the negligence of any person in the service of the employer who has any superintendence entrusted to him, whilst in the exercise of such superintendence; or

"3. By reason of the negligence of any person in the service of the employer to whose orders or directions the workman at the time of the injury was bound to conform, and did conform, if such injury resulted from his having so conformed; or

"4. By reason of the act or omission of any person in the service of the employer done or made in obedience to the rules or by-laws of the employer, or in obedience to particular instructions given by any person delegated with the authority of the employer in that behalf; or

"5. By reason of the negligence of any person in the service of the employer who has charge or control of any signal, points, locomotive engine, or train upon a railway."

In all these cases the employer is really responsible, because the workman is obeying superior instructions, and if an accident occurs it is not his fault. It is not merely a case of men working side by side, the one having no control over the other—the one guilty of carelessness and the other suffering injury. It would be very hard to make an employer liable in that case. Take the case of two navvies working side by side, one incompetent and the other competent, and one guilty of some foolishness by which his fellow-workman is injured. In such a case it would be hard to make the employer responsible; but in all the cases enumerated in this section I think it may fairly be said that the injuries result from the fault of the employer—that if he used reasonable care in selecting the person he put in charge accidents would not be so likely to happen. The term "workman" does not include domestic or menial servants, but means, with that exception, "any person who, being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, railway servant, or otherwise engaged in manual labour," no matter how he may have entered into the contract. That is the same definition as there is in England. It has been suggested to me, since this Bill was introduced, that domestic servants ought also to be included. I do not know that there are any cases referred to in the 4th section which would apply to domestic servants, and I am not disposed, therefore, to adopt that suggestion. It has also been suggested that the definition ought to include seamen. I do not think the definition of "workman" here would include seamen. It has been held, indeed, that it does not include the conductor of an omnibus. I think it ought to include cases like that, and I am disposed to propose in committee to extend the definition so as to include seamen and such men as those employed on omnibuses or tramcars. I do not think there is any reason why they should not have the benefit of the Act. The 5th section of the Bill provides that a workman shall not be entitled to any right of compensation or remedy against his employer in certain cases, as, for instance, when an injury results from the condition of the ways, works, or machinery; then the workman is not entitled to recover unless the defect has not been discovered or remedied, owing to the negligence of the employer or some person in the service of the employer charged with the duty. In a case where an injury arises from the act or omission of any person in the service of the employer, in obedience to the rules or by-laws of the employer, a man is not entitled to damages unless the injury results from some impropriety or defect in the rules or by-laws; and where a rule or by-law has been approved by the Minister under an Act of Parliament—as, for instance, by-laws for regulating mines—that shall not be deemed to be an improper or defective rule or by-law. It would be very unfair if that was the case, for the employer is bound by law to obey those rules. Nor is a workman to be entitled to compensation if he knew of the defect and failed to give any notice of it. That is also a

reasonable provision. Then the 6th section provides that the amount of compensation recoverable shall not exceed three years' earnings. That is a provision found in the English law, and I think it is desirable that there should be some limitation. On the one hand, it is desirable that all proper protection should be given to workmen injured in the execution of their duties; and on the other hand, we ought not to discourage the employment of workmen by making that employment too onerous on the employers. The other clauses of the Bill relate to giving notice of an injury which must be given within six weeks, and the action must be commenced within six months of the injury, or, in case of death, within twelve months from the time of death. The Bill also provides that if a workman has already recovered compensation under another Act of Parliament, that shall be deducted from what he is entitled to recover under this Bill. Section 10 prescribes the mode of serving notice of action. Section 11 provides that—

"The provisions of this Act shall apply to all workmen: And any contract or agreement between an employer and a workman which, if it was valid, would have the effect of disentitling the workman to the benefit of the provisions of this Act shall, to that extent, be absolutely void and inoperative."

That is to say, that it shall be an absolute statutory liability imposed by law. That provision is not contained in the Imperial Act, and some difficulties have arisen in consequence of employers contracting beforehand with workmen that they would not take advantage of the Act. If it is a good law it ought to be the law of the land, and an employer ought not to be in a position to get his workmen to contract themselves out of it. The Bill, as I have stated, is framed on the basis of the Act in force in Great Britain, with the exception that I have just pointed out. I am aware that similar measures to this have been brought before some of the Colonial Parliaments lately, but I have not compared them with this Bill, believing that the English law, always with the exception last mentioned, is the best. Some changes have been made here and there in the Bill for the purpose of removing doubts which have been found to arise during the working of the English Act for the last five or six years. I move that the Bill be read a second time.

Mr. NORTON said: Mr. Speaker,—I have no objection to offer to the Bill, because I believe it is one that is very much required. The object of the Bill, I take it, is to compel employers to accept a responsibility which they ought to accept without it, and in that respect it is one which deserves the support of hon. members of the House It has occurred to me, on reading the Bill over, that it might be desirable to define the term "employer," as well as the term "workman." It is provided in the 10th section that the notice "shall be served on the employer, or, if there is more than one employer, upon any one of the employers." The question occurs to my mind, are the shareholders of a company employers, or are they not? I do not know what their legal status is in that respect, but I think it should be defined in the Bill. In cases of that kind notices should only be served on the representatives of the shareholders. With regard to what fell from the Chief Secretary about including seamen, omnibus conductors, and the like, I think he is quite right; but I do not see the objection to domestic servants. I do not see why they, who suffer from accidents through the carelessness of their employers, are not just as much entitled to compensation as workmen. To exclude domestic servants, while making provision for all others, is simply making fish of one and fowl of another. If the principle of the Bill is good, that those employed should be compensated for injuries arising from the negligence of those who employ them, why should it not be extended to all the employed, whether men or women? I cannot see why the distinction should be made. In the 6th clause provision is made for estimating compensation at a sum equivalent to three times the estimated earnings for one year of a person in the same grade as the one who met with the injury. Why should that be done? Why should not the injured man's own earnings be a sufficient basis on which to estimate the compensation to which he is entitled? In the 7th section it is provided that the claim is to be made within six weeks of the injury. That, I think, wants amending, because it may often happen that an injured man will not be in a position to make a claim in six weeks. Indeed, instances have occurred where he could not have done so within a much longer period than that. Somebody ought to be in a position to make the claim for him if he cannot make it himself. Another question arises with regard to the 8th clause; that is, that where a penalty has been recovered under any other Act it cannot be recovered under this. I would point out to the Premier that in some cases proposals are made by employers of labour to insure their labourers against accident. This clause hardly covers cases of that kind. The 11th clause is one that I feel very doubtful about. I do not see why a man should not be at liberty to make any agreement he likes—to take any responsibility he likes on his own shoulders—provided that in doing so he is perfectly sure what he is doing. In cases where there is any great danger, where no employer would care to take the risk of carrying out the work if he knew he would have to undertake the sole responsibility for accidents, this might well be allowed. Without any actual neglect of duty on the part of such employer, accidents quite unforeseen, and which could hardly be provided against, might happen. In cases like that any man ought to be entitled to make what agreement he chooses with his employer, even if he chose to take the sole responsibility for accidents. That is a class of cases to which the Bill should not apply. The sole object of the Bill is to protect men against the negligence of their employers under certain circumstances, whether they will or not. I do say there are cases where men should be allowed to take the full responsibility upon themselves if they choose to do so, and for that reason I am somewhat doubtful about this clause.

Mr. BLACK said: Mr. Speaker,—I think the object of this Bill a very good one, but I would like to have a little information, when the proper time comes, as to the meaning of a "menial servant."

The PREMIER: A household servant.

Mr. BLACK: Then a domestic is a menial servant, I suppose; and I see no reason, as pointed out by the leader of the Opposition, why a domestic should not also have the benefit of the Bill, and be enabled to claim damages for any injury he may sustain through the negligence of his employer. We know that machinery accidents are very frequent, and coloured labourers are especially liable to accidents from machinery through the neglect of their employers, and I see no reason why they should be excluded from the operation of this Bill. The 6th clause, limiting the amount of compensation to three times the estimated earnings of one year, is introduced, I take it, to prevent excessive claims arising out of railway accidents. No doubt the Treasury has suffered very severely occasionally by having to pay very heavy claims for injuries received from railway accidents, and I

assume that according to this clause an injured person will not be able to claim more than three times his estimated earnings for one year. As regards clause 11, I understand that it is the intention when the Bill goes into committee to include seamen in its operation, and I point out that it will be necessary to consider very carefully whether it will or will not be judicious to do that. Theirs is an occupation which may be considered more hazardous than that of ordinary labourers or workmen. This should be the more carefully considered, especially as it is not a portion of the English Act, of which, in other respects, this Bill appears to be a transcript. I take it that, in the event of a wreck occurring through the carelessness of the captain or owners of a ship, a seaman who may be injured would be entitled under the Bill to very considerable compensation. Then again, in the event of sailors actually volunteering to go to rescue from a wreck their employers will be liable to the amount of three years' earnings as compensation should any fatality overtake the men.

The PREMIER: No, no!

Mr. BLACK: I take it that the object of this clause 11 is to make the Bill compulsory, to provide that there shall be no exceptions, and men may actually volunteer for work, and their employers will be liable. The same points may arise by men risking themselves in danger to lend assistance, and their employers will be liable.

The PREMIER: No!

Mr. BLACK: I would like to have it explained that under this clause they would not be liable, as in such cases I do not think they should. I think that if workmen knowingly incur certain risks they should be allowed to do so. Men engaged in fire brigades, for instance, may sustain injuries; but they undertake their duties knowing that the risk exists—that it is a hazardous occupation they are engaged in, and I certainly think that in such cases employers should not be bound to compensate them or their heirs in the event of any loss of life, when they knowingly undertake an extremely hazardous occupation. This is a matter which hon. members will no doubt consider very carefully when we get into committee on the Bill. I think that this 11th clause, especially as I understand it is not in the English Act, should certainly be fully discussed before we pass it. Otherwise I consider the Bill a very good one.

Mr. W. BROOKES said: Mr. Speaker,—The leader of the Opposition and the hon. member for Mackay have both laid stress upon this 11th clause, and, I think, unduly. This Bill owes its origin, I believe, to the fact that it was found absolutely necessary to interpose between the selfishness and carelessness of employers and the people they employed. Many dreadful accidents have occurred because men have not been sufficiently protected. So that the origin of this Bill may be well spoken of, and it is a much-needed Bill under any circumstances. I admit it requires a great deal of care, or else we may go too far in a matter of this sort; and, looking over this Bill, I see it is easy to go too far in almost every direction. One case occurs to me just now—that of a person employing a groom. Supposing a groom gets his leg broken by a kick from a horse, will his employer be liable for compensation?

The PREMIER: This Bill does not meet a case of that sort at all.

Mr. W. BROOKES: That would not come under the Bill? Then a great many other things will not come under it which I thought would. With reference to this 11th clause, I may say to hon. members opposite that if we do not pass this clause we may as well leave the Bill aside. It may well be that a man may be under such necessity to get work that he will enter into a contract outside the Bill with the greatest nonchalance, and if this 11th clause is left out the Bill will be rendered ineffective. We have heard of a great deal of difficulty arising out of men being enabled to contract outside of the Act at home, and a great deal of obloquy has been cast upon one party—I need not say which, because it could be only one party—because of their wish to have the power of making their employés contract outside the Act. Why should an employer be able to say to a man seeking engagement, "I will employ you, but I won't run the risk of the Act; if I engage you, you must contract out of the Act, so as to relieve me of any liability"? It may be that the want of employment would be so great that a man would willingly contract outside the Act. There is another reason why I do not like this contracting out. I always understood it was a fundamental principle of law—though I do not profess to know much about law—that to make a contract the two parties must be equal. But the position of a master and that of a man seeking work are two positions, and they may be very unequal; so that there may be a great deal of injustice done by leaving out the 11th clause. As to coloured labourers coming under the operation of the Bill, I should be sorry to see the term "coloured labourer" in any Bill. I hope the time is not far distant when there will be no "coloured labour" in the colony.

Mr. CHUBB said: Mr. Speaker,—This Bill may be summed up in a few words. It is a measure introduced for the purpose of transferring to the employer the duty of insuring his servants against injury, which now has to be borne by the servants themselves. As the law now stands, a servant who sustains injuries caused by his fellow-servants has in general no right of action against his employer, but this Bill proposes to give him a remedy in certain cases where justifiable. As we have been told by the Chief Secretary, this is a transcript of the English Act, which has been in operation five or six years, and there is therefore not much to be said upon it in regard to its principles. The Act was evidently necessary in Great Britain at the time it was passed, or it would not have been passed by the Imperial Legislature. In regard to what has been said about clause 11, which prohibits servants from contracting themselves out of their rights under the Act, I think a good deal too much has been made of it. It is at least doubtful whether they could contract themselves out of the provisions of the statute; and that being so, I think it is wise to have the clause, so that if a servant has a right he shall not be allowed to give it up. We know that in many cases they are not so well able to take care of themselves as employers are, and there can be no harm in improving on the English statute to the extent of providing, if necessary, that servants shall not contract themselves out of the rights they enjoy under the provisions of the Bill. There is no doubt that this Bill will provide more or less work for the lawyer; and the question of the liability of the employer will have to be determined by a jury. In the great majority of cases in which machinery has to be considered, the question to be decided will be whether the machinery was defective, and the evidence of persons cognisant with machinery will be taken. I think some provision should be made, in cases where the safety of the servant depends on the state of the machinery, that it should be periodically inspected by some Government officer, who should give a certificate that on a certain date the works were perfectly safe. That would, to a certain extent, be a protection to the employer. When an injury takes place, it

becomes a question whether the party is injured through a defect in the machinery or plant, and that is determined first by experts, and afterwards by a jury of persons who themselves are not skilled. However, it has not been thought necessary to have that provision in the English Act, and I suppose we shall be able to do without it. We shall have to make the experiment here in the same way as it was made in England. I am glad to see the 9th section, because that will really give the workman a chance of bringing his claim for damages in a cheap and expeditious manner. The provisions of our law for the trial of actions by the district court are very simple and inexpensive, much more so than actions in the Supreme Court. Many a man who receives an injury would not go to law in the Supreme Court, but would be induced to try his case in the inferior court, where he would get justice if his case was a good one. On the whole, I think this is a Bill that may be accepted and passed into law; but I notice that this Bill, unlike the English Act, which was passed for seven years only, is a measure which appears to me intended to be permanent. It is a question for the House to decide whether we shall take it as an experiment, and provide that it shall be in force for a certain number of years, as the English Act, or whether it shall remain permanently on our Statute-book.

Mr. MIDGLEY said: Mr. Speaker,—I think the 11th clause of this Bill is the best clause in it, and that the Bill without the 11th clause would be useless. In England, where labour is so cheap—where men are ready to jeopardise their health and lives for a crust of bread—how they could pass an Act of this kind without the 11th clause is to me a matter of wonder. I think we ought to take care in this colony, where probably wages will naturally get lower and lower, owing to the great competition in the labour market—we ought to take care to protect not only men's lives and limbs, but also their health as far as possible, from the greed and selfishness of men in a position to employ them. I think the weak clause in this Bill is the 6th, especially if the measure is to be made to apply to seamen. In that case it would be no compensation to a man's family to have three times the yearly earnings of a seaman as compensation for his death. I believe the wages of merchant seamen are wretchedly low, and the maximum in a case of this kind ought not to be introduced. It ought to be a question in deciding such cases as to damage received, the amount of negligence, and the compensation the employer is able to pay. Three times the amount of the man's wages, if small—and they will become more so as the colony becomes more populated—would be no compensation to the man who is disabled for life, or to his family if he is taken away from them. I trust that in committee this clause will be altered, and that my suggestion will commend itself to the consideration of hon. members. I hope also we shall stick to the 11th clause, and that there will not be introduced into the Bill any penny, twopenny, or threepenny method of insurance. I think that is a matter against which we should guard. Nor should the Government adopt the suggestion of the hon. member for Bowen, and appoint a Government inspector of machinery to give certificates as to the state of machinery on a certain date. That would make the Government take the responsibility, and would to that extent thwart the object of the Bill.

Mr. FOOTE said: Mr. Speaker,—I like this Bill in some respects, but I dislike it in others. I think it is a subject upon which this House should legislate very carefully indeed, if it legislate at all—if there is a necessity existing for it. I am not like some persons, Mr. Speaker, who think that all employers of labour are mercenary and selfish individuals, who are capable of treading under foot those whom they employ, and subjecting them to risks, whether rightly or wrongly, and placing them in positions of danger which they ought not to. According to my experience, employers of labour are very careful in most respects, and exercise a great deal of caution. In fact, I have seen men more ready to run into danger in many respects than the employers were ready to allow them. I do not say that the question is one-sided; but to me it looks like a lawyers' Bill. It opens the door to litigation, and there are many things that may arise out of it which will be very injurious to the employers. It is very possible that an unrighteous judgment may be given against the employer. A person, or half-a-dozen persons, might be able to get up a charge, and there might be reasonable grounds for believing that things were not quite as they should be; for instance, no machinery can be worked without wear and tear — without its being reduced in strength by continual friction—and very great care might be taken and very careful inspection might be made; but nevertheless, in an unexpected moment an accident might occur. We read of cases of this sort every day, and in very many instances it cannot be shown well how they occur. Still, there might be an attempt made to show how they do occur, and to try to shift the responsibility on to the employer. This Bill provides that the employer is responsible for the superintendence—for the parties to whom he entrusts the superintendence of his affairs—and quite rightly so. He might have a superintendent or overseer in whom he has every confidence as to his ability and care and everything else, yet it might be tried to be shown that this man did not possess the ability he ought in order to have held the position he did. An action might ensue; and even supposing it was shown in evidence that the person who was sued for damages was in the right, and no damages were awarded against him, he would be sued by a pauper. He would have to pay his own costs and to suffer all the very great loss that might be entailed upon him in matters of that sort without redress. I think we are going a little too far in some of our legislation. It is well to be able to deal with every question that may arise under circumstances of any sort so far as they affect the populace. But we should consider that whilst we are legislating we must not legislate for any particular class. I believe that with the Acts at present in force, if any carelessness can be shown whereby damage arises, the parties suffering can sue for damages; but, of course, in the Supreme Court it would cost a very great deal more, and that might possibly deter persons from suing. Nevertheless, whilst they should have an opportunity of seeking for redress in cases of this sort, I do not think it should be made so easy that charges can be built up at any time, and employers of labour subjected to actions at law for every petty accident that might happen. Then again, will this apply to the Government in their various departments of public works, roads, bridges, etc.?—because, if it does, I am sure the Government will have more actions against them than any other persons. That is my impression, and I certainly think that we should be very careful in passing this Bill. The clauses are very stringent. Parts 2 and 3 of clause 4 say that in case of accident a workman may seek redress—

"By reason of the negligence of any person in the service of the employer who has any superintendence entrusted to him, whilst in the exercise of such superintendence; or

"By reason of the negligence of any person in the service of the employer to whose orders or directions the workman at the time of the injury was bound to conform, and did conform, if such injury resulted from his having so conformed."

I maintain that no workman should be made to perform work of that sort. I should say that a man who risked life or limb under such circumstances was simply a fool for doing so. I am certainly of opinion, and everyone else must be, that if the Bill is passed, and it is to become law, the 11th clause will have to pass too. If that clause does not pass, the Bill will simply be nullified.

Mr. PALMER said: Mr. Speaker,—I think the title of the Bill, "To extend the liability of employers," is slightly misleading. From what the Premier says, there is no legislation at present with regard to the subject; therefore this Bill is not to extend but to provide for the liability of employers. With regard to what the leader of the Opposition said, the word "employer" should be defined more rigidly, so as to know who is responsible for compensation, because it was only the other day that a deputation waited upon the Premier in Townsville with regard to the liability of a sub-contractor, and desired that legislation should be brought to bear upon the question, and make contractors liable for the payment of wages due by sub-contractors. As the Premier said, with the exception of clauses 8 and 11, the Bill is a copy, word for word, of the English Act. I ask hon. gentlemen to bear in mind that it was passed in England with a proviso that it was simply to extend over seven years. That an Act like that can be taken word for word, and made applicable to a colony in the state this is, with all its various circumstances of life and settlement in the back tracks, I do not think. For instance, an employer may be liable for an injury that might be done to his stockman through a horse bucking him off.

The PREMIER: Not at all.

Mr. PALMER: By my reading of this Bill, he is liable.

The PREMIER: Nothing of the sort.

Mr. PALMER: Well, I will give an instance where an employer may be liable: Suppose a man was told to shoot a bullock with a rifle that had been used twelve months with safety, and it suddenly bursts and blows the side of a man's head off, or breaks his arm—there is an instance where a man may be made responsible or liable.

Mr. FERGUSON: People in the back blocks should not keep buckjumpers.

Mr. PALMER: The hon. member for Rockhampton says people in the back blocks should not keep buckjumpers, but the fact remains that they do, and men are very fond of running themselves into danger, and suffer in consequence. With regard to the application of this Act, there is a parliamentary return printed in regard to its working for the year 1884 in England, in which it is shown that in that year 99 actions were brought, the claims for compensation amounting to £30,845, and the awards made to £8,882. In Scotland there were 149 cases tried, the compensation claimed being £34,554 and the awards made £2,119. In Ireland there were 42 cases, the claims amounting to £4,000 odd, and the awards made to £800; showing that the Act would simply employ lawyers very considerably when put in force rigidly. The hon. member for Bundanba called attention to the severity of subsection 2 of clause 4, which says:—

"By reason of the negligence of any person in the service of the employer who has any superintendence entrusted to him, whilst in the exercise of such superintendence,"

That makes the employer liable for any act his servant may do, although he may have amply provided for the safety of his servants. With regard to the 9th clause, how will that apply in regard to taking a case into the Supreme Court? May not the employer take the case completely out of the hands of an aggrieved servant by removing it into a higher court, and so putting it beyond his means to prosecute? That is a point which I suppose the lawyers will settle. We know very well that there are cases where men will, in spite of all precautions, run themselves into danger, and there are occupations in the country for which men get increased wages on account of the attendant risks. Men will very often, out of sheer bravado, run themselves into danger, and why should employers be made liable for that? Those are cases in which the Bill may prove to be exceedingly irksome and very severe, and I therefore think there should be a more perfect definition given of the word "employer."

Mr. GRIMES said: Mr. Speaker,—I agree very much with the remarks made by the hon. member for Bundanba, that this is a lawyers' Bill. I think the lawyers will get more out of it than the employers or the workmen engaged in the various works throughout the colony. There will be found meddlesome men who will induce others to bring actions against their employers where there is really no need for it, and where there is very little chance of compensation being awarded. Compensation will come to the lawyers nevertheless, and it will come out of the pocket of the employer. I quite agree that the employer should be made responsible for any damage which is sustained through his carelessness or through his negligence in not providing proper safeguards for the protection of employés, but I do not think we should go so far as to make him liable for the carelessness of those employed. I think that, if this Bill passes in its present form, it will, in a great measure, hinder enterprise in the way of manufactures. Employers of labour cannot get the same choice of competent workmen and overseers as they have in older countries; they are obliged to take such as they can get if they are to go on with their work. Then it is very difficult to get men who hold high positions in manufactories to take as great care of the workmen employed as the employer himself. I quite agree with the remark that has been made that the employés are very often more careless than those over them. I have often noticed that. Where there has been a great deal of care manifested on the part of the employer, and employés, through carelessness, cause an accident, why should the employer be made responsible? With reference to the 11th clause, I think that there may be cases where it would hardly apply. There are some works that are extremely dangerous, and men are paid according to the risk they run. Sometimes special work is paid for on account of the risk taken by the employé in carrying out the demands of the employer, and I think it is rather hard that special contracts of this kind should not be permitted to be made. The employer, surely, should not still bear the cost of any injury that might occur to the workmen when special arrangements had been made at the outset. In reference to compensation for railway accidents, I cannot agree with the hon. member for Mackay that this will affect the question at all. It appears to me that this has reference only to workmen in the service. I believe that, hitherto, there have been no applications for compensation received by the Government from workmen. The applications have come principally from those who were passengers during railway accidents; so that I cannot see that that matter should be an inducement for the Government to bring in a Bill of this kind. I certainly think we should be extremely careful in passing the Bill through committee, else we may make it press very hard upon employers of labour throughout the colony.

Mr. BROWN said: Mr. Speaker,—I think the principle of this Bill is good, but it requires a little amending in committee. I wish, however, to ask the Chief Secretary to be good enough to inform me if it is intended to bring seamen under the provisions of the Bill?

The PREMIER: I said I was disposed to do so. The question will require consideration.

Mr. BROWN: I think it very necessary that seamen should have every protection, but I think that the Bill may work very hardly indeed upon employers in this way: Suppose a master lost a vessel by no carelessness of his own, and two or three men were drowned or injured, a claim could be made against the owner of the vessel. I just wish to point out that when you employ a master of a vessel, or an engineer, you have to take a man who is pointed out to you by the authorities. That is to say, the authorities examine these men and give them certificates, and you cannot go outside the list of men who have passed the necessary examination. The authorities also take upon themselves to examine the vessel and see whether she is fit to go to sea, so that the Government really do everything that is required; and it would be very hard after you select a master who has been pointed out to you by the Marine Board as a fit and proper person to take command of your vessel—in fact, the only man they will allow—it would be very hard, if an accident happened, that the owner of the ship should be liable for any claims that were made. I think that provision wants very close scrutiny. A vessel may be lost through no fault of the owner, and yet he may have to pay thousands of pounds.

The MINISTER FOR LANDS (Hon. C. B. Dutton) said: Mr. Speaker,—The chief objection which has been taken to the provisions of this Bill has reference to the liability of the employer for the care and attention bestowed on the safety of the men by those who act for him as superintendents or overseers of works. That may seem, under some circumstances, rather a serious liability for the employer to incur; but at the same time, if the Bill is a good one and its principles are right, how are you otherwise to protect the employé against the employer putting a man in charge who will consider only the pecuniary interests of his employer? Some employers within my experience have been liable to very serious charges of indifference to their men's safety. They would not have overlooked it themselves, but they are quite willing to have it overlooked by the men acting for them. The hon. member for Burke referred to men employed in dangerous occupations—such, for instance, in the bush as horse-breaking. Well, if he undertakes to do a horse-breaking job he has to undertake all the risks attendant on it. The employer is not liable for any accident to him in carrying out the work he has undertaken to do. The same holds with regard to any other dangerous occupation, provided it cannot be shown that the employer has been indifferent in the appliances he has supplied for carrying out the work. Now, the question has been raised whether seamen should come under the provisions of this Bill. I think it is very desirable indeed that they should. Take the cases we have had of late—the "Ly-ee-Moon" disaster, for instance. Why should not the sailors and their wives and families have been protected against the probable indifference of the captain and other officers of that steamer who carried those men to their destruction? The men had to obey instructions, and had no opportunity of doing anything for their own safety, which was wholly in the hands of the men whose orders they were bound to obey. I think sailors ought to be protected as well as those employed in any other occupation against the negligence, indifference, or incapacity of the men put in charge of the ship and of their lives. The hon. member for Bundanba, I think, has misapprehended the scope of the Bill, in common with several other members who have spoken, inasmuch as they suppose that the employer would be liable for an accident which could not be traced to any indifference or inattention to the safety of the men on his part. Take, for instance, the case of a steam boiler in a manufactory. The man in charge of the boiler may know there are weak points in it which endanger the safety of everyone in the establishment, and may tell the employer he thinks the boiler ought to be examined or repaired. If the employer paid no attention to those representations, and the result was that the boiler burst and destroyed several lives, he would be very properly liable for the mischief. It is only cases of that kind that this Bill is intended to cover. It does not take a wider scope, so far as I understand it; and I fancy I understand it sufficiently to know that that is the case. So in any other employment. Take the case of men employed on scaffolding about a building. The contractor does not examine those things himself; the foreman is responsible for seeing that they are in proper order. If any weakness had been overlooked, and an accident occurred, the employer would not be liable unless it could be shown that the weakness had been pointed out to him as being liable to endanger the safety of the men. If it had been pointed out, and he neglected to correct it, he would be liable. I might go on multiplying instances of that kind without limit. In no case, I think, does the Bill affect the interests of any employer unless it can be shown that he has shown wilful negligence of the safety of his men.

Mr. FERGUSON said: Mr. Speaker,—I must say I agree with the principle of this Bill on the whole. At the same time, I think workmen will have to go to a good deal of trouble before they get compensation under it. As far as I can make out, the chief trouble will be to know who is the real employer, and whether he is able to pay the compensation that is claimed. It is all very well, as far as men employed by Government or public companies are concerned—employés on railways, gasworks, tramways, and so on. But, suppose the Government let a contract for, say, fifty miles of railway; the contractor sublets the work in perhaps twenty or thirty sections, and the sub-contractors sublet again. Now, who is responsible in case of an accident to the men? The last contractor is a man of straw; he might not be worth one year's wages of any employé; one-tenth part of the contractors could not pay compensation. Is the Government responsible, or the first contractor? That is a question which will have to be settled in this Bill, or it will not be worth the paper it is written on. The percentage of men employed by the Government or public companies is very small; the bulk of the labour in the colony is employed by private people. They let their work by contract, the contracts are let again, and the working man, according to this Bill, has only his own employer to fall back on. There is one part of the Bill which, I am sure, will require attention. The 4th clause, which sets out the different claims the workmen may have, is, to a certain extent, neutralised by the 5th clause, where it provides that a company is free from liability in regard to a defective by-law, if the by-law has been approved by the Government. Now, if the by-law is faulty I think the Government should be held responsible, for they have no right to

pass a faulty by-law. That is one clause which exempts an employer from liability; and there is another which provides that if a workman knows of anything dangerous about machinery or plant, and does not give notice of it, he has no claim in case of an accident. Now, if a workman were to give notice of that kind he would be dismissed immediately. A workman dare not say a word against this or that plant, or against any part of the machinery; he would get his discharge right off. The maximum amount of compensation allowed is three years' wages of the workman. As a rule the wages of such men as will be benefited by this measure do not exceed £100 a year, even if they are engaged all the year round, so that the maximum amount of compensation recoverable is £300. A man may be maimed for life, but he cannot obtain more than £300. That is very poor compensation indeed for anyone who has received permanent injury. But if a man is in receipt of a higher salary, say £500 a year, he gets a sum equal to three times the estimated earnings for one year of a person employed in the same grade in the locality in which he met with his injury. I think the maximum should not be stated in that way, but that it should be according to the injury received. However, these matters can be dealt with more fully when the Bill goes into committee. The matters which I have pointed out are, I think, faults in the Bill. Still, the measure recognises the rights of labour, and I think it is a good sign of the times that the leading statesmen of the colonies are beginning to acknowledge that. The Bill recognises those, and, on the whole, I think it should pass.

Mr. SHERIDAN said: Mr. Speaker,—It strikes me that this Bill is one principally intended to protect employés in factories where steam is the motive power, because it is only in such establishments that any really great danger exists to employés. I was pleased to hear the hon. member for Bowen make allusion to the inspection of steam machinery. The hon. gentleman stated that there is no provision made in the English Act for the inspection of steam machinery on land, forgetting, no doubt, for the moment, that by another Act in England all steam machinery is periodically inspected by competent inspectors, the same as there are to inspect seagoing machinery in this colony. It has always seemed to me a strange anomaly that the Government should be so exceedingly careful in regard to the inspection of all machinery afloat, no matter how small the vessel was in which it was employed, and yet make no provision whatever for the inspection of machinery on land, from which cause I have no doubt many accidents have happened. I will mention a case in point. A few years ago an accident occurred near Maryborough by which eleven men were killed on the spot, and I suppose fifteen or eighteen more severely wounded, some of them maimed for life. Many families were rendered houseless and homeless in consequence of that terrible calamity, which, no doubt, would never have happened if there had been any law in existence for the due and proper inspection of machinery. I may mention in illustration of the kindness of the people there that they subscribed £1,850 as some compensation to the widows and orphans of the men who were killed. So large and so munificent a collection I never saw before in the colony. With regard to the suggestion to bring sailors under the operation of the provisions of this Bill, I entirely disagree with it. Seamen are professional men. They have to serve a certain time before they can get a certificate even as competent seamen, and officers and captains all have certificates. I do not think that employers should be made liable for accidents to their vessels resulting in the loss or injury of seamen. In the case of the "Ly-ee-Moon," which was a very important one, the officers and captains all held certificates, and it would be impossible to apply the provision in that instance. If a vessel was lost, and the captain and crew never heard of, it would be a cruel hardship to make the owner of the vessel liable for compensation to the families of those who were lost. I greatly regretted to hear the hon. member for Fassifern speak of the greed and selfishness of employers. I have been acquainted with a great many employers in large establishments, and I think their generosity, kindness, and goodness will bear favourable comparison with anybody else's, even with those of the hon. member himself. I must therefore express my disapprobation at his denouncing all employers, which he did, as being greedy and selfish. They are no more so than any other class in the community. I know large establishments where they have an accident fund, and when persons meet with any accident they are carefully attended to and nursed until they get better. That is not evidence of the selfishness or greed of employers.

Mr. S. W. BROOKS said: Mr. Speaker,—I have watched pretty closely the working of the Imperial Act, and I have long been of opinion that the provisions of that Act should be extended to this colony, and have said so repeatedly during the last few months. It is correct that when the Act was passed it contained no such provision as that which is found in the 11th clause of this Bill. But I believe that if search be made it will be found that an amending Bill was passed by the Imperial Parliament in March or April last containing the provision in this 11th clause. During the first six months of the operation of the Imperial Act, I remember reading at the time, there was very great opposition to it, and strenuous endeavours were made to bring in some such provision as we have now introduced in the 11th clause of this measure, but they were unsuccessful; and, as I have said, it was only at the beginning of this year, the sixth year of the operation of the Act, that the object was accomplished. This clause, therefore, is not entirely new, but has been adopted in England. It is true, as the hon. member for North Brisbane has said, that before this amending Bill was passed, men who were employers of labour contracted themselves outside the Employers Liability Act. A man applied to an employer for work, and the employer said, "I will give you 5s. a day and no liability, or 4s. 6d. a day if I take the liability." And the man, thinking perhaps that the danger was not very great, preferred to take 5s. a day with the liability on his own shoulders rather than 4s. 6d. with the responsibility resting with his employer. However, that is all over now, and under the Imperial Act no person can contract himself outside the law. I think some hon. members have misconceived the scope of this Bill. As the Minister for Lands suggested, it provides simply against negligence. Where there is contributory negligence on the part of any sufferer, he has no claim on his employer for compensation. Take the case referred to by the Minister for Lands—namely, a man in charge of a land boiler. The man sees that the boiler is not in a fit condition for work and reports the fact to the employer or superintendent; then, if the employer or superintendent does not see it set right and an accident occurs causing injury to the workman, the employer is liable. But if the man does not report the defect or danger, he contributes to anything that may happen, and is guilty of contributory negligence; in such a case the employer is not liable. An employer is simply liable

for that which he could have avoided by ordinary carefulness. By subsection 1 of clause 4 it is provided that an employer shall be liable when personal injury is caused to any workman—

"By reason of any defect or unfitness in the condition of the ways, works, machinery, or plant connected with or used in the business of the employer."

But, in connection with this, we must read the 1st subsection of the following clause, which states that a workman shall not be entitled to any right of compensation against his employer—

"Under subsection 1 of the last preceding section, unless the defect therein mentioned arose from, or had not been discovered or remedied owing to, the negligence of the employer, or of some person in the service of the employer, and entrusted by him with the duty of seeing that the ways, works, machinery, or plant were in proper condition."

That seems to me to be the main point of the Bill—the negligence of the employer, or someone under him in the capacity of overseer. It will, I think, be necessary to amend the 6th section after the word "year," by defining it to mean the earnings of the year preceding the injury; and I am not quite sure that six weeks is a sufficient time in all cases to give notice. In a nerve injury caused by a railway accident, for instance, a longer time may elapse before a man knows the full extent of his injuries. However, I am glad to see the Bill introduced here, and I hope it will pass and become the law of the land.

Mr. PATTISON said: Mr. Speaker,—To my mind, this is, as has been pointed out, essentially a lawyers' Bill. It studies the rights of labour, while to a great extent disregarding the rights of capital. It seems to me to be a one-sided measure, except from a lawyer's point of view, and the Attorney-General was quite right in calling it a lawyers' Bill. The Minister for Lands instanced the case of a boiler bursting through the negligence of the man in charge, and said the employer would be liable for the consequences. So he would if the employer had warning that an accident was likely to occur; but the accident might occur through the man's own neglect, for which the employer might be in no way responsible. The hon. member for Fortitude Valley spoke of contributory negligence; how would contributory negligence come in there? If I, as an owner of machinery, give to a man a boiler in perfect order—a man whom I had engaged as a skilled workman—why should I, as an employer, be held responsible for that man's sole negligence? It has been said that the A.S.N. Company are responsible for the act of their captain for wilfully running the "Ly-ee-Moon" on shore and losing the lives of a large number of people under his charge. But how could the company be responsible for that? Did they anticipate, when employing Captain Webber, a skilful navigator, that such an accident would happen? Those are cases that might properly be exempted. Give employers, if they are to be considered at all, some little consideration. Do not throw all the responsibility upon them. I respect the rights of labour as much as any hon. member, but the rights of capital should also be respected. If they do not go hand-in-hand, you will simply drive capital out of the country, and we have had enough of that in past legislation. It appears to me that this Bill goes a little in that direction, too.

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

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

OPIUM BILL—SECOND READING.

The COLONIAL SECRETARY (Hon. B. B. Moreton) said: Mr. Speaker,—In moving the second reading of this Bill—a Bill to impose restrictions on the sale of opium, and to prohibit its sale to aboriginal natives of Australia—I shall not take up the time of the House very long. Many hon. members are well acquainted with the reasons why this Bill has been brought forward. The Government have become aware that the aboriginal natives of the colony have of late years acquired the habit of smoking opium, and that it has already had injurious effects upon them. Not only has it been affecting their health, but it has greatly accelerated their decrease in some portions of the colony. In the portion of the colony that I know—the North-eastern Burnett—it has for some years been the custom to pay the blacks some portion of their wages in opium. The habit of smoking opium was learnt from the Chinese who were employed there as shepherds. I have by me a letter that was sent to the Chief Secretary the other day showing that the practice is carried on in other parts of the colony, and that it has extended a great deal further up the coast. The letter is from a gentleman who is well known to many hon. members—Mr. Beardmore, of Tooloomba—and he writes to the Chief Secretary as follows:—

"Tooloomba, Rockhampton,
"30th July, 1886.

"SIR,

"Seeing an Opium Bill is about to be brought forward, it may be as well to let you know that all the blacks are fast dying out in this district (from Mackay to Rockhampton) from the use of this drug.

"Some few years ago a surveyor took a gin to Cooktown, and she there learned the use of it, and taught her countrymen when she came back.

"The blacks in this district with very few exceptions will do nothing except for opium. They give up tobacco, grog, trinkets—everything in fact—for opium, and are in consequence dying off fast. We all have to use it (police and all) in self-defence, and nothing but the law can now stop it.

"I have seen twenty of them in one old room lying down with their little lamp, passing the whole night and day smoking, till their supply was exhausted.

"They formerly bought flour, tea, tobacco, red handkerchiefs, etc.; now the sale of these is entirely stopped for opium.

"I therefore take the liberty of drawing your attention to it.

"I have the honour to be, sir,
"Your obedient servant,
"J. BEARDMORE,
"Tooloomba.

The Hon. the Chief Secretary, Brisbane."

"I omitted to state that it is not the pure opium, but charcoal opium, that is used—opium that has been smoked in China, and the charcoal sent here for sale to the blacks."

That is Mr. Beardmore's experience, and I daresay that some hon. members are also aware of the fact. It is certain that the use of the drug has been very injurious to the aboriginal natives of the colony, and the object of the Bill is to restrict the use of it, and to try to stop, if possible, the further extinction of that race. The details of the Bill are, first, that the sale of opium shall be restricted to pharmaceutical chemists, or to some other person whom a police magistrate may license under the Bill. The applicant must give fourteen days' notice to the police magistrate at the place where he desires to sell it that he wishes to do so, and he has then to pay a fee of £5 for every license, or renewal of a license, to sell it. The license is to last for twelve months, or until the 31st December after the day on which it is granted, and it may be renewed from time to time. The 6th clause deals with the sale of opium to aboriginal natives, and provides that no person shall supply, or permit to be supplied, any opium to any aboriginal native of Australia, or half-caste of that race; and if anyone does so he shall be liable to a penalty not exceeding £50 and not less than £20, or to be imprisoned for any period not exceeding six months and not less than one

month. Then in clause 7 it is provided that the delivery of any opium by the owner, occupier, or any person in charge of a house or place, or by his servant, is to be taken as *primâ facie* evidence of its having been sold; and under clause 8 the keeping of more than four ounces in any house or place is to be *primâ facie* evidence that it is kept for sale. The rest of the clauses deal with the seizure of opium kept for illegal sale. The 12th clause makes exception in the case of the sale of opium in bond or by merchants in a bonded warehouse. No doubt some hon. members may think that this Bill should have been incorporated in a Bill restricting the sale of all poisons; but the Bill has only one object in view, and that is to prevent natives of Australia from having the use of opium, in the same way that we restrict their use of intoxicating liquors. Anyone who is approved of by a police magistrate may, under the Bill, obtain a license for the sale of opium, so that there will be no inconvenience by a person not being able to obtain a supply of the drug for medicinal purposes in any portion of the colony where there is no pharmaceutical chemist. These are the main points of the Bill so far as the details are concerned. I think every hon. member will agree with me that the necessity has arisen for the restriction of the use of this drug so far as the natives of this colony are concerned. It might be useful to restrict its use to other people as well. However, the Bill has only the one object—to restrict its sale to natives of Australia. I beg to move that the Bill be now read a second time.

Mr. NORTON said: Mr. Speaker,—I listened carefully to the remarks of the hon. gentleman in the hope that he would give some reason for restricting the sale of opium, but I did not hear anything that fell from him giving a reason for its restriction. I can quite understand that there may be reasons for preventing its being sold or given in any way to aboriginal natives; but I do not know why these great precautions should be taken to restrict the sale of it altogether. As to what fell from the Colonial Secretary with respect to supplying blacks with opium, I believe his remarks are quite true. I have never actually seen it done, but I have no reason to doubt that it has been done during the last few years. I have heard of cases where blacks were supplied with opium, and some blacks have themselves told me it was supplied to them and smoked by them. Three or four years ago I met a blackfellow who said he was the only one of his tribe left who did not smoke opium. He was rather a peculiarity, because he did not smoke opium, tobacco, nor drink grog. He was a model blackfellow. I believe the supply of opium to the blacks has been carried too far altogether, though, to some extent, one can understand the reason even for supplying them. On some stations a great portion of the work is done by blacks, and the only means available to induce them to stop is to give them opium, as, if they did not get it from the people on the station, they would go somewhere else where they could get it. It is from the Chinese they get it principally.

The COLONIAL SECRETARY: Not always.

Mr. NORTON: I say they get it principally from the Chinese. I do not excuse the supply of opium to the blacks for one moment. I believe it is the worst thing that could possibly be done, but I simply speak of that as the reason given for supplying it to them. There is a good deal in the Bill with which I do not agree. I do not see why a man licensed to sell opium should have to pay a license fee of £5. If under this Bill any man is licensed to sell opium it is only in cases where it is necessary that someone should supply it, and where there is no pharmaceutical chemist. I do not, therefore, see why a man should be charged a fee for selling opium when it is necessary for him or someone to sell it. In many places in the bush men have to keep opium, or some preparation of it; and I think that the storekeepers who keep it are very respectable men, and may be trusted to keep opium as they are trusted to keep other things. I see, under the 4th clause, that the applicant must give notice to the police magistrate, or "to the principal officer of justice" at the place where he desires to sell opium.

The PREMIER: That is a printer's mistake; it should be "officer of police."

Mr. NORTON: I thought it was a mistake. If a man who is not a pharmaceutical chemist is licensed at all to sell opium, I suppose great care would be taken that he is a man who could be trusted with the sale of it, and I cannot see why he should be charged £5 for the privilege. If he is charged £5 for the sale of it, he would put it on to the consumer, and I cannot see why a consumer of opium from a local storekeeper should have to pay any more for it than he would have if he was able to get it from a pharmaceutical chemist. I can see no reason for an imposition of this kind, unless it is the Colonial Treasurer wants to get as many taxes as he can when we are so hard up. I think the license fee should be cut down, if there is to be a fee at all, and I am not prepared to say that there ought to be. If a license fee is imposed, it should be limited to something much less than £5. With regard to the 6th clause, dealing with penalties for supplying opium to aboriginals, I think the penalty provided for is a very high one indeed. An offender is liable under this clause to a penalty not exceeding £50 and not less than £20, or he may be imprisoned with or without hard labour for a period not exceeding six months and not less than one month. I do not see why a minimum should be fixed in either case.

The PREMIER: That suggests itself. The justices may sympathise with him.

Mr. NORTON: Perhaps the justices may sympathise with him, but I think the penalties are too great, at any rate for a first offence. Then clause 7 is, I think, one of the most dangerous clauses in the Bill, because it gives opportunities to men to trump up charges.

The PREMIER: The Bill would be useless without it.

Mr. NORTON: At the same time it places a man who is not a seller of opium in a very dangerous position, if anyone wishes to vent his spite upon him; and, when we get into committee I shall watch this clause with a great deal of suspicion. Then the 9th clause provides that, if anyone likes to lay an information, an officer may break into a house just before 12 o'clock at night, while the family are in bed, and turn them out, if necessary, in order that he may search the place. That is a highly preposterous provision. If the officer is to be allowed to break into a dwelling, let him do it by daylight, or at a reasonable hour, say 7 or 8 o'clock, and not in the middle of the night. The whole of that clause has a tendency to give power to ride rough-shod over people who are suspected. For instance, the 3rd paragraph provides that, if at the hearing of the case it is made to appear to the justices that the opium was kept for the purpose of being illegally disposed of, it shall be forfeited. Does it mean that they are allowed to suspect an individual?

The PREMIER: No.

Mr. NORTON: Of course the hon. gentleman does not intend it to mean that, but he must consider how justices will read the clause. We know that some of the justices are not particularly intellectual or intelligent, and I think that on reading the clause they will easily make up their minds that it is sufficient if they have a suspicion, and that they will act on that opinion. Then the last paragraph, by which the informer is allowed to get half the fine, I think is objectionable. As I pointed out in regard to a Bill the other night—I do not care whether it is the law in other respects or not—the sooner we abolish the system of paying informers half the fine the better it will be for the country. This Bill brings to my mind a very important question—namely, the use of opium by whites. If we could restrict its use among white people, I believe we could easily restrict its use as far as the blacks are concerned. The only way to do that is to prevent its introduction into the colony at all, except to pass into the hands of medical men and pharmaceutical chemists. I would do all I could to prevent the sale of opium to the blacks, but I feel that the powers given by the Bill are apt to be very unduly used for particular purposes against people who may be as innocent of supplying opium with any intention of doing harm as anyone in this House. The provision for giving the informer half the fine, taken in conjunction with the 7th clause, which makes delivery evidence of sale, may be made very oppressive indeed, and I think the last paragraph of the 9th clause ought to be omitted.

The PREMIER said: Mr. Speaker,—This Bill has been introduced, as the Colonial Secretary has said, for the purpose of stopping a crying evil now existing in the colony. It is a crying disgrace to the community that opium should be distributed wholesale to the blacks, who are being killed off as fast as possible; it is a crying scandal. For many years there has been a law prohibiting the sale of intoxicating liquors to the blacks, but now we find something much more deadly is being supplied to them, and the Government have brought in this Bill for the purpose of stopping it; not simply for the purpose of putting on the Statute-book a barren declaration saying that it shall not be lawful to supply opium, but to prevent the supply of opium to the blacks; and in order to do that it is necessary to see that the various ways by which it might be supplied, in spite of what I called a barren prohibition, shall be barred to any person who is disposed to break the law. Suppose we put on our Statute-book a law declaring that it shall not be lawful to supply opium to the blacks, and a man supplies it, what then? If you catch him in the act of supplying opium he comes under the provisions of the Act; but, of course, you will not do that once in fifty times. Wherever it has been found necessary to impose restrictions on unlawful trades, it has been found necessary in the Acts dealing with them to close up the various loopholes which can so easily be found, by which to escape their stringent provisions. Ever since the first excise, the first smuggling, and the first licensing laws were passed, the experience which follows legislation has shown that it is necessary to make provisions of that kind. Turning to the experience we have had, what do we find? Where people have supplied opium it is found in considerable quantities on stations. If they do not keep it for the blacks, what do they keep it for? The very fact that they keep it—under the circumstances of the colony—is sufficient proof that they do not keep it for any lawful purpose. If we find a man having in his possession the implements of a burglar, we come to the conclusion that he has them for an unlawful purpose. Of course, he may have found them, and be taking them to the police, but the law recognises that as evidence of possession for an unlawful purpose, and if a man has in his possession the deadly drug opium, under circumstances under which he could not have it for any lawful purpose, that is evidence of his having it for an unlawful purpose, and it ought to be confiscated. A man may have opium in his possession and say, "I don't keep it for supplying the blacks, but to supply some of my friends on the road who may be ill and require some laudanum." If a man makes that excuse he can be met with the reply, "You must have a license." I think that is sufficient explanation. Then with regard to the 4th clause, if a man wants opium at all, let him buy it from a person who, from his occupation as a pharmaceutical chemist, naturally will sell it, or some other person whom the police magistrate may entrust with the sale of opium, who will not keep it for the purpose of supplying blacks. What I have said will account for the 4th, 5th, 8th, 9th, and 10th clauses of the Bill. I have shown that all these clauses are necessary, if the prohibition is to be anything more than a merely idle one. As to the amount of the license fee and the maximum amount of the penalty, they are matters of detail not worth troubling about now. The principle of the Bill is that it shall not be lawful to sell opium to the blacks, and that it shall be enforced with the most rigid severity. We will, in fact, prevent any man from keeping opium for that purpose. The Bill is brought in for the purpose of being enforced, and I sincerely hope that hon. members, whose assistance I think I may count upon to carry out that laudable object, will not allow it to be so pared away that nothing will remain but a mere declaratory provision incapable of enforcement.

The HON. J. M. MACROSSAN said: Mr. Speaker,—I have very much sympathy with the hon. gentleman's intention to prevent the sale of opium to the blacks, and I would even go further than the hon. member for Port Curtis, and prevent the sale of it altogether by preventing its importation into the colony. If it had the effect of driving out the Chinese, who are so fond of smoking it, I think it would be all the better to prevent its importation. I look with very great suspicion of clause 9. I do not think that that clause is necessary to prevent the sale of it in the way in which the Premier has just mentioned. Any person who believes that a householder has opium in his house for sale has only to take an oath that he believes it; that person may conscientiously believe what is false, and the man's house may be entered at any hour, at 12 o'clock at night, even if his family are in bed. His wife and family may be turned out of bed, and even the bed searched, because opium is a very small article and four ounces can be hidden in a very small place. I think that this clause might very well be dispensed with, or else altered in such a manner as to prevent unpleasant circumstances arising from the enforcement of it. I will give the Government all the aid I can in order to prevent the sale of opium to the blacks, and I hope that they will take the hint and prevent the sale of it to anybody in the colony, black or white, or yellow, and by preventing the importation of it they can do so.

Mr. JORDAN said: Mr. Speaker,—I have listened with some considerable astonishment to the remarks made by the Colonial Secretary in moving the second reading of this Bill. I understood him to say that in some cases the aboriginals employed on stations were paid their wages in opium. I was not aware of that before, but I have heard of opium-smoking by the blacks. I had no idea that men could be so lost to all

sense of decency and to all feelings of humanity as to promote anything so horrible as the destruction of the aboriginals of the colony in such a manner. This is an extreme case, and calls, I think, for an extreme remedy. I am very glad to hear the Premier say that this Bill will be enforced; that it is framed in such a way that it cannot be evaded; and I do not think the penalty is at all too large. I would like to have seen it more severe; I would like to have seen it provided in the Bill that in any case where it could be proved that an employer of labour had paid any wages in the shape of opium he should be imprisoned for ten years. The thing is so utterly horrible, and, to my mind, so shocking, and the colony so degraded in the eyes of the civilized world by the aboriginals dying out, chiefly through being given opium in the form of wages, that I would make the penalty as severe as possible. I think some amendment may be desirable in clause 9. If the *primâ facie* evidence of sale shall depend upon anyone's stating that a person has opium in his possession, as provided in the clause, the information being perhaps laid by a servant, it may be going a little too far. An ill-natured servant might be disposed to get his employer into trouble if he could prove that he had opium in the house, or, at any rate, if he could prove delivery of opium to anyone, because delivery of opium is to be *primâ facie* evidence of sale. If any person could on oath declare that his employer had delivered opium it would open the door to evil-disposed people to do an injury. Except in regard to that, the Bill does not require any alteration; but I would like to see it a little more stringent.

Mr. SHERIDAN said: Mr. Speaker,—I shall gladly support any Bill that may be brought in to alleviate the misfortunes of the unfortunate aboriginals, and I am amazed at the holy horror which is expressed here at the idea of bringing in this Bill, and particularly at the idea that the blacks should be destroyed by opium. How have they been treated since the foundation of the colony? Have they not been ruthlessly and remorselessly shot down and treated as if they were vermin? Were not some persons, who will now raise their hands and eyes, concerned in wiping those people off the face of the earth? Read the papers, and you will see, as regularly as Parliament sits every year, there are some terrible cases of Chinamen being killed and eaten in the North by blacks, or this or that being driven away. I do not believe a word of it. It is pure invention. It is an excuse to drive them out of the colony. And now they want to preserve the last remnant! In Tasmania, when there was only one left—old Truganini—she was dressed up in silks and satins to show how kind the Tasmanians were to the blacks. She was the only one left; they had destroyed all the others. With regard to the Bill, I regret that it is not half severe enough. I remember very well, not very long ago, when the maximum fine for supplying an aboriginal with intoxicating liquor was £5, and a second conviction entailed a loss of license. A Bill was brought into this honourable House, by a gentleman who is now no more, bringing it down to £2 or any less sum that was thought proper. There are a great many more aboriginals destroyed by the bad grog that they get than there are by opium-smoking. The publicans have a tub upon their counters—I have had it pointed out to me—and into it they throw the drainings of bottles and glasses, and from that tub they supply the aboriginals; the name of this liquor is "all sorts." This Bill shall have my warm support, and if it was more stringent and more severe it would have my still warmer support, because it is a duty we owe to the poor aboriginals to protect them whenever we can.

Mr. STEVENS said: Mr. Speaker,—I think the measure now before the House is a very useful one indeed, and there is very little doubt that if it had been made law some years ago it would have been a very good thing. It goes without saying that the sale of such a drug as opium should be regulated by law, and I think it a pity that the hon. gentleman who introduced the Bill did not include some clause dealing with poisons generally. In one or more of the southern colonies there is a Sale of Poisons Act, which has been found to act very beneficially, and I think the Colonial Secretary should, when the Bill goes into committee, introduce some clauses with regard to the sale of all poisons. At first glance the penalties appear rather severe, but I think if that is an error it is one on the right side. Clause 9 is one that I think is open to some criticism, inasmuch as it gives a malicious person an opportunity of inflicting very great annoyance on any person against whom he may have a grudge. Whether it is absolutely necessary for the carrying out of the Act that the power of entering a house between 6 in the morning and 12 at night should be conferred or not, I am not prepared to say, as I came to the House late, and did not hear the previous discussion on the measure; but it seems to me that it is rather an arbitrary power, and may be used very wrongly. I was surprised to hear some of the remarks that fell from the hon. member for Maryborough with regard to the blacks in various parts of the colony. There is no doubt that blacks have been very badly used by very many persons, but I never heard before that opium was one of the means resorted to to get rid of them. If it is one of the means now adopted, it must be quite a new thing indeed, and shows that getting rid of a blackfellow has become one of the fine arts. I hope the Colonial Secretary will consider what I have said about the sale of poisons generally, and if he cannot see his way to introduce clauses dealing with the subject in this Bill I hope the Government will, some time during the session, bring in a measure dealing with that question.

Mr. MURPHY said: Mr. Speaker,—As one of the members representing a country constituency, and one who has seen the effects of the sale of this drug upon the natives, I may say that I entirely approve of the Bill. There is no question about it that the supply of opium to the aboriginals has had a worse effect upon them than either tobacco, drink, or any of the diseases from which they suffer; and that the blacks prefer it to either tobacco or liquor is very evident, because they will do almost anything to get it. But I deny that it is the squatter or pastoral tenant who supplies this drug to the blackfellow. He gets it from the Chinamen. They have taught him the use of this drug, and it is from them almost entirely that he gets it. I know, in my own district—and I can only speak of what I know—that the blacks get it from the Chinamen entirely. They get their pay for their services in tobacco, or in clothing, or any payment in kind, sometimes in money, and they give all these things to the Chinese gardeners, bartering them away for opium. So that I quite agree with the main principles of this Bill; but there is one thing about it that I do not agree with, and that is the restriction placed on the keeping of laudanum. Now, on all stations we are obliged to keep a large quantity of medicine of various kinds for the purpose of doctoring the hands upon the stations when they get ill. We have to keep a large supply of laudanum, and I think it very hard that every station store shall have to pay a license of £5, if this Bill passes in its present form, in order to be able to keep the medicine that is

necessary for the men. Four ounces of laudanum would go nowhere on my station, where at certain seasons I have 400 men employed; and everyone knows that we have a great deal of sickness among the men at shearing and washing times. A supply of this drug may be a question of life or death with these men, so that I think it will be necessary, and I hope the hon. the Premier will see his way to alter the Bill in committee, so that station-owners may be able to keep a sufficient supply of laudanum in the station store for the purpose of doctoring the men. We very often have no medical man within a hundred miles of us, and it is necessary to have a very well-supplied medicine chest on the station. If, then, this license fee of £5 is maintained it will act very harshly in a great many places. So far as the rest of the Bill is concerned, I intend to support it.

Mr. ISAMBERT said: Mr. Speaker,—The Bill under consideration will have my hearty support. So much has been said that I need not go into my reasons for supporting it, as my sentiments on the subject are similar to those of other hon. members. I believe, however, that the Bill is deficient in some points. Instead of revenue officers exercising such an extraordinary power as that prescribed in clause 9, the difficulty might be obviated by regulating very strictly the keeping of opium. That is to say that all opium, both in wholesale and retail houses, should be carefully registered. A book should be kept, and every item of opium should be carefully entered. The amount sold, and to whom it was sold, should be registered. Then opium could be easily traced, and the power given to the revenue officers done away with. If this Bill will have the effect of hunting out the Chinamen, as the hon. member for Townsville has said, then it will be all the better. There is no provision made in the Bill for wholesale dealers who keep opium, and to my mind it seems that a clause should be inserted dealing with that subject.

Mr. GRIMES said: Mr. Speaker, — I thoroughly approve of this measure so far as it deals with supplying aboriginals with this drug. I am only sorry that measures of this kind, affecting the welfare of the aboriginals, have not received more attention at the hands of former Governments. I think we have a great deal to answer for in the way we have neglected, not cared for, and not made better provision for the protection of the natives of this colony. I believe that the amount of protection we have afforded the aboriginals, and the fines we inflict for supplying them with drink, would act more beneficially by far if they were made more strict than they are. I thoroughly approve of fines being inflicted in these cases, and in their being fixed at a large amount. Unless they are fixed at a large amount there is no doubt many a one will risk paying a small fine so that he may have the privilege of getting his work done cheaply through supplying this drug, and I think if we had allowed the fine for supplying blacks with intoxicating liquor to remain at its former figure—namely, £5 as a minimum—or even fixed it at a higher amount, it would have prevented large quantities of intoxicants being supplied to the natives. While I would support the Bill as far as it applies to preventing the sale of opium, there is one clause which, I think, will act rather awkwardly. It is well known amongst those who reside in the country districts that the most effectual remedy for diarrhœa is laudanum and rhubarb, and large quantities of laudanum are used for that purpose. Again, laudanum is used very largely in veterinary practice, and to allow only four ounces to be kept as a supply for anything like an establishment will be comparatively nothing.

Mr. S. W. BROOKS: Laudanum is not mentioned in the Bill.

Mr. GRIMES: If the hon. member will look through the definition clause he will find that it is in the Bill. I had overlooked it until I heard the remark of the hon. member for Barcoo. It certainly would be a mistake to include laudanum as being a preparation of opium. We are bound to have large quantities of laudanum on a station or a large farm. I have myself given no less than three ounces of laudanum to a horse in the course of twenty-four hours, so that I hope the hon. member in charge of the Bill will make an amendment so as not to include laudanum. I am quite aware that the supply of laudanum to aboriginals will have the same effect as the supply of opium, and I cannot see at present how we can alter the Bill so that it can be admitted into use for medicinal purposes without a license; but certainly it is very hard that those who are obliged to keep these drugs on stations or large farms should have to pay a license fee of £5 a year. Otherwise I thoroughly approve of the Bill, and I should have been prepared to support the introduction of it had it prevented opium being brought into the colony at all in the shape in which it can be used for smoking. I think, sir, if it does harm to the native black, it is equally injurious to the European and the Chinaman. It is coming into frequent use with Europeans, and we all know that Chinamen will have it if possible. I thoroughly approve of the Bill so far as it prevents the use of opium by the natives.

Mr. GOVETT said: Mr. Speaker,—I was very pleased indeed when I saw that a Bill touching this matter of opium was going to be brought in by the Government. I have had a good deal of experience about the aboriginals of this country in years gone past; but it was only within the last three years that I knew the practice of giving opium to the natives was in force; and I can say that I will be only too pleased to do anything in my power to assist in putting that practice down. I have never seen a camp of blacks where opium was being used, so I cannot speak from my own knowledge; but I have been told of it by people who have seen it, and they say it is something frightful to see the state that the camp gets in. The blacks when they have taken this opium are simply driven mad. I have learnt within the last two months that it is becoming the practice with some young fellows in the bush—Europeans that have lately come to the country—to go to the Chinamen's camp and get a pipeful of opium. I have heard of one case where a young fellow, about nineteen, was missed from the station for two or three days on several occasions, and at last it was found that he had gone down to a Chinaman who was camped near, and had been supplied with opium. I think, Mr. Speaker, it is a good thing that this Bill should be brought in, and that the clauses should be made as stringent as possible. I thoroughly approve of the stringent clauses in the Bill; but, as has been pointed out by the hon. member for Barcoo, laudanum is a very necessary thing to be kept on a station. Then there is chlorodyne, a thing that is also used very much on stations, and a highly necessary thing to keep. I have been able to do a great deal of good sometimes by supplying people with a few drops of chlorodyne, so I hope there will be some provision made about that and laudanum. I shall support most heartily the stringent provisions to prevent opium being supplied to natives of the colony.

Mr. ADAMS said: Mr. Speaker,—It seems to be the opinion of members on both sides of the House that the Bill hardly goes far enough. When it comes to blacks being so abused by

Europeans, and young boys just come to the country adopting the vice, something should be done to stop it. But the objection to the Bill, Mr. Speaker, is with reference to laudanum. It says, "The term 'opium' means and includes opium, laudanum, or any preparation of either." Now, sir, it is absolutely necessary to keep laudanum on a station; in fact, it is necessary to be kept by any person skilled with horses. I keep five or six ounces in my own house at a time, and many a time I have used the whole of that before I could get another bottle. I think the Bill ought to define how much laudanum should be kept; four ounces is not sufficient. Sometimes a man might have to travel a very long distance to get this valuable drug in cases of illness, and the patient might die before he returns, and in that case the cure would be worse than the disease. The other objection I have to this Bill is that the police can go into any dwelling between the hours of 6 in the morning and 12 at night. Take, for instance, a person with a grudge against another. It would be easy for him to make a very grand statement before a magistrate that he believed this drug was kept in a certain habitation, though he might know when making the oath that the thing was not so. Now, it would be very hard for a family to be disturbed in the small hours of the morning, or the middle of the night, by the police making a search. I think it would be wise to alter that, and say not later than 10. Even that is bad enough; 12 o'clock is, I think, out of the way altogether. I shall support the Bill going into committee.

Mr. BLACK said: Mr. Speaker,—I was not aware until the matter was referred to by the Colonial Secretary, and later by the hon. member for Barcoo, that this difficulty was doing the amount of injury which has been described, to the blacks of the colony. The hon. member for Barcoo has stated that during the last three years his attention has been directed to it. The Chief Secretary read a letter, which I took at first to be the chief reason why this Bill was brought in, stating that from Mackay down to Rockhampton the injuries the blacks were suffering from the use of opium were very serious indeed. I think that letter is slightly exaggerated. There is a considerable number of natives at and about Mackay, and during the whole time I have resided there, which is a great many years, I have not seen a single instance in which opium has been used by blacks there. I take it for granted, however, that there is a difficulty, and that the chief object of this Bill is to prevent the increase of the danger which is said to exist, and to protect the few aboriginals who are left, and do something for their welfare. But I very much fear that the Bill will fail to effect that object. We have had very stringent laws for some years past now, prohibiting blacks being supplied with grog, but we all know that it is almost impossible to get a conviction in cases of the infringement of that law. And grog is bulky. Opium, on the contrary, can be carried in a very small compass indeed. Blacks, in consequence of the difficulty experienced in getting as much grog as they wish, have now, it appears, recourse to opium; and the facilities for supplying them with opium, as compared with giving them grog, will be so easy that I am almost afraid this Bill will fail in its object. A small piece of opium the size of a pea is sufficient to render any man not accustomed to its use perfectly helpless. I think, as one hon. member has pointed out, that a blackfellow under the influence of opium is far less dangerous than one under the influence of grog. The hon. member for Townsville suggested that he would like to see the introduction of opium prohibited. Well, that would be one way of preventing blacks and whites getting opium, but it would not prevent the Chinese, and it would open the door to smuggling to a great extent. As long as we have Chinese in the country—and it appears that we cannot very well keep them out—they will have opium. Now, the duty on opium is 20s. per pound. If we doubled that duty I think that would have a better effect than prohibiting the importation of opium, and the Colonial Treasurer will very likely have something to say on that matter, as he now realises about £20,000 a year from the duty on that article. I would rather see that impost doubled than a measure passed prohibiting the introduction of opium, as I think the former method would be more effective. I take it that morphia is included among these preparations of opium. I believe that the use of morphia is increasing to a very great extent indeed. Four ounces of morphia will be very much more dangerous than four ounces of opium. I have been informed by a medical man that the use of morphia among the female portion of the community has been considerably on the increase lately, a circumstance which I very much regret. It is well known, they tell me, that once a person has partaken of that drug it is almost impossible to cure the taste for it. I presume that the Colonial Secretary will be quite prepared to modify the 8th clause, which provides that only four ounces of opium may be kept by any person, in such a way as to meet the objections of members who have spoken of the necessity of keeping a larger quantity than that on stations in the interior. I do not suppose there will be any very great difficulty in so altering this clause as to allow the keeping of a large quantity, not of opium, but of laudanum, which is absolutely necessary in the interior. It would be inflicting an unnecessary hardship on a large section of the community if this clause as it stands were strictly enforced. I would also point out that four ounces of opium seems to be an awkward quantity. I believe it is usually imported in eight-ounce or half-pound packets, and if opium is to be allowed to go into consumption at all, there is no reason why any person requiring a quantity should not be allowed to buy a complete packet. The 9th clause, referring to the extreme power given to individuals to use this Act in a vindictive manner, will, no doubt, also be allowed to be amended when the measure gets into committee. The only thing that I regret about the matter is that I am afraid the Bill will almost entirely fail to effect the object for which it has been introduced—namely, to prevent blacks getting opium. I do not see what better step we can take, but I very much fear that this will not accomplish the object aimed at.

Mr. W. BROOKES said: Mr. Speaker,—I am very sorry that I should feel under the necessity of saying anything about this Bill. I am sorry the Bill has been brought before the House. I agree with almost everything—indeed, with everything—that has fallen from the hon. member for Mackay. I regard this Bill—I may be wrong, but still I regard it as being over-legislation, and I wish it had not been brought before the House. I feel very much of the opinion that this measure will not accomplish the purpose for which it has been framed. It may be very well to protect the aboriginals; but it seems to me that the Bill imposes restrictions which ought not to be laid upon Europeans. Certainly, when we go into committee the Bill will need very considerable alteration. As far as regards the influence of opium on aboriginals, the effect of opium or laudanum on them must be very different from the effect it has upon anybody else in the world if it produces the effect of making them mad. I am

quite of the opinion that if an aboriginal is to be intoxicated with anything he had far better be stupefied with opium than made crazy and mad with grog or bad alcohol; but there are several clauses in this Bill, as has been pointed out by the leader of the Opposition and others, which could not be enforced without limiting what I consider the rights of Europeans in a way that they ought not to be limited. We must allow something for the operation of a person's free will to a certain extent. If a person does not injure his neighbours or himself to any particular extent, I do not see why we should limit his freedom of action in the way that this Bill will certainly limit it. As far as regards laudanum, what has been said by the last speaker is quite right. I was reading the other day that a very large number of the patent medicines which are in very extensive use are largely composed of opium, or preparations of opium. On the principle laid down in this Bill, there is no telling where one should stop. In my opinion—and I regret to have to say it—the presentation of this Bill to the House is rather a waste of time. We could do something much more important in the way of legislation. Clause 8, providing that the keeping of more than four ounces of opium or laudanum in any house or place shall be *primâ facie* evidence that it is kept for sale, has surely not been well considered. What is four ounces of laudanum? Anyone who has read the "Confessions of an Opium-eater" will know that it is a mere nothing. There are plenty of people in this colony accustomed to the use of laudanum who could take four ounces of laudanum every day. We know well that in swampy, fenny countries, where rheumatism and similar diseases are rife, the power of consuming laudanum grows with practice, and four ounces is a very small quantity indeed. Then there is the objection already referred to—that the possession of this small quantity of laudanum renders the owner of the house or place liable to a most inquisitorial examination. While I am as anxious as anybody for the welfare of the aborigines, and while I would gladly support any scheme that would prevent men from indulging to excess in alcohol, opium, or laudanum, I do not consider that this Bill will accomplish it—for one reason that, in the places where the aborigines are supplied with opium, many means will be found for evading the law, and a conviction under the Act would be of very rare occurrence. I am very sorry to have to say so, but I feel certain the Bill will not accomplish the purpose for which it is introduced with regard to the aborigines, while it will unduly interfere with the liberty of Europeans, and I should be glad if the Government would see their way to withdraw it.

Mr. ANNEAR said: Mr. Speaker,—I cannot agree with the hon. member that the consideration of this Bill is wasting the time of the House. I consider that it is a very good measure indeed, and one that is very much required in the colony. I resided for some months a few years ago in the district with which the Colonial Secretary is conversant, and I have seen the injury done to the aborigines of that district by the use of opium. I have also seen its effects on Europeans in the colony, and I am of opinion that there is no comparison between the injurious effects of opium and those of alcohol. Opium is sold in the back districts, as stated by the hon. member for Barcoo, by the Chinese. It is a very lucrative business to them, because it is not the real opium at all, but the dregs of opium, that they sell to the blacks. Nothing could make the Bill too stringent; no penalties could be too heavy, for the use of opium is the curse of the colony, not among the aboriginals only, but among Europeans as well. There may be something in what the hon. member for Mulgrave stated about allowing search officers to go into a person's house at so late an hour as 12 o'clock at night, and I hope to see that modified in committee. I shall give the Bill my most earnest support, and I think the Government is to be congratulated on bringing in such a measure to protect the aborigines of the colony who have been so long neglected.

Mr. FRASER said: Mr. Speaker,—According to the views advanced by the hon. member for North Brisbane, we should not attempt to remedy anything unless we were perfectly satisfied that we should succeed in accomplishing all we desire. I do not think that is a doctrine to which that hon. member himself at all times adheres. I believe that although we may not succeed in all that we desire in this matter, we are justified in attempting to check the progress in the consumption of this drug as far as we possibly can. Allusion has been made to the "Confessions of an Opium-eater"; if the effects stated there are the effects produced on aborigines by the use of opium there is not a man but will do all he can to prohibit the use of it. There may be some portions of the Bill to which objection may be taken—for instance, the 9th clause—but that can be modified in committee. I go further than most hon. members, and if I could see any mode of doing it I would pass such a measure as would entirely prevent the introduction of opium at all; because you may depend upon this—that its use is injurious not only to the aborigines, but that upon Europeans, in proportion as it is indulged in, its effects will be equally disastrous. It is a notorious fact that within the last few years the use of opium has grown to an enormous extent in the manufacturing districts of England, with very serious results indeed. It is desirable that we should do all we can to prevent the initiation of the taste for this drug amongst the rising generation of the colony, if we possibly can. I know, of course, that it is impossible to prevent the introduction of it, and I should be very glad indeed if the suggestion of the hon. member for Mackay could be adopted, and an increased duty imposed on opium. That would, I have not the slightest doubt, restrict the introduction of it to a very considerable extent. I hope that in committee the Chief Secretary will find some means of meeting the cases that have been pointed out by the hon. member for Barcoo and other hon. members. I do think we are justified in endeavouring to do all we can in the interests not only of the aborigines, but of the Europeans as well, to check the consumption of this deleterious drug.

Mr. HAMILTON said: Mr. Speaker,—I think this is a very necessary measure, and that it is desirable that we should now take some steps to restrict that over-indulgence in this very deleterious drug, which we are informed, on the testimony of hon. members, is growing both among the white and the black population of the colony. But I think clause 2 is rather vague. It states there that the term "opium" includes opium, laudanum, or "any preparation of either." I do not suppose that means any preparation containing either, because many of the patent medicines that are in general use, it is well known, contain a small portion of opium. If it was construed that way it would stop the sale of these medicines. I suppose it means no peculiar preparation of opium, and if it only refers to a peculiar preparation of opium it would not include chlorodyne. Although opium is only one of the component parts of chlorodyne, still the effects of chlorodyne are very similar to the effects of opium. Chlorodyne contains

a preparation of Indian hemp, a drug the Malays use before they "run a muck"; and it also contains morphia, opium, and various other things. Chlorodyne, therefore, cannot be called a preparation of opium, since opium is only one of its component parts; but since chlorodyne is quite as deleterious as any preparation of opium, I certainly think chlorodyne should be included in the Bill. Exception has been taken to clause 8, which states that the keeping of more than four ounces of opium in any place shall be *primâ facie* evidence that it is kept for sale. I cannot agree with the hon. member for North Brisbane that that is not a well-considered clause. It has been suggested to the Colonial Secretary that this clause should be struck out, because it is said there are certain cases where the administering of three or four ounces of laudanum would not be at all dangerous, and that this clause would prevent persons having so much of it as that. That is not the case; four ounces of opium is an absurd amount. The strength of laudanum is about fourteen and a-half drops to the grain of opium. Laudanum is simply spirits of wine and opium. About two and a-half drachms of opium is equal to about four ounces of laudanum; therefore, the clause as it stands would not prevent any person having four or eight ounces of laudanum, seeing that four ounces of opium is equal to about sixty ounces of laudanum. I would myself be in favour of reducing the amount of opium which any person would be allowed to keep to two ounces, or even one ounce, but that is a matter of detail. I am very glad a measure of this kind has been introduced, and I shall be very happy to support it.

Mr. ALAND said: Mr. Speaker,—I have listened very attentively to this debate, and it strikes me there are two difficulties connected with this Bill. One is whether it will really meet the case for which it has been introduced—to prevent the supply of opium to aboriginals; and the other is this restriction of four ounces of laudanum.

Mr. HAMILTON: No; opium.

Mr. ALAND: That means laudanum.

Mr. HAMILTON: No; opium is fourteen and a-half times as strong as laudanum.

Mr. ALAND: I say the second difficulty is this clause which prevents anyone keeping more than four ounces of laudanum in their possession, because, according to the interpretation clause, the term "opium" means and includes opium, laudanum, or any preparation of either. It struck me during the debate that the term "laudanum" should be struck out of the interpretation clause altogether. So far as I know, and from what I have heard, the aboriginals, for whom particularly this Bill has been introduced, do not drink laudanum, but do smoke opium. Consequently there need be no danger in persons being allowed to keep a large quantity of laudanum in their possession, because I take it that once opium has been converted into laudanum by the application of spirits of wine, as the hon. member for Cook told us, there is no fear of its being reduced back again to opium, and supplied to the aboriginals to smoke. The difficulty I think the Bill will not meet is this: We have it upon the testimony of the hon. member for Barcoo and the hon. member for Mitchell that the blacks get their supply of opium principally from the Chinamen. I think it will puzzle not only the Detective Department but a whole regiment of revenue officers to detect a Chinaman in supplying opium to the aboriginals. We know what the Chinamen's premises are usually, and if they were disposed to keep a large quantity of opium in their possession they would have very little difficulty in so doing, and the revenue officers would have a great deal of trouble in discovering it. I do not agree altogether with what the hon. member for North Brisbane said upon this Bill. I think it was rather amusing to hear him criticising adversely measures brought in by the Government—it was something very strange. I was really surprised to hear him recommend the Colonial Secretary to withdraw this Bill. That is a suggestion I might have expected from any other member but him. However, I think the Government are to be congratulated upon striving to do that which they really think is right. They look upon it as an act of justice to the aboriginal natives, and as such I shall be only too glad to help, when the Bill gets into committee, to pass it in such a form that, while not being oppressive to the European population—who are, I think, quite well able to take care of themselves and decide whether they shall smoke opium or drink laudanum—it will at the same time prove of benefit to the class in whose particular interests it has been introduced.

The MINISTER FOR LANDS said: Mr. Speaker,—I to some extent agree with the hon. member who told us that if the operation of this Bill depended upon the Government officials it would be an entire failure; but there are people in the inland districts who have an interest in the blacks, and who desire that they should not be killed off any faster than ordinary natural conditions may accomplish. If those who take any interest in the blacks at all are armed with a measure of this sort they can give effect to it by preventing Chinese and storekeepers from selling this drug to them; and they can also prevent white men, who make a profit out of it, from doing so. The mailmen are especially the delinquents in the district I came from. The drug is easily carried, and they take quantities of it with them to supply to the blacks. The hon. member for Barcoo said that he had never heard of men upon stations giving opium to the blacks for their work; but it is notorious in the Rockhampton district that it has been done. I am quite sure that the hon. member for Rockhampton (Mr. Ferguson) will support that view, should he give his knowledge of what has been done in that district. It is the Chinamen, the small storekeepers, and the mailmen who have been the chief delinquents in that district. I have myself stopped them in many cases; because station-holders have some control over mailmen, as they generally depend upon them for feed for their horses; and if the station-holders have the advantage of this Act they will be able to some extent to prevent the Chinamen and small storekeepers on the railway lines from supplying opium to the blacks. If we are armed with a measure of this kind I am certain that a considerable number of people in the interior will take sufficient interest in the well-being of the blacks to put the Bill into operation; and I am satisfied that it will prove an absolute deterrent in many cases. The penalties are so severe that no one will care to incur the risk where there is any danger of the offence being brought home to him, and I know that there are plenty of people in the district from which I come who will do all they can to bring offenders to justice.

Mr. FERGUSON said: Mr. Speaker,—As the Minister for Lands has mentioned my name, I will give the House the benefit of my experience. I never saw opium sold on a station in my life, because I have never had any experience on stations; but I know that the coast settlers keep opium for the express purpose of getting the blacks to work for them. No matter how much grog or tobacco they get, they will not work without opium.

Mr. CHUBB said: Mr. Speaker, — The remarks of the hon. gentleman who last spoke are a good argument in support of the Bill; but whether the measure as drafted will meet with the acceptance of the House is another question. No doubt hon. members are agreed that it is not only necessary but right to endeavour to stop the traffic in opium amongst the blacks; but I would point out that the Bill seems to go further. It seems almost, if not quite, to do what the hon. member for Townsville wished—prohibit the importation of opium altogether. In this sense, while not altogether prohibiting the importation, it will put a tremendous check on its sale. In 1884 the hon. member for Mackay said a sum of about £20,000 was received by way of duty on opium. The quantity imported was a little more than nine tons, and I do not suppose that was all used for medicinal purposes in Queensland. This Bill provides that nobody shall sell opium in Queensland unless he is a pharmaceutical chemist, or a person holding a license to sell it for medicinal purposes only. There is a saving clause to except persons selling opium to be delivered from a bonded warehouse, or keeping it for sale in a bonded warehouse. Nobody else has a right to make use of it. If that is so, and if the Act is passed in this form, it will be useless to import nine tons of opium into this colony, because if smoking opium is prohibited, then the Treasurer will lose his £20,000 or more, which he may have received last year. That is a matter which has not quite struck the attention of hon. members. The intention of the Bill, no doubt, is to stop the delivery of opium to blackfellows, and while on the subject of blackfellows I do not see why we should not prohibit the supply to other coloured individuals—kanakas, Javanese, or any other inferior races in the colony, who perhaps are not now opium-smokers, but who may from force of bad example go and do likewise. I find no fault with the stringent provisions of the Bill with regard to proof of the offence. If this Bill is necessary, we must have proper means for catching the offender. The principles of the Bill are taken in a sense from the Licensing Act, where delivery of the liquor is *primâ facie* evidence of sale, and I think that is a good principle, because there is no hardship. The offences are simple offences within the meaning of the Justices Act; the parties will be competent witnesses in their own behalf, so that with regard to the difficulty of sale by a servant, and the objection that it would be hard on the employer, he has the opportunity of giving evidence in his own behalf, to show that he did not authorise the sale, but that it was done without his authority. With reference to the clause about breaking into a house and making a search, that is a very stringent one, and ought to be qualified in some way. I think it goes much too far. While I think the principle of this Bill commends itself to hon. members, it will require a considerable amount of paring down in committee on the lines pointed out by hon. members. The Bill might have been confined simply to a provision for prohibiting and preventing the supply of this drug to the natives. Dealing with the other question, we are licensing the sale of opium, and putting difficulties in the way of persons in the distant interior keeping opium and preparations of the same for domestic and other purposes, and while trying to make our net large enough to catch offenders, we may be committing considerable injustice and causing great inconvenience.

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

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

LOCAL AUTHORITIES (JOINT ACTION) BILL—COMMITTEE.

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

On clause 21, as follows:—

"Any expenses incurred by a joint local authority in pursuance of this Act shall be defrayed out of a common fund to be contributed by the component local authorities in such proportions as the joint board determines, subject to the following general rules, that is to say—

(1.) When the expense is incurred for a work of general and as near as may be equal benefit of the whole of the district, the amounts to be severally contributed shall be in proportion to the value of the rateable property in those parts of the district of the respective component local authorities which are comprised within the district of the joint local authority as ascertained from the valuation lists in force for the time being. Provided that where the value of rateable property in the whole district has not been assessed on a uniform scale, the joint board shall, for the purposes of this Act, re-adjust such rateable value as nearly as may be upon a uniform basis.

(2.) When the expense is incurred for a work of unequal benefit to the several parts of the district, the respective contributions shall, as nearly as practicable, be in proportion to the benefit severally received by the several parts of the district.

(3.) When the expense is incurred for the exclusive benefit of a portion only of the district, the contributions in respect thereof shall be made solely by the component local authorities whose districts or parts of whose districts are comprised in such portion.

"If a component local authority thinks itself aggrieved by any such apportionment, such local authority may appeal against the same to the Governor in Council, who shall cause to be made such inquiry as he deems necessary, and whose decision shall be final and binding upon all the local authorities."

Mr. McMASTER said it was not clear to his mind how the joint authority was going to get money to carry out its work. Subsection 1 gave it power to levy rates; that he did not think was desirable—that two authorities should be allowed to levy rates for work in the same locality.

The PREMIER: Where is that power given?

Mr. McMASTER said subsection 1 provided that where the value of rateable property in the whole district had not been assessed on a uniform scale, the joint board should re-adjust such rateable value as nearly as might be upon a uniform basis. That gave the joint authority power to re-adjust the assessment of the local authority, and levy a rate. He thought the joint authority ought to have sufficient funds to carry out any improvement that was necessary; but the assessment and levying of rates should be vested in the local authority alone and not in the joint authority. If the local authority first assessed the property and the joint authority came afterwards and had the power to re-adjust that assessment and levy a special rate, it would be undesirable. Power should be only given to a joint board to request or even compel a local authority to find funds, but only the local authority should assess or levy a rate. He was not quite clear on the subject. Perhaps he had not read the clause correctly.

The PREMIER said the hon. member misunderstood the clause. It was quite clear that if the joint authority was to exist at all it must have some means of paying expenses, and the only way in which that could be done was by contributions from the component local authorities. Subsection 1 provided that—

"The amounts to be contributed shall be in proportion to the value of the rateable property in those parts of the districts of the respective local authorities which are comprised within the district of the joint local authority."

They knew that the mode of assessing land in divisions was different from municipalities; so that there was no opportunity of getting a fair comparison of the value of the properties—being assessed on different bases. That proviso allowed them to re-adjust the values on a uniform basis. Suppose the rateable value of property in Brisbane was £20,000—of course it was a great deal more than that—and in Woollongabba it was £5,000, they would know, notwithstanding that, that the amount of the former would not be just four times that of Woollongabba, because the annual value of the latter was assessed on a lower basis. The joint authority would have power to re-adjust that. If the basis of the local authority which assessed on a lower basis were taken, that of the other would have to be reduced; or if they took that of the district where the rates were on a higher scale they would have to raise that of the lower in proportion. But that would be done merely for the purpose of making a calculation. The object of the subsection was to estimate the values by a common standard. It was only for the purpose of comparing the rateable values of properties in two districts, assessed on different principles, and to re-adjust them in order to put them upon the same basis as nearly as possible.

Mr. McMASTER said that, as he understood the clause, it gave the joint authority power to re-adjust the value of a divisional board; that if it was thought the divisional board had not valued its property at a sufficient sum, it could re-adjust it.

The PREMIER said he would try again to explain it. The principle of rating in divisions was fixed by the Divisional Boards Act, and the principle of rating in municipalities was fixed by the Municipalities Act. As those Acts stood at present—he hoped it would not be so much longer—the principles of rating were different. Property in municipalities was rated at a much higher rate than property in divisions, and if the expenses were to be divided between municipalities and divisional boards according to their rateable value, it was quite clear that there must be a common basis to work upon, otherwise the municipality would always contribute more than its proportion. It was necessary, for the purpose of equality, to put them upon the same basis. It would not make any more rates payable, but would determine what amount should be contributed by the different local authorities. Perhaps the clause might have said "for the purposes of this section," instead of "for the purposes of this Act." That might remove the difficulty in the hon. member's mind. That, however, was the only part of the Act to which the words applied, and he did not think the amendment necessary.

The HON. J. M. MACROSSAN said he must confess that he was not quite clear upon the matter yet. The hon. gentleman was trying to make it clear; but he did not see why the joint board should have power to rate. The component authorities could adjust their own affairs.

The PREMIER: It is not a question of rates at all. It is a question of value, not of rates.

The HON. J. M. MACROSSAN said "re-adjust" was the word used, and he thought it conveyed more than the meaning that was wished to be conveyed by the Chief Secretary. He thought the hon. gentleman might get some other word to convey his meaning properly, which the Committee would understand. He did not think "re-adjust" was the proper word.

Mr. FERGUSON said the maximum rate which could be struck by a municipality was much higher than that which could be struck by a divisional board. Under the Local Government Act a rate of 8 per cent. might be struck on the capital value, but the maximum was only 5 per cent. under the Divisional Boards Act. He supposed the object of the clause was to equalise the rates so that a property in a divisional board district would receive the same benefit as a property in a municipality.

The HON. J. M. MACROSSAN said the Chief Secretary had stated that he hoped the basis of rating in municipalities and divisional board districts would be put on the same footing shortly. Then when they were put on the same basis the clause would be of no use.

The PREMIER: Yes, of no use.

The HON. J. M. MACROSSAN said: Then why pass the clause if it was the Premier's intention to introduce a Bill having such an effect?

The PREMIER: Intentions are not always carried out.

The HON. J. M. MACROSSAN said he was sure that unless the hon. gentleman died he would carry out his intention. There would be no obstruction on the part of the House to passing such a measure. As the clause seemed to create some doubt, it would be well to leave it out. Let the other Bill pass, and then it would not be necessary.

The PREMIER said he could not suggest any other improvement than substituting the word "adjust" for the word "re-adjust," and making the latter part of the clause read, "adjust such rateable value so as to make the basis as nearly as may be uniform." He moved the omission of the word "re-adjust" with a view of inserting the word "adjust."

Amendment agreed to.

The PREMIER moved the insertion of the words "so as to make the basis" after the word "value," in the 2nd last line of the subsection.

Amendment agreed to.

On the motion of the PREMIER, the clause was further amended by the omission of the words "upon a" and "basis."

Mr. ANNEAR said he would like to ask the Premier what defined the extent of a local authority? He referred especially to Maryborough. One end of the Maryborough bridge was in the municipality, and there were three divisional boards at the other end. One had joined the municipality in support of the bridge, but the other two refused, while they used the bridge as much as the others.

The PREMIER said that would be found provided for in Part V. of the Bill.

Clause, as amended, put and passed.

Clause 22 passed as printed.

On clause 23, as follows:—

"The amount so required to be paid in any one year by a component local authority shall in no case exceed in the whole a sum equivalent to sixpence in the pound of the annual value of the rateable property within so much of the district of such local authority as is comprised in the district of the joint local authority."

The PREMIER moved that the clause be amended by the insertion of the words "whether on the precept of one joint board or on the precepts of several joint boards," after the word "case," in the 2nd line of the clause.

Mr. CHUBB said the amendment met a difficulty that he had pointed out; but suppose there were three joint boards over the same district, which was possible but not probable, and one of them exhausted the rate, the operation of the other two, he presumed, would be suspended for that year.

Amendment agreed to.

On the motion of the PREMIER, the clause was further amended by the addition of the words "or joint local authorities."

Clause, as amended, put and passed.

Clauses 24 to 26 passed as printed.

On clause 27—"Works executed from loan moneys—local works on loan entrusted to joint boards"—

Mr. BUCKLAND said he thought there might be added to the clause a provision that if works were agreed to by all the local authorities the joint board might borrow money.

The PREMIER: No; there is no power to raise money to pay it back.

Clause put and passed.

The PREMIER said he had a new clause to move, to follow clause 27. The question had arisen in connection with the united municipalities in Brisbane, whether, in case of a penalty imposed for the breach of one of its by-laws, the penalty would go to its fund. Of course it should, and the following clause had been prepared to meet the case:—

"All penalties recovered for offences against any by-laws of the joint board, or any by-laws in force in the district relating to any matter under the control of the joint board, or for offences against the Act under which the joint board exercises its powers and authorities, so far as such offences relate to the joint board or the performance of its duties, shall be paid into the common fund."

New clause put and passed.

Clauses 28 and 29 passed as printed.

Clause 30 put and negatived.

Clause 31 and 32 passed as printed.

On clause 33—"Maintenance of boundary roads and bridges"—

The PREMIER said that clause covered the case mentioned by the hon. member for Maryborough. It was founded on one in the Divisional Boards Act of 1882, and had been considerably recast so as to meet the cases in which joint action was often required.

Mr. PATTISON said he had no doubt that the Bill would commend itself to public bodies, but there was one matter he would like to see altered. The Bill gave power to joint local authorities to impose taxation, and defined exactly what they should do, but it was silent as to whether the Government would give them a subsidy or not. It was a well-known fact that the Minister for Works had promised to contribute one-fourth of the cost of maintenance of some bridges which he would not mention by name, and it was only fair if that was done in one case that it should also be done in others. He thought it would be well to define in that Bill what the Government should do, and not leave joint local authorities at the mercy of the Minister for Works for the time being. The joint local authority, composed of the municipalities of North Rockhampton and South Rockhampton and the Gogango Divisional Board, had a most important work to carry out, which work, as the Government had ascertained from the Engineer for Bridges, Mr. Daniels, would involve an expenditure of £6,000. Tenders had been twice called for the work, but in neither case was any tender accepted. Neither Rockhampton, which was a wealthy body compared with the others, nor North Rockhampton, which was a new municipality just come into existence, nor the Gogango Divisional Board, could afford to contribute their share of the expenditure, and he thought it was only fair that the Government should subsidise joint local authorities, at any rate, for two or three years, after which they might go alone.

The PREMIER said he did not think it was possible to include the bridge the hon. member referred to in a definition in a Bill of that sort, or in any Bill. A definition of a main road was inserted in the Divisional Boards Act, and it was proposed to re-enact it in the Bill before the House. As to a definition of what bridges should receive a subsidy from the general revenue, he thought it would pass all ingenuity to lay down any definition which would cover them all. Each case must be dealt with on its merits. But to endeavour to lay down a definition would involve so many qualifications and exceptions that it would be far better to refrain from the attempt. Everybody who had undertaken it up to the present time had given it up in despair.

Mr. PATTISON said it had been a matter of difficulty in the past what were main roads. When the Divisional Boards Act came into operation they thought there were many main roads, but now they found there were none. The only fault he found with that Bill was that it did not make any provision for a general subsidy to joint local authorities, and he would like to see that omission supplied.

Mr. FERGUSON said he understood the hon. member to suggest that they should subsidise local authorities in the same proportion as divisional boards were now subsidised—namely, £2 for every £1 raised by means of rates, or to the extent of £1 for £1 as in the case of municipalities.

The PREMIER said that was not the suggestion of the hon. member for Blackall; it was a very different one. The suggestion the hon. member who had just sat down made was in reference to bridges, and that was provided for by the Bill. For instance, if a joint local authority was formed by North Rockhampton, South Rockhampton, and the Gogango Divisional Board, for the purpose of taking the control and maintenance of the Fitzroy Bridge, they would be able to raise the necessary funds to keep it in repair. Under the 21st section of the Bill they would be entitled to make a sixpenny rate on the surrounding districts, and get a contribution from the Government in respect of that rate; all that was provided for in the Bill.

Mr. SHERIDAN said he understood the hon. member to refer to main roads. He held that a main road was a road which was used by the general public who might travel throughout a whole district or throughout the length and breadth of the colony—if the road ran so far—and if there was a bridge on that road it formed part of it, and the local authority should be subsidised for its maintenance by the general public. He hoped provision would be made for subsidising bridges and main roads that were used by the general public.

Mr. BLACK said he would like the Premier to explain in what way the new board was going to be subsidised.

The PREMIER: I said this Bill provided for the particular case the hon. member for Blackall referred to.

Mr. BLACK said he took the case to be this: that divisional boards were allowed to levy a rate of 1s. in the £1, and they received a subsidy of £2 for every £1, while municipalities received £1 for £1, upon the revenue raised from rates. Now they had established a third local body—a joint local authority—and they had power, in addition to the rates already levied by divisional boards and municipalities, to make a rate of 6d. in the £1 for exactly similar works as those for which municipalities and divisional boards were formed. There was no reason, therefore, why that sixpenny rate should not be subsidised £2 for £1 by the Government, or, at all events, £1 for £1.

The PREMIER : That is provided for in the Bill—in the 26th section.

Mr. NORTON said that the question of bridge money was one of the difficulties they had to meet. There had been a great many complaints of the way the money voted for bridges had been spent, grants having been made in some cases and refused in others. He thought it would be a good idea if, when the money was to be voted for bridges, a schedule of the proposed expenditure was laid upon the table of the House ; that would be a relief to the Minister, as he would have the responsibility removed from his shoulders ; but as long as the money was voted as at present he would be badgered by deputations. It would be a protection to the Minister—would be a relief to him in every way—if he were to schedule the money appropriated for bridges, and lay the schedule on the table before handing over the money to the boards to be expended.

Mr. ANNEAR said that in 1884 he presented a petition signed by all the mayors of corporations and chairmen of divisional boards in the colony, praying that an endowment be given for the maintenance of roads and bridges. As far as he was concerned, if every district was treated alike, and the Bill was carried out in its integrity, there would not be much to complain of. But he would like to know who had paid for some of those new bridges that had been erected about Brisbane during the last year or two—such, for instance, as that over Doughboy Creek, in the electorate of Bulimba. They did not want any exceptional favours for Maryborough, but they did want to be treated on the same footing as the metropolis and the surrounding districts.

The HON. J. M. MACROSSAN said the Minister for Works, instead of adopting the suggestion of the hon. member for Port Curtis, would do still better to hand the money back to the Colonial Treasurer, and let another vote of the House dispose of it. It was not right that a Minister should have the power to spend money where he pleased, giving it here and refusing it there. It was impossible for him to please everybody, and it would be far better to give the money back to the Treasurer and dispose of it by another vote of the House.

Mr. BLACK said that the 26th clause did say that an endowment was to be paid by the Treasurer, "under the laws in force for the time being relating to local authorities." What he wanted to know was, what that endowment really was, £1 for £1 or £2 for every £1 ?

The PREMIER replied that the laws in force for the time being provided for an endowment of £1 for £1 in municipalities, and £2 to every £1 in divisions.

Mr. FERGUSON said that there, again, was another injustice. Why should one local authority get double as much as another? If the division got £2 for every £1, why should not the corporation be similarly treated ?

The PREMIER said the only reason that could be given was that the divisional boards were younger and more struggling, and therefore needed more assistance than municipalities. Young and struggling municipalities also received the double endowment.

Mr. FERGUSON said there were municipalities younger, and that were struggling harder, than many of the wealthy divisional boards, some of the latter collecting six or eight times as much in the shape of rates, and yet the latter got twice the amount of endowment.

Mr. PATTISON objected to young municipalities getting £2 for every £1, while a municipality like that of Rockhampton got only £1 for £1. In every case they ought to get £2 for every £1.

The PREMIER moved that the words "or motion" be inserted after the word "action," in paragraph 6 of the clause.

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

On clause 34—"Maintenance of bridges on main roads"—

Mr. FERGUSON said he did not quite understand the last paragraph of the clause, which read as follows :—

"No proceedings shall be taken under this section to compel a contribution towards the maintenance of a bridge which does not lie between the district of the local authority which is so requested and a town or centre of population."

He took it to mean that if there was a town on one side of a river, and a divisional board with a scattered population on the other, the divisional board would have to pay. One or other must be free from paying, and, as far as he could see, it was the centre of population that got out of it.

The PREMIER said every bridge on a main road leading into a town or centre of population was necessarily used by the people coming into it from the country. It would be very unfair to the town to be compelled to bear all the cost of maintaining a bridge, and get nothing from the people living on the other side and using it, and by whose traffic it was to a great extent worn.

Mr. FERGUSON said that would be right when a bridge did not lie between a centre of population and a division.

The PREMIER said he was afraid the town would very strongly object to do otherwise. The municipality of Rockhampton, for instance, would object to the cost of maintaining all the bridges on all the roads leading into that town. So should the municipality of Brisbane. A burden like that would be insupportable.

Mr. NORTON said he was rather inclined to think that in that case the town ought to contribute something. Take the instance of a bridge just outside the boundary of a municipality. The people of the town might use the bridge just as much as the people of the outside division. They used it in going for a drive and also on business, and might get just as much benefit out of it as the people of the division, and they should therefore contribute something to its maintenance.

The HON. J. M. MACROSSAN said that as a case in point there were more people of the municipality of Brisbane used the Breakfast Creek Bridge, than people living in the country. He therefore thought they should be compelled to pay something towards its maintenance. It was of as much benefit to the people of Brisbane as it was to the people of the divisions beyond Breakfast Creek. He thought the member for Rockhampton was right in his contention that the whole of the cost of maintaining a bridge should not be thrown upon the divisional boards, while the town and centre of population at the other end of it was exempted.

Mr. MCMASTER said that if that rule were applied the people of Brisbane would demand that the people of Oxley and the Logan district should assist them in maintaining the Victoria Bridge. He took it that the subsection was intended to prevent the people of a municipality being compelled to contribute to the maintenance of such bridges as the Breakfast Creek Bridge, the Bowen Bridge, and those on the roads to Toowong and Oxley. If the people of the municipalities were to be fleeced in that way they should ask those outside to contribute to the maintenance of the minor bridges.

Mr. BUCKLAND said he thought the question of deciding what was a main road cropped up in this clause.

The PREMIER : It is defined in clause 4.

Mr. BUCKLAND: The clause said—

"Any local authority having the care and management of a bridge, or the local authorities having the joint care and management of a bridge under the provisions of the last preceding section, may, if such bridge is situated upon a main road, request any local authority or local authorities through whose district or districts the main road passes to enter into an agreement with them for contributing towards the cost of the maintenance of such bridge."

He thought there would be some difficulty about that. Ever since the introduction of the Divisional Boards Act the difficulty all through had been to define what was a main road.

The PREMIER: It is defined in clause 4.

Mr. BUCKLAND: Yes; that may get over the difficulty.

Mr. NORTON said that on the second reading of the Bill he referred to the 3rd subsection of the 34th clause, and mentioned as a case in point that the Booroodabin Division would not, under the clause, have to contribute to the Breakfast Creek Bridge. Many of the people of Booroodabin used that bridge, and yet the whole onus of keeping it in repair would, under the clause, be thrown upon the people on the other side of it. Was that a fair thing? The people of Brisbane used the Breakfast Creek road more than any other road about the place. They used it in going to the races, and in going for drives, yet the people on the other side of the bridge would have to pay the whole of the cost of keeping the bridge and the road in repair. The position was the same on the Toowong road. All the funerals going out to the cemetery used that road, and the consequence was that whenever a claim was made upon the Toowong Shire Council for the improvement of any road in that shire they always said they had to spend all their money on the river road, and could not do what they were asked. He thought that where the principal road in a division or shire was used by persons living outside the division or shire, those who used it ought to be bound to contribute something to its maintenance.

The PREMIER said they could not make an Act of Parliament work with mathematical accuracy. The obligation was cast upon local authorities to maintain the roads and bridges within their borders, and as a set-off against that other local authorities had to maintain the roads and bridges within their borders. If the people in the towns made good roads for the use of people coming into them, they expected in return when they went into the outside districts to find good roads there. The proper way, if they wished to make all those who used a road or bridge contribute towards its maintenance, would be to make them pay a toll. That would be as nearly accurate as possible, because everyone who used the bridge or road would thus be made to contribute to its maintenance; but they had abolished that system some time ago. It was impossible otherwise to provide that every person who sometimes passed over a road or bridge should contribute to its maintenance. What was done was to provide that persons in a particular district should bear the burden of keeping the roads and bridges in their district in repair, and whenever it was clearly shown that the burden of maintaining a road or bridge should be divided it was divided.

Mr. STEVENSON said he did not think it required a particular road or bridge to be instanced, as he thought the whole of the principle of the clause was entirely wrong. If, as they had been told, the country people must maintain all bridges and roads going into town, he said the whole principle of the clause was wrong. Country people were quite as independent of the town as the townspeople were of the country, and instead of the country people having to pay the whole of the maintenance of the bridges by which they entered into the town, the townspeople should have to pay their share. What would the townspeople do without the country people? If there was no access to the town the country people would be more independent of the townspeople than the townspeople of the country people. He did not see why the country people should bear the whole of the expense of suburban bridges.

The PREMIER: Nobody proposed that they should.

Mr. STEVENSON said the hon. member had just told them that the clause proposed it, and he did not see why it should be.

Mr. CHUBB said he would like the Premier to give them some definition of "centre of population." He took it that it must be less than a town. It might be referred to some day, and it was right that they should have some definition of it. The centre of population, as was suggested by an hon. member on the other side of the House, might be a public-house. They very often found that was the commencement of population; a license was taken for a house on the roadside, and that was followed by a blacksmith's shop, and very shortly they found forty or fifty people gathered there. Would the Bill apply to a place of that kind the term "centre of population"? Would it mean any place where there were a few score of people?

The PREMIER said he could not give a precise definition of it; the clause was a provision to be carried out by reasonable people constituting the local authorities. He was not prepared to give a definition of the term. He did not doubt that the hon. member knew what it meant, but he could not give a better definition. He should say that Yengarie, for instance, was a centre of population. There were 500 or 600 people there, but it was not a town. He should say Dundathu was also a centre of population. If they said "towns" simply, there were lots of towns in which there were only a very few people.

Mr. PATTISON said it would be very little good to give the Bill to local authorities to deal with if they did not define the terms used in it, and if they did not define the term "centre of population." If the Premier could not define it, what chance had the local authorities of doing so? It was too much to expect the local authorities to do it, and it was the duty of the members of the House to do it. It was their duty to inform themselves upon what the meaning of the term was. How would hon. members going back to their constituencies be able to answer the question, "What do you understand by a 'centre of population'?" He had his own views on the question, and other people no doubt had theirs. A public-house, no doubt, was the start, and very often a very large centre of population; but he took it that was not the "centre" referred to in the clause. Hon. members should have a proper understanding of the term before the Bill became the law of the land.

The PREMIER said a provision containing almost the same words had been in force about four years, and no question as to their meaning had ever been raised. It was not their function to add a dictionary to an Act of Parliament to explain words in ordinary use. For that purpose ordinary dictionaries were used; but when a word was used in an artificial sense, or in a larger sense than its ordinary meaning, then it was convenient to give a definition. It might as well

be asked, "What was a man?" By one Act of Parliament "man" included woman, boy, and corporation. If hon. members chose to be critical there was not a Bill passed in which they might not take a word out of every line and ask for its precise definition; but legislation ought to proceed on principles of common sense.

Mr. PATTISON said it was possible, where public works were carried on, that there might be a centre of population for a time—possibly six or twelve months; and that centre of population might disappear after the completion of the works. In a case like that he did not think the term was easy to understand, and he should like to be able to explain to the electors of Blackall exactly what was meant by "centre of population," according to the Bill. At the present time, if called upon to do so, he could not explain the term.

The PREMIER said that if the hon. gentleman would give the illustration he had just given he would be correct. While the centre of population existed the obligations imposed by the Act would attach to the local authority; but when the centre of population ceased to exist, the obligations would also cease. While the centre of population existed, the roads would be kept in order; but as soon as the obligations imposed by the Act ceased, the local authority would cease to be obliged to keep the roads in order.

Mr. BLACK said that as far as he knew there had been constant friction during the last four years as to whether certain bridges should be maintained by the municipalities or by the divisional boards.

The PREMIER: Or the Minister for Works.

Mr. BLACK said that £100,000 had been voted for the purpose of keeping bridges on main roads in order. In the event of a municipality on one side of a river and a division on the other side, the question was whether the cost of maintaining the bridge was to be paid jointly by the divisional board and the municipality, or whether the division was to bear the whole of the cost.

The PREMIER said it was only fair to ask hon. members to read the Bill. The question was disposed of exactly in the first paragraph of the 33rd clause.

Mr. BLACK asked what was the use of the exemption provided in paragraph 3 of clause 34? There was just the case in point—a municipality exempted from contributing towards the maintenance of a bridge which did not lie between it and the district of the local authority.

The PREMIER said he would again ask the hon. member to read the clause. He was really ashamed of having to read the clause, but the only answer he could give was to do so. The clause provided that—

"Any local authority having the care and management of a bridge, or the local authorities having the joint care and management of a bridge under the provisions of the last preceding section"—

Which would be the two authorities suggested by the hon. member—

"may, if such bridge is situated upon a main road, request any local authority or local authorities through whose district or districts the main road passes to enter into an agreement with them for contributing towards the cost of the maintenance of such bridge."

That did not apply, except in the case of a bridge situated between the district of the local authority and a town. The two local authorities mentioned by the hon. member—a municipality on one side and a division on the other—would be charged with the joint maintenance of the bridge, and would be entitled to ask a reasonable contribution from a division in the country whose inhabitants used the bridge.

The HON. J. M. MACROSSAN said that in that case the town or centre of population would be liable to contribute a certain amount also.

The PREMIER: Yes.

The HON. J. M. MACROSSAN said the hon. gentleman denied it before.

The PREMIER: No.

The HON. J. M. MACROSSAN said he stated that the municipality of Brisbane had no right to contribute towards the maintenance of the Breakfast Creek bridge.

The PREMIER said that if the municipality of Brisbane extended to Breakfast Creek it would be jointly charged with the division on the other side. But it did not extend to Breakfast Creek; and the local authorities charged with the maintenance of the bridge were the divisional boards of Booroodabin and Toombul.

Mr. FERGUSON said that if that explanation had been given before the Committee would have been satisfied long ago.

The HON. J. M. MACROSSAN said that so many different opinions were held by hon. members that local authorities were unlikely to be able to agree as to the intention of the clause.

The PREMIER said he did not think any member who had read the Bill had asked a question about it.

Clause put and passed.

On clause 35—"Repairs of main roads"—

Mr. BUCKLAND said it would be as well to state the time which must elapse after a local authority, or local authorities, had been requested to effect a repair on a main road before application might be made to the Minister to exercise his power. He was certain that the various boards interested would not agree as to what was a reasonable time, and he suggested that it should be fixed at three months.

The PREMIER said it would be very hard to lay down what was a reasonable time. In some cases a month would be a long time and in others three months or six months would be a short time. The Booroodabin and Toombul Boards met every week or fortnight, and with them an agreement could be made easily in a month; but in other places boards met only once in three months, and they would have to be allowed two sittings at any rate. It was just as well to leave the clause as it was.

Mr. BUCKLAND said he thought the words "not being more than three months" should be added.

The MINISTER FOR WORKS said he had had some experience with divisional boards, and whenever a dispute arose he endeavoured to exercise all due forbearance in order to get them to come to a decision amongst themselves. It was far better to reconcile them if possible than to step in and act arbitrarily. It would be unwise to alter the clause, as it was necessary that the Minister for Works, whoever he might be, should have discretionary power to endeavour to reconcile disputes, and let them come to some conclusion between themselves. Of course, when that could not be done, the Minister must use his authority.

Mr. PALMER said he wished the Minister for Works to explain to the Committee the principle upon which he promised £1,000 towards the expense of the Breakfast Creek Bridge to a deputation lately.

Mr. MCMASTER said the hon. member for Bulimba ought to know the difficulty of getting two local authorities to agree. He could quote a case in point that the hon. Minister for Works had just brought to his mind. It was that of a

boundary road between the municipality and a divisional board. The municipal council had voted a sum of £250 on the condition that the board would vote an equal sum to carry out a very necessary work. The board was not inclined to lay out the money, or was not inclined to comply with the request of the municipal council to help to make this road passable. The consequence was that the municipal council wrote to the Minister for Works to exercise the power given to him under the Local Government Act, and to step in; but instead of requesting them to comply he simply sent the letter to the board, which made matters worse, and set the municipal council and the board at loggerheads; and as a matter of fact that dividing road had not been made to this day, although the case occurred three years ago. Subsequently the vote of £250 was withdrawn because the chairman of the board wrote to the council, stating that they knew their own business, and would carry out the work when it suited their own purpose, or words to that effect, and they had no right to interfere. They had no authority to compel them to do it; the Minister for Works had, but in his good-nature he did not like to interfere. The consequence was that the public suffered, because the road had not yet been metalled; there was a large traffic upon it, and on a wet day it was almost impassable. There ought to be a definite period within which a board should be obliged to comply with a request to carry out the provisions of the Bill.

The HON. J. M. MACROSSAN said no one could deny that the Minister for Works used every endeavour to settle matters quietly between rival boards who could not agree; but at the same time none of them could forget that he was the Minister who had the "oil-can," and he dispensed that oil just as he pleased. In the particular case alluded to by the hon. member for Fortitude Valley, he did not require the oil-can—he simply required to exercise his will; but he used the oil-can in the case mentioned by the hon. member for Burke. He thought it was better that a reasonable time should be fixed, because a future Minister for Works would not have the same oil-can at his disposal that the present one had. At least he hoped not. He thought the Treasurer should take possession of the balance of that £100,000. He would find a far better use for it than the Minister for Works. He thought a reasonable time should be fixed, as the hon. member for Bulimba wished. He would suggest four months instead of three, as it was stated that some boards met only once or twice in two months, and it was better to give them two clear meetings.

Mr. STEVENSON said he had admitted that the clause was indefinite; but at the same time he saw very great difficulty in fixing a time, as the Premier had pointed out. It would be very well to fix a time in the more populous districts, where they held meetings often; but at the same time he thought that the objection urged by the Premier to appointing a time like three or four months must be apparent to everyone. Some country boards met only once in three months, and one time would have to be fixed for the more populous districts and another for the country districts. They could not possibly talk about three months if the meetings were only held once in three months.

Mr. BUCKLAND said he would point out to the hon. member who had just spoken that if they met only once in three months—and the time was to be four months—it would not take effect until after the meeting of the board. He would move that the words "a reasonable time," on the 23rd and 24th lines, be omitted, with a view of inserting the words "from the receipt of the request."

The PREMIER said he hoped the hon member would not press the amendment. He was sure that on consideration he would see that it would be useless to attempt to lay down an arbitrary rule for all the colony. Four months would be an exceedingly unreasonable time in the case of Brisbane. It would be a monstrous thing to allow a bad road to remain unrepaired for so long a time as that. On the other hand, in other parts of the colony four months would be most unreasonable from another point of view. If a board met once in three months they might have to make a request to another board which might not meet for six weeks after that, and that board might say, "We are prepared to assist you, but we cannot agree to your terms." They might propose some modification. That might be received by the first board three months after they had sent the first letter. They again might not exactly accept the terms, and might send back a further reply; so that the four months would be soon gone, and instead of an amicable arrangement being come to the local authorities would find themselves subject to an order by the Minister. The principle of the Bill throughout, as of the other Bill introduced on Tuesday last, was to make those things as flexible as possible, so that they might be adjusted to the various circumstances of the colony. The power was given to the Minister so that there might be some compelling force in order to make the boards come together, to show them that they would have to agree sooner or later, but the Minister's power should not be exercised except as a last resource.

Mr. NORTON said it was rather difficult to define a time. The member for Fortitude Valley had pointed out a case in which the time that had elapsed was anything but reasonable. In that case the Minister could interfere, but he would not. According to the present Bill the Minister was compelled to interfere. The Minister was now the judge of whether a reasonable time had elapsed, and he (Mr. Norton) could quite understand his wanting to put it off. He did not wonder that the Minister did not want to interfere. He (Mr. Norton) would let them settle their own quarrels, but the object was to have some authority who could finally settle a difference of that sort. In the case of James street it was evident, from what had been mentioned, that a most unreasonable delay had been caused.

The PREMIER: Let them apply to the Minister.

Mr. NORTON said three years was a most unreasonable time in which to settle a difference such as that existing over the improvement of James street.

The PREMIER: This section has never applied to that road. This Bill will make it apply.

Mr. NORTON said the sooner it did apply the better. It was a scandal that that road should be left in the state in which it was for so long.

The PREMIER said that was one of the cases in which the Act did not apply. The Divisional Boards Act did not apply to joint action being taken in regard to the roads between a divisional board and a municipality.

Mr. McMASTER said the Local Government Act applied to the case that he alluded to. It gave the Minister for Works authority to take action in the matter.

The PREMIER: No; the Divisional Boards Act of 1882.

Mr. McMASTER said the Divisional Boards Act did not give the municipality authority to appeal to the Minister for Works. He might state that he himself drew the attention of the Chief Secretary to this case. The municipality did not know what to do to get the road put into repair. The Act was pointed out to them, but they did not like to trouble the Minister for Works if they could possibly get the board to assist them; but the board would not assist, and they had done nothing yet. Certainly, if the term of four months were fixed in this Bill, cases of hardship might arise; but the divisional board ought not to be allowed to leave a road in a state of disrepair for an indefinite time. Two or three wet days made the road to which he referred quite impassable; in fact, at that time the line of omnibuses had to be taken off.

Mr. BUCKLAND said, as the local authorities could refer their disputes to the Minister for Works, he had no objection to withdraw his amendment, with the consent of the Committee. At the same time he thought the case referred to by the member for Fortitude Valley showed the necessity for saying what was "a reasonable time"; he would prefer to know himself.

Mr. STEVENSON said he was pleased to see that the hon. member for Bulimba had withdrawn his obstruction.

Mr. PALMER said he was sure the Minister for Works would have no objection to answer the question he had asked. On what principle was it that he promised the £1,000 to help to reconstruct the Breakfast Creek Bridge?

Amendment withdrawn, and clause put and passed.

Schedule 1 passed as printed.

Schedule 2 passed with a verbal amendment.

Preamble passed as printed.

The PREMIER said that some of the amendments which had been made rendered necessary consequential amendments in clauses antecedent to those which had been amended; and it would therefore be nccessary to recommit the Bill. Most of the amendments would be of a verbal character, and he was prepared to deal with them at once; but perhaps, as the Bill was an important one, it would be more convenient for hon. members to have the Bill in their hands, so he would have it circulated in the morning. It had also occurred to him that a recommendation from the throne should have preceded the 26th clause. That was a form which he thought should always be preserved; and as he was in a position to present the recommendation, they might as well omit the clause at once and re-insert it after the form had been complied with.

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

On the motion of the PREMIER, the Speaker left the chair, and the House resolved itself into Committee of the Whole to reconsider clause 26.

Clause 26 put and negatived.

On the motion of the PREMIER, the House resumed, and the CHAIRMAN reported the Bill with a further amendment.

The PREMIER: I move that the Bill be recommitted for the purpose of considering a new clause to follow clause 25. I beg to inform the House that I have it in command from His Excellency the Administrator of the Government to intimate that, having been informed of the provisions of the clause proposed to be introduced in this Bill, His Excellency has been pleased to recommend the necessary appropriation for the consideration of the House.

Question put and passed, and the House went into Committee.

The PREMIER moved that the clause originally printed in the Bill as clause 26 be re-inserted.

Mr. STEVENSON said he would like to know the meaning of that!

The PREMIER said he was sorry he had spoken in so low a tone. He had explained that it was necessary to go through that form before the clause could be agreed to. There was no change proposed in it.

Mr. STEVENSON said he had not been able to hear what the hon. member was mumbling. Why was the clause struck out if no change was proposed?

The PREMIER said what he had pointed out was that the 26th clause authorised the appropriation of money in the way of endowment. That being an appropriation of money out of the consolidated revenue, it could not be considered by the House until it had been recommended by a message from the Crown, which message was inadvertently omitted to be delivered before the Bill was introduced. It was necessary that the message should precede the introduction of that clause. The clause was now omitted, and the necessary recommendation had been made, so that they were in a position to re-insert it. It was not competent for them to pass that clause until the recommendation had been formally made.

Mr. STEVENSON said that was quite right. He had heard the clause negatived and did not understand how it came to be re-introduced into the Bill.

Mr. NORTON said he supposed it was quite right to have that message, but messages were generally read by the Speaker.

The PREMIER said that for the last two sessions those messages had been delivered verbally, and that was the practice in England, Canada, and many other places.

Mr. NORTON said it was a little confusing for messages to be brought down in that way.

The PREMIER said the matter was explained last session when the practice was introduced. A very inconvenient practice had been prevailing in that House of sending down the whole Bill from the Governor and making him responsible for all the details, when all that was required was a recommendation for the necessary appropriation. That practice was very inconvenient in many respects, and on investigation it turned out that it was entirely inconsistent with the practice elsewhere. In Great Britain messages were communicated through a Minister, and that was the case in Canada also under a statute exactly the same as that in force in this colony. He was not sure what was the practice in New South Wales, but he believed it was the same; there was, however, no doubt as to what was the custom in Canada. That practice was introduced here last session, had been followed since, and had been found extremely convenient.

Mr. NORTON said it was a very convenient one. He did not know how they would have got out of that difficulty, except by a message in that form. The only thing he could not understand was how the message got there at all.

The PREMIER: I am responsible for that.

Mr. NORTON: How did it come? By telegram?

The PREMIER said he did not think it was necessary to inform the Committee how or under what circumstances he received the authority, but he believed hon. members would give him credit for not venturing to assert that he had it in command, unless he had authority to do so.

Mr. STEVENSON said that not a single member on that side of the Committee understood how the message was delivered—whether it came through the Speaker or the Premier.

The PREMIER said he was afraid that hon. members were sometimes talking when business was going on and did not notice what happened, and then said they did not know. Members should listen. He was sure the Chairman heard him communicate the message by addressing the Speaker and informing him in the usual formula that the necessary appropriation was recommended.

Clause put and passed.

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

The PREMIER said: Mr. Speaker,—It is intended to circulate the Bill as amended to-morrow morning with the proposed amendments. I will just mention what they are. Two or three of the amendments relate to the term "conterminous," on which a question arose the other day. On consideration, I do not think that is a satisfactory term to use without a definition. The term "common fund" also requires to be defined in consequence of amendments made the other evening, and there will be a provision with regard to the term of office of representatives. There is another matter which requires attention. It is consequent on the amendment that a joint local authority may be dissolved. That should be followed by a provision as to what should happen when it is dissolved. These are the only matters, and the amendments will be circulated with the Bill, as amended, in the morning. I move that the adoption of the report stand an Order of the Day for to-morrow.

Question put and passed.

ADJOURNMENT.

The PREMIER said: I move that this House do now adjourn. It is proposed to-morrow to go on with the Joint Local Authorities Bill first, then to consider the Elections Tribunal Bill in committee, and after that, if time allows, to proceed with the Offenders Probation Bill in committee.

Mr. NORTON said: I would like to know when the Colonial Treasurer is going to bring down the Estimates. I think they were promised last week.

The COLONIAL TREASURER said: I intimated that they would probably be ready this week. I shall be in a position to-morrow to let the hon. member know exactly.

Question put and passed.

The House adjourned at four minutes to 10 o'clock.